

**MINUTES**  
**PRE-MEETING CONFERENCE / REGULAR MEETING**  
**MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY**  
**AUGUST 10, 2015**  
**7 P.M.**

1. Council President Bresenhan called the meeting to order at 7:02 p.m. and asked for a Roll Call.

**PRESENT:** Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson Maier, Bresenhan

**ABSENT:** Councilmembers Baker, Mojica

City Clerk Jeffrey J. Jotz announced the meeting had been advertised and posted in accordance with the Open Public Meetings Act of the State of New Jersey.

This meeting of August 10, 2015 was included in a list of meetings notice sent to the *Star-Ledger*, *Home News Tribune*, *The Union County Localsource* and the *Rahway News-Record*, posted on the bulletin board in the Municipal Building on January 2, 2015 and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

**2. PLEDGE OF ALLEGIANCE**

In the absence of a member of the Clergy, Council President Bresenhan offered an invocation.

**3. APPROVAL OF MINUTES**

July 13, 2015            7 p.m.            Combined Meeting

Motion was made by Councilmember Cox and seconded by Councilmember Brown to accept and approve the above listed minutes.

**YES:**            Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson Maier, Bresenhan

**ABSENT:**      Councilmembers Baker, Mojica

Council President Bresenhan declared the motion carried.

**4. PRESENTATIONS**

**5. COMMUNICATIONS FROM MAYOR, REPORTS OF CITY OFFICERS AND LIST OF PAYMENT OF BILLS FOR JULY**

**6. REPORTS OF COUNCIL COMMITTEES**

**6A. REVIEW AGENDA**

The Councilmembers reviewed all Agenda items.

**7. HEARING OF CITIZENS Items on Agenda, Except Ordinances on Second Reading**

Raffio Giacobbe                      1034 Midwood Dr.                      AR-177-15, AR-178-15, O-22-15,  
O-23-15, O-24-15, O-25-15

Scott Aruta                              33-C Parkway Dr., Clark              AR-178-15

With no one else appearing, Council President Bresenhan closed the Public Hearing.

**8. CONSENT AGENDA**

Motion made by Councilmember Cox seconded by Councilmember Wenson Maier to adopt the Consent Agenda, and was adopted by the following vote:

YES:                      Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson Maier,  
Bresenhan

ABSENT:              Councilmembers Baker, Mojica

Council President Bresenhan declared the motion carried.

**9. ORDINANCES - First Reading**

**O-20-15**              City Clerk Jotz read AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF RAHWAY AUTHORIZING THE CONVEYANCE OF A PERMANENT NON-EXCLUSIVE EASEMENT TO PROVIDE SANITARY SEWER SERVICE TO PROPERTY IDENTIFIED AS LOT 3.03 IN BLOCK 303.01 ON THE OFFICIAL TAX MAP OF THE CITY.

Motion to introduce the above Ordinance on first reading was made by Councilmember Wenson Maier, seconded by Councilmember Giacobbe and adopted by the following vote:

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at the Regular Meeting on Monday, September 14, 2015 at 7 p.m.

**O-21-15** City Clerk Jotz read AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 401, VEHICLES AND TRAFFIC, OF THE CODE OF THE CITY OF RAHWAY (PARKING PROHIBITED CERTAIN HOURS).

Motion to introduce the above Ordinance on first reading was made by Councilmember Brown, seconded by Councilmember Cox and adopted by the following vote:

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at the Regular Meeting on Monday, September 14, 2015 at 7 p.m.

**O-22-15** City Clerk Jotz read AN ORDINANCE AMENDING ORDINANCE O-31-14 REQUIRING REGISTRATION AND MAINTENANCE OF PROPERTIES THAT ARE VACANT OR IN FORECLOSURE.

Motion to introduce the above Ordinance on first reading was made by Council President Bresenhan, seconded by Councilmember Farrar and adopted by the following vote:

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at the Regular Meeting on Monday, September 14, 2015 at 7 p.m.

**O-23-15** City Clerk Jotz read AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 151, BRUSH, GRASS AND WEEDS OF THE CODE OF THE CITY OF RAHWAY.

Motion to introduce the above Ordinance on first reading was made by Council President Bresenhan, seconded by Councilmember Farrar and adopted by the following vote:

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at the Regular Meeting on Monday, September 14, 2015 at 7 p.m.

**O-24-15** City Clerk Jotz read AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 257, UNFIT DWELLINGS AND STRUCTURES, OF THE CODE OF THE CITY OF RAHWAY.

Motion to introduce the above Ordinance on first reading was made by Council President Bresenhan, seconded by Councilmember Farrar and adopted by the following vote:

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at the Regular Meeting on Monday, September 14, 2015 at 7 p.m.

**O-25-15** City Clerk Jotz read AN ORDINANCE TO ESTABLISH CHAPTER 320, PROPERTY MAINTENANCE CODE, OF THE CODE OF THE CITY OF RAHWAY.

Motion to introduce the above Ordinance on first reading was made by Council President Bresenhan, seconded by Councilmember Farrar and adopted by the following vote:

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at the Regular Meeting on Monday, September 14, 2015 at 7 p.m.

**O-26-15** City Clerk Jotz read AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 365, "STREETS AND SIDEWALKS" OF THE REVISED GENERAL ORDINANCES OF THE CITY OF RAHWAY TO ESTABLISH A COMPLETE STREETS POLICY.

Motion to introduce the above Ordinance on first reading was made by Councilmember Mojica, seconded by Councilmember Cox and adopted by the following vote:

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at the Regular Meeting on Monday, September 14, 2015 at 7 p.m.

**O-27-15** City Clerk Jotz read A BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE CROSSWALK AT EAST MILTON AVENUE AND LENOX PLACE, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$50,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$47,500

BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

Motion to introduce the above Ordinance on first reading was made by Councilmember Mojica, seconded by Councilmember Cox and adopted by the following vote:

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at the Regular Meeting on Monday, September 14, 2015 at 7 p.m.

## 10. RESOLUTIONS

**\*AR-168-15** Councilmember Cox presented and moved A RESOLUTION TEMPORARILY SUSPENDING PROVISIONS OF 365-1 THROUGH 365-3 (SIDEWALK ENCUMBRANCES) AND 365-50 THROUGH 365-51 (CLOSING OF STREETS) OF THE CODE OF THE CITY OF RAHWAY (WORD OF LIFE APOSTOLIC CENTER ANNUAL BACK TO SCHOOL EVENT).

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan declared the motion carried.

**\*AR-169-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE CITY OF RAHWAY TO PROCESS AN INVOLUNTARY DISABILITY RETIREMENT APPLICATION.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan declared the motion carried.

- \*AR-170-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE EXECUTION OF AN EMERGENCY INTERCONNECTION AGREEMENT WITH MIDDLESEX WATER COMPANY FOR THE SUPPLY OF WATER DURING CERTAIN EMERGENCNCY CONDITIONS.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan declared the motion carried.

- \*AR-171-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AND HOLD HARMLESS AGREEMENT FOR THE USE OF THE UNION COUNTY LEAF COMPOSTING FACILITY.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan declared the motion carried.

- \*AR-172-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE SALE OF ANALOG POLICE COMMUNICATION EQUIPMENT TO THE BOROUGH OF MOUNTAINSIDE, COUNTY OF UNION, STATE OF NEW JERSEY.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan declared the motion carried.

- \*AR-173-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan declared the motion carried.

- \*AR-174-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan declared the motion carried.

- \*AR-175-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CREDIT OVERPAYMENT OF TAXES DUE TO A JUDGMENT OF THE TAX COURT OF NEW JERSEY.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan declared the motion carried.

- \*AR-176-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2015 CALENDAR YEAR.



The motion was seconded by Councilmember Farrar.

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan declared the motion carried.

- \*AR-177-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2015 CALENDAR YEAR.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan declared the motion carried.

- \*AR-178-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE EXECUTION OF A USE AND MAINTENANCE AGREEMENT WITH THE RAHWAY BOARD OF EDUCATION AND THE COUNTY OF UNION, STATE OF NEW JERSEY REGARDING THE RENOVATION OF THE ATHLETIC FIELD AND TRACK AT RAHWAY RIVER PARK.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan declared the motion carried.

- \*AR-179-15** Councilmember Cox presented and moved A RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE CITY OF RAHWAY PURSUANT TO N.J.S.A. 40A:4-87NJ Division of Highway Traffic Safety– Safe Corridors Grant - \$43,525.79.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan declared the motion carried.

**\*AR-178-15** Councilmember Cox presented and moved A RESOLUTION AMENDING THE CY 2015 CAPITAL BUDGET.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan declared the motion carried.

## **11. Ordinances – Second Reading**

**O-15-15** Council President Bresenhan: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption.

**AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE  
CITY OF RAHWAY (VEHICLES AND TRAFFIC) - HANDICAPPED  
PARKING**

**BE IT ORDAINED BY THE MAYOR AND THE MUNICIPAL COUNCIL  
OF THE CITY OF RAHWAY, THE FOLLOWING CHAPTER BE  
AMENDED AS FOLLOWS:**

**401-79 Schedule XXI: Handicapped Parking**

**Add:**

In front of 576 Bryant St.

West Side – From the southwest curb line of Coddington Street south 23’  
extending to a point 22’ south thereof.

**ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT  
WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY  
REPEALED.**

**THIS ORDINANCE SHALL TAKE EFFECT UPON FINAL PASSAGE  
AND PUBLICATION AS PROVIDED BY LAW**

Council President Bresenhan opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

With no one appearing, Council President Bresenhan closed the Public Hearing.

Roll Call for O-15-15:

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

**O-16-15**

Council President Bresenhan: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption.

**AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF RAHWAY AUTHORIZING THE EXTINGUISHMENT OF ANY RIGHTS OR EASEMENTS THE CITY OF RAHWAY MAY HAVE IN THE VACATED PORTIONS OF JACKSON AVENUE AND BROAD STREET**

**WHEREAS**, Meridia Brownstones Urban Renewal, Rahway, LLC (“Meridia”) has entered into a Redevelopment Agreement with the City of Rahway for the redevelopment of certain real property located at 1839-1905 Elizabeth Avenue, and known as Block 228, Lot 1; Block 227, Lots 1 & 2 on the City tax maps (the “Property”) to construct a residential and commercial mixed use development; and

**WHEREAS**, by ordinances adopted by the then Common Council of the City, the City vacated certain portions of Jackson Avenue and Broad Street subject to reserved rights to use and maintain various sewer pipes in the vacated areas; and

**WHEREAS**, the aforesaid vacated portions of Jackson Avenue and Broad Street extend into the Property; and

**WHEREAS**, Meridia has requested that the City extinguish any rights or easements that it may have reserved in the vacated portions of Jackson Avenue

and Broad Street located on the Property and convey any and all interest that it may have in same to Meridia; and

**WHEREAS**, any such rights reserved to the City in the sewer lines in the vacated portions of Jackson Avenue and Broad Street are no longer necessary to serve a public purpose; and

**WHEREAS**, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(c), the City is authorized to convey interests in real property to a redeveloper when acting in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*; and

**WHEREAS**, the Municipal Council of the City of Rahway has determined that it is in the best interest of the City to extinguish any rights or easements that it may have reserved in the vacated portions of Jackson Avenue and Broad Street located on the Property and convey same to Meridia.

**NOW, THEREFORE**, be it ordained, by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, as follows:

1. The City is hereby directed and authorized to extinguish any rights or easements that it may have reserved in the vacated portions of Jackson Avenue and Broad Street located at 1839-1905 Elizabeth Avenue, and known as Block 228, Lot 1; Block 227, Lots 1 & 2 on the City tax maps reserved in Road Vacations recorded in the Union County Register's Office in Road Vacation Book 1, Page 276; Road Vacation Book 1, Page 280; Road Vacation Book 2, Page 33; Road Vacation Book 2, Page 103 and Road Vacation Book 2, Page 382, and convey any and all interest that it may have in same to Meridia for nominal consideration.
2. The Mayor and the Municipal Clerk are hereby directed and authorized to execute any and all documents necessary to effectuate the purposes of this Ordinance.
3. The Director of Law and the Municipal Engineer, as well as any other appropriate municipal officials, are hereby directed and authorized to prepare any and all necessary documents to effectuate the purposes of this Ordinance.
4. All Ordinances or parts of Ordinances inconsistent herewith are repealed.
5. If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and

independent provision, and such holding shall not affect the validity of the remaining portions hereof.

6. This Ordinance shall become effective after second reading and publication as required by law.

Council President Bresenhan opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

With no one appearing, Council President Bresenhan closed the Public Hearing.

Roll Call for O-16-15:

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

**O-17-15** Council President Bresenhan: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption.

**AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF RAHWAY AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY PURSUANT TO N.J.S.A. 40:11A-22**

**WHEREAS**, the Parking Authority Law, N.J.S.A. 40:11A-22, authorizes the sale of real property owned by a municipality to a parking authority, which real property may be useful and convenient for the purposes of the parking authority; and

**WHEREAS**, the City of Rahway is the owner of certain real property designated as Lot 6 in Block 319 on the official tax map of the City (the "Property"); and

**WHEREAS**, the City wishes to sell the Property to the Rahway Parking Authority (the "Authority") and the Authority wishes to accept same as the Property will be useful and convenient for the purposes of the Authority; and

**WHEREAS**, the Municipal Council of the City of Rahway has determined that it is in the best interest of the City to sell Property to the Authority.

**NOW, THEREFORE**, be it ordained, by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, as follows:

1. The City is hereby directed and authorized to sell real property designated as Lot 6 in Block 319 on the official tax map of the City of Rahway to the Rahway Parking Authority for nominal consideration.
2. The Mayor and the Municipal Clerk are hereby directed and authorized to execute any and all documents necessary to effectuate the conveyance of the Property.
3. The Director of Law and the Municipal Engineer, as well as any other appropriate municipal officials, are hereby directed and authorized to prepare any and all necessary documents to effectuate the aforesaid conveyance.
4. All Ordinances or parts of Ordinances inconsistent herewith are repealed.
5. If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

This Ordinance shall become effective after second reading and publication as required by law.

Council President Bresenhan opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

With no one appearing, Council President Bresenhan closed the Public Hearing.

Roll Call for O-17-15:

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

**O-18-15**

Council President Bresenhan: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption.

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 344,  
SIDEWALK CAFES, OF THE CODE OF THE CITY OF RAHWAY**

**WHEREAS**, the City of Rahway has adopted a Sidewalk Cafes Ordinance to regulate the issuance of licenses by the City to qualified restaurant owners and operators and to ensure the health and safety of sidewalk café patrons, employees and the general public; and

**WHEREAS**, the City of Rahway desires to amend portions Chapter 344, Sidewalk Cafes, of the Code of the City of Rahway.

**NOW, THEREFORE**, be it ordained, by the City Council of the City of Rahway, County of Union, State of New Jersey, as follows:

**Section 1.** “§ 344-1. Definitions; application; layout plan”, Subsections B(1)(b) and (d), of the Code of the City of Rahway are deleted in their entirety and revised to read as follows:

(b) A statement of seating capacity of the proposed outdoor sidewalk café and of the existing restaurant actually operated by the applicant in the adjacent building and dimensions of the area.

(d) A description of the proposed location of the outdoor sidewalk café showing actual dimensions of the area to be utilized, including the area of frontage and distance from the façade to the curb, and demonstrating that the pedestrian traffic along the sidewalk will in no way be impeded.

**Section 2.** “§ 344-1. Definitions; application; layout plan.”, Subsection B(2), of the Code of the City of Rahway is deleted in its entirety and revised to read as follows:

(2) The Zoning Officer shall refer the layout plan to the Municipal Planner and Municipal Engineer for their review and recommendations for approval.

**Section 3.** “§ 344-2. Insurance required.”, Subsection B, of the Code of the City of Rahway is hereby amended to include an additional sentence to read as follows:

B. The City of Rahway shall be named as an additional insured on any such insurance policies.

**Section 4.** “§ 344-3. Indemnification agreement required.”, of the Code of the City of Rahway is deleted in its entirety and revised to read as follows:

No outdoor sidewalk café license shall be issued unless the licensee shall have agreed to forever defend, protect, indemnify and save harmless the City of Rahway, its officers, agents and employees from and against any and all claims, causes of action, injuries, losses, damages, expenses, fees and costs arising out of or which may arise out of the licensee’s operation of such outdoor sidewalk café.

**Section 5.** “§ 344-4. Maintenance agreement required.”, Subsection A, of the Code of the City of Rahway is deleted in its entirety and revised to read as follows:

No outdoor sidewalk café license shall be issued unless the licensee shall have agreed, at the option of the City, to either repair at its sole cost and expense any damage caused to the sidewalk by the operation of the café or to reimburse the City in full for all costs and expenses incurred by it in making any such repairs.

**Section 6.** “§ 344-4. Maintenance agreement required.”, Subsection B, of the Code of the City of Rahway is deleted in its entirety.

**Section 7.** “§ 344-5. License fee.”, of the Code of the City of Rahway is deleted in its entirety and revised to read as follows:

The fee for an outdoor sidewalk café license shall be \$20.00 per season.

**Section 8.** “§ 344-6. Term of license; renewals.”, of the Code of the City of Rahway is deleted in its entirety and revised to read as follows:

The season for outdoor sidewalk cafes shall run from May 1 to November 1. All outdoor sidewalk café licenses shall be issued annually commencing January 1 of the particular year. Licenses may be renewed annually by the filing of an application in accordance with the provisions of this chapter.

**Section 9.** “§ 344-7. Rules, regulations and specifications.”, Subsection C, of the Code of the City of Rahway is hereby revised to read as follows:



C. No furniture apparatus, decoration or appurtenance used in connection with the operation of the outdoor sidewalk café shall be located in such a way that less than five feet of paved sidewalk remains for the exclusive use of pedestrians (the required pedestrian passageway), nor shall any such furniture, apparatus, decoration or appurtenance project or protrude into, on or above the required pedestrian passageway.

**Section 10.** “§ 344-7. Rules, regulations and specifications.”, Subsections D-L, of the Code of the City of Rahway shall be relettered as Subsections E-M, respectively.

**Section 11.** “§ 344-7. Rules, regulations and specifications.”, new Subsection D, of the Code of the City of Rahway is revised to read as follows:

D. All outdoor sidewalk cafes shall have an attractive design/layout which enhances the public realm. All furniture apparatus, decoration or appurtenance used in connection with the outdoor sidewalk café shall be of good quality, durable and attractive. All furniture apparatus shall be consistent in color, style and shape. Plastic furniture is not permitted.

**Section 12.** All Ordinances or parts of Ordinances inconsistent herewith are repealed.

**Section 13.** If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**Section 14.** This Ordinance shall become effective after second reading and publication as required by law.

Council President Bresenhan opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

With no one appearing, Council President Bresenhan closed the Public Hearing.

Roll Call for O-18-15:

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

**O-19-15**

Council President Bresenhan: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

Council President Bresenhan: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption.

**A BOND ORDINANCE PROVIDING FOR VARIOUS 2015 CAPITAL IMPROVEMENTS, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$950,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$904,760 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the City of Rahway, in the County of Union, State of New Jersey (the “City”). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$950,000, said sum being inclusive of the sum of \$45,240 as the aggregate amount of down payments for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”). The down payments are now available by virtue of a provision or provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$950,000 appropriation not provided for by application hereunder of said down payments, negotiable bonds of the City are hereby authorized to be issued in the aggregate principal amount of \$904,760 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the City in an aggregate principal amount not exceeding \$904,760 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**SECTION 3. (a)** The improvements hereby authorized and purposes for the financing of which said obligations are to be issued include, but are not limited to:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
<p><b>(i) <u>Police Department</u></b> - acquisition and installation, as applicable, of equipment for the City Police Department, including but not limited to, a traffic safety sign, computer systems for police cars police radios;</p>	\$54,729	\$52,122	\$2,607	5 years
<p><b>(ii) <u>Fire Department</u></b> – various capital improvements and the acquisition and installation, as applicable, of equipment for the City Fire Department, including but not limited to, acquisition of a non-passenger fire command vehicle, a non-passenger work pick-up truck with plow and a fire watch desk and improvements to the apron and pads at the fire department headquarters; and</p>	\$131,141	\$124,896	\$6,245	5.98 years
<p><b>(iii) <u>Other City Equipment and Improvements</u></b> – various capital improvements and the acquisition and installation, as applicable, of equipment for, by or in the City, including but not limited to, resurfacing of roadways, acquisition of a Street Sweeper and a Solid Waste Truck; improvements to the HVAC systems at City Hall and the Recreation Department, the Dock Street Pump Station and the levee pipe lining.</p>	764,130	727,742	33,388	7.87 years
<b>TOTALS</b>	\$950,000	\$904,760	\$45,240	

(b) The above improvements or purposes set forth in Section 3(a) are more particularly described in documents on file in the Office of the City Clerk and shall also include, all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto;

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said purposes is \$904,760.

(d) The aggregate estimated cost of said purposes is \$950,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the aggregate amount of \$904,760, is the aggregate down payments for said purposes in the amount of \$45,240.

**SECTION 4.** In the event the United States of America, the State of New Jersey and/or the County of Union make a contribution or grant in aid to the City for the improvements and purposes authorized hereby and the same shall be received by the City prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Union. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Union shall be received by the City after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the Office of the City Clerk and is available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the City may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 7.45 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the City Clerk and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$904,760 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$190,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes herein before described.

**SECTION 8.** The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The City hereby declares the intent of the City to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to payor reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a

declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

**SECTION 10.** The City Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The City Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 11.** The City covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this bond ordinance.

**SECTION 12.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Council President Bresenhan opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

Raffio Giacobbe      1034 Midwood Dr.

With no one else appearing, Council President Bresenhan closed the Public Hearing.

Roll Call for O-19-15:

YES:      Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson  
                 Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

## **12. MISCELLANEOUS**

Approval of the following block parties was moved by Councilmember Giacobbe and seconded by Councilmember Farrar:

8/15/15 Orchard St. Block Party  
8/22/15 Allen St. Block Party  
9/5/15 Walters St. Block Party

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan declared the motion carried.

## **13. COMMUNICATIONS - Hearing of Citizens**

Sarah West 747 River Road  
Spoke on the poor condition of River Road between St. Georges Avenue & Church Street. Said that the Second Ward Councilmember was unresponsive to her concerns. Commented that her neighbor has lived on her block for 40 years and that River Road was never paved during that time and that she has paid over \$1,000 in car repairs due to the potholes.

Arnold West 747 River Road  
Echoed sentiments of his neighbors on the condition of River Road.

With no one else appearing, Council President Bresenhan closed the Public Hearing.

## **14. COUNCIL COMMENT**

*Councilmember Miles:* Invited residents to attend the Wine and Design Fundraiser at the Library on August 11.

*Councilmember Farrar:* Reminded public to attend the Rahway International Film Festival August 28-30 at Hamilton Stage. For more information, visit [www.rahwayfilmfest.com](http://www.rahwayfilmfest.com).

*Councilmember Cox:* Apologized to residents of River Road for not responding to their complaints. Assured speakers he will discuss the street with the Engineer and Business Administrator.

*Councilmember Brown:* Disputed comments made by speaker on property maintenance ordinances and said that these ordinances benefit everyone in Rahway. Stated that the City has been very beneficial to the speaker over the years.

*Councilmember Wenson Maier:* Said that Rahway residents have shown pride and ownership of their homes but there are issues with bank-owned properties and absentee landlords that these ordinances will hopefully address.

## **15. ADJOURNMENT**

Motion to adjourn the meeting at 7:46 p.m. was made by Councilmember Farrar and seconded by Councilmember Brown:

YES: Councilmembers Brown, Cox, Farrar, Giacobbe, Miles, Wenson Maier, Bresenhan

ABSENT: Councilmembers Baker, Mojica

Council President Bresenhan declared the motion carried.