

MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
OCTOBER 13, 2015
7 P.M.

1. Council President Bresenhan called the meeting to order at 7:01 p.m. and asked for a Roll Call.

PRESENT: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

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 October 13, 2015 was included in a list of meetings notice sent to the *Star-Ledger*, *Home News Tribune* and the *Union County Local Source*, 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

September 8, 2015	7 p.m. Pre-Meeting
September 14, 2015	7 p.m. Regular Meeting

Motion was made by Councilmember Giacobbe and seconded by Councilmember Wenson Maier to accept and approve the above listed minutes.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

4. PRESENTATIONS

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

6. REPORTS OF COUNCIL COMMITTEES

Councilmember Farrar moved to remove AR-221-15 from the Agenda.

The motion was seconded by Councilmember Mojica.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

Councilmember Miles moved to place AR-225-15, AR-226-15 and AR-227-15 on the Agenda and Consent Agenda.

The motion was seconded by Councilmember Giacobbe.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

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

Jeff Freeman	1022 Diantonio Dr.	AR-201-15
James Keat	1015 Richard Blvd.	Meeting procedure

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

8. CONSENT AGENDA

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

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

9. ORDINANCES - First Reading

O-32-15 City Clerk Jotz read AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) – PARKING PROHIBITED AT ALL TIMES.

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

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

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 a Council Meeting on Monday, November 9, 2015 at 7 p.m.

O-33-15 City Clerk Jotz read AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) – TIME LIMIT PARKING.

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

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

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 a Council Meeting on Monday, November 9, 2015 at 7 p.m.

O-34-15

City Clerk Jotz read AN ORDINANCE AUTHORIZING AND DIRECTING THAT CERTAIN REAL PROPERTY OWNED BY THE CITY OF RAHWAY, COUNTY OF UNION, STATE OF NEW JERSEY BE LEASED TO THE RAHWAY RIVER ASSOCIATION (D.B.A. RAHWAY RIVER WATERSHED ASSOCIATION), A 501c3 CHARITABLE ORGANIZATION, PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.

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

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

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 a Council Meeting on Monday, November 9, 2015 at 7 p.m.

O-35-15

City Clerk Jotz read A BOND ORDINANCE PROVIDING FOR THE 2015 BASKETBALL AND TENNIS COURT IMPROVEMENTS PROGRAM, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$150,000 (INCLUDING A KIDS RECREATION TRUST GRANT FROM THE COUNTY OF UNION IN THE AGGREGATE AMOUNT OF \$40,000) THEREFOR AND AUTHORIZING THE ISSUANCE OF \$104,760 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 Council President Bresenhan, seconded by Councilmember Brown and adopted by the following vote:

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

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 a Council Meeting on Monday, November 9, 2015 at 7 p.m.

O-36-15 City Clerk Jotz read AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) - HANDICAPPED PARKING.

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

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

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 a Council Meeting on Monday, November 9, 2015 at 7 p.m.

10. RESOLUTIONS

***AR-200-15** Councilmember Farrar presented and moved A RESOLUTION FOR APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR VARIOUS STREETS - 2016 – RAHWAY.

The motion was seconded by Councilmember Miles.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-201-15** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE CITY OF RAHWAY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REGARDING ACQUIRING CERTAIN PROPERTIES IN THE RAHWAY RIVER BASIN FOR FLOOD CONTROL PURPOSES.

The motion was seconded by Councilmember Wenson Maier.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-202-15** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE NEW JERSEY MOTOR VEHICLE COMMISSION.

The motion was seconded by Councilmember Mojica.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-203-15** Councilmember Giacobbe presented and moved A RESOLUTION AWARDDING THE ACCEPTANCE OF BID FOR THE PROJECT ENTITLED "KLINE PLACE DRAINAGE IMPROVEMENT PROJECT – PHASE I" FOR THE CITY OF RAHWAY TO INTEGRATED CONSTRUCTION & UTILITIES, NJ.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-204-15** Council President Bresenhan presented and moved A RESOLUTION AWARDING A CONTRACT TO B&W CONSTRUCTION CO. FOR SINKHOLE REPAIR.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-205-15** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF MOBILE COMPUTER EQUIPMENT UNDER THE NATIONAL JOINT POWERS ALLIANCE TO OUTFIT THREE NEW POLICE VEHICLES.

The motion was seconded by Councilmember Wenson Maier.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-206-15** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF EQUIPMENT TO OUTFIT THREE NEW POLICE VEHICLES VIA STATE CONTRACT.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

***AR-207-15** Councilmember Mojica presented and moved A RESOLUTION AUTHORIZING THE RELEASE OF RIGHTOF WAY CONSTRUCTION BOND FEE TO SHARMA BROS., LLC, PERMIT# 07-10-298 DATED 07/16/10 FOR ROADWAY OPENING FOR ROAD OPENING PERMIT TO OPEN ROAD TO AN EXPOSED SEWER REPAIR BREAK AT 762 ST. GEORGES AVENUE.

The motion was seconded by Councilmember Giacobbe.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

***AR-208-15** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS.

The motion was seconded by Councilmember Mojica.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

***AR-209-15** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING REFUND OF SENIOR SERVICES FEES.

The motion was seconded by Councilmember Miles.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-210-15** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES.

The motion was seconded by Councilmember Wenson Maier.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-211-15** Council President Bresenhan presented and moved A RESOLUTION AUTHORIZING THE FILING OF LIENS AGAINST CERTAIN PROPERTIES TO RECOVER CLEANUP COSTS INCURRED BY THE CITY IN ACCORDANCE WITH THE PROVISIONS OF SECTION 151-4 OF THE CODE OF THE CITY OF RAHWAY AND N.J.S.A. 40:48-2.14.

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

- *AR-212-15** Councilmember Farrar presented and moved A RESOLUTION AUTHORIZING THE ACCEPTANCE OF PAYMENT FOR AN OPEN MUNICIPAL TAX SALE CERTIFICATE.

The motion was seconded by Council President Bresenhan.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-213-15** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Miles.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-214-15** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2015 CALENDAR YEAR.

The motion was seconded by Councilmember Giacobbe.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-215-15** Councilmember Miles presented and moved A RESOLUTION COMMENDING THE RAHWAY GARDEN CLUB.

The motion was seconded by the Entire Council.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

***AR-216-15** Councilmember Wenson Maier presented and moved A RESOLUTION AMENDING THE CY 2015 CAPITAL BUDGET.

The motion was seconded by Councilmember Brown.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

***AR-217-15** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE TOWNSHIP OF CLARK (MUNICIPAL COURT).

The motion was seconded by Councilmember Farrar.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

***AR-218-15** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING AWARDING A CONTRACT TO GARDEN STATE FIREWORKS, INC. FOR THE EXHIBITION OF FIREWORKS IN THE CITY OF RAHWAY ON OCTOBER 31, 2015.

The motion was seconded by the Entire Council.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-219-15** Councilmember Brown presented and moved A RESOLUTION CREATING AN EMERGENCY APPROPRIATION AS PER N.J.S.A. 40A:4-46.

The motion was seconded by Councilmember Miles.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-220-15** Councilmember Farrar 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:4-87 (CHAPTER 159, P.L. 1948) UNION COUNTY MUNICIPAL ALLIANCE- \$25,487.00.

The motion was seconded by Councilmember Mojica.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-222-15** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF RAHWAY, COUNTY OF UNION, STATE OF NEW JERSEY AND BERTO CONSTRUCTION, INC. FOR STORM SEWER REPLACEMENT BETWEEN THE EAST MILTON AVENUE STORM PUMP STATION AND LEWIS STREET.

The motion was seconded by Councilmember Miles.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-223-15** Councilmember Baker presented and moved A RESOLUTION AWARDDING CONTRACTING SERVICES TO NORTHEASTERN FLUID POWER COMPANY FOR MAKING EMERGENCY SANITARY SEWER MAIN REPAIR AT THE DOCK STREET SANITARY SEWER PUMPING STATION.

The motion was seconded by Councilmember Giacobbe.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-224-15** Councilmember Farrar presented and moved RESOLUTION AWARDDING THE EXTENSION OF A CONTRACT FOR AN AUTHORIZED PRIVATE ON-SITE INSPECTION AGENCY TO SERVE AS ELEVATOR SAFETY SUBCODE OFFICIAL IN ACCORDANCE WITH RESOLUTION AR-237-12, N.J.A.C. 5:23-4.13 AND N.J.A.C. 5 :23-12.1 ET SEQ. FOR A PERIOD OF TWO (2) YEARS.

The motion was seconded by Councilmember Mojica.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-225-15** Councilmember Miles presented and moved A RESOLUTION AWARDDING CONTRACTING SERVICES TO TOM KRUTIS EXCAVATING, INC. FOR MAKING EMERGENCY SANITARY SEWER MAIN REPAIR AT 521 EAST MILTON AVENUE.

The motion was seconded by Councilmember Giacobbe.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-226-15** Councilmember Miles presented and moved A RESOLUTION AMENDING AR-148-15 AND AR-173-15, "A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES".

The motion was seconded by Councilmember Giacobbe.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-227-15** Councilmember Miles 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:4-87 (Chapter 159, P.L. 1948) Drug-free Communities- \$125,000.00.

The motion was seconded by Councilmember Giacobbe.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

- *AR-228-15** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND CY 2015 SPECIAL IMPROVEMENT DISTRICT REAL ESTATE TAXES AND CANCEL OUTSTANDING CY 2015 AND 2016 SPECIAL IMPROVEMENT DISTRICT REAL ESTATE TAXES.

The motion was seconded by Councilmember Giacobbe.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.

11. ORDINANCES – SECOND READING

O-28-15 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 18 in Block 318 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 18 in Block 318 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.
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-28-15:

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

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-29-15 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 AND SUPPLEMENTING CHAPTER 411,
“WATER”, BY ADDING SECTION 411-5, ENTITLED “WATER
CONSERVATION REGULATIONS” OF THE CODE OF THE CITY OF
RAHWAY TO SET FORTH REGULATIONS FOR WATER
CONSERVATION**

BE IT ORDAINED, by the City Council of the City of Rahway, County of Union and State of New Jersey that:

Section 1. the water supplies within the City of Rahway (the “City”) should be protected to afford the greatest beneficial use to the City’s citizens and businesses, which depend on current water supplies for their livelihood, health, welfare, and economic production; and

Section 2. the water resources associated with the City have been threatened in the past due to drought conditions; and

Section 3. there exists a need to restrict certain uses of water not essential to the health, welfare and safety of the City in order to avert or lessen the impact of such shortages; and

Section 4. taking steps to ensure clean, wholesome, and adequate water supplies is a high priority for the protection of public the health, safety, and welfare of the City's citizens;

Section 5. pursuant to N.J.S.A. 40:48-2, the City has the power to adopt ordinances necessary and proper for the protection of persons and property, and the preservation of the public health, safety and welfare.

BE IT FURTHER ORDAINED, by the City Council of the City of Rahway, County of Union and State of New Jersey, being the governing body thereof, that Chapter 411, Water, of the Code of the City of Rahway, be and is hereby amended and supplemented by adding Section 411-5, entitled "Water Conservation Regulations" setting forth regulations for water conservation within the City of Rahway as follows:

Section 411-5 - WATER CONSERVATION REGULATIONS

411- 5.1 Water Conservation Guidelines for All Users Including residential, commercial, academic, City properties and Parks & Recreation Fields.

A. Except as may be further restricted in accordance with Article IV of this Chapter, the use of water within the City of Rahway, regardless of the source of water (public or private) shall conform to the following:

1. All citizens are hereby be encouraged to observe indoor water conservation measures at all times; and

2. All citizens are required to adhere to the following outdoor water conservation measures at all times:

(a) Lawn watering:

(i) properties may only be watered two (2) days per week. Properties with odd numbered addresses may be watered two (2) days per week on Mondays and Thursdays, and properties with even numbered addresses may only be watered two (2) days per week on Tuesdays and Fridays.

(ii) property watering shall only be conducted between the hours of 6:00 a.m. and 9:00 a.m. or between 5:00 p.m. and 8:00 p.m

(iii) the watering of any single area of property shall not exceed thirty (30) minutes per day.

(b) Flowers and shrubs may be additionally watered as needed with a hand held hose equipped with an automatic shut-off nozzle;

(c) Vehicles may be washed any day with a hand held hose equipped with an automatic shut-off nozzle;

B. Pursuant to N.J.S.A. 52:27D-123.13, all automatic lawn sprinkler systems installed after September 8, 2000 shall be equipped with an automatic rain sensor device or switch that will override the irrigation cycle of the automatic lawn sprinkler system when adequate rainfall has occurred.

C. The regulations established in Subsection 411-5.5 of this Chapter shall supersede the regulations established in Subsection 411-5.1 of this Chapter when

the City Council of the City of Rahway has declared a Water Emergency using the procedures established by Subsection 411-5.5 of this Chapter.

D. The regulations, orders or requirements established by the State of New Jersey shall supersede the requirements established by this Article when the State requirements are more stringent than those set forth in this Section 411-5.

411-5.2 Enforcement of Water Conservation Guidelines.

The regulations set forth in this Section 411-5, shall be enforced by the City Engineer and/or Code Enforcement Officer. Whenever the City Engineer and/or Code Enforcement Officer shall observe a violation of the water use regulations established in Subsection 411-5.1, regardless of the source of the water (public supply, semi-public supply or private well), such authorized official shall give the violator a written warning and explain the penalties set forth for a violation of these regulations. The authorized official shall keep such records as may be reasonable and necessary for the purpose of determining the persons and businesses who have been issued a written warning. The City Engineer and/or Code Enforcement Officer and/or their designee is hereby duly authorized to issue summonses for the violation of the water use regulations imposed pursuant to Subsection 411-5.1.

411-5.3 Penalties.

After a written warning has been issued in accordance with Subsection 411-5.2 above, any person or business that thereafter violates the water use regulations imposed pursuant to Subsection 411-5.1 shall be subject to a minimum penalty of \$50.00 for such first violation. No municipal court appearance shall be required for such first violation, unless the person or business pleads not guilty to the alleged violation. Each subsequent violation shall be subject to a penalty to be imposed at the discretion of the Municipal Court Judge.

411-5.4 Exemptions.

A. The restrictions established in this Subsection 411-5.1 shall not apply to the following:

1. Commercial crop and sod farms and nursery stock at nurseries or retail outlets and commercial golf courses;
2. Outdoor irrigation necessary for one day only when a treatment with an application of chemicals requires immediate watering to preserve an existing landscape or to establish a new landscape;
3. Outdoor irrigation necessary for the establishment of newly sodded lawns or landscaping within the first 21 consecutive days of planting;
4. Visually supervised operation of watering systems by a State of New Jersey Licensed Irrigation Contractor for short periods of time to check the system condition and effectiveness.; and
5. The use of Reclaimed Water for Beneficial Reuse (“RWBR”), as approved in a New Jersey Pollutant Discharge Elimination System permit pursuant to N.J.A.C. 7:14A-1 et seq., and any conditions pertaining thereto.

144-5.5. Prohibition of Certain Uses of Water During Emergency Conditions.

A. Declaration of Water Emergency. A water emergency may be declared:

1. Upon action by a resolution of the City Council of the City of Rahway:

(a) Whenever the City Engineer in his or her professional judgment finds that emergency conditions exist within the City, he or she shall recommend to the City Council that a water emergency be declared. Said recommendation shall contain findings which specify which water use restrictions, if any, contained in Subsection 144-5.5(B) below are appropriate. Factors that the City Engineer may consider in making said recommendation include, but are not limited to, the following:

- (i) lack of precipitation for an extended time period;
- (ii) below-average water levels in municipal streams or other surface water bodies;
- (iii) declaration of a water emergency by the Governor;
- (iv) declaration of a water emergency by a surrounding municipality or municipalities;
- (v) designation by the New Jersey Department of Environmental Protection of a drought watch or drought warning condition;
- (vi) below-average water levels in wells monitored by the United States Geological Survey, New Jersey Geological Survey, or other wells monitored by agencies of the United States or New Jersey;
- (vii) evidence of low or dirty water yields in private wells in the City; and
- (viii) declaration of a water emergency resulting from infrastructure failure or any other Safe Drinking Water emergency issues.

(b) Upon the receipt of such a recommendation, the City Council may accept the City Engineer's recommendation and findings, or any portion thereof, and adopt a resolution declaring a water emergency in the City.

(c) Such resolution declaring a water emergency may be adopted by the City Council at any regular, special, adjourned or emergency public meeting of the City Council. Such resolution shall specify which of the water use restrictions, if any, contained in Part (B) below are being imposed. Such resolution shall be effective immediately upon publication and shall continue in effect for ninety (90) days, or such lesser time period as may be specified, unless extended or repealed as set for in §144-5.5(C) and (D) below.

B. Water Use Restrictions. Upon adoption by the City Council of a resolution declaring that a water emergency exists in the City:

1. All citizens shall be urged to observe voluntary indoor conservation measures; and

2. Water use restrictions including but not limited to those set forth below may be included in a Water Emergency Resolution:

(a) Restricting the watering of all plant growth, except commercially grown food crops, sod at commercial sod farms, and golf courses and nursery stock at nurseries or retail outlets;

(b) Restricting the washing of vehicles, except for emergency vehicles, and by a commercial enterprise whose primary function is car washing, regardless of whether the operation is mobile or stationary or in those instances where a threat to public health may exist;

(c) Restricting the washing of driveways, sidewalks, decks, patios or other paved areas;

(d) Restricting the service of water in restaurants, clubs, or eating places, unless specifically requested by patrons;

(e) Restricting the use of fire hydrants by fire companies for testing fire apparatus and for fire department drills except as the Fire Chief deems necessary in the interest of public safety;

(f) Restricting the use of fire hydrants by the Department of Public Works, contractors, and all others, except as necessary for fire fighting or protection purposes;

(g) Restricting the use of water for all outdoor recreational purposes;

(h) Restricting the washing of outside of dwellings, buildings, or other structures, except windows;

(i) Restricting the operation of any ornamental fountain or other structure making a similar use of water except as necessary to preserve or support fish and aquatic life;

(k) Restricting the washing of streets by a street sweeper, except in those instances where Reclaimed Water for Beneficial Reuse ("RWBR") is authorized under a valid New Jersey Pollutant Discharge Elimination System ("NJPDES") Permit; and

(l) Restricting any other water use activity specified by the City Council in the resolution required by §144-5.5(A) above which is deemed reasonable and necessary under the circumstances considering the nature and extent of the water emergency.

3. The following restrictions may be imposed on the water uses stated in §144-5.5(B)(2):

(a) Limitation of all outdoor usage which is not strictly prohibited by this Section to between the hours of 6:00 a.m. and 9:00 a.m. or between 5:00 p.m. and 8:00 p.m.;

(b) The watering of any single area shall not exceed thirty minutes per day; and

(c) Any other restriction specified in the resolution adopted by the City Council which is reasonable under the circumstances considering the nature and extent of the water emergency.

4. Any water use restriction imposed pursuant to this Subsection 411-5.5 may be amended by the City Council to add, alter, or delete any restriction at any time during the water emergency provided that said amendment shall be adopted by resolution of the City Council.

5. Any water use restriction imposed pursuant to this Subsection 411-5.5 shall apply equally to both users on privately owned wells and users served by a public or semi-public water system.

6. Nothing in this Section shall be read so as to prohibit, restrict or limit water usage where a bona fide health emergency exists.

C. Duration of Water Emergency. Whenever the City Engineer in his or her professional judgment finds that the emergency drought conditions in the City

have abated prior to the expiration of the time period specified in the resolution, he or she shall recommend to the City Council of the City of Rahway that the water emergency cease. Upon such a recommendation to cease, the City Council may adopt a resolution declaring the water emergency at an end and the water use restrictions previously imposed as no longer applicable. Otherwise, at the end of the time period specified in the original resolution, the water use restrictions identified in the original resolution shall lapse and be inapplicable and unenforceable.

D. Extension of Water Emergency Time Period. If at the expiration of the time period specified in the resolution, the City Engineer in his or her professional judgment finds that the emergency drought conditions have not abated, he or she shall recommend to the City Council that the water emergency remain in effect. Said recommendation shall specify the duration of the extension. Whenever the City Council has received such a recommendation, it may accept the City Engineer's recommendation and findings, or any portion thereof, by adopting a resolution to extend the water emergency. Said resolution shall specify the duration of the extension, which shall not be for more than ninety (90) days.

E. Notice. Reasonable attempts shall be made to notify citizens and residents of the City of the existence of a water emergency, the restrictions imposed, and the penalties for violations.

§143-18. Enforcement of Water Use Restrictions.

The water use restrictions imposed pursuant to Subsection 411-5.5 shall be enforced during a water emergency by the City Engineer, Code Enforcement Officer and enforcement personnel in the Department of Public Safety. Whenever these enforcement officials shall find a violation of the water use restrictions, regardless of the source of the water, these enforcement officials shall give the violator a written warning explaining the penalties for a violation of the Code. These enforcement officials shall keep such records as may be reasonable and necessary for the purpose of determining the persons and businesses who have been issued a written warning. These enforcement officials are hereby duly authorized to issue summonses for the violation of the water use restrictions imposed pursuant to this Subsection 411-5.5.

411-5.6. Penalties.

After a written warning for a first offense in accordance with Subsection 411-5.2, any person or business that thereafter violates the water use restrictions imposed pursuant to this Subsection shall be subject to a minimum penalty of \$50.00 per for such first violation. No municipal court appearance shall be required for such first violation, unless the person or business pleads not guilty to the alleged violation. Each subsequent violation shall be subject to a penalty to be imposed at the discretion of the Municipal Court Judge.

BE IT FURTHER ORDAINED, that if any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable 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-29-15:

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

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-30-15 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) – PERMIT PARKING ONLY IN DESIGNATED RESIDENTIAL AREAS

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

§ 401-50 Parking by permit only in designated residential areas

No vehicle shall be parked for longer than two or four hours at any time between the hours and days listed in Schedule XXV (§ 401-83) unless:

[Amended 4-11-1994 by Ord. No. A-11-94]

(1) The vehicle is owned or operated on a regular basis by a resident of that street; and

(2) The vehicle has displayed on its left rear window or left fork, if a motorcycle, in such a manner as to be clearly examined by an officer, a current residential parking permit; or

(3) The vehicle falls under one of the exceptions to this article.

B. Any vehicle covered by Subsection A(1), (2) or (3) above shall be exempt from the two-or four hour parking provisions of this section only, and shall abide by all other parking regulations whether same are contained in the City's ordinance or the statutes of the State of New Jersey.

C. No vehicle shall be parked for longer than two or four hours at any time between the hours and days listed in Schedule XXVA (§ 403-83.1) unless the vehicle is owned or operated by an employee of Rahway Hospital and/or a resident of that street whose vehicle displays a valid Parking Authority permit. The provision allowing Rahway Hospital employees to utilize permit parking will be for a period of 18 months or until the completion of the projector, whichever comes first.

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-30-15:

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

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-31-15

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) – PERMIT PARKING ONLY IN DESIGNATED RESIDENTIAL AREAS

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

401-83 SCHEDULE XXV: 4 hr. Parking Resident Permit Vehicles Excluded

ADD:

Name of Street	Side	Hours/Days	Time Limit	Location
Essex St.	Both	12:00 a.m. to 12:00 p.m./ Monday-Sunday	4 hrs.	from Bridge St. to Monroe St.

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-31-15:

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

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**

13. COMMUNICATIONS - Hearing of Citizens

Jeff Freeman 1022 Diantonio Dr.
Commended Administrator and Council for asking questions; contrasted them with County Freeholders. Asked how many members of the public were aware of the planned work at Rahway River Park. Commented that over 4,000 people have signed a petition in opposition to the park plans. Read statement in opposition to the park.

Susan Sallamack 989 Hamilton St.

Said she is opposed to the planned project for Rahway River Park. Stated that satellite parking and busing to park events may apply to non-Rahway events and asked what the cost would be. Discussed Oct. 4 Star-Ledger article on the park. Said that since the 1940s, only ten games have been postponed or moved from Veterans' Field due to flooding, including four games following Hurricane Irene. Asked if planned Union County College stadium will be placed in Oak Ridge Park in Clark.

Thomas Smith 56 Parkway Dr., Clark

Said the planned improvements to Rahway River Park are too small for the park and will lead to noise and congestion. Stated in 2001, the Freeholders created an open space tax, but now the Freeholders wish to remove open space. Said that there are 4,683 signatures against the park and urged Mayor and Council to share their opposition with the Freeholders.

Eric Kabel 519 Grove St.

Said he is against the planned work at Rahway River Park. Stated he moved to Rahway 13 years ago and the park was a selling point for him.

Valerie King 381 W. Inman Ave.

Said she was recently made aware of the plans for Rahway River Park due to signs placed around the city. Stated she fears the park will take away opportunities for children.

Business Administrator Cherron Rountree addressed the speakers' concerns.

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

14. COUNCIL COMMENT

Councilmember Mojica: Thanked those involved with donating five tons for food for Rahway food banks.

Councilmember Miles: Praised the Rahway Garden Club. Said that the Friends of the Rahway Public Library will be hosting a Progressive Dinner on Oct. 21.

Councilmember Baker: Spoke on the planned work for Rahway River Park. Disputed speakers' claims that the athletic field improvements are a stadium.

Councilmember Giacobbe: Said he was born and raised in Rahway and that the park project will benefit Rahway children. The new track will finally give the Rahway High School track team a home.

Councilmember Brown: Thanked public for attending meet and greet at Progressive Baptist Church. Commended Rahway Garden Club. Said that the number of signatures on the petition opposed to the Rahway Park project is a tiny portion of Union County's population.

Councilmember Wenson Maier: Said that due to the epidemic of childhood obesity, the new park project will get kids off of the couch. Mentioned Oct. 16 Domestic Violence Awareness Month event and invited the public to attend.

Council President Bresenhan: Thanked the public for turning out for tonight's meeting.

15. ADJOURNMENT

Motion to adjourn the meeting at 7:54 p.m. was made by Councilmember Brown and seconded by Councilmember Wenson Maier.

YES: Councilmembers Baker, Brown, Farrar, Giacobbe, Miles, Mojica, Wenson Maier, Bresenhan

ABSENT: Councilmember Cox

Council President Bresenhan declared the motion carried.