

MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
DECEMBER 14, 2015
7 P.M.

1. Council President Bresenhan called the meeting to order at 7:00 p.m. and asked for a Roll Call.

PRESENT: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Miles, Mojica, Bresenhan

ABSENT: Councilmember Wenson Maier

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 December 14, 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**

November 13, 2015 7 p.m. Combined Meeting

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

YES: Councilmembers Baker, Brown, Cox, Farrar, Giacobbe, Miles, Mojica, Bresenhan

ABSENT: Councilmember Wenson Maier

Council President Bresenhan declared the motion carried.

Councilmember Wenson Maier arrived at 7:04 p.m.

4. **PRESENTATIONS**

Rahway High School Marching Band

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

6. **REPORTS OF COUNCIL COMMITTEES**

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

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

8. CONSENT AGENDA

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

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

Council President Bresenhan declared the motion carried.

9. ORDINANCES - First Reading

10. RESOLUTIONS

***AR-250-15** Councilmember Cox presented and moved A RESOLUTION ESTABLISHING 2016 MUNICIPAL COUNCIL MEETING DATES.

The motion was seconded by Councilmember Farrar.

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

Council President Bresenhan declared the motion carried.

***AR-251-15** Councilmember Miles presented and moved A RESOLUTION ENDORSING BUS STOP LOCATIONS ALONG STATE ROUTE 27 IN THE CITY OF RAHWAY AS RECOMMENDED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION.

The motion was seconded by Councilmember Mojica.

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

Council President Bresenhan declared the motion carried.

***AR-252-15** Councilmember Baker presented and moved A RESOLUTION SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2015 YEAR END HOLIDAY CRACKDOWN.

The motion was seconded by Councilmember Giacobbe.

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

Council President Bresenhan declared the motion carried.

- *AR-253-15** Councilmember Brown presented and moved A RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE “INFLOW & INFILTRATION PROJECT – PHASE III TESTING”.

The motion was seconded by Councilmember Wenson Maier.

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

Council President Bresenhan declared the motion carried.

- *AR-254-15** Councilmember Farrar presented and moved A RESOLUTION RATIFYING THE AWARD OF AN EMERGENCY CONTRACT TO TOM KRUTIS EXCAVATING, INC. FOR SANITARY SEWER REPAIR AT EAST ALBERT STREET PURSUANT TO N.J.S.A. 40A:11-6.

The motion was seconded by Councilmember Cox.

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

Council President Bresenhan declared the motion carried.

- *AR-255-15** Councilmember Miles presented and moved A RESOLUTION AWARDDING THE RENEWAL OF A CONTRACT TO GOLD TYPE BUSINESS MACHINE, INC. FOR THE PROVISION OF AN E-TICKETING TURNKEY SYSTEM IN ACCORDANCE WITH AR-82-10.

The motion was seconded by Councilmember Mojica.

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

Council President Bresenhan declared the motion carried.

***AR-256-15** Councilmember Giacobbe 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 Baker.

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

Council President Bresenhan declared the motion carried.

***AR-257-15** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE PURCHASE OF WATCH GUARD BODY WORN CAMERAS AND THE INSTALLATION OF CAMERA VIDEO STORAGE HARDWARE/SOFTWARE FOR THE POLICE DEPARTMENT VIA STATE CONTRACT.

The motion was seconded by Councilmember Brown.

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

Council President Bresenhan declared the motion carried.

***AR-258-15** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING REFUND OF SENIOR SERVICES FEES.

The motion was seconded by Councilmember Farrar.

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

Council President Bresenhan declared the motion carried.

- *AR-259-15** Councilmember Mojica presented and moved A RESOLUTION AUTHORIZING THE RETURN OF PERFORMANCE BOND AND FINAL PAYMENT FOR THE “LEVEE REMEDIATION PROJECT” TO T.R. WENIGER, INC..

The motion was seconded by Councilmember Miles.

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

Council President Bresenhan declared the motion carried.

- *AR-260-15** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE RETURN OF PERFORMANCE BOND AND FINAL PAYMENT FOR THE “SIDEWALK REPLACEMENT PROJECT” TO MNC GENERAL CONTRACTING, INC.

The motion was seconded by Councilmember Giacobbe.

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

Council President Bresenhan declared the motion carried.

- *AR-261-15** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE RETURN OF PERFORMANCE AND PAYMENT BONDS AND FINAL PAYMENT FOR THE “HIGH SCHOOL PARK PROJECT” TO ZENITH CONSTRUCTION SERVICES INC..

The motion was seconded by Councilmember Wenson Maier.

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

Council President Bresenhan declared the motion carried.

- *AR-262-15** Councilmember Farrar presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Cox.

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

Council President Bresenhan declared the motion carried.

- *AR-263-15** Councilmember Miles 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 Mojica.

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

Council President Bresenhan declared the motion carried.

- *AR-264-15** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING THE CANCELLATION OF PREVIOUS OVERPAYMENT REFUND OF TAXES FOR THE 2015 CALENDAR YEAR & 2009 FISCAL YEAR.

The motion was seconded by Councilmember Baker.

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

Council President Bresenhan declared the motion carried.

- *AR-265-15** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2015 CALENDAR YEAR.

The motion was seconded by Councilmember Brown.

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

Council President Bresenhan declared the motion carried.

- *AR-266-15** Councilmember Baker presented and moved A RESOLUTION COMMENDING THE RAHWAY HIGH SCHOOL MARCHING BAND.

The motion was seconded by Councilmember Farrar.

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

Council President Bresenhan declared the motion carried.

- *AR-267-15** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING A CONSENT AGREEMENT WITH NEW YORK SMSA LIMITED PARTNERSHIP D/B/A/ VERIZON WIRELESS FOR MAINTENANCE OF POLES IN THE PUBLIC RIGHT-OF-WAY.

The motion was seconded by the Entire Council.

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

Council President Bresenhan declared the motion carried.

- *AR-268-15** Councilmember Mojica presented and moved A RESOLUTION AUTHORIZING THE FILING OF TAX APPEAL COUNTERCLAIMS WITH THE TAX COURT OF NEW JERSEY.

The motion was seconded by Councilmember Miles.

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

Council President Bresenhan declared the motion carried.

- *AR-269-15** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF RAHWAY AND THE BOARD OF EDUCATION OF THE CITY OF RAHWAY FOR NURSING SERVICES FOR NONPUBLIC SCHOOL PUPILS.

The motion was seconded by Councilmember Giacobbe.

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

Council President Bresenhan declared the motion carried.

- *AR-270-15** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING AN EMERGENCY APPROPRIATION FOR EXPENSES RELATED TO THE REPAIR OF A BROKEN WATER MAIN OVER THE SOUTH BRANCH OF THE RAHWAY RIVER AT STATE HIGHWAY 35.

The motion was seconded by Councilmember Wenson Maier.

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

Council President Bresenhan declared the motion carried.

- *AR-271-15** Councilmember Farrar presented and moved A RESOLUTION AUTHORIZING THE TRANSFER OF CY 2015 BUDGET APPROPRIATIONS.

The motion was seconded by Councilmember Cox.

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

Council President Bresenhan declared the motion carried.

- *AR-272-15** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING THE RETURN OF PERFORMANCE BOND AND FINAL PAYMENT FOR THE "DEMOLITION OF 194 WEST GRAND AVENUE" TO YANNUZZI GROUP, INC.

The motion was seconded by Councilmember Mojica.

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

Council President Bresenhan declared the motion carried.

- *AR-273-15** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE RAHWAY RIVER ASSOCIATION, D/B/A RAHWAY RIVER WATERSHED ASSOCIATION, FOR USE OF 337 EAST MILTON AVENUE.

The motion was seconded by Councilmember Giacobbe.

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

Council President Bresenhan declared the motion carried.

11. ORDINANCES – SECOND READING

- O-37-15** 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 AN ORDINANCE AUTHORIZING AND DIRECTING THAT TITLE AND POSSESSION OF A PORTION OF CERTAIN REAL PROPERTY LOCATED IN LOTS 1 THROUGH 10 AND 23 IN BLOCK 318 AS SET FORTH ON THE OFFICIAL TAX MAP OF THE CITY OF RAHWAY SHALL BE ACQUIRED BY PURCHASE OR GIFT

WHEREAS, by Resolution of the Rahway Planning Board dated April 28, 2015, Dornoch Rahway II, LP, received preliminary and final site plan and subdivision approval for the development of Lots 1 through 10 and 23 in Block 318 as set forth on the official tax map of the City; and

WHEREAS, it is essential, as a matter of public necessity, welfare, interest and convenience that a certain roadway dedication pertaining to such development, hereinafter described, shall be acquired by the City in accordance herewith; and

WHEREAS, the aforementioned roadway dedication is designated as “Monroe Street” as shown on a map entitled “Final Plat – Major Subdivision Dornoch – Rahway” dated March 6, 2015, last revised November 9, 2015, prepared by Matrix New World Engineering, Inc. which will be filed in the Union County Clerk’s office and is further described by metes and bounds dated November 9, 2015 prepared by Matrix New World Engineering, Inc.; and

WHEREAS, the filing of the final map constitutes a dedication to the public of the right-of-way and any other dedications, if any, as shown and designated on the filed map; and

WHEREAS, it is in the City’s best interest to accept the aforementioned roadway dedication and any other dedications, if any.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, as follows:

SECTION ONE

AUTHORIZATION TO ACQUIRE A ROADWAY DEDICATION AND ANY OTHER DEDICATIONS, IF ANY, AS CONTAINED ON A MAP ENTITLED “FINAL PLAT – MAJOR SUBDIVISION DORNOCH – RAHWAY” PREPARED BY MATRIX NEW WORLD ENGINEERING, INC. DATED MARCH 6, 2015, LAST REVISED NOVEMBER 9, 2015

Pursuant to the provisions of the “Local Land and Buildings Law”, N.J.S.A. 40A:12-1 et seq., the Municipal Council of the City of Rahway hereby accepts the aforementioned roadway dedication for “Monroe Street” as contained on a map entitled “Final Plat – Major Subdivision Dornoch – Rahway” prepared by Matrix New World Engineering, Inc. dated March 6, 2015, last revised November 9, 2015 and as further described by metes and bounds dated November 9, 2015 prepared by Matrix New World Engineering, Inc., which are annexed hereto and incorporated herein.

SECTION TWO

AUTHORITY OF AGENT

The Mayor, City Attorney, City Engineer and such other officials, employees and agents of the City, are hereby authorized and directed to perform all acts necessary to acquire the aforementioned roadway dedication and any other dedication, if any, set forth herein on behalf of the City and the Mayor and Municipal Clerk are hereby authorized and directed to execute any and all documents necessary for the acquisition of the roadway dedication and any other dedication, if any, as set forth herein.

SECTION THREE

COST OF ACQUISITION

The authorized disbursing officers of the City are hereby authorized and directed to pay the City’s share of costs, if any exist, connected with title reports, appraisal reports, attorney fees, professional consulting fees and other costs necessary for the acquisition of said dedications.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. Ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency;
2. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not effect the remaining portions of this ordinance; and
3. This ordinance shall take effect immediately upon final passage and publication in accordance with 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-37-15:

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

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

Susan Sallamack 989 Hamilton St.

Said she attended recent Freeholders meeting. Questioned parking plan for Rahway River Park.

Business Administrator Cherron Rountree addressed the speaker's concerns.

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

14. COUNCIL COMMENT

Councilmember Cox: Asked engineer for an update on the installation of a handicapped curb at River Road. Wished everyone Happy Holidays.

Councilmember Brown: Wished everyone Happy Holidays. Said that the City did an outstanding job in 2015 and looks forward to 2016.

Councilmember Baker: Wished everyone Happy Holidays.

Councilmember Wenson Maier: Wished everyone Happy Holidays.

Councilmember Giacobbe: Wished everyone Happy Holidays. Said that during 2015, the City moved in the right direction.

Councilmember Miles: Congratulated the RHS Marching Band and invited them to perform at a future Council meeting. Wished everyone Happy Holidays.

Councilmember Mojica: Congratulated the RHS Marching Band. Said he is excited for 2016. Wished everyone Happy Holidays.

Council President Bresenhan: Thanked everyone in Rahway who makes the city run. Wished everyone Happy Holidays.

15. ADJOURNMENT

Motion to adjourn the meeting at 7:27 p.m. was made by Councilmember Brown and seconded by Councilmember Wenson Maier.

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

Council President Bresenhan declared the motion carried.