

MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
FEBRUARY 8, 2016
7 P.M.

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

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

ABSENT: Councilmembers Bresenhan, 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 February 8, 2016 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, 2016 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 Baker offered an invocation.

3. APPROVAL OF MINUTES

January 4, 2016	7 p.m.	Reorganization Meeting/ Pre-Meeting Conference
January 11, 2016	7 p.m.	Regular Meeting
January 25, 2016	6:45 p.m.	Special Meeting

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

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

4. PRESENTATIONS

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

6. REPORTS OF COUNCIL COMMITTEES

Councilmember Wenson Maier moved to remove AR-63-16 from the Agenda.

The motion was seconded by Councilmember Giacobbe.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

Council President Baker moved to place O-4-16 on the Agenda.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

Council President Baker moved to place AR-64-16 on the Agenda and Consent Agenda.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

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

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

8. CONSENT AGENDA

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

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

9. ORDINANCES - First Reading

O-2-16 City Clerk Jotz read AN ORDINANCE AUTHORIZING AND DIRECTING THAT DRAINAGE AND MAINTENANCE EASEMENTS OVER CERTAIN REAL PROPERTY LOCATED IN LOTS 11.01, 11.02, 12 THROUGH 26 AND 38 THROUGH 53 IN BLOCK 190 AS SET FORTH ON THE OFFICIAL TAX MAP OF THE CITY OF RAHWAY (KLINE PLACE DRAINAGE IMPROVEMENT PROJECT) SHALL BE ACQUIRED.

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

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker: 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 March 14 at 7 p.m.

O-3-16 City Clerk Jotz read AN ORDINANCE AMENDING CHAPTER 337, "SEWERS AND SEWAGE DISPOSAL" ARTICLE XII, "ESTABLISHMENT; ORGANIZATION; USER FEES" SECTION 337-52 "FEES" SETTING RATES AND FEES FOR THE USE OF THE SEWER SYSTEM.

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

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker: 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 March 14 at 7 p.m.

O-4-16 City Clerk Jotz read A BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER O-2-15 (WHICH PROVIDES FOR IMPROVEMENTS TO WATER TREATMENT PLANT AND THE CONSTRUCTION OF A NEW INTERCONNECTION PIPELINE) HERETOFORE FINALLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, ON MARCH 3, 2015, TO AMEND THE DESCRIPTION SET FORTH THEREIN.

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

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker: 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 March 14 at 7 p.m.

10. RESOLUTIONS

***AR-44-16** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE BOROUGH OF KENILWORTH (BULKY WASTE COLLECTION).

The motion was seconded by Councilmember Farrar.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

- *AR-45-16** Councilmember Miles presented and moved A RESOLUTION AWARDDING A CONTRACT WITH LAW SOFT INC. FOR SUPPORT AND MAINTENANCE OF LAWSOFT CAD/RMS SOFTWARE.

The motion was seconded by Councilmember Mojica.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

- *AR-46-16** Councilmember Brown presented and moved A RESOLUTION AWARDDING CONTRACT TO RAGNASOFT INC. FOR LICENSING AND SUPPORT OF THE PLANIT SCHEDULING SOFTWARE.

The motion was seconded by Councilmember Mojica.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

- *AR-47-16** Councilmember Wenson Maier presented and moved A RESOLUTION RATIFYING THE AWARD OF AN EMERGENCY CONTRACT TO TOM KRUTIS EXCAVATING, INC. FOR SANITARY SEWER REPAIR AT ESTERBROOK AVENUE PURSUANT TO N.J.S.A. 40A:11-6.

The motion was seconded by Councilmember Mojica.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

- *AR-48-16** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS.

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

- *AR-49-16** Councilmember Farrar presented and moved A RESOLUTION AUTHORIZING THE RETURN OF PERFORMANCE BOND AND FINAL PAYMENT FOR THE “2015 ROADWAY RESURFACING PROJECT” TO P & A CONSTRUCTION, INC.

The motion was seconded by Councilmember Mojica.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

- *AR-50-16** Councilmember Giacobbe presented and moved A RESOLUTION AUTHORIZING THE RETURN OF PERFORMANCE BOND AND FINAL PAYMENT FOR THE “KLINE PLACE DRAINAGE IMPROVEMENT PROJECT – PHASE I” TO INTEGRATED CONSTRUCTION AND UTILITIES OF N.J. LLC.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

***AR-51-16** Councilmember Brown presented and moved A RESOLUTION AWARDDING THE ACCEPTANCE OF BID FOR THE PROJECT ENTITLED "I & I PROJECT – PHASE III TESTING" FOR THE CITY OF RAHWAY TO NATIONAL WATER MAIN CLEANING CO.

The motion was seconded by Councilmember Miles.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

***AR-52-16** Councilmember Mojica presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF SENIOR DEDUCTION FOR C/Y 2015.

The motion was seconded by Councilmember Giacobbe.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

***AR-53-16** Councilmember Mojica presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF DISABLED DEDUCTION FOR C/Y 2015.

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

- *AR-54-16** Councilmember Mojica presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF VETERAN DEDUCTION FOR C/Y 2015.

The motion was seconded by Councilmember Miles.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

- *AR-55-16** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF A WIDOW OF A VETERAN DEDUCTION FOR C/Y 2015.

The motion was seconded by Councilmember Farrar.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

- *AR-56-16** 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 Brown, Farrar, Giacobbe, Miles, Mojica, Wenson
Maier, Baker

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

- *AR-57-16** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2015 CALENDAR YEAR.

The motion was seconded by Councilmember Mojica.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

- *AR-58-16** Councilmember Giacobbe 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 (MADISON SCHOOL FIELD DAY).

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

- *AR-59-16** Council President Baker presented and moved A RESOLUTION SUPPORTING THE RELEASE OF AN UPDATED STATEWIDE WATER SUPPLY PLAN.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

- *AR-60-16** Councilmember Miles presented and moved A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO PROVIDE CERTIFIED HEALTH EDUCATION SERVICES IN ACCORDANCE WITH PUBLIC HEALTH PRACTICE STANDARDS.

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

- *AR-61-16** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE RELEASE OF RIGHTOF WAY CONSTRUCTION BOND FEE TO DATTESH PATEL FOR PERMIT# 09-14-936 DATED 09/24/14 FOR EMERGENCY WATER LINE & SEWER REPLACEMENT AT 1588 IRVING STREET, BLOCK 153, LOT 2.

The motion was seconded by Councilmember Farrar.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

- *AR-62-16** Councilmember Mojica presented and moved A RESOLUTION AUTHORIZING THE TRANSFER OF CY 2015 BUDGET APPROPRIATION RESERVES.

The motion was seconded by Councilmember Miles.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

- *AR-64-16** Councilmember Farrar presented and moved A RESOLUTION CANCELLING RESOLUTIONS AR-140-15, AND AR 270-15, “AUTHORIZING AN EMERGENCY APPROPRIATION AS PER N.J.S.A. 40A:4-48”.

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker declared the motion carried.

11. ORDINANCES – SECOND READING

- O-1-16** Council President Baker: 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 RAHWAY PARKING AUTHORITY TO USE, MAINTAIN, OPERATE AND MANAGE A PORTION OF BRIDGE STREET FOR VEHICLE PARKING PURSUANT TO N.J.S.A. 40:11A-22

WHEREAS, the Parking Authority Law, N.J.S.A. 40:11A-22, authorizes a municipality with a parking authority to permit its Parking Authority to use, maintain or operate as a part of its projects and to operate and manage properties owned by the municipality which may be necessary or useful and convenient for the purposes of the authority and accepted by the authority; and

WHEREAS, the City wishes to designate the portion of Bridge Street described on Exhibit A (the “Designated Area”) to be used, maintained, operated and managed by the Rahway Parking Authority (the “Authority”) and the Authority wishes to accept the designation which will be useful and convenient for the purposes of the Authority; and

WHEREAS, the Authority believes that it is necessary and would be useful and convenient for the Authority to manage parking along with Designated Area; and

WHEREAS, the Municipal Council of the City of Rahway has determined that it is in the best interest of the City to permit the Authority to use, maintain, operate and manage the Designated Area.

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 permit the Rahway Parking Authority to use, maintain or operate as a part of its projects and to operate and manage parking in the portion of Bridge Street described in Exhibit A in accordance with the Parking Authority Law.
2. The Mayor and the Municipal Clerk are hereby directed and authorized to execute any and all documents necessary to effectuate the designation.
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 designation.
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 Baker 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 Baker closed the Public Hearing.

Roll Call for O-1-16:

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

ABSENT: Councilmembers Bresenhan, Cox

Council President Baker: 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.

