

**MINUTES**  
**REGULAR MEETING**  
**MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY**  
**MARCH 14, 2016**  
**7 P.M.**

1. Council President Baker called the meeting to order at 7:03 p.m. and asked for a Roll Call.

**PRESENT:** Councilmembers Bresenhan, Brown, Cox, Miles, Mojica, Wenson Maier, Baker

**ABSENT:** Councilmembers Farrar, Giacobbe

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 March 14, 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**

February 2, 2016	7 p.m.	Pre-Meeting Conference
February 8, 2016	7 p.m.	Regular Meeting

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

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

**ABSENT:** Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

**4. PRESENTATIONS**

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

**6. REPORTS OF COUNCIL COMMITTEES**

*Board of Education, Council President Baker* – Spoke on the Future Scholars program between retired Merck CEO Roy Vagelos and the Board of Education that will send low/moderate income Rahway students to Rutgers University.

*Environmental Commission, Councilmember Wenson Maier* – Urged public to recycle electronics; DPW will pick them up if residents call to schedule a collection.

Councilmember Mojica made a motion to remove AR-70-16 from the Agenda.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

Councilmember Cox asked that AR-80-16 be removed from the Consent Agenda.

## **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 Brown to adopt the Consent Agenda, and was adopted by the following vote:

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

## **9. ORDINANCES - First Reading**

**O-5-16** City Clerk Jotz read A REFUNDING BOND ORDINANCE OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY (THE "CITY") PROVIDING FOR (i) THE REFUNDING OF CERTAIN OUTSTANDING GENERAL OBLIGATION REFUNDING BONDS OF THE CITY DATED JANUARY 25, 2007 TO PROVIDE DEBT SERVICE SAVINGS, AND (ii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,700,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE CITY TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR.

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

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

ABSENT: Councilmembers Farrar, Giacobbe

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 April 11 at 7 p.m.

**O-6-16**

City Clerk Jotz read BOND ORDINANCE PROVIDING FOR SEWER UTILITY INFLOW AND INFILTRATION PROJECT (PHASE III), BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$425,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$425,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF.

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 Bresenhan, Brown, Cox, Miles, Mojica, Wenson Maier, Baker

ABSENT: Councilmembers Farrar, Giacobbe

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 April 11 at 7 p.m.

**O-7-16**

City Clerk Jotz read AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF RAHWAY, "ADMINISTRATION OF GOVERNMENT".

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

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

ABSENT: Councilmembers Farrar, Giacobbe

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 April 11 at 7 p.m.

## 10. RESOLUTIONS

**\*AR-65-16** Councilmember Bresenhan presented and moved A RESOLUTION ESTABLISHING A CHANGE FUND FOR THE DEPARTMENT OF PARKS & RECREATION.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

**\*AR-66-16** Councilmember Brown presented and moved A RESOLUTION CONSENTING TO THE SALE AND AUTHORIZING THE ASSIGNMENT OF THE FINANCIAL AGREEMENT FOR A LONG TERM TAX EXEMPTION BY AND BETWEEN THE CITY OF RAHWAY AND MERIDIA WATERS EDGE URBAN RENEWAL, RAHWAY, LLC FOR PROPERTY KNOWN AS TAX BLOCK 305, LOT 5.04 IN THE LOWER MAIN STREET REDEVELOPMENT AREA TO 4 CITY HALL PLAZA URBAN RENEWAL, LLC, THE PURCHASER OF THE PROPERTY.

The motion was seconded by Councilmember Miles.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

**\*AR-67-16** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE EXECUTION OF AN ACCESS AGREEMENT WITH

KATO CORPORATION AND ATLANTIC ENVIRONMENTAL SOLUTIONS, INC. FOR THE INSTALLATION OF A GROUNDWATER MONITORING WELL IN THE MUNICIPAL RIGHT-OF-WAY.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

**\*AR-68-16** Councilmember Cox presented and moved A RESOLUTION AWARDDING A CONTRACT TO JOHNSTON COMMUNICATIONS FOR SUPPORT AND MAINTENANCE OF THE SENTINEL PATRIOT 911 COMMUNICATIONS SYSTEM.

The motion was seconded by Councilmember Bresenhan.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

**\*AR-69-16** Councilmember Miles presented and moved A RESOLUTION ENTERING INTO AN AGREEMENT WITH NEW JERSEY MEDICAL SCHOOL GLOBAL TUBERCULOSIS INSTITUTE AT RUTGERS BIOMEDICAL AND HEALTH SCIENCES.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

**\*AR-71-16** Councilmember Mojica presented and moved A RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE TOWNSHIP OF SCOTCH PLAINS FOR HEALTH OFFICER SERVICES.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

- \*AR-72-16** Councilmember Brown presented and moved A RESOLUTION AWARDDING A SERVICE CONTRACT FOR CUTTING AND CONTROL OF VEGETATION ON THE RAHWAY FLOOD CONTROL LEVEE, BETWEEN MONROE STREET AND REGINA AVENUE.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

- \*AR-73-16** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING REFUND OF POLICE ESCROW FEES.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

- \*AR-74-16** Councilmember Bresenhan presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS.

The motion was seconded by Councilmember Mojica.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

- \*AR-75-16** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING REFUND OF PROPERTY REGISTRATION FEES.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

- \*AR-76-16** Councilmember Wenson Maier 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 Brown.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

- \*AR-77-16** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF DISABLED DEDUCTION FOR C/Y 2014.

The motion was seconded by Councilmember Bresenhan.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

- \*AR-78-16** 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 Wenson Maier.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

- \*AR-79-16** Councilmember Mojica 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 Bresenhan, Brown, Cox, Miles, Mojica, Wenson Maier, Baker

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

- AR-80-16** Council President Baker presented and moved A RESOLUTION AUTHORIZING A PERSONNEL POLICY FOR MUNICIPAL EMPLOYEES.

The motion was seconded by Councilmember Wenson Maier.

Councilmember Brown moved that the resolution be tabled until the April 11, 2016 Regular Meeting.

The motion was seconded by Councilmember Miles.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion to table carried.

- \*AR-81-16** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING REFUND OF SENIOR SERVICES FEES.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

- \*AR-82-16** Councilmember Mojica presented and moved A RESOLUTION AUTHORIZING THE TRANSFER OF CY 2015 BUDGET APPROPRIATION RESERVES.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

- \*AR-83-16** Council President Baker presented and moved A RESOLUTION AUTHORIZING A TEMPORARY CAPITAL BUDGET.

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

- \*AR-84-16** Councilmember Miles presented and moved A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE UNION COUNTY PERFORMING ARTS CENTER TO PROVIDE TECHNICAL AND PROGRAMMING ASSISTANCE ON AN AS NEEDED BASIS FOR CERTAIN ARTS BASED EVENTS OFFERED BY THE CITY OF RAHWAY.

The motion was seconded by Councilmember Bresenhan.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

**\*AR-85-16** Councilmember Cox presented and moved A RESOLUTION GRANTING PERMISSION FOR THE RAHWAY CENTER MANAGEMENT CORPORATION TO HOLD THE 14th ANNUAL HOT RODS AND HARLEYS EVENT.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

**\*AR-86-16** 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 (HOT RODS & HARLEYS).

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

**\*AR-87-16** Council President Baker presented and moved A RESOLUTION AUTHORIZING A RECYCLING AGREEMENT WITH BAYSHORE SINGLE STREAM SOLUTIONS.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.

## 11. ORDINANCES – SECOND READING

- O-2-16** 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 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**

**WHEREAS**, upon the construction of the homes on the aforementioned lots many years ago, a drainage swale or ditch was constructed along the common rear yard property lines, which collects stormwater from adjacent properties located on Kline Place and Madison Hill Road; and

**WHEREAS**, due to the failure of the two (2) drainage swale or ditch outlets, many of the property rear yards suffer from severe flooding in their rear yards after heavy rainfall; and

**WHEREAS**, the drainage swale or ditch has not been managed or maintained by the property owners, and the City requires rights to reconstruct and subsequently maintain the stormwater drainage system to remediate the localized flooding, at the expense of the City; and

**WHEREAS**, it is essential, as a matter of public necessity, welfare, interest and convenience that certain drainage and maintenance easements pertaining to the public project known as Kline Place Drainage Improvement

Project, hereinafter described, shall be acquired by the City in accordance herewith; and

**WHEREAS, N.J.S.A. 40A:12-5** authorizes municipalities to acquire real property by way of, gift, devise, lease, exchange, purchase, condemnation or installment purchase agreement; and

**WHEREAS,** it is in the City's best interest to acquire the drainage and maintenance easements over the aforementioned properties.

**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 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) IN ACCORDANCE WITH MAPS AND PLANS PREPARED BY BOHLER ENGINEERING

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 authorizes drainage and maintenance easements over the aforementioned properties for "Kline Place Drainage Improvement Project" as contained on maps and plans to be prepared by Bohler Engineering in 2016, and as further described by metes and bounds to be prepared by Bohler Engineering, 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 drainage and maintenance easements 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 drainage and maintenance easements as set forth herein; however, no settlement figure, purchase price, or stipulation to purchase, other than one for a nominal consideration, shall be binding on the City or its agents until the Municipal Council of the City of Rahway approves such figure or price by Resolution.

### SECTION THREE

#### **COST OF ACQUISITION**

The authorized disbursing officers of the City are hereby authorized and directed to pay all costs necessary to acquire the above drainage and maintenance easements, as well as the City's share of costs connected with title reports, appraisal reports, attorney's fees, professional consultant's fees, title insurance, escrow fees, closing costs, court costs and any other costs and/or fees necessary for the acquisition of the drainage and maintenance easements within the limits and authorities set forth in the Resolution of Purchase, as provided for in Section Two hereof as the Municipal Council may adopt.

**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 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-2-16:

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

ABSENT: Councilmembers Farrar, Giacobbe

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.

**O-3-16** 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 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**

**NOW THEREFORE BE IT ORDAINED**, by the Municipal Council of the City of Rahway that Chapter 337 "Sewers and Sewage Disposal", Article XII, "Establishment; Organization; User Fees", Section 337-52 "Fees" of the Code of

the City of Rahway be and is hereby amended and supplemented to read as follows:

**§ 337-52 Rates and charges.**

A. The charges and rents for connection to and use of the sewer system shall be fixed by this Part 5 and shall not be altered, amended or repealed by the provisions of this article. The purpose of this Part 5 is to impose an annual user fee as hereinafter defined on all domestic, commercial, industrial, institutional and government users of the Sewer Utility. A "user fee" is defined as a fee levied upon all users of the Sewer Utility for the annual cost of operation and maintenance of the Sewer Utility.

B. Classes of User. The following classes of user are hereby established:

- (1) Residential Domestic
- (2) Commercial Domestic
- (3) Governmental
- (4) Not-for-Profit
- (5) Industrial (Non-SIU)
- (6) Significant Industrial Use (SIU)
- (7) Apartments

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

**APARTMENT**

Residential building housing more than four residential units.

**COMMERCIAL DOMESTIC**

Any user not classified elsewhere herein.

**GOVERNMENTAL**

Any user operating as an extension of the federal, state, county, or municipal government.

**INDUSTRIAL USERS**

Users located within an industrial zone of the City of Rahway that generate wastewater other than domestic waste as a result of their operation, such as process water, cooling water, wash down etc. Such users will not generate sufficient quantities of wastewater to be classified as "significant industrial users" by the New Jersey Department of Environmental Protection (NJDEP) and/or the Rahway Valley Sewerage Authority (RVSA).

#### NOT-FOR-PROFIT

Users designated as 501c (6) or 501c (3) under the IRS tax code.

#### RESIDENTIAL DOMESTIC

Any user where sole use of property is as a residential dwelling unit, including condominium units.

#### SIGNIFICANT INDUSTRIAL USERS

Industrial users generating sufficient wastewater quantities to meet definitions established by the NJDEP and/or the RVSA and shall meet all Township, RVSA and NJDEP monitoring and reporting requirements.

D. User fees. User fees are established as follows:

(1) Residential; annual charge:

(a) Single family: \$275.

(b) Two family: \$433.

(c) Condominium: \$222.

(d) For each additional family unit above a two-family the annual charge shall be \$433 plus \$168 for each family unit above a two-family home.

(e) For all properties owned by senior citizens and which qualify for a senior citizen tax deduction pursuant to the provisions of N.J.S.A. 54:4-8.40 et seq., the rates shall be \$50.

(2) Commercial; industrial:

(a) Minimum annual charge per account (plus usage): \$390.

(b) Usage: \$4.45 per 1,000 gallons.

(3) Not-for-profit; apartment; governmental:

(a) Minimum annual charge per account (plus usage): \$145.

(b) Usage: \$2.95 per 1,000 gallons.

(4) Significant industrial user (e.g. Merck):

(a) Minimum annual charge per account (plus usage): \$390.

(b) Usage: \$5.90 per 1,000 gallons.

(5) Significant industrial users' solid waste charges. In addition to the billing charges assessed herein, the significant industrial users will be charged those fees assessed by the RVSA based on BOD and TSS.

E. Calculation of usage. The Sewer Utility will assess user fees based on actual water usage as reported by the appropriate water purveyor. However, should the user have a separate discharge meter in place, the usage will be calculated as the actual flow discharged into the system.

F. Billing of user fees. User fees will be billed effective July 1, 2009. Residential users shall be billed on a quarterly basis consistent with the cycle used for water

charges. Commercial, industrial, Merck, not-for-profit, apartment and commercial users shall be billed monthly.

G. Late payments. Users will be subject to the payment of interest and penalties for payments received after the due date. Users will be assessed penalties in the manner established by the City for payment on late property tax payments.

H. Appeals. Users who believe that either flow or classification has been improperly calculated may appeal by submitting written documentation to the City Engineer.

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, this ordinance shall take effect upon adoption and approval in accordance with applicable 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-3-16:

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

ABSENT: Councilmembers Farrar, Giacobbe

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.

**O-4-16** 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:

**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**

**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 members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. Section 3(a) of Bond Ordinance Number O-2-15 finally adopted on March 3, 2015 by the City of Rahway, in the County of Union, State of New Jersey (the "City") entitled, "BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE WATER TREATMENT PLANT AND THE CONSTRUCTION OF A NEW INTERCONNECTION PIPELINE, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$19,785,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$19,785,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF" (the "Original Ordinance"), is hereby amended and supplemented to amend the description set forth therein, as follows:

"SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are improvements to the City's water treatment plant and water system and the construction of a new interconnection pipeline, including, but not limited to, gravity filter system improvements, the acquisition and installation, as applicable, of a new membrane filter system, a new emergency electrical generator, various improvements to the supervisory control and data acquisition system, repair of the water mains and water meter replacements."

SECTION 2. Except as expressly amended and supplemented hereby, the Original Ordinance shall remain in full force and effect.

SECTION 3. 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 ordinance.

SECTION 4. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, if applicable, as provided by the Local Bond 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-4-16:

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

ABSENT: Councilmembers Farrar, Giacobbe

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.

## **\*12. MISCELLANEOUS**

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

Willy Krawec 161 W. Main St.

Said that his tenants are receiving parking tickets for parking in the lot behind the Union County Performing Arts Center. Stated that Patria is allowed to park cars there via valet parking. Claimed that police have been unresponsive to noise complaints from Patria. Would like to meet with Council to discuss this further.

Administrator Cherron Rountree and Police Chief John Rodger addressed the speaker's concerns.

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

### **14. COUNCIL COMMENT**

*Councilmember Miles:* Encouraged seniors to take advantage of classes offered at the Senior Citizens Center. Stated that the Spring Recreation schedule is now available.

*Councilmember Bresenhan:* Commended the Rahway Prevention Coalition for its 2<sup>nd</sup> Anniversary event.

*Councilmember Cox:* Stated that two months from today is Hot Rods & Harleys and invited the public to attend.

*Councilmember Brown:* Thanked Police for installing a speeding sign on E. Hazelwood Ave. and thanked DPW for collecting trash on the block. Thanked Dr. Vagelos and the Board of Education for the Future Scholars program. Commended DPW for cleaning sewers at Main and Adams Sts.

*Council President Baker:* Spoke about Future Scholars program.

**15. ADJOURNMENT**

Motion to adjourn the meeting at 7:33 p.m. was made by Councilmember Brown and seconded by Councilmember Cox.

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

ABSENT: Councilmembers Farrar, Giacobbe

Council President Baker declared the motion carried.