

MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
JUNE 15, 2011
7 P.M.

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

PRESENT: Councilmembers Baker, Mione, Scaturro, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Rachlin, Saliga

City Clerk Jean D. Kuc 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 June 15, 2011 was included in a list of meetings notice sent to the *Star-Ledger*, *Home News Tribune*, *The Progress* and the *Rahway News-Record*, posted on the bulletin board in the Municipal Building on January 2, 2011 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, Councilmember Mione offered an invocation.

3. APPROVAL OF MINUTES

May 3, 2011	7 p.m.	Pre-Meeting Conference
May 9, 2011	7 p.m.	Regular Meeting

Motion was made by Councilmember Scaturro and seconded by Councilmember Baker to accept and approve the above listed minutes.

YES: Councilmembers Baker, Mione, Scaturro, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Rachlin, Saliga

Council President Brown declared the motion carried.

4. PRESENTATIONS

Mayor Proctor presented the Rahway High School Robotics Team and the Rahway High School Track & Field Team with Proclamations.

Councilmember Rachlin arrived at 7:15 p.m.

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

6. REPORTS OF COUNCIL COMMITTEES

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

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

8. CONSENT AGENDA

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

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

9. ORDINANCES - First Reading

O-19-11 City Clerk Jean D. Kuc read AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC).

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 Baker, Mione, Rachlin, Scaturo, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at the Regular Meeting on Monday, July 11, 2011 at 7 p.m.

O-20-11 City Clerk Jean D. Kuc read AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 199 “FEES” OF THE CODE OF THE CITY OF RAHWAY.

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

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at the Regular Meeting on Monday, July 11, 2011 at 7 p.m.

O-21-11 City Clerk Jean D. Kuc 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 Brown, seconded by Councilmember Wenson Maier and adopted by the following vote:

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at the Regular Meeting on Monday, July 11, 2011 at 7 p.m.

10. RESOLUTIONS

- *AR-138-11** Councilmember Rachlin presented and moved A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO HOLD AN ACCELERATED TAX SALE.

The motion was seconded by Councilmember Steinman.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-139-11** Councilmember Scaturo presented and moved A RESOLUTION AUTHORIZING THE SALE OF ABANDONED MOTOR VEHICLES BY THE POLICE DEPARTMENT IN ACCORDANCE WITH N.J.S.A. 39:10A-1.

The motion was seconded by Councilmember Baker.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-140-11** Councilmember Scaturo presented and moved A RESOLUTION AUTHORIZING THE APPLICATION TO THE NJ STATE DEPARTMENT OF COMMUNITY AFFAIRS, OFFICE OF RECREATION TO ENTER INTO AN AGREEMENT FOR FUNDING FOR RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES FOR FISCAL YEAR 2012.

The motion was seconded by Councilmember Rachlin.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-141-11** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS.

The motion was seconded by Councilmember Wenson Maier.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-142-11** Councilmember Wenson Maier presented and moved A RESOLUTION RENEWING A CONTRACT WITH DELTA DENTAL.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-143-11** Councilmember Baker presented and moved A RESOLUTION RATIFYING THE AWARD OF AN EMERGENCY CONTRACT TO FRANK LURCH DEMOLITION COMPANY, LLC, TO UNDERTAKE THE DEMOLITION OF THE STRUCTURE AT 65 EAST CHERRY STREET, RAHWAY, NEW JERSEY PURSUANT TO N.J.S.A. 40A:11-6.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-144-11** Councilmember Scaturo presented and moved A RESOLUTION RATIFYING THE AWARD OF AN EMERGENCY CONTRACT TO EMERGI-CLEAN, INC., TO UNDERTAKE THE REMOVAL OF DEBRIS FROM 2312 ELIZABETH AVENUE, RAHWAY, NEW JERSEY PURSUANT TO N.J.S.A. 40A:11-6.

The motion was seconded by Councilmember Wenson Maier.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-145-11** Councilmember Scaturo presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2011 FISCAL YEAR.

The motion was seconded by Councilmember Steinman.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-146-11** 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 Wenson Maier.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-147-11** 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 Wenson Maier.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-148-11** 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 Wenson Maier.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-149-11** 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 Wenson Maier.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-150-11** Councilmember Baker presented and moved A RESOLUTION AMENDING AR-129-11, "A RESOLUTION AUTHORIZING REFUND OF RECREATION CENTER FEES".

The motion was seconded by Councilmember Steinman.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson
Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-151-11** Councilmember Scaturo presented and moved A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES.

The motion was seconded by Councilmember Steinman.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson
Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-152-11** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE REFUND OF A BUILDING DEPARTMENT PENALTY TO DOUGLAS LYNCH.

The motion was seconded by Councilmember Rachlin.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson
Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-153-11** Councilmember Scaturo presented and moved A RESOLUTION AUTHORIZING THE RETURN OF PERFORMANCE BOND AND FINAL PAYMENT FOR THE “STREETSCAPE SECTION IV PROJECT” TO THE CONCRETE MASTERS, INC.

The motion was seconded by Councilmember Wenson Maier.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-154-11** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE REFUND OF RIGHT-OF-WAY CONSTRUCTION BOND TO HOFF BROS., L.L.C. FOR PERMIT #04-08-039 DATED 4/18/08 FOR 2266 PRICE STREET.

The motion was seconded by Councilmember Steinman.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-155-11** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE COUNTY OF UNION FOR DOCUMENT IMAGING, ELECTRONIC RETENTION AND ARCHIVAL SERVICES.

The motion was seconded by Councilmember Scaturo

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-156-11** Councilmember Brown presented and moved A RESOLUTION AWAR­DING 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 Baker.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson
Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-157-11** Councilmember Steinman presented and moved A RESOLUTION AUTHORIZING THE RETURN OF THE PERFORMANCE BOND FOR THE “STREETS­CAPE SECTION III-B PROJECT” TO S. BATATA CONSTRUCTION, INC..

The motion was seconded by Councilmember Rachlin.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson
Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-158-11** Councilmember Wenson Maier presented and moved A RESOLUTION AWAR­DING THE ACCEPTANCE OF BID FOR A STREET SWEEPER FOR THE DEPARTMENT OF PUBLIC WORKS.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson
Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-159-11** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE PURCHASE OF A SEWER CAMERA FOR THE DEPARTMENT OF PUBLIC WORKS.

The motion was seconded by Councilmember Baker.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson
Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-160-11** Councilmember Wenson Maier presented and moved A RESOLUTION AWARDED A SERVICE CONTRACT TO REPAIR THE ROOF OF CITY HALL.

The motion was seconded by Councilmember Scaturo

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson
Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

- *AR-161-11** Councilmember Steinman presented and moved A RESOLUTION OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, NEW JERSEY, AUTHORIZING THE CANCELLATION OF OLD, INACTIVE ASSESSMENT TRUST FUND BALANCES WHICH REMAIN ON THE FINANCIAL RECORDS OF THE CITY.

The motion was seconded by Councilmember Wenson Maier.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson
Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

***AR-162-11** Councilmember Scaturo presented and moved A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL OUTSTANDING STATE FISCAL YEAR 2011 REAL ESTATE TAXES.

The motion was seconded by Councilmember Rachlin.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson
Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

AR-163-11 Councilmember Steinman presented and moved A RESOLUTION AUTHORIZING THE TRANSFER OF SFY 2011 BUDGET APPROPRIATIONS.

The motion was seconded by Councilmember Mione.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson
Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

AR-164-11 Councilmember Brown presented and moved A RESOLUTION APPOINTING A CITY OF RAHWAY REPRESENTATIVE TO THE RAHWAY VALLEY SEWERAGE AUTHORITY (RANDALL T. HERING).

The motion was seconded by Councilmember Scaturo.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson
Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.

11. Ordinances – Second Reading

- O-17-11** Council President Brown: 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 5,
SECTION 77 “SPECIAL-DUTY JOBS, SALARY AND VEHICLE FEES”
OF THE CODE OF THE CITY OF RAHWAY**

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

That Chapter 5, Section 77(E)(7), is hereby amended and supplemented to read as follows:

The hourly rate/charge payable for police vehicles shall be an additional \$15.00 per hour or portion thereof per each vehicle used. The City shall also charge \$10.00 per hour as a surcharge for administrative costs to be retained by the municipality. The Chief of Police or his designee may waive the minimum hours on a particular assignment should he determine this is in the interests of the City. In continuing assignments, the Chief of Police or his designee may waive the hourly minimum on a continuing basis. The Chief of Police or his designee, with the approval of the Business Administrator, may waive or adjust the administrative fee for assignments for municipalities, government agencies or non-profit organizations.

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated and the remainder of the Ordinance shall be deemed valid and effective.

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 passage and publication in accordance with applicable law.

Council President Brown 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 Brown closed the Public Hearing.

Roll Call for O-17-11:

YES: Councilmembers Baker, Mione, Rachlin, Scaturro, Steinman, Wenson
Maier, Brown

ABSENT: Councilmembers Cox, Saliga

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

O-18-11 Council President Brown: 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 CONCERNING PERSONAL SERVICES USES IN THE B-4 SERVICE BUSINESS ZONE AND B-5 CENTRAL BUSINESS ZONE AND AMENDING SECTION 421-20 ENTITLED “B-4 SERVICE BUSINESS ZONE”, SECTION 421-21 ENTITLED B-5 CENTRAL BUSINESS ZONE”, SECTION 421-54 ENTITLED REQUIREMENTS FOR CONDITIONAL USES, AND SECTION 421-64.1 ENTITLED “PERSONAL SERVICES PROXIMITY LIMITATIONS” OF THE CITY LAND USE ORDINANCE

WHEREAS, personal services uses are currently conditional uses in the B-4 Service Business Zone and B-5 Central Business Zone; and

WHEREAS, the only condition in both zones is that no personal service uses shall be located within 1,000 feet of the same (type) use; and

WHEREAS, property owners who meet the condition are required to file a conditional use application with the City Planning Board and thus incur unnecessary time and expenses; and

WHEREAS, if the proximity limitation is designated as a bulk regulation rather than as a conditional use condition, the Zoning Officer can make the determination as to whether the property owner satisfies the proximity limitation;

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Rahway, in the County of Union, New Jersey that the Sections of the City Land Use Ordinance described below be hereby amended as follows:

Section 1. Section 421-20 entitled “B-4 Service Business Zone” is amended by changing personal service uses from a conditional use to a permitted use, subject to a proximity limitation. Accordingly, that Section is amended to read as follows:

§ 421-20 B-4 Service Business Zone.

A. Purpose. The purpose of this district is to encourage a mixed-use environment at the fringes of the central business district. Except for automobile-oriented uses, all forms of retail, office and multifamily residential uses are encouraged. Arts-related uses and artists' live/work spaces would be permitted within this zone north of the railroad trestle. Development which helps to preserve, protect or enhance buildings of historic or architectural importance is encouraged.

B. Permitted principal uses. The following principal uses are permitted:

- (1) Convenience retail uses.
- (2) Specialty or comparative retail uses.
- (3) Business service uses.
- (4) Restaurants, excluding drive-in or drive-through restaurants.
- (5) Eating and drinking establishments.
- (6) Professional offices.
- (7) Medical and dental offices.
- (8) General and business offices.
- (9) Banks, excluding drive-in or drive-through banks.
- (10) Civic and philanthropic uses.
- (11) Public uses.
- (12) Child-care centers.
- (13) Quasi-educational uses.
- (14) Cultural facilities.
- (15) Commercial recreation uses.
- (16) Taxi stands.
- (17) Live/work units, but only north of the railroad right-of-way, in accordance with § [421-42](#).
- (18) Apartments above the ground floor in accordance with § [421-43](#).
- (19) Low-rise apartments, in accordance with the provisions of § [421-35](#).
- (20) Funeral parlors or mortuaries.
- (21) Parks and playgrounds.
- (22) *Personal services uses. No personal service use shall be located within 1,000 feet of the same (type) use.*

C. Permitted accessory uses and structures. The following accessory uses and structures are permitted:

- (1) Any accessory use or structure permitted in the B-1 Neighborhood Business Zone. Outdoor sales display areas in accordance with § [421-48F](#).
- (2) Outdoor dining in conjunction with a restaurant in accordance with § [421-48G](#).

D. Prohibited uses. The following uses shall be prohibited:

- (1) Hotels or motels.
- (2) Shopping centers.
- (3) Any drive-in or drive-through establishment.
- (4) Automotive uses of any kind.
- (5) Utility installations.
- (6) Manufacturing, wholesale, storage, warehouse or distribution facilities.
- (7) Bars and taverns.
- (8) Liquor stores.
- (9) Check cashing services as a principal or accessory use.
- (10) Pawnshops.
- (11) Tattoo parlors; body piercing facilities.
- (12) "Dollar" stores.
- (13) Thrift stores; consignment shops; secondhand stores.
- (14) Stores that sell primarily used articles of clothing or other used goods, excluding those stores that sell antiques.
- (15) Shops which offer for sale firearms and/or ammunition.
- (16) Palm reader, tarot card reader, fortune teller and psychics.
- (17) Self-service laundry/dry cleaning.
- (18) Massage parlors.

~~*E. Conditional uses. The following uses shall be permitted in the B-4 Service Business Zone, provided that they meet the conditions set forth in the sections indicated:*~~

~~*(1) Personal service uses in accordance with § [421-64.1](#), Personal services proximity limitations.*~~

Section 2. Section 421-20 entitled "B-5 Central Business Zone" is amended by changing personal service uses from a conditional use to a permitted use subject to a proximity limitation. Accordingly, that Section is amended to read as follows:

[§ 421-21 B-5 Central Business Zone.](#)

A. Purpose. The purpose of this district is to create a vibrant, pedestrian-oriented mixed-use downtown environment, in which convenience, specialty and comparative and personal service retail uses are provided for at street level, along with banks, public and entertainment and cultural uses. Professional and business offices and apartments are encouraged above the ground floor, while automotive-oriented uses and industrial uses are discouraged.

B. Permitted principal uses.

1) The following uses shall be permitted on all floors:

- (a) Convenience retail uses.
- (b) Specialty and comparative retail uses.

- (c) Restaurants, and restaurants with plenary retail consumption licenses, excluding drive-through or drive-in restaurants.
- (d) Eating and drinking establishments.
- (e) Banks, excluding drive-in or drive-through banks.
- (f) Civic and philanthropic uses.
- (g) Public uses.
- (h) Child-care centers.
- (i) Cultural facilities.
- (j) Commercial recreation uses.
- (k) Taxi stands.
- (l) Live/work units, but only north of the railroad right-of-way, in accordance with § [421-42](#).
- (m) Parks and playgrounds.
- (n) *Personal services uses. No personal service use shall be located within 1,000 feet of the same (type) use.*

(2) The following uses shall be permitted above the ground floor level only:

- (a) Quasi-educational uses.
- (b) Professional offices.
- (c) Medical and dental offices.
- (d) General and business offices.
- (e) Apartments, in accordance with § [421-43](#).
- (f) Low-rise apartments, in accordance with § [421-35](#).

C. Permitted accessory uses and structures. The following accessory uses and structures shall be permitted:

- (1) Any accessory use or structure permitted in the B-4 Service Business Zone.

D. Prohibited uses. The following uses shall be prohibited:

- (1) Hotels or motels.
- (2) Shopping centers.
- (3) Any drive-in or drive-through establishment.
- (4) Automotive uses of any kind.
- (5) Utility installations.
- (6) Manufacturing, wholesale, storage, warehouse or distribution facilities.
- (7) Bars and taverns.
- (8) Liquor stores.
- (9) Check cashing services as a principal or accessory use.
- (10) Pawnshops.
- (11) Tattoo parlors; body piercing facilities.
- (12) "Dollar" stores.
- (13) Thrift stores; consignment shops; secondhand stores.

(14) Stores that sell primarily used articles of clothing or other used goods, excluding those stores that sell antiques.

(15) Shops which offer for sale firearms and/or ammunition.

(16) Palm reader, tarot card reader, fortune teller and psychics.

(17) Self-service laundry/dry cleaning.

(18) Massage parlors.

~~E. Conditional uses. The following uses shall be permitted in the B-5 Central Business District Zone, provided that they meet the conditions set forth in the sections indicated:~~

~~(1) Personal service uses in accordance with § [421-64.1](#), Personal services proximity limitations.~~

Section 3. Since personal service uses are no longer conditional uses in the B-4 and B-5 zones, Section 421-64.1 entitled “Personal Services Proximity Limitations” is hereby deleted.

§ 421-54 [Requirements for conditional uses.](#)

The following uses, if permitted as conditional uses in a specific zone, shall conform to the terms and conditions as specified herein.

§ 421-64.1 [Personal services proximity limitations.](#)

~~In the B-4 Service Business Zone and in the B-5 Central Business Zone, no personal service use shall be located within 1,000 feet of the same (type) use.~~

Section 4. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 5. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 6. This ordinance shall take effect immediately upon final passage and publication as required by law.

Council President Brown 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 Brown closed the Public Hearing.

Roll Call for O-18-11:

YES: Councilmembers Baker, Mione, Rachlin, Scaturro, Steinman, Wenson
Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown: 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 430 W. Grand Ave.
Spoke on Patria complaints on noise and disturbing the peace.

Terri Krawec 430 W. Grand Ave.
Spoke on Patria complaints on noise and disturbing the peace.

Eddie B. Smith 1280 Clark Street
Commented on UCUA and concerns with the Host Community Agreement. Questioned tax reduction and tipping fees and whether the Host Community Agreement can be negotiated.

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

14. COUNCIL COMMENT

Councilmember Wenson Maier: Thanked Director of DPW Mike Smalling for explaining the new street sweeper and allowing Mechanic Pat Deering to also explain the sweeper.

Councilmember Mione: Thanked Mike Smalling for his attention to matters the residents of the 5th Ward brought to his attention and brings these concerns to the Councilmembers.

Councilmember Baker: Said he would like to work with the Environmental Commission relating to recycling and the need for greater participation in recycling to further reduce tonnage cost.

Councilmember Brown: Reminded everyone about the Rahway Day at the Newark Bears Riverfront Stadium Saturday June 18. Said that Mayor Proctor will throw out the first pitch. Thanked everyone who came to speak.

Mayor Proctor: Commended and thanked Mechanic Pat Deering for all of his help preparing the specs for the new sweeper. Said that a Rahway 9/11 10th Anniversary has formed. Co-chairs are Sal Mione & Patrick Cassio, Dee Smalling, Marva May and Lula Parker.

ADJOURNMENT

Motion to adjourn the meeting at 7:55 p.m. was made by Councilmember Scaturo and seconded by Councilmember Baker.

YES: Councilmembers Baker, Mione, Rachlin, Scaturo, Steinman, Wenson Maier, Brown

ABSENT: Councilmembers Cox, Saliga

Council President Brown declared the motion carried.