

MINUTES
PRE-MEETING CONFERENCE / REGULAR MEETING
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
JULY 9, 2012
7 P.M.

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

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

ABSENT: Councilmember Saliga

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 July 9, 2012 was included in a list of meetings notice sent to the *Star-Ledger*, *Home News Tribune*, *The Union County Localsource* and the *Rahway News-Record*, posted on the bulletin board in the Municipal Building on December 30, 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 Brown offered an invocation.

3. **APPROVAL OF MINUTES**

Motion was made by Councilmember Steinman and seconded by Councilmember Brown to accept and approve the above listed minutes.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

4. **PRESENTATIONS**

Commend Rahway High School SPIT Program
Swearing-in of Firefighter Javier Gonzalez, Jr.

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

6. REPORTS OF COUNCIL COMMITTEES

6A. REVIEW AGENDA

The Councilmembers reviewed all Agenda items.

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

Joseph Mikajlo 587 River Rd. AR-179-12

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

CFO Frank Ruggiero explained AR-179-12.

8. CONSENT AGENDA

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

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

9. ORDINANCES - First Reading

Council President Steinman removed O-20-12 from the agenda.

O-21-12 City Clerk Jotz read AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) - HANDICAPPED PARKING.

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

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

ABSENT: Councilmember Saliga

Council President Steinman: 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 Combined Meeting on Monday, August 13, 2012 at 7 p.m.

O-22-12

City Clerk Jotz read AN ORDINANCE AMENDING CHAPTER 141, "ANIMALS" ARTICLE II, "LIMITING NUMBER OF DOMESTIC ANIMALS" OF THE REVISED GENERAL ORDINANCES OF THE CITY OF RAHWAY TO ENFORCEMENT OF FEEDING OF STRAY ANIMALS ON PRIVATE OR PUBLIC PROPERTY.

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

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

ABSENT: Councilmember Saliga

Council President Steinman: 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 Combined Meeting on Monday, August 13, 2012 at 7 p.m.

O-23-12

City Clerk Jotz read AN ORDINANCE AMENDING CHAPTER 327, "RECREATIONAL AREAS" OF THE REVISED GENERAL ORDINANCES OF THE CITY OF RAHWAY TO INCLUDE REGULATIONS FOR THE RAHWAY RECREATION CENTER AND USE OF HART STREET PARK.

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

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

ABSENT: Councilmember Saliga

Council President Steinman: 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 Combined Meeting on Monday, August 13, 2012 at 7 p.m.

10. RESOLUTIONS

- *AR-165-12** 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 Wenson Maier.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

- *AR-166-12** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF VETERAN DEDUCTION FOR C/Y 2012.

The motion was seconded by Councilmember Mione.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

- *AR-167-12** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Baker.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

***AR-168-12** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Baker.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

***AR-169-12** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Baker.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

***AR-170-12** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Baker.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

- *AR-171-12** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Baker.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

Council President Steinman removed AR-172-12 from the agenda.

- *AR-173-12** Councilmember Rachlin presented and moved A RESOLUTION AUTHORIZING THE RETURN OF PERFORMANCE BOND AND FINAL PAYMENT FOR THE “2011 ROADWAY RESURFACING PROJECT” TO P&A CONSTRUCTION, INC.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

- *AR-174-12** Councilmember Cox presented and A RESOLUTION RATIFYING THE AWARD OF AN EMERGENCY CONTRACT TO TOM KRUTIS EXCAVATING, INC. FOR STORM SEWER REPAIRS PURSUANT TO N.J.S.A. 40A:11-6.

The motion was seconded by Councilmember Scaturro.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

***AR-175-12** Councilmember Scaturo presented and moved A RESOLUTION RATIFYING THE AWARD OF AN EMERGENCY CONTRACT TO TOM KRUTIS EXCAVATING, INC. FOR PHASE 2 OF SANITARY SEWER REPAIRS NEAR TENNEYKE PLACE PURSUANT TO N.J.S.A. 40A:11-6.

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

***AR-176-12** Councilmember Brown presented and moved A RESOLUTION RATIFYING THE AWARD OF AN EMERGENCY CONTRACT TO TOM KRUTIS EXCAVATING, INC. FOR PHASE 1 OF SANITARY SEWER REPAIRS NEAR TENNEYKE PLACE PURSUANT TO N.J.S.A. 40A:11-6.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

***AR-177-12** Councilmember Mione presented and moved A RESOLUTION RATIFYING THE AWARD OF AN EMERGENCY CONTRACT TO TOM KRUTIS EXCAVATING, INC. FOR SANITARY SEWER REPAIRS PURSUANT TO N.J.S.A. 40A:11-6.

The motion was seconded by Councilmember Baker.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

- *AR-178-12** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS.

The motion was seconded by Councilmember Rachlin.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

- *AR-179-12** Councilmember Rachlin presented and moved A RESOLUTION CREATING AN EMERGENCY APPROPRIATION AS PER N.J.S.A. 40A:4-46.

The motion was seconded by Councilmember Mione.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

- *AR-180-12** Councilmember Cox presented and moved A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF RAHWAY FOR THE PURPOSE OF GIVING APPROVAL FOR THE FILING OF A GRANT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY FOR AN "ASSISTANCE TO FIREFIGHTERS GRANT" TO PURCHASE A NEW PUMPER ENGINE FOR THE RAHWAY FIRE DEPARTMENT.

The motion was seconded by Councilmember Scaturro.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

- *AR-181-12** Councilmember Scaturo presented and moved A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF RAHWAY FOR THE PURPOSE OF GIVING APPROVAL FOR THE FILING OF A GRANT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY FOR AN “ASSISTANCE TO FIREFIGHTERS GRANT” TO PURCHASE TWO NEW INFLATABLE BOATS FOR THE RAHWAY FIRE DEPARTMENT.

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

- *AR-182-12** Councilmember Wenson Maier presented and moved A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RAHWAY TO AUTHORIZE A GRANT APPLICATION FOR A “HISTORY EDUCATION ARTS REACHING THOUSANDS” GRANT TO THE UNION COUNTY BOARD OF CHOSEN FREEHOLDERS.

The motion was seconded by Councilmember Baker.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

- *AR-183-12** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE RECEIPT OF AN OPEN SPACE RECREATION GRANT FOR THE DEVELOPMENT OF A BLUE ACRES PROJECT.

The motion was seconded by Councilmember Rachlin.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

- *AR-184-12** Councilmember Rachlin presented and moved A RESOLUTION AUTHORIZING REFUND OF POLICE ESCROW FEES.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

- *AR-185-12** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES.

The motion was seconded by Councilmember Scaturro.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

- *AR-186-12** Councilmember Steinman presented and moved A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE NEW JERSEY MOTOR VEHICLE COMMISSION.

The motion was seconded by Councilmember Mione.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

***AR-187-12** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE MAYOR AND CLERK OF THE CITY OF RAHWAY TO EXECUTE A COOPERATION AGREEMENT WITH THE COUNTY OF UNION TO MODIFY THE INTERLOCAL SERVICES AGREEMENT DATED JUNE 2011, AS AMENDED.

The motion was seconded by Councilmember Baker.

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.

11. Ordinances – Second Reading

O-19-12 Council President Steinman: 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 CITY OF RAHWAY ESTABLISHING RULES, REGULATIONS AND LICENSING REQUIREMENTS AND FEES FOR OUTDOOR SIDEWALK CAFES

BE IT ORDAINED, by the Municipal Council of the City of Rahway that it hereby establishes and adopts rules and regulations for outdoor sidewalk cafes in the City of Rahway.

BE IT FURTHER ORDAINED, that the City of Rahway hereby establishes licensing requirements and fees for outdoor sidewalk cafes as follows:

Section 1. Definitions; application; layout plan.

A. As used in this chapter, the following terms shall have the meanings indicated:

ADJACENT BUILDING

The building whose principal façade fronts on the sidewalk where the outdoor sidewalk café is or is proposed to be located.

OUTDOOR SIDEWALK CAFÉ OR CAFÉ

A restaurant (as defined herein) serving food to be consumed by the public at tables located within that more or less rectangular portion of the sidewalk which lies within the area bounded by the public street, the principal faced of the adjacent building and the imaginary perpendicular lies running from the outer

edge of such principal faced to the public street.

PERMITTED ZONE

The CBD Redevelopment Area; B-1 Neighborhood Business Zone; B-4 Service Business Zone; and B-5 Central Business Zone, all as defined in Chapter 195 of the Code of the City of Rahway; entitled “Zoning,” and all as shown on the Zoning Map of the City of Rahway.

PERSON

Any individual, partnership, corporation, association or other entity.

PRINCIPAL FAÇADE

That portion of the façade of a building which fronts on a public street.

RESTAURANT

An establishment actually located within the adjacent building, the primary activity of which is the preparation and serving of food for consumption by the public, on its premises, whether free or for cost, and where the food to be consumed is served to seated patrons by waiters or waitresses employed for that purpose on utensils of a permanent and durable material designed and capable of being reused; and shall include, by way of example, a restaurant, hotel, coffee shop, tearoom, dining room cafeteria, luncheonette, soda fountain, sandwich shop and the like (other than a “fast-food establishment,” as defined in Chapter 217 of the Code of the City of Rahway.)

SIDEWALK

The paved surface provided for the exclusive use of pedestrians and situated between and extending from any building to the curb of any street (excluding therefrom any unpaved area.)

B. Application; layout plan.

(1) The applicant shall file an application describing the layout plan and file the application with the Zoning Officer. The layout plan is to include:

(a) A description of the proposed design and location of the outdoor sidewalk cafe and all temporary structures, equipment and apparatus to be used in connection with its operation, including tables, chairs, planters, awnings, lighting and electrical outlets (if any).

(b) A statement of seating capacity of the proposed outdoor sidewalk cafe and of the existing restaurant actually operated by the applicant in the adjacent building.

(c) A diagram demonstrating that pedestrian traffic along the sidewalk upon which the outdoor sidewalk face is proposed to be located will in no way be impeded, and that the provisions of Section 8 shall be satisfied.

(d) A description of the proposed location of the outdoor sidewalk café

showing actual dimensions of the area to be utilized and the building, street and sidewalk upon which it fronts and on which it is to be located, including the area of frontage and distance from the façade to the curb.

(2) The Zoning Officer shall refer the layout plan to the Chief of Police, Fire Chief, Health Officer, Construction Official and Municipal Engineer for their review and recommendations for approval.

(3) The Zoning Officer shall review the application, layout plan and recommendations from City officials to whom the layout plan was referred and shall thereupon approve, disapprove or recommend modification of the layout plan within 15 business days following submission.

Section 2. Insurance Required.

A. No outdoor sidewalk cafe license shall be issued unless the licensee shall have first filed with the Zoning Officer a certificate of insurance, issued by a company duly authorized to transact business under the laws of the State of New Jersey, providing for the payment of not less than \$1,000,000 to satisfy all claims for damage by reason of bodily injuries to or the death of any person as a direct or indirect result of the operation of the outdoor sidewalk cafe or for injury to any person occurring on the premises occupied by such cafe, and further providing for the payment of not less than \$10,000 to satisfy all claims for property damage occurring as a direct or indirect result of the operation of such cafe.

B. The insurance policy shall provide that the insurance company shall notify the City of Rahway 30 days prior to cancellation or substantial change in coverage.

Section 3. Indemnification agreement required.

No outdoor sidewalk cafe license shall be issued unless the licensee shall have first executed and filed with the Zoning Officer an indemnification agreement, prepared by the Director of Law, pursuant to which the licensee, in further consideration of the issuance of the license, shall agree to forever defend, protect, indemnify and save harmless the City of Rahway, its officers, agents and employees from and against any and all claims, causes of action, injuries, losses, damages, expenses, fees and costs arising out of or which may arise out of the licensee's operation of such outdoor sidewalk cafe.

Section 4. Maintenance agreement required.

A. No outdoor sidewalk cafe license shall be issued unless the licensee shall have first executed and filed with the Zoning Officer a maintenance agreement, in a form to be prepared by the Director of Law, pursuant to which the licensee shall agree, at the option of the City, to either repair at its sole cost and expense any

damage caused to the sidewalk by the operation of the cafe or to reimburse the City in full for all costs and expenses incurred by it in making any such repairs.

B. The Zoning Officer may require a bond to be filed by the licensee in an amount to be fixed by the City.

Section 5. License fee.

The fee for an outdoor sidewalk cafe license shall be \$500 per season.

Section 6. Term of license; renewals.

All outdoor sidewalk cafe licensees shall be issued annually commencing January 1 and ending December 31 of the particular year. Licenses may be renewed annually by the filing of an application in accordance with the provisions of this chapter.

Section 7. Rules, regulations and specifications.

An outdoor sidewalk cafe authorized and operating pursuant to this chapter shall comply with all of the following rules and regulations and such others as may be adopted from time to time by the City Council of the City of Rahway.

A. The cafe shall be operated and maintained in accordance with the layout plan as finally approved.

B. No furniture, apparatus, decoration or appurtenance used in connection with the operation of the outdoor sidewalk cafe shall be located in such a way as to impede the safe and speedy ingress and egress to or from any building or structure.

C. No furniture, apparatus, decoration or appurtenance used in connection with the operation of the outdoor sidewalk cafe shall be located in such a way that less than six (6) feet of paved sidewalk remains for the exclusive use of pedestrians (the "required pedestrian passageway"), nor shall any such furniture, apparatus, decoration or appurtenance project or protrude into, on or above the required pedestrian passageway.

D. Service in the outdoor sidewalk cafe shall be provided by persons engaged or employed for that purpose and shall be furnished to seated patrons only.

E. The sidewalk area utilized for the cafe shall be kept clean and free of litter. Trash receptacles shall be provided as required and approved from time to time by the City.

F. Noise shall be kept at such a level as to comply in all respects with the provisions of the Code of the City of Rahway.

G. Outdoor sidewalk cafes shall be permitted to operate only within the permitted zones and shall not be operated later than 10:30 p.m. from Sunday to Thursday, and no later than 11:30 p.m. on Fridays, Saturdays and evenings prior to public holidays.

H. Within 30 minutes after the closing of the outdoor sidewalk cafe, the operator shall have all furniture, apparatus, decoration and appurtenances and any other items used in connection with the operation of such outdoor sidewalk cafe secured in a safe location.

I. The operator shall comply with all the requirements of N.J.A.C. 8:24-1 et seq. (also known as “Chapter XII of the New Jersey State Sanitary Code”) and N.J.S.A. 23:15-1 et seq.

J. The outdoor sidewalk cafe shall be actually operated and maintained by the same person who operates and maintains the related restaurant of which the cafe is a part and an extension.

K. The operator shall comply with all other ordinances of the City of Rahway.

L. The provisions of this ordinance shall be in addition to the requirements for outdoor dining areas under Chapter 421, Article V Supplementary Use Regulations.

Section 8. Alcoholic Beverages.

A. The sidewalk area upon which a outdoor sidewalk cafe has been authorized to operate pursuant to this chapter shall constitute premises duly licensed for the sale and consumption of alcoholic beverages; provided, however, that the related restaurant of which the cafe is a part and of which it is an extension is so licensed; and provided further, however, that specific approval has been obtained from the City of Rahway for the extension of the alcoholic beverage consumption license to the sidewalk area. Such approval shall be separate from, and must be obtained in addition to, the license to operate an outdoor sidewalk cafe pursuant to this chapter.

B. Patrons of an outdoor sidewalk cafe that does not have a liquor license to sell alcoholic beverages on the sidewalk area upon which the outdoor sidewalk cafe has been authorized to operate pursuant to this chapter may consume alcoholic beverages provided by such patron (BYOB).

Section 9. Notice of violation; failure to comply.

A. Upon a determination by an officer or an employee of the City of Rahway charged with the responsibility for enforcing the provisions of this chapter that a licensee has violated one or more of such provisions, such officer or employee shall give written notice to the licensee to correct such violation within 24 hours of the receipt of such notice by the licensee. In the event that the licensee fails or refuses to correct such violation within such period, the licensee's outdoor sidewalk cafe license shall thereupon and automatically be revoked.

B. Upon the revocation of such license, the licensee, upon written request, shall be entitled to a hearing before the City Council of the City of Rahway within 30 days of the date of its request.

Section 10. Violations and penalties.

Any person convicted of a violation of any of the provisions of this chapter shall be punished by a fine not exceeding \$500.00 for each violation. Each violation of a section or subsection of this chapter, and each day that a violation continued, shall constitute a separate offense.

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 Steinman 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.

No one appearing, Council President Steinman closed the Public Hearing.

Roll Call for O-19-12:

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

ABSENT: Councilmember Saliga

Council President Steinman: 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

Ann Parker 805 School St. # 1219

Spoke on planned artist housing on Central Avenue and said that the project needs more thought due to the number of churches in the neighborhood. Said that parking in the area is already outrageous.

Councilmember Wenson Maier said that she is aware of Mrs. Parker's concerns and is working on a solution.

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

14. COUNCIL COMMENT

Councilmember Cox: Thanked Mike Smalling and Public Works for their renovation of the basketball courts and new lights at Williams Field. Thanked the new firefighter and congratulated the high school students.

Councilmember Brown: Thanked Public Works for basketball court improvements at Madden and Brennan Fields. Said that Ira Presley and Michael McLeod are working on a youth mentor program. Said that there was a job fair on June 28 with the unions concerning the new senior housing under construction in the 5th Ward. Spoke on the death of the Rahway student and offered condolences to the Holley family.

Councilmember Baker: Thanked the youth of the high school SPIT Program.

Councilmember Wenson Maier: Offered condolences to the Holley family.

Councilmember Steinman: Spoke on salary issue. Said that there was no increase of Council salaries and that they are set by municipal ordinance; the Mayor underfunded the salaries in violation of State law. Said that the reduction of department director salaries has been a priority of this Council.

ADJOURNMENT

Motion to adjourn the meeting at 7:50 p.m. was made by Councilmember Scaturo and seconded by Councilmember Brown:

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

ABSENT: Councilmember Saliga

Council President Steinman declared the motion carried.