

MINUTES
PRE-MEETING CONFERENCE / REGULAR MEETING
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
JULY 11, 2011
7:00 P.M.

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

PRESENT: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

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 July 11, 2011 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 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**

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

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

4. **PRESENTATIONS**

Swearing-in of Police Lieutenant Andrew Tkach
Swearing-in of Police Sergeant William Sherrier
Swearing-in of Police Officer John Donofrio

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

6. REPORTS OF COUNCIL COMMITTEES

Councilman Mione, Veterans Central Committee: The James Mackie Post 499 will be holding a memorial service for the United States Colored Troops and Civil War veterans on July 16 at 10 a.m. at Rahway Cemetery. The procession will start at 9 a.m. from Post 499. On July 23 at 10:30 a.m., Harbienko Court will be dedicated. On August 6 at 10:30 a.m., Clifford Saladin Street will be dedicated.

6B. REVIEW AGENDA

The Councilmembers reviewed all Agenda items.

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

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

9. ORDINANCES - First Reading

O-22-11 City Clerk Jean 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 Mione, seconded by Councilmember Steinman and adopted by the following vote:

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President David 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 Combined Meeting on Monday, August 8, 2011 at 7 p.m.

O-23-11 City Clerk Jean Kuc read AN ORDINANCE AMENDING CHAPTER 152 “BRUSH, GRASS AND WEEDS” OF THE CODE OF THE CITY OF RAHWAY.

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

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President David 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 Combined Meeting on Monday, August 8, 2011 at 7 p.m.

O-24-11 City Clerk Jean Kuc read AN AN ORDINANCE AMENDING CHAPTER 337, “SEWERS AND SEWAGE DISPOSAL” ARTICLE XII, “ESTABLISHMENT; ORGANIZATION; USER FEES” SECTION 337-52 “RATES AND CHARGES” OF THE REVISED GENERAL ORDINANCES OF THE CITY OF RAHWAY TO PROVIDE A TIME FOR FILING AN APPEAL OF SEWER CHARGES.

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

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President David 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 Combined Meeting on Monday, August 8, 2011 at 7 p.m.

10. RESOLUTIONS

- *AR-173-11** Councilmember Rachlin presented and moved A RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS PURSUANT TO THE LOCAL PUBLIC CONTRACTS LAW N.J.S.A. 40A:11-4.1(k) FOR A RENEWABLE ENERGY PROGRAM.

The motion was seconded by Councilmember Scaturro.

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

- *AR-174-11** Councilmember Brown presented and moved A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO AMERICAN SOLAR CONSULTANTS, LLC FOR THE RENEWABLE ENERGY PROGRAM IN THE CITY OF RAHWAY.

The motion was seconded by Councilmember Cox.

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

- *AR-175-11** Councilmember Saliga presented and moved A RESOLUTION AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF IRVING STREET, WEST MAIN STREET & ELIZABETH AVENUE.

The motion was seconded by Councilmember Mione.

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

- *AR-176-11** Councilmember Steinman presented and moved A RESOLUTION AUTHORIZING PARTICIPATION OF THE CITY OF RAHWAY IN THE “GREENING UNION COUNTY” GRANT PROGRAM.

The motion was seconded by Councilmember Brown.

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

- *AR-177-11** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS.

The motion was seconded by Councilmember Mione.

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

- *AR-178-11** Councilmember Saliga presented and moved A RESOLUTION AUTHORIZING THE FILING OF LIENS AGAINST CERTAIN PROPERTIES TO RECOVER CLEANUP COSTS INCURRED BY THE CITY IN ACCORDANCE WITH THE PROVISIONS OF SECTION 151-4 OF THE CODE OF THE CITY OF RAHWAY AND N.J.S.A. 40:48-2.14.

The motion was seconded by Councilmember Steinman.

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

- *AR-179-11** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF WIDOW OF A VETERAN DEDUCTION FOR THE 2010 CALENDAR YEAR AND F/Y 2011.

The motion was seconded by Councilmember Cox.

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

- *AR-180-11** Councilmember Scaturro presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2011 FISCAL YEAR.

The motion was seconded by Councilmember Mione.

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

- *AR-181-11** Councilmember Saliga presented and A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Brown.

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

- *AR-182-11** Councilmember Saliga presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Brown.

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

- *AR-183-11** Councilmember Saliga presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Brown.

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

- *AR-184-11** Councilmember Saliga presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Brown.

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

- *AR-185-11** Councilmember Saliga presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Brown.

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

- AR-186-11** Councilmember Scaturro 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: Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSTAIN: Cox

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

- *AR-187-11** Councilmember Brown presented and moved A RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF RAHWAY AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH MERCK & CO., INC. TO PERMIT THE INSTALLATION OF ADDITIONAL GROUNDWATER MONITORING WELLS ON CITY PROPERTY.

The motion was seconded by Councilmember Steinman.

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

- *AR-188-11** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES.

The motion was seconded by Councilmember Rachlin.

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

- *AR-189-11** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE A COOPERATION AGREEMENT WITH THE COUNTY OF UNION FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES.

The motion was seconded by Councilmember Saliga.

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

- *AR-190-11** Councilmember Rachlin presented and moved A RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK OF THE CITY OF RAHWAY TO EXECUTE AN AGREEMENT WITH THE COUNTY OF UNION TO MODIFY THE INTERLOCAL SERVICES AGREEMENT DATED JUNE 2011.

The motion was seconded by Councilmember Cox.

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

- *AR-191-11** Councilmember Saliga presented and moved A RESOLUTION AUTHORIZING THE RELEASE OF ANY ESCROW MONIES OR INSPECTION FEE FUNDS TO VITOR SOARES, FOR 521 WEST HAZELWOOD AVENUE, BLOCK 108, LOTS 1 & 15, BENJFILE NO. 090055.

The motion was seconded by Councilmember Steinman.

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

- *AR-192-11** Councilmember Steinman presented and moved A RESOLUTION AUTHORIZING THE RETURN OF PERFORMANCE BOND AND FINAL PAYMENT FOR THE “MADDEN FIELD HOUSE RENOVATION PROJECT” TO K & D CONTRACTORS, LLC.

The motion was seconded by Councilmember Brown.

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

- *AR-193-11** Councilmember Mione presented and moved A RESOLUTION OPPOSING SENATE BILL NO. 1351.

The motion was seconded by Councilmember Cox.

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

11. Ordinances – Second Reading

O-19-11 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 CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC)

BE IT ORDAINED BY THE MAYOR AND THE MUNICIPAL COUNCIL OF THE CITY OF RAHWAY, THE FOLLOWING CHAPTER BE AMENDED AS FOLLOWS:

401-62 Schedule IV: Prohibited Turns at Intersections

<i>Name of Street</i>	<i>Turn Prohibited</i>	<i>Time</i>	<i>Location</i>
Route NJ 27 & Harrison St.	Left	Between 7am-7pm	From westbound on Harrison St To southbound onto Route NJ 27

ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED.

THIS ORDINANCE SHALL TAKE EFFECT UPON FINAL PASSAGE AND PUBLICATION AS PROVIDED 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.

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

Roll Call for O-19-11:

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

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-20-11 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 199
“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 199, “FEES”, of the Code of the City of Rahway be and is hereby amended and supplemented to add Section 10 as follows:

§ 199-10 Redemption and Discharge of Tax Sale Certificates:

Upon redemption of a Tax Sale Certificate, the Tax Collector shall send the certificate to the Union County Clerk for cancellation of record. The County shall impose a charge of Thirty Dollars (\$30.00) to handle, process and mail the cancelled certificates. The Tax Collector shall collect the charge for each Tax Sale Certificate redeemed.

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-20-11:

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

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-21-11 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 CHAPTER 401 OF THE CODE OF THE
CITY OF RAHWAY (VEHICLES AND TRAFFIC) - HANDICAPPED
PARKING**

**BE IT ORDAINED BY THE MAYOR AND THE MUNICIPAL COUNCIL
OF THE CITY OF RAHWAY, THE FOLLOWING CHAPTER BE
AMENDED AS FOLLOWS:**

401-79 Schedule XXI: Handicapped Parking

Add:

In front of 45 W. Albert St.

North Side - beginning at a point 46 feet West of Broad St. extending to a point 22 feet West thereof.

**ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT
WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY
REPEALED.**

**THIS ORDINANCE SHALL TAKE EFFECT UPON FINAL PASSAGE
AND PUBLICATION AS PROVIDED 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-21-11:

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

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

Block Party – Doris Jones, 944 Thorn Street, July 29, 3-10 p.m.

Motion made by Councilmember Brown, seconded by Councilmember Rachlin, to accept and grant the above permit.

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.

13. COMMUNICATIONS - Hearing of Citizens

Daniel Marchica	308 W. Lincoln Avenue
Randall Peterson	940 Thorn Street
Irwin Kriesberg	439 Elm Avenue

All spoke on the reduction in manpower in the Fire Department.

Will Krawec 430 W. Grand Avenue
Spoke on problems with Patria.

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

14. COUNCIL & MAYOR COMMENT

Mayor Proctor: Commented on the reduction in the Fire Department.

Councilmember Steinman: Thanked the Firefighters for coming to the meeting. Urged them to sit down with the administration and to try to work everything out. Commented on Patria and Police. Commended the Police Chief and Police for doing their job.

Councilmember Rachlin: Echoed concerns of Councilmember Steinman.

Councilmember Scaturro: Said that the union and administration should sit down and work things out.

Councilmember Cox: Said he hopes that everything can be worked out with the Fire Department. Commented on the promotions and new hire in the Police Department.

Councilmember Brown: Said he appreciated the Fire Department coming over to speak with the Council. Said that the Union needs to keep an open mind and go back to the table. Reminded everyone about the Mackie Post July 16 event and National Night Out on August 4.

ADJOURNMENT

Motion to adjourn the meeting at 8:30 p.m. was made by Councilmember Scaturro and seconded by Councilmember Mione:

YES: Cox, Mione, Rachlin, Saliga, Scaturro, Steinman, Brown

ABSENT: Baker, Wenson Maier

Council President Brown declared the motion carried.