

MINUTES
PRE-MEETING CONFERENCE / REGULAR MEETING
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
AUGUST 8, 2011
7 P.M.

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

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

Deputy 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 August 8, 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 Mione and seconded by Councilmember Cox to accept and approve the above listed minutes.

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

ABSTAIN: Baker

Council President Brown declared the motion carried.

4. **PRESENTATIONS**

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

6. **REPORTS OF COUNCIL COMMITTEES**

Councilman Mione, Veterans Central Committee: During the past three weeks, two streets were dedicated: Harbienko Court and Clifford Saladin Street. Thanked Police Auxiliary for traffic help and the Fire Department, especially Rick Fleischman, for the bagpipe.

6B. REVIEW AGENDA

The Councilmembers reviewed all Agenda items.

The Council unanimously agreed to amend O-28-11 as follows:

Remove lines: *16M Executive Secretary to the Mayor* \$ 45,000 - \$ 55,000
Chief of Staff to the Mayor – part-time \$ 45,000

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

Daniel Marchica	308 W. Lincoln Ave.	O-28-11
Randall Petersen	940 Thorn St.	O-28-11

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

8. CONSENT AGENDA

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

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

Council President Brown declared the motion carried.

9. ORDINANCES - First Reading

O-25-11 Deputy City Clerk Jeffrey Jotz read AN ORDINANCE AMENDING CHAPTER 311 “PEDDLING, SOLICITING AND VENDING” ARTICLE IV “STREET VENDORS” SECTION 32 “HOURS LIMITED; 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 Scaturro and adopted by the following vote:

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

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 Regular Meeting on Monday, September 12, 2011 at 7 p.m.

O-26-11 Deputy City Clerk Jeffrey Jotz read AN ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF RAHWAY AMENDING THE LOWER MAIN STREET URBAN RENEWAL PLAN PURSUANT TO N.J.S.A. 40A:12A-7.

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

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

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 Regular Meeting on Monday, September 12, 2011 at 7 p.m.

O-27-11 Deputy City Clerk Jeffrey Jotz read AN ORDINANCE AMENDING CHAPTER 209, "FIRE PREVENTION" OF THE REVISED GENERAL ORDINANCES OF THE CITY OF RAHWAY TO CEDE INSPECTIONS FOR LIFE HAZARD USE PROVISIONS OF THE NEW JERSEY UNIFORM FIRE CODE TO THE STATE OF NEW JERSEY AND TO TRANSFER RESPONSIBILITY FOR NON-LIFE HAZARD USE INSPECTIONS FROM THE FIRE DEPARTMENT TO THE DEPARTMENT OF BUILDING PLANNING AND ECONOMIC DEVELOPMENT.

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

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

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 Regular Meeting on Monday, September 12, 2011 at 7 p.m.

O-28-11 Deputy City Clerk Jeffrey Jotz read AN ORDINANCE ESTABLISHING MANAGEMENT POSITIONS IN THE CITY OF RAHWAY AND PROVIDING FOR COMPENSATION FOR MANAGEMENT EMPLOYEES OF THE CITY OF RAHWAY, NEW JERSEY AND AMENDING ALL ORDINANCES CONCERNING SUCH COMPENSATION HERETOFORE ADOPTED.

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

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

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 Regular Meeting on Monday, September 12, 2011 at 7 p.m.

10. RESOLUTIONS

***AR-194-11** Councilmember Baker presented and moved A RESOLUTION DECLARING SEPTEMBER 11, 2011 A DAY OF SERVICE & REMEMBRANCE IN THE CITY OF RAHWAY.

The motion was seconded by the Entire Council.

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

Council President Brown declared the motion carried.

***AR-195-11** Councilmember Brown presented and moved A RESOLUTION REMEMBERING MANETTE MARIE BECKLES, MARK STEVEN CARNEY AND TYRONE MAY.

The motion was seconded by Councilmember Cox.

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

Council President Brown declared the motion carried.

- *AR-196-11** Councilmember Baker presented and moved A RESOLUTION COMMENDING ANDREW J. BRYANT.

The motion was seconded by the Entire Council.

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

Council President Brown declared the motion carried.

- *AR-197-11** Councilmember Steinman presented and moved A RESOLUTION AMENDING AR-95-11, "A RESOLUTION AUTHORIZING THE CREATION OF A WARD COMMISSION."

The motion was seconded by Councilmember Scaturro.

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

Council President Brown declared the motion carried.

- *AR-198-11** Councilmember Rachlin presented and moved A RESOLUTION AUTHORIZING A CHANGE IN CUSTODIAN OF PETTY CASH FUND FOR THE DEPARTMENT OF PUBLIC WORKS.

The motion was seconded by Councilmember Brown.

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

Council President Brown declared the motion carried.

- *AR-199-11** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE UNION COUNTY DEPARTMENT OF HUMAN SERVICES FOR THE MUNICIPAL ALLIANCE GRANT FOR THE PERIOD OF JANUARY 1, 2012 TO DECEMBER 31, 2012.

The motion was seconded by Councilmember Saliga.

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

Council President Brown declared the motion carried.

- *AR-200-11** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS

The motion was seconded by Councilmember Cox.

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

Council President Brown declared the motion carried.

- *AR-201-11** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES DUE TO A JUDGMENT OF THE TAX COURT OF NEW JERSEY DOCKET NO. 002793-2006 FOR THE 2006 TAX YEAR

The motion was seconded by Councilmember Saliga.

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

Council President Brown declared the motion carried.

- *AR-202-11** Councilmember Wenson Maier presented and A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Saliga.

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

Council President Brown declared the motion carried.

- *AR-203-11** Councilmember Wenson Maier presented and A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Saliga.

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

Council President Brown declared the motion carried.

- *AR-204-11** Councilmember Wenson Maier presented and A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Saliga.

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

Council President Brown declared the motion carried.

- *AR-205-11** Councilmember Wenson Maier presented and A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Saliga.

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

Council President Brown declared the motion carried.

- *AR-206-11** Councilmember Saliga presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2011 FISCAL YEAR.

The motion was seconded by Councilmember Scaturro.

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

Council President Brown declared the motion carried.

- *AR-207-11** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE REFUND OF A BUILDING DEPARTMENT PERMIT FEE TO ROBERT COTTE.

The motion was seconded by Councilmember Rachlin.

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

Council President Brown declared the motion carried.

***AR-208-11** Councilmember Steinman presented and moved A RESOLUTION AUTHORIZING THE COMBINATION OF SEVERAL BOND ORDINANCES FOR VARIOUS SEWER UTILITY IMPROVEMENTS AND WATER UTILITY IMPROVEMENTS, AND AUTHORIZING THE COMBINED SALE AND ISSUANCE OF WATER UTILITY BOND ANTICIPATION NOTES, SERIES 2011, SEWER UTILITY BOND ANTICIPATION NOTES, SERIES 2011A, AND REFUNDING NOTES, SERIES 2011, IN AN AGGREGATE AMOUNT NOT TO EXCEED \$3,775,000 OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, NEW JERSEY.

The motion was seconded by Councilmember Cox.

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

Council President Brown declared the motion carried.

***AR-209-11** Councilmember Scaturro presented and moved A RESOLUTION AWARDDING THE ACCEPTANCE OF BID FOR THE PROJECT ENTITLED "2011 ROADWAY RESURFACING PROJECT" FOR THE CITY OF RAHWAY TO P & A CONSTRUCTION, INC.

The motion was seconded by Councilmember Mione.

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

Council President Brown declared the motion carried.

***AR-210-11** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL OF THE CITY OF RAHWAY TO APPLY FOR THE UNION COUNTY KIDS RECREATION TRUST FUND GRANT AND ENTER INTO A CONTRACT THERETO.

The motion was seconded by Councilmember Saliga.

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

Council President Brown declared the motion carried.

***AR-211-11** 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 TRUCK FOR THE RAHWAY FIRE DEPARTMENT.

The motion was seconded by Councilmember Baker.

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

Council President Brown declared the motion carried.

***AR-212-11** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT TO AMERICAN SOLAR CONSULTANTS, LLC FOR THE RENEWABLE ENERGY PROGRAM IN THE CITY OF RAHWAY.

The motion was seconded by Councilmember Baker.

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

Council President Brown declared the motion carried.

11. Ordinances – Second Reading

O-22-11 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 1065 Jaques Ave.

East Side - beginning at a point 65 feet South of the intersection of Maple Ave extending to a point 22 feet South 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.

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

Roll Call for O-22-11:

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

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-23-11

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 152 “BRUSH, GRASS AND
WEEDS” 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 152, “BRUSH, GRASS AND WEEDS”, of the Code of the City of Rahway be and is hereby amended as follows:

§ 152-2 Prohibited Conditions:

Premises shall be kept landscaped, and lawns, hedges and bushes shall be kept from becoming overgrown. The exterior of premises shall be maintained so that the appearance thereof shall reflect the level of maintenance keeping with the standards of the neighborhood or such higher standards as may be adopted by the City of Rahway and such that an appearance thereof shall not constitute a blighting effect upon neighboring properties with an accompanying diminution in property values. Prohibited conditions include grass in excess of 12 inches in height, weeds, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris, the existence or maintenance of which shall be against the public health, security, and general welfare of the people of the city or the existence and maintenance of which shall create or tend to create a fire hazard.

§ 152-4 Work performed by city; reimbursement of costs:

In all cases where bushes, brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris are removed from any lands by or under the direction of the Health Officer, such officer shall certify the amount of the cost thereof to the Council, which shall examine the certificate and, if found correct, shall pass a resolution certifying the amount and authorizing said amount to be charged against said lands. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

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-23-11:

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

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-24-11

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 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

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 “Rates and Charges” of the Code of the City of Rahway be and is hereby amended and supplemented to read as follows:

SECTION I. Article XII, Section 337-52, Section H. “Appeals”, is hereby amended by the addition of the following language at the end of the last sentence:

Such appeal for residential users shall be no later than thirty (30) days after the end of the applicable billing quarter or receipt of the quarterly bill, whichever is later. Such appeal for all other users, including but not limited to commercial, industrial, not-for-profit and apartment users shall be no later than thirty (30) days after the month billed or receipt of the monthly bill, whichever is later.

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 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-24-11:

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

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

Frank Ruggiero 1 City Hall Plaza
Informed Council that quarterly property tax payments can now be made online via credit card and e-check.

August Bryant 576 E. Grand Ave.
Spoke on 2% property tax cap and his quarterly tax bill.

Scott Caffee 756 W. Scott Ave.
Spoke on property tax bill and salaries

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

14. COUNCIL & MAYOR COMMENT

Councilmember Wenson Maier: Said she received a call from constituents concerning parking, public urination and littering at the Latin Festival. Suggested more port-a-johns and police officers and that the event be publicized locally. Also requested additional coordination with congregations in the area.

Councilmember Cox: Challenged statements by citizens made at meeting concerning the condition of the City.

Councilmember Mione: Reminded everyone about the September 11 ceremonies at the Fire Headquarters and Agape Church.

Councilmember Baker: Challenged statement made by citizens concerning the condition of the City. Said that Rahway has made a turnaround.

Councilmember Steinman: Urged citizens to contact the Business Administrator concerning their taxes and other issues. Said that when the budget is presented to the Council, requested that the two positions removed from the salary ordinance are not included in the budget.

Mayor Proctor: Said that he agreed with Business Administrator concerning the condition of downtown. Said that he met with the Police, OEM and Rahway Center Partnership to discuss problems with the Latin Festival. Commented that the City was taken aback by the size of the festival but the lack of major problems are a testimony to the event. Said he looks forward to working with the Business Administrator to hire additional firefighters.

Councilmember Brown: Pointed out ward Councilmembers to citizens who spoke at the meeting. Said that Latin Festival was a huge affair but the City did a good job. Promised to work together to sold problems. Said that goose problem on Main Street will be addressed by the Department of Public Works. Commended DPW for street sweeping.

ADJOURNMENT

Motion to adjourn the meeting at 8:16 p.m. was made by Councilmember Mione and seconded by Councilmember Cox:

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

Council President Brown declared the motion carried.