

MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
SEPTEMBER 12, 2011
7 P.M.

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

PRESENT: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Steinman, Wenson Maier

ABSENT: Councilmembers Brown, Scaturro

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 September 12, 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

Council President Brown arrived at 7:05 p.m.

In the absence of a member of the Clergy, Councilmember Mione offered an invocation.

3. APPROVAL OF MINUTES

August 8, 2011 7 p.m. Combined Council Meeting

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

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

4. PRESENTATIONS

Mayor Proctor presented PAL Baseball with Proclamations.
Commend Andrew J. Bryant

Motion was made by Councilmember Mione and seconded by Councilmember Saliga to place AR-247-11 on the Agenda.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

Motion was made by Councilmember Steinman and seconded by Councilmember Brown to place AR-248-11 on the Agenda.

YES: Councilmembers Baker, Brown

NO: Councilmembers Cox, Rachlin, Saliga, Steinman, Wenson Maier

ABSENT: Councilmember Scaturro

Council President Brown declared the motion defeated.

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

6. REPORTS OF COUNCIL COMMITTEES

Councilman Mione, Veterans Central Committee: POW/MIA Remembrance Day will be on September 16 with a program at the Union County Courthouse at 11:30 a.m.

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

Patrick Cassio 1971 Barnett Street O-30-11

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

8. CONSENT AGENDA

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

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

9. ORDINANCES - First Reading

O-29-11 City Clerk Jean D. Kuc read AN ORDINANCE OF THE CITY OF RAHWAY, COUNTY OF UNION, NEW JERSEY, AUTHORIZING THE MAYOR AND CITY CLERK PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. TO EXECUTE A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF RAHWAY AND MERIDIA, WATER'S EDGE URBAN RENEWAL, RAHWAY, LLC FOR PROPERTY LOCATED ON LOT 5.04 IN BLOCK 305 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF RAHWAY AND LOCATED IN THE LOWER MAIN STREET URBAN RENEWAL AREA.

Councilmember Steinman made a motion to table O-29-11 to the October 11, 2011 Regular Meeting.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

O-30-11 City Clerk Jean D. Kuc read AN ORDINANCE AMENDING CHAPTER 411 OF THE CODE OF THE CITY OF RAHWAY ("WATER").

Councilmember Steinman made a motion to table O-30-11 to the October 11, 2011 Regular Meeting.

The motion was seconded by Councilmember Wenson Maier.

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Wenson Maier, Brown

NO: Councilmember Steinman

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

10. RESOLUTIONS

- *AR-213-11** Councilmember Brown presented and moved A RESOLUTION COMMENDING CITY OF RAHWAY EMPLOYEES FOR THEIR PERFORMANCE FOLLOWING HURRICANE IRENE.

The motion was seconded by the Entire Council.

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

ABSENT: Councilmember Scaturo

Council President Brown declared the motion carried.

- *AR-214-11** 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 A NEW PUMPER ENGINE FOR THE RAHWAY FIRE DEPARTMENT.

The motion was seconded by Councilmember Rachlin.

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

ABSENT: Councilmember Scaturo

Council President Brown declared the motion carried.

- *AR-215-11** Councilmember Baker 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 Steinman.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

- *AR-216-11** Councilmember Rachlin presented and moved A RESOLUTION REQUESTING THE COUNTY OF UNION REPLACE THE TRAFFIC CONTROL SIGNAL AT WEST GRAND AND ELIZABETH AVENUES.

The motion was seconded by Councilmember Steinman.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

- *AR-217-11** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS.

The motion was seconded by Councilmember Steinman.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

- *AR-218-11** Councilmember Brown presented and moved A RESOLUTION FOR APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR VARIOUS STREETS- 2012 – RAHWAY.

The motion was seconded by Councilmember Baker.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

- AR-219-11** Councilmember Steinman presented and moved A RESOLUTION INTRODUCING THE CITY OF RAHWAY TY 2011 SPECIAL IMPROVEMENT DISTRICT (RAHWAY ARTS DISTRICT) BUDGET.

The motion was seconded by Councilmember Brown.

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

ABSTAIN: Councilmember Steinman

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

- *AR-220-11** Councilmember Rachlin presented and moved A RESOLUTION AUTHORIZING THE RETURN OF RIGHT OF WAY CONSTRUCTION BOND FEE TO ELAINE J. DOEMAN-ARRINGTON FOR PERMIT# 07-10-294 DATED 07/06/10 FOR NEW SEWER SIDEWALK, APRON AND CURB.

The motion was seconded by Councilmember Baker.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

***AR-221-11** Councilmember Steinman presented and moved A RESOLUTION AUTHORIZING THE RELEASE OF RIGHT OF WAY CONSTRUCTION BOND FEE TO REDDY REALTY ASSOCIATES FOR PERMIT# 10-09-140 DATED 10/05/09 FOR NEW SEWER LINE.

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

***AR-222-11** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE REFUND OF RIGHT OF WAY CONSTRUCTION PERMIT FEE AND BOND FEE TO JEAN THEODORE AT 1186 JAQUES AVENUE FOR NEW DEPRESSED CURB.

The motion was seconded by Councilmember Baker.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

***AR-223-11** Councilmember Rachlin presented and moved A RESOLUTION AUTHORIZING THE REFUND OF RIGHT-OF-WAY CONSTRUCTION BOND TO RAFAEL ORTIZ FOR PERMIT #04-09-052 DATED 04/16/09 AND PERMIT #08-09-109 DATED 8/24/09 FOR DRIVEWAY APRON, CURB AND SIDEWALK AND NEW SEWER LINE AT 291-301 WEST GRAND AVENUE.

The motion was seconded by Councilmember Scaturro.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

- *AR-224-11** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BONDS AND INSPECTION FEES TO RAHWAY INDUSTRIAL SITES, INC., 970-4 NEW BRUNSWICK AVENUE, BLOCK 282, LOT 1.01, BLOCK 309, LOT 35, BLOCK 283, LOT 4, BLOCK 284, LOT 15.

The motion was seconded by Councilmember Steinman.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

- *AR-225-11** Councilmember Rachlin presented and moved A RESOLUTION AUTHORIZING THE WAIVER OF PERFORMANCE BOND TO MERCK, SHARP & DOHME CORP. FOR EAST SCOTT AVENUE & 126 EAST LINCOLN AVE, BLOCK 396, LOT 1.

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

- *AR-226-11** Councilmember Scaturro presented and moved A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES.

The motion was seconded by Councilmember Steinman.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

- *AR-227-11** Councilmember Mione presented and moved A RESOLUTION PROCLAIMING SEPTEMBER 16, 2011 AS POW/MIA REMEMBRANCE DAY.

The motion was seconded by the Entire Council.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

- *AR-228-11** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2009 FISCAL YEAR.

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

- *AR-229-11** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2011 FISCAL YEAR.

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

***AR-230-11** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2011 TRANSITIONAL YEAR.

The motion was seconded by Councilmember Brown.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

***AR-231-11** Councilmember Steinman 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, Cox, Mione, Rachlin, Saliga, Steinman, Wenson
Maier, Brown

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

***AR-232-11** Councilmember Steinman 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, Cox, Mione, Rachlin, Saliga, Steinman, Wenson
Maier, Brown

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

***AR-233-11** Councilmember Steinman 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, Cox, Mione, Rachlin, Saliga, Steinman, Wenson
Maier, Brown

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

***AR-234-11** Councilmember Steinman 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, Cox, Mione, Rachlin, Saliga, Steinman, Wenson
Maier, Brown

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

***AR-235-11** Councilmember Steinman 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, Cox, Mione, Rachlin, Saliga, Steinman, Wenson
Maier, Brown

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

- *AR-236-11** Councilmember Steinman 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, Cox, Mione, Rachlin, Saliga, Steinman, Wenson Maier, Brown

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

- *AR-237-11** Councilmember Mione presented and moved A RESOLUTION OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, NEW JERSEY, AUTHORIZING THE CANCELLATION OF GRANT BALANCES WHICH REMAIN ON THE FINANCIAL RECORDS OF THE CITY AND WHICH ARE BEING MAINTAINED BY THE RAHWAY REDEVELOPMENT AGENCY.

The motion was seconded by Councilmember Rachlin.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

- *AR-238-11** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE TRANSFER OF SFY 2011 BUDGET APPROPRIATION RESERVES.

The motion was seconded by Councilmember Scaturro.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

- *AR-239-11** Councilmember Steinman presented and moved A RESOLUTION APPOINTING A MEMBER TO THE RAHWAY PARKING AUTHORITY (FRANK BIANCO).

The motion was seconded by Councilmember Baker.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

- *AR-240-11** Councilmember Brown presented and moved A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF A MEMBER TO THE RAHWAY REDEVELOPMENT AGENCY (PAUL SEFRANKA).

The motion was seconded by Councilmember Rachlin.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

- *AR-241-11** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE COUNTY OF UNION FOR MUTUAL AID FOLLOWING HURRICANE IRENE.

The motion was seconded by the Entire Council.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

***AR-242-11** Councilmember Steinman presented and moved A RESOLUTION INTRODUCING THE TY 2011 MUNICIPAL BUDGET.

The motion was seconded by Councilmember Rachlin.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

***AR-243-11** Councilmember Baker 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 Steinman.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

AR-244-11 Councilmember Brown presented and moved A RESOLUTION RATIFYING THE AWARD OF AN EMERGENCY CONTRACT FOR THE REPAIR OF ESSEX STREET PURSUANT TO N.J.S.A. 40A:11-6.

The motion was seconded by Councilmember Rachlin.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

AR-245-11 Councilmember Steinman presented and moved A RESOLUTION REQUESTING THAT THE DEPARTMENTS OF COMMUNITY AFFAIRS AND HEALTH AND SENIOR SERVICES INVESTIGATE THE FAILURE OF THE MAYOR TO TIMELY HIRE A FULL TIME HEALTH OFFICER.

The motion was seconded by Councilmember Rachlin.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

AR-247-11 Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE REFUND OF RIGHT OF WAY CONSTRUCTION PERMIT FEE AND BOND FEE TO ANTONIO MARTINEZ AT 575 TENNEYKE PLACE FOR ROADWAY OPENING.

The motion was seconded by Councilmember Saliga.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

11. Ordinances – Second Reading

O-25-11 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 311 “PEDDLING,
SOLICITING AND VENDING” ARTICLE IV “STREET VENDORS”
SECTION 32 “HOURS LIMITED; 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 311, "PEDDLING, SOLICITING AND VENDING", Article IV "Street Vendors" Section 32 "Hours limited; Fees" of the Code of the City of Rahway be and is hereby amended as follows:

§ 311-32 Hours limited; fees:

A. No person shall appear upon any public street within the City from 9:00 p.m. to 8:00 a.m. of the following day for the purpose of or during the process of soliciting a sale or sales or any business, or of displaying food, goods, merchandise or any article whatsoever, or of offering to sell or selling the same to any person.

B. All vendors shall, before offering any goods, wares or merchandise for sale, pay to the City Clerk the sum of \$10 for each anticipated day that vendor intends to offer goods, wares or merchandise for sale on the public streets of the City. Upon payment of such amount and submission of an application, said vendor will receive a license from the City Clerk for said period of days.

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-25-11:

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

ABSENT: Councilmember Scaturro

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-26-11** 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 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**

BE IT ORDAINED by the Municipal Council of the City of Rahway that the Lower Main Street Urban Renewal Plan adopted on May 9, 1961, last amended on August 13, 2001, pursuant to Ordinance O-38-01, is hereby amended as follows:

1. The Land Use Plan on Page 2 is amended to delete Section C.2. in its entirety and to replace the same with "Mixed-Use Requirements as stated in Section 195-21, M-X/Mixed Use Zone of the Zoning Ordinance of the City of Rahway, except that mid-rise apartments shall be a permitted use on Block 305, Lot 5.04 in accordance with the following requirements:

Minimum lot area: thirty thousand (30,000) square feet

Minimum lot width: seventy-five (75) feet

Minimum lot depth: two hundred (200) feet

Minimum building and parking setbacks: none required

Maximum residential density: one hundred forty-three (143) units per acre

Maximum building height: five (5) stories, including one (1) parking level/eighty (80) feet

Maximum building coverage: one hundred (100) percent

Minimum number of parking spaces: one (1) per dwelling unit

BE IT FURTHER ORDAINED, that the amendments to the Lower Main Street Urban Renewal Plan are being adopted in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect twenty (20) days after publication in accordance with applicable law.

Councilmember Steinman made a motion to table O-26-11 to the October 11, 2011 Regular Meeting or until such time that the Planning Board has amended the ordinance.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.

O-27-11 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 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**

BE IT ORDAINED, by the Municipal Council of the City of Rahway that Chapter 209 "Fire Prevention" of the Code of the City of Rahway be and is hereby amended and supplemented to read as follows:

SECTION I. Article I, Section 209-1, Local Enforcement, is hereby amended by the addition of the language "non-life hazard use provisions of the" and the Section and the revised Section shall read as follows:

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383), Editor's Note: See N.J.S.A. 52:27D-202, the non-life hazard use provisions of the New Jersey Uniform Fire Code shall be locally enforced in the Municipality of Rahway.

SECTION II. Article I, Section 209-2, Agency Designation, is hereby amended by the deletion of the language "Fire Prevention Bureau of the Rahway Fire Department" and replaced with the language "Department of Building, Planning and Economic Development" and the revised Section shall read as follows:

The local enforcing agency (LEA) shall be the Department of Building, Planning and Economic Development.

SECTION III. Article I, Section 209-3, Duties, is hereby amended by the addition of the language “non-life hazard use provisions of the” and the Section and the revised Section shall read as follows:

The local enforcement agency shall enforce the non-life hazard use provisions of the Uniform Fire Safety Act Editor's Note: See N.J.S.A. 52:27D-192 et seq. and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of the City of Rahway, other than owner-occupied one- and two-family dwellings, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

SECTION IV. Article I, Section 209-4, Life Hazard uses, is hereby amended by the addition of the language “non-” and the deletion of “on behalf of the Commissioner of Community Affairs” and the Section and the revised Section shall read as follows:

The local enforcing agency established by § 209-2 of this chapter shall carry out the periodic inspections of non-life-hazard uses required by the Uniform Fire Code.

SECTION V. Article I, Section 209-5, Organization, is hereby amended by the deletion of the language “Rahway Fire Department” and “Director of the Rahway Fire Department” and the addition of “Department of Building Planning and Economic Development” and the Director of the Department of Building Planning and Economic Development” and the revised Section shall read as follows:

The local enforcing agency established by § 209-2 of this chapter shall be a part of the Department of Building, Planning and Economic Development. The local enforcing agency (LEA) shall be under the direct supervision and control of the Fire Official who shall report to the Director of Building, Planning and Economic Development.

SECTION VI. Article I, Section 209-6, Appointments; term of office; removal, is hereby amended by the deletion of the language “terms of office” in the heading of the Section; deletion of the language and “Rahway Fire Department”; deletion of the language “Director of the Rahway Fire Department”; deletion of “B. The Fire Official shall serve for a term of one year.”; and the addition of “Business Administrator” and the revised Section shall read as follows:

A. The local enforcing agency shall be under the direct supervision of the Fire Official who shall be appointed by the Business Administrator.

B. Such inspectors and other officials as may be necessary in the local enforcing agency shall be appointed by the Business Administrator.

C. Inspectors and other employees of the enforcing agency shall be subject to removal by the Business Administrator for inefficiency or misconduct. Each inspector or employee to be so removed shall be afforded an opportunity to be heard by the appointing authority or a designated hearing officer.

D. The municipality shall specifically appoint legal counsel to assist and represent the local enforcing agency in all matters related to the code. Such legal counsel shall advise the agency and undertake such actions at law as the Fire Official shall deem necessary.

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-27-11:

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

ABSENT: Councilmember Scaturro

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-28-11 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 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

IT IS HEREBY ORDAINED by the Municipal Council of the City of Rahway, New Jersey as follows:

The management positions in the City of Rahway set forth in this Ordinance and not otherwise provided for by law are hereby **ORDAINED** and established. (Management positions are defined as those positions not included in any bargaining unit.)

All management employees of the City of Rahway shall be compensated at the rates or within the ranges set forth in this Ordinance and shall perform such duties as may be prescribed by the Director of the Department within which they are employed or as may be provided by law.

All rates and ranges are effective July 1, 2011 unless otherwise indicated.

The appointing authority may hire personnel or such additional personnel as may be required on a part-time or temporary basis, to be compensated within available appropriations at a rate or lesser rate than set forth in this Ordinance.

SECTION I - MANAGEMENT TITLES AND RANGES/RATES

<u>Range #</u>	<u>Title</u>	<u>Annual Range Effective 7/1/11</u>
1M	Director of Administration/ Business Administrator	\$110,000 - \$163,344
2M	Director of Police/Police Chief	\$100,000 - \$150,960
3M	Director of Fire/Fire Chief	\$ 96,000 - \$138,166
4M	Director of Public Works/ Superintendent of Public Works Director of Revenue & Finance/ Chief Financial Officer	\$ 91,800 - \$120,183

5M	Health Officer	\$ 90,000 - \$117,826
6M	Director of Bldg., Planning & Ec. Development/ Construction Official & Bldg. Sub Code Official	\$ 70,000 - \$110,946
7M	City Clerk Assistant Business Administrator	\$ 66,000 - \$100,463
8M	Municipal Court Administrator Assistant Public Works Superintendent Community Development Program Director	\$ 63,000 - \$ 94,095
9M	Tax Collector Director of Recreation & Superintendent of Recreation	\$ 60,000 - \$ 90,217
10M	Supervisor of Senior Citizen Activities	\$ 56,000 - \$ 84,493
11M	Deputy Municipal Clerk	\$ 51,000 - \$ 80,093
12M	Supervising Chief Sanitary Inspector Fire Official/Fire Sub-Code Official/ Building Inspector	\$ 46,000 - \$ 76,876
13M	Electrical Sub Code Official (PT) Plumbing Sub Code Official (PT) Payroll Supervisor	\$ 45,000 - \$ 71,281
14M	Building Inspector (PT) Asst. Admin. Cultural & Heritage Affairs Accountant	\$ 45,000 - \$ 68,975
15M	Deputy Municipal Court Administrator Administrative Clerk Confidential Secretary Code Enforcement Officer/Zoning Officer (PT)	\$ 40,000 - \$ 60,185
17M	Recreation Program Specialist	\$ 35,000 - \$ 54,000
18M	Recreation Program Coordinator Sr. Housing Inspector	\$ 30,000 - \$ 50,000

19M	Recreation Leader Sports (PT)	\$ 23,000 - \$ 44,633
20M	Public Defender	\$ 10,500 - \$ 24,398

A stipend shall apply to those employees assigned for Emergency Management operations and emergency response.

<u>No Range# & Hourly</u>	<u>Annual Rate</u> <u>Effective 7/1/11</u>
Alternate Municipal Judge	\$ 200 – 300 Per court session
Board Clerks: Planning Bd., Bd. of Adjustment, M.B.A.B.C. Environmental Com. & Municipal Alliance	\$ 2,809
Meeting Attendance: Board Clerks(Planning, Zoning, EC & MA)	\$ 85 Per board meeting
MBABC Clerk	\$ 85 Per hearing (max 3 annually)
Code Enforcement Inspector	\$ 4,371
Mayor	\$65,000
Member of Municipal Council	\$ 8,043
President of Municipal Council	\$ 9,676
Municipal Court Attendant	\$ 60 pr hr for 1st 3 hrs./per session, 8 pr. half hr. after 3 hrs./session
Municipal Judge	\$61,200
Prosecutor	\$52,275
Public Assistance Secretary	\$ 3,286
Bus Driver	\$ 10.00 - \$22.35/hr.

Security Guard

Program Instructors \$ 20.00 – 60.00/class

Temporary/Seasonal and/or Part-time Workers \$ 7.25 - \$35.00/hr.

All provisions of this Ordinance are subject to available appropriations and this Ordinance does not and shall not legally bind the City to pay any of the wages or compensations set forth herein unless and until appropriations have been made in sufficient amounts to pay said wages or compensations to those holding the titles and positions set forth herein.

SECTION II

Management employees hired prior to July 1, 1999 shall be paid two percent (2%) of their previous year’s base salary as longevity pay for each four (4) years of employment they have completed. Maximum longevity pay is twelve percent (12%).

SECTION III

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to such inconsistencies.

SECTION IV

This ordinance shall take effect upon final passage and publication according to 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.

Patrick Cassio 1971 Barnett Street

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

Roll Call for O-28-11:

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Wenson Maier, Brown

NO: Councilmember Steinman

ABSENT: Councilmember Scaturro

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

Paul Hanlon 347 Harvard Street
Complained about lack of street cleaning and police presence

Renee Thrash 1616 Lawrence Street
Spoke on Hurricane Irene and confusion with shelters. Accompanied a representative from Assemblyman Green's office on a tour. Said that graffiti is becoming a problem and spoke on gang awareness and a stabbing and a shooting.

Patrick Cassio 1971 Barnett Street
Commented on 9/11 remembrance services and all of the youngsters involved. Suggested that the City create a flood committee. Said that Meridian presentation was good but not in favor of a payment in lieu of taxes and that the police department in Rahway has the best Chief in the State.

Francis Martes 527 Grove Street
Spoke on taxes. Stated that the Council and administration have the lowest confidence level.

Mayor Rick Proctor 310 Madison Avenue
Read a letter to Council regarding matters that have been happening.

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

14. COUNCIL COMMENT

Councilmember Mione: Thanked the Fire Department for all of their effort during the hurricane. Commended the Police Department and Public Works for their excellent job. Commented on 9/11 10th Anniversary Committee for a great job.

Councilmember Saliga: Commended the Fire Department for their great 9/11 service and the 9/11 Committee for a wonderful memorial service.

Councilmember Baker: Commended the 9/11 Committee for the service and hopes that this will help in the healing process. Said he met with residents and with representatives from Assemblyman Green's office, distributed literature on what action can be taken through the County and FEMA. Stated FEMA offices are located at the Cranford Community Center and that there is a site at 65 E. Cherry Street for assistance for residents enrolled in SNAP (Supplemental Nourishment Assistance Program).

Councilmember Steinman: Commented on the Mayor's letter and opening the City to a lawsuit. Said he put up the resolution for the investigation of the Mayor and the City Council was in favor of it. Called for the Mayor's resignation.

Councilmember Rachlin: Said that he is deeply saddened by what has transpired for the last couple of meetings. Stated that he has not pre-judged anyone but that he just wants the truth.

Councilmember Wenson Maier: Commended the citizens in her ward; she has walked most of her ward and the devastation was unbelievable and the emotional toll has been worse. Spoke on removing mold immediately and to apply to FEMA as soon as possible.

Councilmember Cox: Thanked Police, Fire and Public Works Departments and most of all the citizens of Rahway who pulled together and helped each other.

Councilmember Brown: Said that the investigation will find out the truth. Hurricane Irene was devastating but we did not lose any lives. We all have to continue to help the residents. Thanked Renee Thrash for her help and showing Assemblyman Green's representative around. 65 E. Cherry St. is available for food assistance and that residents should apply to FEMA. Thanked everyone who attended the 9/11 programs. Said that we need to have respect within the City. Thanked Bohler Engineering for help with the Essex St. emergency project.

ADJOURNMENT

Motion to adjourn the meeting at 8:43 p.m. was made by Councilmember Rachlin and seconded by Councilmember Cox.

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

ABSENT: Councilmember Scaturro

Council President Brown declared the motion carried.