

MINUTES
REGULAR MEETING
MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY
OCTOBER 9, 2012
7 P.M.

1. Council President Steinman called the meeting to order at 7:01 p.m. and asked for a Roll Call.

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

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 October 9, 2012 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 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 Baker offered an invocation.

3. APPROVAL OF MINUTES

September 4, 2012 Pre-Meeting Conference
 September 10, 2012 Regular Meeting

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, Saliga, Scaturro, Wenson Maier, Steinman

Council President Steinman declared the motion carried.

4. PRESENTATIONS

The Rahway Valley Jerseyaires sang two songs.

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

6. REPORTS OF COUNCIL COMMITTEES

Councilmember Baker: Invited public to forum on foreclosures scheduled for Wednesday, Oct. 11 from 6- 7:30 p.m. at the Public Library. It is sponsored by the Union County Human Relations Commission and the Union County Foreclosure Task Force.

Environmental Commission, Councilmember Wenson Maier: On November 14, there will be a live Webcast of “24 Hours of Climate Reality” that can be viewed at www.climaterealityproject.com.

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

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

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, Saliga, Scaturro, Wenson Maier, Steinman

Council President Steinman declared the motion carried.

9. ORDINANCES - First Reading

O-28-12 City Clerk Jotz read AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC)

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

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

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 a Combined Meeting on Wednesday, November 7, 2012 at 7 p.m.

O-29-12 City Clerk Jotz read A BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO A PORTION OF ELM AVENUE AND THE ASSOCIATED REIMBURSEMENT TO LANDMARK AT RAHWAY, LLC FOR SUCH IMPROVEMENTS ALONG A PORTION OF ELM AVENUE, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$238,000 TAXABLE OR TAX-EXEMPT BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

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, Saliga, Scaturro, Wenson Maier, Steinman

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 a Combined Meeting on Wednesday, November 7, 2012 at 7 p.m.

O-30-12 City Clerk Jotz read A BOND ORDINANCE PROVIDING FOR THE REPLACEMENT OF THE WATER MAIN ON HAMILTON STREET, BY AND IN THE CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$625,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$595,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF.

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

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

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 a Combined Meeting on Wednesday, November 7, 2012 at 7 p.m.

O-31-12 City Clerk Jotz read A BOND ORDINANCE PROVIDING FOR THE RESURFACING OF A PORTION OF HAMILTON STREET, BY AND IN THE

CITY OF RAHWAY, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

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

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

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 a Combined Meeting on Wednesday, November 7, 2012 at 7 p.m.

10. RESOLUTIONS

***AR-230-12** Councilmember Mione presented and moved A RESOLUTION OF MUNICIPAL COUNCIL CONCERNING THE AUDIT REPORT FOR TRANSITIONAL YEAR 2011.

The motion was seconded by Councilmember Saliga.

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

Council President Steinman declared the motion carried.

***AR-231-12** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE NJDOT HIGHWAY SAFETY FUND FY 2012 TO IMPROVE TRAFFIC SAFETY ENFORCEMENT ALONG THE ROUTE 1/9 CORRIDOR PROJECT.

The motion was seconded by Councilmember Saliga.

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

Council President Steinman declared the motion carried.

- *AR-232-12** Councilmember Mione 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- 2013 – RAHWAY.

The motion was seconded by Councilmember Saliga.

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

Council President Steinman declared the motion carried.

- *AR-233-12** 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 Wenson Maier.

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

Council President Steinman declared the motion carried.

- *AR-234-12** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE BOND AND INSPECTION FEES AND ESCROW FEES TO VOLUNTEERS OF AMERICA-GREATER NEW YORK, INC.

The motion was seconded by Councilmember Steinman.

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

Council President Steinman declared the motion carried.

- *AR-235-12** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING REFUND OF POLICE ESCROW FEES.

The motion was seconded by Councilmember Steinman.

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

Council President Steinman declared the motion carried.

***AR-236-12** Councilmember Brown 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 Cox.

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

Council President Steinman declared the motion carried.

***AR-237-12** Councilmember Cox presented and moved A RESOLUTION AWARDING THE ACCEPTANCE OF BID FOR AN AUTHORIZED PRIVATE ON-SITE INSPECTION AGENCY TO SERVE AS ELEVATOR SAFETY SUBCODE OFFICIAL IN ACCORDANCE WITH N.J.A.C. 5:23-4.13 AND N.J.A.C. 5:23-12.1 ET SEQ FOR A PERIOD OF THREE (3) YEARS.

The motion was seconded by Councilmember Scaturro.

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

Council President Steinman declared the motion carried.

***AR-238-12** Councilmember Rachlin presented and moved A RESOLUTION AWARDING THE ACCEPTANCE OF BID FOR THE PROJECT ENTITLED "STREETSCAPE SECTION VI PROJECT" FOR THE CITY OF RAHWAY TO DM FERNANDES LLC.

The motion was seconded by Councilmember Scaturro.

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

Council President Steinman declared the motion carried.

- *AR-239-12** Councilmember Rachlin presented and moved A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO WHITESTONE ASSOCIATES, INC. FOR PRELIMINARY ASSESSMENT AND SITE INVESTIGATION SERVICES RELATIVE TO THE RAHWAY WATER TREATMENT PLANT SITE.

The motion was seconded by Councilmember Scaturro.

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

Council President Steinman declared the motion carried.

- *AR-240-12** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING AN INTERLOCAL COST SHARING AGREEMENT FOR THE INVESTIGATION OF THE ALLEVIATION OF FLOOD EVENTS IN THE RAHWAY RIVER BASIN.

The motion was seconded by Councilmember Scaturro.

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

Council President Steinman declared the motion carried.

- *AR-241-12** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING A SECOND AMENDMENT OF ACCESS AGREEMENT WITH ST. GEORGE CENTER ASSOCIATES, LLC FOR REMEDIATION ACTIVITIES AT BLOCK 140 LOT 1 (KIWANIS PARK).

The motion was seconded by Councilmember Scaturro.

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

Council President Steinman declared the motion carried.

- *AR-242-12** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING AND HOLD HARMLESS AGREEMENT FOR THE USE OF THE LEAF COMPOSTING FACILITY.

The motion was seconded by Councilmember Steinman.

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

Council President Steinman declared the motion carried.

- *AR-243-12** Councilmember Wenson Maier presented and moved A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF THOMAS MANCUSO TO THE POSITION OF TAX ASSESSOR.

The motion was seconded by Councilmember Steinman.

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

Council President Steinman declared the motion carried.

- *AR-244-12** Councilmember Saliga presented and moved A RESOLUTION AUTHORIZING A LABOR CONTRACT WITH THE RAHWAY SCHOOL TRAFFIC GUARDS ASSOCIATION (RSTGA).

The motion was seconded by Councilmember Wenson Maier.

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

Council President Steinman declared the motion carried.

- *AR-245-12** Councilmember Mione presented and moved A RESOLUTION AMENDING THE 2012 CAPITAL BUDGET.

The motion was seconded by Councilmember Saliga.

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

Council President Steinman declared the motion carried.

11. Ordinances – Second Reading

O-26-12 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 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:

Schedule XXIV: 401-82 Parking Meter Zones.

Amend

Name of Street	Side	Hours/Days	Time Limit/Rate	Location or Meter Number
<u>From:</u>				
Broad Street	Both	7:00 a.m. to 7:00 p.m./Mon. through Sat.	12 hrs./\$6 per day	F 1, F 2, BD 2, BD 3, BD 4, BD 6, BD 8, BD 10, BD 12, BD 13, BD 14, BD 16, BD 18, BD 20, BD 22, BD 24, BD 26, BD 28, BD 30, BD 32, BD 34, BD 36, BD 37
<u>To:</u>				
Broad Street	Both	7:00 a.m. to 7:00 p.m./Mon. through Sat.	16hrs./\$7per day	F 1, F 2, BD 2, BD 3, BD 4, BD 6, BD 8, BD 10, BD 12, BD 13, BD 14, BD 16, BD 18, BD 20, BD 22, BD 24, BD 26, BD 28, BD 30, BD 32, BD 34, BD 36, BD 37

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 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.

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

Roll Call for O-26-12:

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

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.

O-27-12 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 AUTHORIZING AN OPEN PUBLIC AUCTION TO THE ADJACENT LAND OWNERS FOR THE SALE OF CITY OWNED PROPERTY LOCATED OFF OF EAST MILTON AVE., NOT CURRENTLY NEEDED FOR PUBLIC USE KNOWN AS LOT 6 IN BLOCK 335 ON THE OFFICIAL TAX MAP OF THE CITY OF RAHWAY

WHEREAS, pursuant to N.J.S.A. 40A:12-13(a) a municipality may sell any real property not needed for public use by open public auction to the highest bidder after advertisement in a newspaper circulating within the municipality in which the lands to be sold are situated; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13(b)(5) a municipality may sell such property at private sale to the owner of the real property contiguous to the real property being sold provided that the property being sold is less than the minimum size required for development under the zoning ordinance and is without any capital improvement thereon except that when there is more than one owner with real property contiguous thereto said property shall be sold to the highest bidder from among all such owners: and

WHEREAS, N.J.S.A. 40A:12-13(a)(1) further provides that a municipality may sell such property subject to conditions or restrictions imposed by the municipality, or, subject to the municipality's retaining an interest or estate thereof, such restrictions to be noticed in the in the advertisements for such sale therefor; and

WHEREAS, N.J.S.A. 40A:12-13(a) further provides that a municipality may reserve the right to reject all bids when the highest bid is not accepted, such reservation to be noticed in the advertisements for such sale therefor; and

WHEREAS, Block 335 Lot 6, comprising approximately three hundred (300 s.f.) square feet (2 ft by 150 feet)(the “Subject Property”), located off of East Milton Ave., is City owned property not currently used for a public purpose and the City is desirous of selling the Subject Property to the highest bidder among the adjacent land owners at public auction; and

WHEREAS, the minimum bid price to accepted by the City shall be no less than four hundred thirty five Dollars and 00/100 (\$435.00).

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Rahway, County of Union and State of New Jersey, being the governing body thereof, that:

1. the Administration is hereby authorized to advertise notice of its intent to sell the Subject Property at public auction to the highest bidder among the adjacent or contiguous land owners pursuant to N.J.S.A. 40A:12-13(b)(5) and that the minimum bid price, is four hundred thirty five Dollars and 00/100 (\$435.00);
2. the sale of Block 335, Lot 6 to the highest bidder among the adjacent or contiguous land owners at public auction that meets or exceeds the minimum bid price of four hundred thirty five Dollars and 00/100 (\$435.00) is hereby authorized pursuant to N.J.S.A. 40A:12-13(b)(5);
3. the Clerk is hereby directed to advertise such private sale in accordance with the provisions of N.J.S.A. 40A:12-13(b), which stipulate that such advertisement must be published in a newspaper circulating within the municipality in which the Subject Property is located and shall further include in such advertisements any restrictions or conditions which may be imposed by the City; and
4. the Mayor and City Clerk are hereby authorized and directed to execute the necessary Deed and other documents required to transfer ownership of the Subject Property described herein.

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; and

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; and

BE IT FURTHER ORDAINED, this Ordinance shall take effect upon passage and publication 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.

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

Roll Call for O-27-12:

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

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

Councilmember Brown Moved to approve MARCANTONIO BLOCK PARTY –NEW CHURCH ST, OCTOBER 13, 2012.

The motion was seconded by Councilmember Steinman.

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

Council President Steinman declared the motion carried.

13. COMMUNICATIONS - Hearing of Citizens

Shirley J. Palmer 1650 Columbus Pl.
Invited public to attend Candidates night on Monday, Oct. 15 at 7 p.m. at Ebenezer AME Church.

Joanne St. Amand 20 Sutton Pl. Cranford

Toni Flynn 55 Minna St.

Rex Reed AFSCME Council 1 2930 S. Broad St. Trenton

All three people spoke on the possible closure of the Woodbridge Developmental Center in Avenel and asked the Council for its support.

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

14. COUNCIL COMMENT

Councilmember Mione: Thanked Council President Steinman for his resolution concerning the closure of the Woodbridge Developmental Center and offered to sponsor the resolution.

Councilmember Saliga: Pledged support for Woodbridge Developmental Center employees present.

Councilmember Baker: Pledged support for Woodbridge Developmental Center employees present.

Councilmember Wenson Maier: Said that her older sister worked at Hunterdon Sate School and pledged her support for those present at the meeting. Added that group homes are for higher-functioning individuals and cannot replace developmental centers.

Councilmember Rachlin: Said that he is angered that there is an administration in Trenton who doesn't care about the helpless but will give tax breaks to the wealthy.

Councilmember Scaturo: Said he supports the Council President with his efforts to keep the Woodbridge Developmental Center open. Wished success for the Council candidates in the upcoming elections.

Councilmember Cox: Criticized Governor for giving tax breaks to millionaires but failing to take care of the state's most vulnerable citizens.

Councilmember Brown: Said that the Council will write a resolution in support of the Woodbridge Developmental Center and criticized Governor. Said that group homes are not as effective and spoke on his wife, who was disabled.

15. ADJOURNMENT

Motion to adjourn the meeting at 7:54 p.m. was made by Councilmember Brown and seconded by Councilmember Steinman.

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

Council President Steinman declared the motion carried.