

**MINUTES**  
**REGULAR MEETING**  
**MUNICIPAL COUNCIL - CITY OF RAHWAY, NEW JERSEY**  
**NOVEMBER 14, 2011**  
**7 P.M.**

1. Council Vice President Cox called the meeting to order at 7:04 p.m. and asked for a Roll Call.

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

**ABSENT:** Councilmember 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 November 14, 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**

A moment of silence was given in memory of Sheila Brown, spouse of Council President David Brown.

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

**3. APPROVAL OF MINUTES**

October 4, 2011	7 p.m.	Pre-Meeting Conference
October 11, 2011	7 p.m.	Regular Meeting
October 24, 2011	6:30 p.m.	Special Meeting

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

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

**ABSENT:** Councilmember Brown

Council Vice President Cox declared the motion carried.

**4. PRESENTATIONS**

Motion was made by Councilmember Baker and seconded by Councilmember Mione to amend the Regular Meeting Agenda to include AR-288-11.

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

ABSENT: Councilmember Brown

Council Vice President Cox declared the motion carried.

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

**6. REPORTS OF COUNCIL COMMITTEES**

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

Denise Rolong      1196 Kline Place      O-29-11

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

**8. CONSENT AGENDA**

Motion made by Councilmember Baker seconded by Councilmember Wenson Maier to adopt the Consent Agenda, and was adopted by the following vote:

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

ABSENT: Councilmember Brown

Council Vice President Cox declared the motion carried.

**9. ORDINANCES - First Reading**

**O-29-11** Deputy City Clerk Jotz 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.

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

YES: Councilmembers Baker, Cox, Mione, Rachlin, Saliga, Scaturro, Steinman

NO: Councilmember Wenson Maier

ABSENT: Councilmember Brown

Council Vice President Cox: 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 Regular Meeting on Monday, December 12, 2011 at 7 p.m.

**O-34-11** Deputy City Clerk Jotz read AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE CITY OF RAHWAY (VEHICLES AND TRAFFIC) - HANDICAPPED PARKING.

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

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

ABSENT: Councilmember Brown

Council Vice President Cox: 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 Regular Meeting on Monday, December 12, 2011 at 7 p.m.

**O-35-11** Deputy City Clerk Jotz read AN ORDINANCE REPEALING CHAPTER 35 "ETHICS" AND REPLACED WITH A NEW CHAPTER 35 "MUNICIPAL ETHICS BOARD" OF THE CODE OF THE CITY OF RAHWAY.

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

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

ABSENT: Councilmember Brown

Council Vice President Cox: 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 Regular Meeting on Monday, December 12, 2011 at 7 p.m.

**O-36-11** Deputy City Clerk Jotz read AN ORDINANCE AMENDING CHAPTER 311  
“PEDDLING, SOLICITING AND VENDING” OF THE CODE OF THE CITY  
OF RAHWAY.

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

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

ABSENT: Councilmember Brown

Council Vice President Cox: 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 Regular Meeting on Monday, December 12, 2011 at 7 p.m.

**O-37-11** Deputy City Clerk Jotz read AN ORDINANCE TO CONVEY AN EASEMENT  
WITHIN AN EXISTING RIGHT-OF-WAY ON LANDS OWNED BY THE  
CITY OF RAHWAY, UNION COUNTY, NEW JERSEY TO RAHWAY  
INDUSTRIAL SITES, L.P. FOR THE PURPOSE OF CONSTRUCTING AND  
MAINTAINING AN ACCESS RAMP TO THE BUILDING LOCATED AT 970  
NEW BRUNSWICK AVENUE, RAHWAY, NEW JERSEY.

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

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

ABSENT: Councilmember Brown

Council Vice President Cox: 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 Regular Meeting on Monday, December 12, 2011 at 7 p.m.

**O-38-11** Deputy City Clerk 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 Rachlin, seconded by Councilmember Steinman and adopted by the following vote:

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

ABSENT: Councilmember Brown

Council Vice President Cox: 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 Regular Meeting on Monday, December 12, 2011 at 7 p.m.

## 10. RESOLUTIONS

**\*AR-272-11** Councilmember Steinman presented and moved A RESOLUTION AUTHORIZING THE REFUND OF RIGHT-OF-WAY CONSTRUCTION BOND TO ALBERT & DIANE KRAJENSKI FOR PERMIT #010-09-141 DATED 10/05/09 AND REVISED ON 9/20/2010 AT 130 JEFFERSON AVENUE FOR DRIVEWAY APRON AND CURB.

The motion was seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmember Brown

Council Vice President Cox declared the motion carried.

- \*AR-273-11** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE REFUND OF RIGHT-OF-WAY CONSTRUCTION BOND TO CLIFF SCHNEIDER FOR PERMIT #09-10-324 DATED 9/23/2010 AT 242 WEST STEARNS STREET FOR REPLACEMENT OF SEWER LATERAL.

The motion was seconded by Councilmember Steinman.

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

ABSENT: Councilmember Brown

Council Vice President Cox declared the motion carried.

- \*AR-274-11** Councilmember Saliga presented and moved A RESOLUTION AUTHORIZING THE CITY OF RAHWAY TO ENTER INTO AN AGREEMENT WITH THE CITY OF LINDEN FOR RECYCLING AND DISPOSAL OF WOOD WASTE.

The motion was seconded by Councilmember Mione.

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

ABSENT: Councilmember Brown

Council Vice President Cox declared the motion carried.

- \*AR-275-11** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDED INTERLOCAL AERVICES AGREEMENT BETWEEN THE CITY OF RAHWAY AND THE RAHWAY BOARD OF EDUCATION FOR THE PROVISIONS OF GROUNDS MAINTENANCE, GARBAGE REMOVAL SERVICES AND RECYCLING SERVICES.

The motion was seconded by Councilmember Saliga.

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

ABSENT: Councilmember Brown

Council Vice President Cox declared the motion carried.

- \*AR-276-11** Councilmember Saliga presented and moved A RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE GOLDEN AGE TOWERS FOR SOLID WASTE AND RECYCLING SERVICES FROM NOVEMBER 2011 TO OCTOBER 2014.

The motion was seconded by Councilmember Mione.

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

ABSENT: Councilmember Brown

Council Vice President Cox declared the motion carried.

- \*AR-277-11** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES.

The motion was seconded by Councilmember Baker.

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

ABSENT: Councilmember Brown

Council Vice President Cox declared the motion carried.

- \*AR-278-11** Councilmember Steinman presented and moved A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS.

The motion was seconded by Councilmember Rachlin.

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

ABSENT: Councilmember Brown

Council Vice President Cox declared the motion carried.

- \*AR-279-11** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE

CERTIFICATES.

The motion was seconded by Councilmember Saliga.

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

ABSENT: Councilmember Brown

Council Vice President Cox declared the motion carried.

**\*AR-280-11** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Saliga.

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

ABSENT: Councilmember Brown

Council Vice President Cox declared the motion carried.

**\*AR-281-11** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Saliga.

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

ABSENT: Councilmember Brown

Council Vice President Cox declared the motion carried.

**\*AR-282-11** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2011 TRANSITIONAL YEAR.

The motion was seconded by Councilmember Scaturro.



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

ABSENT: Councilmember Brown

Council Vice President Cox declared the motion carried.

- \*AR-283-11** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE CANCELLATION AND DISCHARGE OF A TAX SALE CERTIFICATE FOR FY 2000.

The motion was seconded by Councilmember Rachlin.

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

ABSENT: Councilmember Brown

Council Vice President Cox declared the motion carried.

- \*AR-284-11** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND OVERPAYMENT OF TAXES DUE TO A JUDGMENT OF THE TAX COURT OF NEW JERSEY FOR THE 2008, 2009 AND 2010 TAX YEARS.

The motion was seconded by Councilmember Cox.

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

ABSENT: Councilmember Brown

Council Vice President Cox declared the motion carried.

- \*AR-285-11** Councilmember Rachlin presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO JUDGMENTS OF THE UNION COUNTY BOARD OF TAXATION FOR THE 2011 CALENDAR YEAR.

The motion was seconded by Councilmember Saliga.

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

ABSENT: Councilmember Brown

Council Vice President Cox declared the motion carried.

- \*AR-286-11** Councilmember Saliga presented and moved A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF MICHAEL SMALLING AS DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS.

The motion was seconded by Councilmember Scaturro.

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

ABSENT: Councilmember Brown

Council Vice President Cox declared the motion carried.

- \*AR-287-11** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING REFUND OF SENIOR SERVICES FEES.

The motion was seconded by Councilmember Saliga.

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

ABSENT: Councilmember Brown

Council Vice President Cox declared the motion carried.

- \*AR-288-11** Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE TRANSFER OF TY 2011 BUDGET APPROPRIATIONS.

The motion was seconded by Councilmember Scaturro.

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

ABSENT: Councilmember Brown

Council Vice President Cox declared the motion carried.

## **11. Ordinances – Second Reading**

- O-30-11** Council Vice President Cox: 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 411 OF THE CODE OF THE CITY OF RAHWAY (“WATER”)**

**BE IT ORDAINED**, by the Municipal Council of the City of Rahway that Chapter 411 of the Code of the City of Rahway is hereby amended to read as follows:

**§ 411-1 Rates and charges.**

The rates and charges for water and services to be supplied by the Division of Water shall be as set forth in the following schedules, and the Division of Water Accounts shall render bills and accounts in accordance with said schedules from and after the effective date of this chapter.

A Schedule I: Water supplied through a meter shall be charged for at a rate of \$31.12 per thousand cubic feet. Commercial and industrial accounts with meters larger than one inch will be billed monthly. The minimum charge shall be as per meter size as follows:

<b>Meter Size (inches)</b>	<b>Minimum Monthly Charges</b>	<b>Minimum Quarterly Charges</b>
5/8	\$ 11.41	\$ 34.23
3/4	17.64	52.91
1	29.05	87.14
1 1/2	57.05	171.14
2	91.27	273.81
3	186.69	560.07
4	285.22	855.67
6	570.46	1,711.37
8	860.88	2,582.63
10	1,763.25	5,289.74
12	2,053.67	6,161.00

B Schedule IA: Rates for Manufactured Water and Non Manufactured Supplied Water.

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

MANUFACTURED WATER — Water that is produced, supplied, metered and billed for by the Division of Water of the City of Rahway.

NONMANUFACTURED SUPPLIED WATER — Water used by Rahway consumers that is not necessarily produced, supplied or metered by the City Division of Water but the use of which is arranged for or administered by and billed for by the City Division of Water, and includes any such water supplied to Rahway consumers from utilities other than the City Division of Water. It is hereinafter referred to as "NMS water."

Base rate. For any consumer whose water supply consists of manufactured water and NMS water, the base rate shall be \$31.12 per thousand cubic feet.

Surcharge. Any increase in costs of charges to the City for NMS water above current costs or charges to the City for NMS water shall be passed on in the form of a surcharge to users of NMS water, and users shall be liable in full for such increases, based on their usage of NMS water.

C      Schedule II: Private Fire Service Rates:

Private fire service rates shall be as follows:

<b>Size of Service (inches)</b>	<b>Quarterly Charge</b>
2 or less	\$ 175.00
3	350.00
4	525.00
6	900.00
8	1,350.00
10	1,850.00
12	2,150.00

Testing.

No water shall be used through private fire service connections except for test purposes or in case of fire, and no charge shall be made for water so used.

Water for testing without charge is limited to a maximum of 1,000 cubic feet per quarter.

D Schedule IIA: Fire Hydrant Charges.

Private fire hydrants. Private fire hydrants are installed and owned by the owner of the property on which they are installed. A charge of \$800.00 per year, per hydrant, will be billed to the property owner. The hydrants will be maintained by the Division of Water.

Leased fire hydrants. Leased fire hydrants are installed within the right-of-way of other municipalities. They are billed to the requesting municipal agency at a rate of \$325.00 per year, per hydrant. The hydrants are installed and maintained by the Division of Water.

E Schedule III: Water for Temporary Purposes.

Water for temporary purposes supplied through meters shall be billed at the rates set forth in Schedule I, but a deposit of \$120 per inch of diameter or fraction thereof shall be required for the meter.

Water supplied for temporary purposes without meters shall be billed at the minimum quarterly rate in Schedule I for any use of three months or less. Charge for additional time will be at the same rate.

The Division of Water will provide adapters and hydrant wrenches for the above at a nonrefundable charge of \$30 per item. A separate deposit of \$200 will also be required.

F Schedule IV: Water Supply Installations. Charges for new water supply installations shall be as follows:

Applicants seeking to install new water supply lines shall submit plans to the contract manager for the Water Division and pay a permit fee of \$250 for plan review and inspection of the installation for any line up to two inches in diameter. No permit shall be issued until the Water Connection Fee has been paid in accordance with Section 411-4.

Applicants seeking to install new water supply lines in excess of two inches shall submit plans to the contract manager for the Water Division and pay a permit fee based

upon actual costs for plan review and inspection of the installation.

Curb settings.

When it is necessary that the meter be set outside the building, the contract manager for the Water Division will place a meter setting for services and meters one inch in diameter or less.

The charge for the curb setting shall be at cost, including labor and materials. This charge is in addition to the permit fee for a new service installation as listed above.

The property owner shall submit plans for pit settings for meters one and one-half inches or longer and pay a permit fee of \$250 for plan review and inspection. These pits shall be constructed and maintained by the property owner.

G      Schedule V: Services Not Involving the Use of Water.

Removing, repairing or replacing lost or damaged meters due to negligence: The charge for meters of all sizes shall be at cost, including labor and materials.

Resumption of service after discontinuance for nonpayment of bills or violations of rules and regulations of the Water Division: \$30 per inch of diameter of meter or fraction thereof for the first shutoff and \$60 per inch of diameter of meter or fraction thereof for any additional shutoffs within two years.

Removing and replacing undamaged meters within a period of one year after installation at the request of a customer: \$30 per inch of diameter of meter or fraction thereof.

Relocation of hydrants, shutoff valves or other appurtenances of the water supply system at the request of the customer: The charge shall be fixed by the Superintendent of Water, based upon cost to the Water Division, and paid in advance.

Request for services of non emergency nature after normal working hours will be billed to customer. Charge will be equivalent to the cost incurred by the Division of Water.

Customer request for meter testing because of high bill:  
\$35

Deposits for meters installed outside of City limits.

<b>Size (inches)</b>	<b>Charges</b>
5/8 x 3/4	\$ 50.00
3/4	75.00
1	100.00
1 1/2	200.00
2	250.00

H Schedule VI. Effective July 1, 2009, all rates, fees and charges as set forth  
. above in Schedules I through V, inclusive, shall be as follows:

The following rates for metered consumption shall take effect on the dates indicated:

<b>Date</b>	<b>Rate</b>
January 1, 2012	\$31.12/kcf

Minimum charges shall increase accordingly.

I Schedule VII: Delinquent Water Utility Charges; Interest Rates.

Grace period. Bills are due upon receipt. A grace period of 30 calendar days is provided, within which a payment of water utility charges may be hereafter received without any charge for interest, provided that such payment is received within said thirty-calendar-day period after the billing date upon which the amount becomes payable.

Interest rates. After the above grace period, water utility charges shall be considered delinquent, and interest shall run against such delinquent charges at the rate of 8% on the first \$1,500 of the delinquent water utility charges and 18% on any delinquent sums in excess of \$1,500.

J        Schedule VIII: Bad Check Charge: Should the City receive a negotiable instrument from a customer, in payment of a bill, charge or deposit due, and such instrument is subsequently dishonored or uncollectible for any reason, the City shall charge the customer a handling charge of \$25

§ 411-2    Nonprofit Organizations

- A. For the purpose of this section, the term “nonprofit organization” shall be defined as any organization which qualifies under the terms of N.J.S.A. 12A:40A:12-21 (a) through (1) or such other statutes concerning aid by municipalities to private organizations.
- B. All nonprofit organizations shall be billed for and be required to pay for all water consumed as per the terms of § 411-1 hereof.
- C. Any eligible nonprofit organization may apply for and receive reimbursement for water bills paid under the following terms and conditions:
  - (1) That said organization has, at the conclusion of its fiscal year, submitted audited financial statements to the Division of Water.
  - (2) That said financial statements demonstrate that said nonprofit organization operated at a loss for the fiscal year submitted.
  - (3) That the sum of water bills paid for said fiscal year are equal to or more than 5% of the demonstrated losses as revealed by the financial statement.
  - (4) That when the organization is a component of, or subsidiary to, any other organization, the requirements and criteria established hereby shall be applied to any and all such organizations taken together as a whole. Any organization applying for free water by reimbursement must provide the required records for such other organizations also or a legal statement that it is not a component of, a division of, or subsidiary to, any other organization.
  - (5) Any reimbursements made hereunder shall be in full for the applicable fiscal year.
- D. The provisions of this section shall be administered by the Division of Water, which administration shall include the use of formal application forms. Actual approval or denial of reimbursement shall be done by a resolution of the Municipal Council of the City of Rahway as a matter of public record following the receipt of written reports from the Division of Water regarding the application. The Division of Water is authorized to adopt such other rules or regulations necessary to effectuate the terms of this section.

§ 411-3    Special Rates for Senior Citizens



Special rates for senior citizens. For all properties owned by senior citizens and which qualify for a senior citizen tax deduction pursuant to the provisions of N.J.S.A. 54:4-8.40 et seq., the rates shall be as follows:

- (1) One-family dwelling: \$5 per quarter for 1, 100 cubic feet or less.
- (2) All other rate provisions, including excess usage rate, shall be set forth above.

**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 Vice President Cox 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 Vice President Cox closed the Public Hearing.

Roll Call for O-30-11:

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

NO: Councilmember Steinman

ABSENT: Councilmember Brown

Council Vice President Cox: 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-31-11** Council Vice President Cox: 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 319 “PRECIOUS METALS, DEALERS IN” 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 319, “PRECIOUS METALS, DEALERS IN”, of the Code of the City of Rahway shall be replaced in its entirety with the following:

**§ 319-1 Definitions:**

*Person* shall mean individual natural persons, partnerships, joint ventures, societies, associates, clubs, trustees, trusts, corporations or unincorporated groups or any officers, agents, employees, servants, factors or any kind of personal representatives of any thereof, in any capacity, acting either for himself or for any other person under either personal appointment or pursuant to law.

*Precious metals and gems* shall mean items comprised of gold, silver, platinum, palladium and alloys thereof, gems, coins, containing precious metals and all forms of previously owned jewelry which contain precious metals.

*Precious metals and gems buyer* shall mean a person engaged in the business of purchasing metals, gems, coins, containing precious metals and all forms or previously owned jewelry, either as a primary business or in connection with another business, from any person who is not in the business of selling precious metals as required under N.J.S.A. 51:6A-1 to 51:6A-8 including but not limited to business commonly referred to as "jewelry stores."

*Secondhand goods* shall mean all forms of previously owned goods, including but not limited to: antiques, furniture, watches, china, crystal, paintings, precious metals and gems and goods containing precious metals and gems.

**§ 319-2 Purpose and Intent:**

The purpose and intent of this Chapter 319 is to provide licensing and regulation of individuals dealing in precious metals, gems and secondhand goods to protect the residents of Rahway, and those transacting business in the City of Rahway as permitted, in part by N.J.S.A. 51:6A-1 et seq. Further, the licensing and regulations of these individuals will further assist the Rahway Police Department and others in recovering stolen goods. In addition, in regard to precious metals and gems, this Chapter 319 shall be complied with in addition to the laws, rules and regulations as contained in N.J.S.A. 51:6A-1 et seq. and N.J.A.C. 13:47C-1.1 et seq.

**§ 319-3 License Requirement:**

Any person, partnership or corporation in the full- or part-time business of purchasing gold, silver, precious metals and gems in the City of Rahway shall maintain a written record of all purchases, precious metals or jewels and must, prior to engaging in such business, be duly licensed by the City. The licensing procedure is to be accomplished as follows.

**§ 319-4 Registration Form:**

- A. The business entity shall authorize a representative to complete a registration application.
- B. The registration application shall be made available to persons wishing to secure same through the City Clerk's office.
- C. The registration shall thereafter be filed with the Chief of Police or his designee.
- D. The registration form shall be executed by that person or persons who are responsible for the day-to-day operation of the business. Where a corporation is involved, the president of the corporation shall sign same, and, where partnerships are involved, the managing partner shall sign same.
- E. The registration form shall contain the following information:
  - (1) The names and current addresses and telephone numbers of all principals of the business. If the business is a corporation, then the information shall include the names and current addresses and telephone numbers of all stockholders.
  - (2) The place or places where the business entity shall operate from, as well as a listing of the hours when the entity proposes to conduct business.
  - (3) The names and addresses of three (3) business references.
  - (4) A statement by the applicant that no principal of the business entity has any arrests or convictions of any crimes. In cases of a corporation, the certification shall apply to all stockholders. If there is an arrest or conviction record, same must be disclosed.
  - (5) A list of business and home addresses of all principals of the business for the past five (5) years.
  - (6) The registration must also include a photograph of the person who will manage the day-to-day operation of the business, and that individual must also agree to be fingerprinted by the Police Department.

**§ 319-5 Effect on Existing Business:**

As to those business entities which are governed by this section and who are already doing business in the City prior to the effective date of this section, then the businesses shall be licensed within thirty (30) days of the effective date of this section.

**§ 319-6 Fee; Term:**

The annual fee for the license shall be one hundred (\$100.00) dollars. All such licenses shall be issued for a period of one (1) year commencing January 1 and expiring December 31 next following the date of issuance, and there shall be no rebate for any lesser time. The license shall be conspicuously exhibited upon the premises licensed thereunder.

**§ 319-7 Record Required:**

Any person, partnership or corporation in the business of buying precious metals or gems who buys, attempts to buy or offers to buy precious metals or gems on the basis of bulk value from any person who is not in the business of selling precious metals or gems in the City of Rahway shall maintain a written record of all purchases and shall be subject to this section.

**§ 319-8 Form of Record:**

The record shall be in a book, non-loose-leaf form, with all pages numbered in sequence. All entries shall be made in pen or ink. There shall be no spaces between entries, and each entry shall be numbered in sequence.

**§ 319-9 Contents of Record:**

The record shall contain the following information:

- A. Date of sale.
- B. Name and address of seller, sex, date of birth, telephone number, social security number if available.
- C. Detailed description of items purchased including the weight of any precious metal purchased.
- D. Purchase price.

**§ 319-10 Identification of Seller:**

The purchaser shall require that the seller present two (2) current and reliable forms of identification. One of the forms of identification shall bear a photograph of the seller. The record shall reflect the nature of the identifications presented.

**§ 319-11 Availability of Record for Inspection:**

The purchaser shall make the record available for inspection to any law enforcement officer, upon demand, without the need for advance notice. The record shall be kept at the purchaser's business premises. The records shall be maintained for two (2) years from the date of purchase.

**§ 319-12 Inspections:**

Each dealer doing business in the City of Rahway shall deliver to the Chief of Police or his designee, on forms prescribed by the City of Rahway Police Department a description of all items purchased, received or sold, within twenty-four (24) hours of the completion of the transaction, except for transactions conducted on Saturday in which said list shall be delivered to the Police Department by no later than 12:00 noon of the Monday following.

**§ 319-13 Prohibition:**

No dealer shall sell, melt, change the form of or dispose of any articles purchased or received for a period of ten (10) days from the date the notification is made to the Chief of Police or his designee. All such items shall remain on the premises where the purchase was made until the expiration of the time period set forth herein.

**§ 319-14 Violations; Penalties:**

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment for a term not exceeding 90 days, or both, within the discretion of the Municipal Judge. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**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 Vice President Cox 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 Vice President Cox closed the Public Hearing.

Roll Call for O-31-11:

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

ABSENT: Councilmember Brown

Council Vice President Cox: 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-32-11** Council Vice President Cox: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final adoption:

**A BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF EQUIPMENT, APPROPRIATING \$128,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$121,600 BONDS AND/OR NOTES OF THE CITY FOR PAYING THE COST THEREOF FOR SAID EQUIPMENT AUTHORIZED TO BE ACQUIRED IN AND BY THE CITY OF RAHWAY, IN THE COUNTY OF UNION, NEW JERSEY**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RAHWAY, IN THE COUNTY OF UNION, NEW JERSEY** (Not less than Two-thirds of All the Members Thereof Affirmatively Concurring), **AS FOLLOWS:**

Section 1. The improvements and purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements to be made or acquired by the City of Rahway, County of Union, New Jersey (hereinafter referred to as the "City"). For the improvements or purposes set forth in Section 3 of this bond ordinance, there is hereby appropriated the sum of \$128,000, being inclusive of all appropriations heretofore made therefor including the sum of \$6,400 as the down payment from the Capital Improvement Fund, or other legally available funds of the City. The down payment is now available by virtue of a provision in the currently adopted budget or a previously adopted budget of the City and is currently available for down payment or capital improvement purposes, as required by the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1 et

seq. (the “Law”).

Section 2. For the financing of the improvements or purposes and to meet the part of the \$128,000 appropriation not otherwise provided hereunder, negotiable bonds of the City are hereby authorized to be issued in a principal amount not to exceed \$121,600 pursuant to the Law. In anticipation of the issuance of bonds, negotiable notes of the City in a principal amount not exceeding \$121,600 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Law. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes authorized herein shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed \$121,600, the moneys raised by the issuance of the bonds shall, to not less than the amount of such excess, be applied to the payment of the notes then outstanding, at maturity. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within the limitations prescribed by the Law. Each of the notes shall be signed and shall be under the seal of the City and attested as permitted by law. The appropriate City officers are hereby authorized to execute the notes and to issue the notes in such form as may be adopted in conformity with the Law. The power to determine all matters in connection with this ordinance and also the power to sell the notes is hereby delegated to the chief financial officer of the City (the “Financial Officer”), who is hereby authorized to sell the notes either at one time or from time to time in the manner provided by law and the Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. The Financial Officer is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this ordinance is made, such report to include the principal amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 3. The improvements hereby authorized and the purposes for which said obligations are to be issued are as follows:

<b>Improvement/Acquisition</b>	<b>Estimated Cost</b>	<b>Down Payment (Capital Improvement fund)</b>	<b>Maximum Amount of Bonds/Notes</b>	<b>Useful Life (Years)</b>
1) Purchase of a rigid hull inflatable rescue boat including motor, trailer, and associated rescue equipment and tools, to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$25,000	\$1,250	\$23,750	5
2) Purchase of an amphibious all terrain rescue vehicle and trailer, including assorted rescue equipment and tools, to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$35,000	\$1,750	\$33,250	5
3) Purchase of a four (4) wheel drive sports utility type vehicle equipped for use in floods, including associated emergency lights, equipment and tools, to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$22,000	\$1,100	\$20,900	5
4) Purchase of a S650 Bobcat Skid Steer Loader, or equivalent, with attachments, to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$42,000	\$2,100	\$39,900	5
5)Purchase of 7' x16' tandem axle, 7000lb trailer, to include all materials, equipment, labor and appurtenances necessary therefor or incidental thereto.	\$4,000	\$200	\$3,800	5
<b>TOTALS:</b>	<b>\$128,000</b>	<b>\$6,400</b>	<b>\$121,600</b>	

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- (a) The purposes described in Section 3 of this bond ordinance are not current expenses and is property or improvements which the City may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall



be specially assessed on property specially benefitted thereby.

(b) The period of usefulness is within the limitations of the Law, N.J.S.A. 40A:2-22, and taking into consideration the amount of the obligations authorized for each such purpose, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, the average useful life is 5 years.

(c) The Supplemental Debt Statement required by the Law has been duly made and filed in the office of the Clerk of the City and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such Statement shows that the gross debt of the City determined as provided in the Law is increased by this bond ordinance by \$121,600 and obligations authorized hereunder will be within all debt limitations prescribed by the Law.

(d) Amounts not exceeding \$12,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the Law may be included as part of the costs of said improvement and are included in the foregoing estimate thereof.

Section 5. Any grant or other monies received for the purposes described in Section 3 hereof, in addition to the grants expressly appropriated therein, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance and the amount of the obligations authorized herein for such purposes shall be reduced. This Section 5 shall not apply, however, with respect to any contribution or grant in aid received by the City as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

Section 6. The governing body of the City hereby covenants on behalf of the City to take any action necessary or refrain from taking the action in order to preserve the tax exempt status of any debt obligations authorized hereunder and issued as debt obligations the interest on which is exempt from federal tax under the Internal Revenue Code of 1986, as amended (“Code”) as is required under the Code, including compliance with said Code with regard to the use, expenditure, investment, timely reporting and the rebate of investment earnings as may be required thereunder.

Section 7. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on said obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the

City , and, unless paid from other revenues of the City, the City shall be obligated to levy *ad valorem* taxes upon all taxable property within the City for the payment of the obligations and interest thereon without limitation as to rate or amount.

Section 8. The capital budget of the City is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board of the State of New Jersey showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Clerk of the City and is available there for public inspection.

Section 9. The City reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this ordinance and paid prior to the issuance of any bonds and/or notes authorized by this ordinance with the proceeds of such bonds and/or notes. No funds from sources other than the bonds and/or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same “control group” as the City, within the meaning of Treasury Regulations Section 1.150-1, pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the City ’s official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds and/or notes authorized herein in accordance with Treasury Regulations Section 1.150-2, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

Section 10. To the extent that any previous ordinance or resolution is inconsistent with or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. The provisions of this bond ordinance are severable. To the extent any clause, phrase, sentence, paragraph, or provision of this Ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

Section 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Law.

Council Vice President Cox 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 Vice President Cox closed the Public Hearing.

Roll Call for O-32-11:

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

ABSENT: Councilmember Brown

Council Vice President Cox: 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-33-11** Council Vice President Cox: 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 73 “PERSONNEL POLICIES”  
TO CREATE ARTICLE IV “ANTI-NEPOTISM POLICY” OF THE CODE  
OF THE CITY OF RAHWAY**

**WHEREAS** the City of Rahway desires to adopt an anti-nepotism policy to prohibit the appointment or employment of family members of an elected official;

**BE IT ORDAINED** by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, as follows:

That Chapter 73, “PERSONNEL POLICIES”, of the Code of the City of Rahway shall be amended to include a new Article IV “Anti-Nepotism Policy” and is hereby amended as follows:

**§ 73-24 Definitions:**

**FAMILY MEMBER or RELATIVE**

Spouse, child, parent, sibling, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepsibling, half brother, half sister, nephew, niece, first cousins, aunt, uncle, foster children, domestic partner or cohabitants as defined by New Jersey law.

**§ 73-25 – Prohibition on Employment**

Subject to the provisions of N.J.S.A. 11A:1-1 et. seq. and applicable Civil Service Rules, no person who is a relative or family member of any elected official of the City of Rahway shall be considered for employment or hired as an employee of the City of Rahway. This policy shall apply to all full-time, part-time, seasonal employees or independent contractors.

**§ 73-26 – Application of Policy**

This policy shall not prohibit the continued employment of a full-time, part time or seasonal employee hired prior to the election to office of a relative or family member. However, no elected official may participate in the promotion process, or any other personnel matter, of any existing municipal employee who is a relative or family member of such elected official and the prohibition contained in section 73-25 above shall apply to any change in status of existing employees such as the conversion of a part time or seasonal position to a full time position.

**§ 73-27 – Appointments and Volunteers**

This policy shall not apply to persons seeking unpaid, appointed or volunteer positions.

**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 Vice President Cox 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 Vice President Cox closed the Public Hearing.

Roll Call for O-33-11:

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

ABSENT: Councilmember Brown

Council Vice President Cox: 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**

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

### **14. COUNCIL COMMENT**

*Councilmember Mione:* Thanked citizens for attending the Veterans Day ceremony on November 11.

*Councilmember Baker:* We are faced with difficult decisions, and it will take ingenuity and hard work to see through challenging times. Said the Council will act in the best interest of its citizens.

*Councilmember Steinman:* Spoke on ethics ordinance and anti-nepotism ordinance. Thanked Council for its support

*Councilmember Cox:* Spoke on Veterans Day and death of Sheila Brown.

Mayor Proctor: Spoke on salary ordinance and salaries of Mayor and Councilmembers. Stated that the salary ordinance is retribution and a personal vendetta. Called for a new election of Councilmembers.

**ADJOURNMENT**

Motion to adjourn the meeting at 7:28 p.m. was made by Councilmember Scaturo and seconded by Councilmember Wenson Maier.

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

ABSENT: Councilmember Brown

Council Vice President Cox declared the motion carried.