

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

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

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

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 December 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

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

3. APPROVAL OF MINUTES

November 9, 2011	7 p.m.	Regular Meeting
November 14, 2011	6:30 p.m.	Special Meeting

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

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

Council President Brown declared the motion carried.

4. PRESENTATIONS

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

6. REPORTS OF COUNCIL COMMITTEES

Councilmember Mione: Reminded everyone about the Dr. Martin Luther King services on January 16, 2012.

Council President Brown: Presented Mayor Proctor with a check from Union County for park improvements.

Motion was made by Councilmember Cox and seconded by Councilmember Scaturo place AR-308-11 on the Agenda.

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

Council President Brown declared the motion carried.

Motion was made by Councilmember Baker and seconded by Councilmember Mione place AR-309-11 on the Agenda.

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

Council President Brown declared the motion carried.

Motion was made by Councilmember Brown and seconded by Councilmember Baker place AR-310-11 on the Agenda.

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

Council President Brown declared the motion carried.

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

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

8. CONSENT AGENDA

Councilmember Steinman asked that AR-306-11 be removed from the Consent Agenda.

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

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

Council President Brown declared the motion carried.

9. ORDINANCES - First Reading

O-39-11 City Clerk Kuc read A BOND ORDINANCE PROVIDING FOR THE VARIOUS IMPROVEMENTS, APPROPRIATING \$137,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$130,150 BONDS AND/OR NOTES OF THE CITY FOR PAYING THE COST THEREOF FOR SAID IMPROVEMENTS AUTHORIZED IN AND BY THE CITY OF RAHWAY, IN THE COUNTY OF UNION, NEW JERSEY.

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

Council President Brown: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at a Regular Meeting on Monday, January 9, 2012 at 7 p.m.

O-40-11 City Clerk Kuc read AN ORDINANCE AMENDING THE CODE OF THE CITY OF RAHWAY TO ESTABLISH A CABLE TELEVISION ADVISORY COMMITTEE.

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

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

Council President Brown: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at a Regular Meeting on Monday, January 9, 2012 at 7 p.m.

O-41-11 City Clerk Kuc read A BOND ORDINANCE PROVIDING FOR SEWER SYSTEM IMPROVEMENTS, APPROPRIATING \$38,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$38,000 BONDS AND/OR NOTES OF THE CITY FOR PAYING THE COST THEREOF FOR SAID IMPROVEMENTS, AUTHORIZED TO BE UNDERTAKEN IN AND BY THE CITY OF RAHWAY, IN THE COUNTY OF UNION, NEW JERSEY.

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

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

Council President Brown: This Ordinance is declared adopted on first reading and the City Clerk is hereby authorized and directed to advertise said notice of its introduction and passage according to law. This Ordinance will come up for Public Hearing and further action at a Regular Meeting on Monday, January 9, 2012 at 7 p.m.

10. RESOLUTIONS

***AR-289-11** Councilmember Steinman presented and moved A RESOLUTION SETTING 2012 MUNICIPAL COUNCIL MEETING DATES.

The motion was seconded by Councilmember Wenson Maier.

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

Council President Brown declared the motion carried.

***AR-290-11** Councilmember Scaturro presented and moved A RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SAFE CORRIDOR GRANT 2011 PROJECT.

The motion was seconded by Councilmember Rachlin.

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

Council President Brown declared the motion carried.

***AR-291-11** Councilmember Cox 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, Scaturro, Steinman, Wenson Maier, Brown

Council President Brown declared the motion carried.

***AR-292-11** Councilmember Rachlin presented and moved A RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES FOR THE 2011 TRANSITIONAL YEAR.

The motion was seconded by Councilmember Steinman.

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

Council President Brown declared the motion carried.

***AR-293-11** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF A SENIOR DEDUCTION FOR THE 2011 CALENDAR YEAR AND TY 2011.

The motion was seconded by Councilmember Saliga.

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

Council President Brown declared the motion carried.

***AR-294-11** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF WIDOW OF A VETERAN DEDUCTION FOR THE 2011 CALENDAR YEAR AND TY 2011.

The motion was seconded by Councilmember Cox.

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

Council President Brown declared the motion carried.

***AR-295-11** Councilmember Mione presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF VETERAN DEDUCTION FOR THE 2011 CALENDAR YEAR AND TY 2011.

The motion was seconded by Councilmember Scaturro.

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

Council President Brown declared the motion carried.

***AR-296-11** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE REFUND OF PAYMENT OF TAXES DUE TO THE GRANTING OF DISABLED DEDUCTION FOR THE 2011 CALENDAR YEAR AND TY 2011.

The motion was seconded by Councilmember Brown.

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

Council President Brown declared the motion carried.

***AR-297-11** Councilmember Saliga presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Brown.

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

Council President Brown declared the motion carried.

***AR-298-11** Councilmember Saliga presented and moved A RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATES.

The motion was seconded by Councilmember Brown.

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

Council President Brown declared the motion carried.

***AR-299-11** Councilmember Steinman presented and moved A RESOLUTION AMENDING AR-280-11, "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, Scaturro, Steinman, Wenson Maier, Brown

Council President Brown declared the motion carried.

***AR-300-11** Councilmember Wenson Maier presented and moved A RESOLUTION AUTHORIZING THE REFUND OF BUILDING PERMIT FEES TO MICHAEL RUSSELL.

The motion was seconded by Councilmember Rachlin.

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

Council President Brown declared the motion carried.

***AR-301-11** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING THE REFUND OF A BUILDING PERMIT FEE TO JAMES R. ALLEN.

The motion was seconded by Councilmember Saliga.

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

Council President Brown declared the motion carried.

***AR-302-11** Councilmember Brown presented and moved A RESOLUTION AUTHORIZING REFUND OF SENIOR SERVICES FEES.

The motion was seconded by Councilmember Cox.

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

Council President Brown declared the motion carried.

***AR-303-11** Councilmember Steinman presented and moved A RESOLUTION AUTHORIZING REFUND OF PARKS & RECREATION FEES.

The motion was seconded by Councilmember Mione.

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

Council President Brown declared the motion carried.

- *AR-304-11** Councilmember Cox 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 Rachlin.

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

Council President Brown declared the motion carried.

- *AR-305-11** Councilmember Baker presented and moved A RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE CITY OF LINDEN (ANIMAL CONTROL SERVICES).

The motion was seconded by Councilmember Wenson Maier.

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

Council President Brown declared the motion carried.

- AR-306-11** Councilmember Steinman presented and moved A RESOLUTION OVERRIDING THE VETO OF ORDINANCE # O-33-11 ENTITLED, AN ORDINANCE AMENDING CHAPTER 73 "PERSONNEL POLICIES" TO CREATE ARTICLE IV "ANTI-NEPOTISM POLICY" OF THE CODE OF THE CITY OF RAHWAY, VETOED BY MAYOR RICK PROCTOR ON OR ABOUT NOVEMBER 23, 2011.

The motion was seconded by Councilmember Rachlin.

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

Council President Brown declared the motion carried.

- *AR-307-11** Councilmember Brown presented and moved A RESOLUTION AMENDING THE TY 2011 CAPITAL BUDGET.

The motion was seconded by Councilmember Cox.

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

Council President Brown declared the motion carried.

AR-308-11 Councilmember Cox presented and moved A RESOLUTION AUTHORIZING THE TRANSFER OF TY 2011 BUDGET APPROPRIATIONS.

The motion was seconded by Councilmember Scaturio.

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

Council President Brown declared the motion carried.

AR-309-11 Councilmember Baker presented and moved A RESOLUTION AUTHORIZING A SETTLEMENT AGREEMENT WITH THE UNION COUNTY UTILITIES AUTHORITY.

The motion was seconded by Councilmember Mione.

AR-311-11 Councilmember Cox presented and moved A RESOLUTION AUTHORIZING AN EXECUTIVE SESSION OF COUNCIL at 7:25 p.m. to discuss litigation and contract negotiations.

The motion was seconded by Councilmember Wenson Maier.

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

Council President Brown declared the motion carried.

Motion was made by Councilmember Cox, seconded by Councilmember Scaturio to adjourn from Executive Session at 8:13 p.m.

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

Council Vice President Cox declared the motion carried.

Council President Brown asked for a Roll Call to return from Executive Session at 8:15 p.m.

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

Council President Brown asked for a Roll Call for AR-309-11:

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

Council President Brown declared the motion carried.

Motion was made by Councilmember Wenson Maier and seconded by Councilmember Saliga place AR-312-11 on the Agenda.

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

ABSTAIN: Councilmember Steinman

Council President Brown declared the motion carried.

AR-310-11 Councilmember Brown presented and moved A RESOLUTION REAPPOINTING SONDR A BAILEY TO THE RAHWAY HOUSING AUTHORITY.

The motion was seconded by Councilmember Baker.

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

Council President Brown declared the motion carried.

AR-312-11 Councilmember Wenson Maier presented and moved A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO RICHARD TRENK FROM TRENK DIPASQUALE LAW FIRM FOR LEGAL SERVICES REGARDING A POLICE DEPARTMENT INVESTIGATION.

The motion was seconded by Councilmember Saliga.

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

ABSTAIN: Councilmember Steinman

Council President Brown declared the motion carried.

11. Ordinances – Second Reading

- O-29-11** 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 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

BE IT ORDAINED by the Municipal Council of the City of Rahway that:

Section 1. The Municipal Council of the City of Rahway designated Block 305/ Lot 5.04 (the "Property") as part of a larger urban renewal area (the "Lower Main Street Urban Renewal Area") and adopted the Lower Main Street Urban Renewal Plan on May 9, 1961 (the "Plan"), which Plan was last amended on August 13, 2001 and an amendment is currently pending approval by the Municipal Council.

Section 2. The City of Rahway (the "City") and the Rahway Redevelopment Agency (the "Agency") have undertaken various projects (with and without private redevelopers) within the Lower Main Street Urban Renewal Area.

Section 3. The Property is owned by the Agency and consists of approximately .75 acres of vacant land.

Section 4. The Agency has previously considered proposals for the redevelopment of the Property and the Agency is desirous of selling the Property for redevelopment.

Section 5. Capodagli Property Company, LLC successfully completed a market rate residential rental project in a redevelopment area on East Grand Avenue in Rahway.

Section 6. On May 4, 2011, the Agency designated Capodagli Property Company, LLC as conditional redeveloper of the Property for a 120-day period for the development of a 108 unit residential project.

Section 7. Capodagli Property Company, LLC has created a new entity to act as the redeveloper for the Project known as Meridia, Water's Edge Urban Renewal, Rahway LLC, which entity is wholly owned and controlled by Capodagli Property Company, LLC (the "Redeveloper").

Section 8. On August 27, 2011, the Agency and the Redeveloper entered into a Memorandum of Understanding ("MOU"), which MOU sets forth certain terms and conditions with respect to the redevelopment of the Property, the construction of the improvements and the payment of certain costs in connection therewith, which terms and conditions are anticipated to be incorporated into the Redevelopment Agreement.

Section 9. Pursuant to and in accordance with the provisions of the Long Term Tax Exemption Law, constituting Chapter 431 of the Pamphlet Laws of 1991 of the State, and the acts amendatory thereof and supplement thereto (the "Long Term Tax Exemption Law", as codified in N.J.S.A. 40A:20-1 et seq.), the City is authorized to provide for tax abatement within a redevelopment area and for payments in lieu of taxes.

Section 10. The Redeveloper shall acquire the Property from the Agency as authorized in the MOU.

Section 11. The Redeveloper has submitted an application for the approval of a Project, as such term is used in the Long Term Tax Exemption Law, all in accordance with N.J.S.A. 40A:20-8 (the "Exemption Application", a copy of which is attached hereto as Exhibit A).

Section 12. The City and the Redeveloper have reached agreement with respect to, among other things, the terms and conditions relating to the Annual Service Charges and desire to execute the Financial Agreement.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the City Council of the City of Rahway, County of Union, New Jersey, as follows:

Section 1. The Exemption Application is hereby accepted and approved.

Section 2. The Financial Agreement is hereby authorized to be executed and delivered on behalf of the City by the Mayor in substantially the form attached hereto as Exhibit B, with such changes as the Mayor (the "Authorized Officer"), in his sole discretion, after consultation with such counsel and any

advisors to the City (collectively, the “City Consultants”) shall determine, such determination to be conclusively evidenced by the execution of the Financial Agreement by an Authorized Officer as determined hereunder. The City Clerk is hereby authorized and directed to attest to the execution of the Financial Agreement by the Authorized Officer of the City as determined hereunder and to affix the corporate seal of the City o the Financial Agreement.

Section 3. The Authorized Officer of the City is hereby further severally authorized and directed to (i) execute and deliver, and the City Clerk is hereby further authorized and directed to attest to such execution and to affix the corporate seal of the City to, any document, instrument or certificate deemed necessary, desirable or convenient by the Authorized Officer or the City Clerk, as applicable, in his respective sole discretion, after consultation with the City Consultants, to be executed in connection with the execution and delivery of the Financial Agreement and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officer deems necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 4. This ordinance shall take effect upon final passage and publication as required by law.

Council President Brown opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

Patrick Cassio 1971 Barnett St.

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

Roll Call for O-29-11:

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

NO: Councilmember Wenson Maier

Council President Brown: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

O-34-11 Council President Brown: The following Ordinance was adopted on first reading, advertised according to law, and is now before you for a public hearing and final

adoption:

**AN ORDINANCE AMENDING CHAPTER 401 OF THE CODE OF THE
CITY OF RAHWAY (VEHICLES AND TRAFFIC) - HANDICAPPED
PARKING**

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

401-79 Schedule XXI: Handicapped Parking

Add:

In front of 1249 Bryant St.

East Side - beginning at a point 202 feet South of the intersection of Elm Ave
extending to a point 22 feet South thereof.

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

**THIS ORDINANCE SHALL TAKE EFFECT UPON FINAL PASSAGE
AND PUBLICATION AS PROVIDED BY LAW**

Council President Brown opened the Public Hearing on this matter and asked if
any citizen wished to be heard, to approach the rail, give his/her name and address
and be heard.

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

Roll Call for O-34-11:

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

Council President Brown: This Ordinance having been read on two separate days
and having achieved the vote required by law is declared adopted. The City Clerk is
directed to deliver same to the Mayor for his approval or disapproval.

O-35-11 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 REPEALING CHAPTER 35 “ETHICS” AND
REPLACED WITH A NEW CHAPTER 35 “MUNICIPAL ETHICS
BOARD” OF THE CODE OF THE CITY OF RAHWAY**

WHEREAS the City of Rahway desires to create a Municipal Ethics Board in accordance with the provisions of the Local Government Ethics Law, N.J.S.A. 40A:9-22.1, et seq.;

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

That Chapter 35, “ETHICS”, of the Code of the City of Rahway shall be repealed in its entirety and replaced with Chapter 35 “MUNICIPAL ETHICS BOARD” as follows:

§ 35-1 – Establishment; membership.

In accordance with the provisions of that certain law entitled “Local Government Ethics Law, N.J.S.A. 40A:9-22.1, et seq.” there is hereby established a Municipal Ethics Board of the City of Rahway consisting of six members who shall be residents of the municipality, at least two of whom shall be public members. The members of the Ethics Board shall be appointed by the Municipal Council of the City of Rahway and shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. No more than three members of the Ethics Board shall be of the same political party.

§ 35-2 – Terms; vacancy.

The members shall serve for a term of five years, except that of the members initially appointed, two of the public members shall be appointed to serve for a term of five years, one member shall be appointed to serve for a term of four years, and the remaining members shall be appointed to serve for a term of three years. Each member shall serve until his successor has been appointed and qualified. Any vacancy occurring in the membership of the Ethics Board shall be filled in the same manner as the original appointment for the unexpired term.

§ 35-3 – Chairman.

The members of the Municipal Ethics Board shall annually elect a Chairman from among the membership.

§ 35-4 – Compensation.

The members of the Ethics Board shall serve without compensation but shall be reimbursed by the City for necessary expenses incurred in the performance of their duties under the Act. All necessary expenses incurred by the Municipal Ethics Board and its members shall be paid, upon certification of the Chairman, by the City Chief Financial Officer within the limits of funds appropriated by the Municipal Council by annual or emergency appropriations for those purposes. The Municipal Ethics Board may appoint employees, including independent counsel and clerical staff as are necessary to carry out the provisions of law within the limits of funds appropriated by the Municipal Council for such purpose.

§35-5 – Powers.

The municipal ethics board shall have the following powers:

a. To initiate, receive, hear and review complaints and hold hearings with regard to possible violations of the municipal code of ethics or financial disclosure requirements by local government officers or employees serving the municipality;

b. To issue subpoenas for the production of documents and the attendance of witnesses with respect to its investigation of any complaint or to the holding of a hearing;

c. To forward to the county prosecutor or the Attorney General or other governmental body any information concerning violations of the municipal code of ethics or financial disclosure requirements by local government officers or employees serving the municipality which may become the subject of criminal prosecution or which may warrant the institution of other legal proceedings by the Attorney General;

d. To render advisory opinions to local government officers or employees serving the municipality as to whether a given set of facts and circumstances would constitute a violation of any provision of the municipal code of ethics or financial disclosure requirements;

e. To enforce the provisions of the municipal code of ethics and financial disclosure requirements with regard to local government officers or employees serving the municipality and to impose penalties for the violation thereof as are authorized by this act; and

f. To adopt rules and regulations and to do other things as are necessary to implement the purposes of this act.

§35-6 – Municipal Code of Ethics Established.

Within 90 days after the establishment of a municipal ethics board, that ethics board shall promulgate by resolution a municipal code of ethics for all local government officers and employees serving the municipality. Local government officers and employees serving a municipal independent authority shall be deemed to be serving the municipality for purposes of this act.

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-35-11:

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

Council President Brown: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

O-36-11 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” 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", of the Code of the City of Rahway be and is hereby amended as follows:

ARTICLE I – CANVASSING AND SOLICITING

§ 311-2 Fee:

The applicant for the permit shall pay a **One Hundred (\$100) Dollar fee** to cover the expenses of the application and Police Department review.

§ 311-3 Permit Application:

- A. The applicant for the permit shall make an application to solicit or canvass and shall state the following information:
- 1) Full name.
 - 2) Age, height and weight.
 - 3) Place of birth.
 - 4) Whether married or single.
 - 5) Place of residence and length of such residence.
 - 6) Whether or not previously convicted of a crime.
 - 7) Employer's name and address.
 - 8) Description of clothing worn by applicant.
 - 9) Description of project for which the applicant intends to canvass or solicit.
- B. Each applicant shall be fingerprinted before a permit shall be issued. He shall also submit his photograph as required by § 311-7(b).
- C. **Out of State residents must supply a certified copy of a background check from their State of residency.**
- D. **Each applicant must supply a Business Registration Certificate from the State of New Jersey.**
- E. **Each applicant must supply a Tax Identification Number from the State of New Jersey.**

ARTICLE III - PEDDLERS

§ 311-20 License and permit required

- A. Any individual who owns and/or operates a peddling business must first obtain a license from the City Clerk.
- B. Employees of peddling businesses actively peddling within the City of Rahway must first obtain a permit from the City Clerk.
- C. Licenses and permits must be displayed in full view during the course of business.
- D. Licenses/permits must be renewed annually each calendar year.
- E. Background checks will be conducted on **an annual** basis for each holder of a license or permit.
- F. It is the responsibility of the license holder to ensure that each new employee who engages in the activities regulated by this article completes an application and receives a permit.
- G. Holders of special licenses from the State of New Jersey pursuant to the regulations of N.J.S.A. 45:24-9, as supplemented and amended, (honorably discharged veterans and exempt members of volunteer fire departments, volunteer fire engineer, hook and ladder, hose supply company or salvage corps. of any municipality or fire district in the State of New Jersey who hold exemption certificates issued to them) must fill out an application and pay for any background checks with the New Jersey Division of State Police but shall be exempt from any of the City's administrative fees for background checks hereunder. Only honorably discharged veterans who have resided in the State of New Jersey for at least six months and in Union County for at least three months shall qualify for this exemption.
- H. All licenses and permits shall expire on the last day of each calendar year.
- I. Upon termination of an employee, all permits of terminated employees must be returned to the City Clerk within 10 days of such termination.
- J. All peddlers selling food items from a vehicle must have the vehicle(s) inspected by the City Health Department and present a valid Food License at the time of application for a peddlers license.**

§ 311-23 License Fee

- A. The license fee for peddlers who use or employ one or more wagons or other vehicles shall be \$200 annually, except that holders of special licenses pursuant to § 311-20(g) shall be exempt.
- B. The license fee for peddlers who do not use or employ wagons or other vehicles, but carry their wares or goods about by foot, shall be \$100 annually; except that holders of special licenses pursuant to § 311-20(g) shall be exempt.

C. For initial license/permit application:

- 1) **Each applicant is responsible for the cost of fingerprinting.**
- 2) Fee of **\$100**, payable to the City of Rahway to cover the administrative fee for the background check, except holders of special licenses pursuant to § 311-20(g) shall be exempt.

D. For **an annual** background check at renewal:

- 1) **Each applicant is responsible for the cost of the secondary check.**
- 2) **Fee of \$50, payable to the City of Rahway to cover the administrative fee for the background check, except holders of special licenses pursuant to § 311-20(g) shall be exempt.**

§ 311-24 Stationary peddling locations.

A. No person authorized to conduct a business of being a peddler shall disturb the public by crying out his wares nor by creating a nuisance, nor shall any such person remain or allow any vehicle or conveyance to remain within 100 feet of any one residence building for a period of time exceeding 15 consecutive minutes for the purpose of conducting such business.

B. As used in this section, "residence building" shall mean a detached dwelling used as a place of residence by not more than two families.

C. No peddler may stop to sell goods in the Special Improvement District.

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-36-11:

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

Council President Brown: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

O-37-11 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 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**

WHEREAS, pursuant to The Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., the City has the power to acquire and/or sell any real property or interests therein for a public purpose; and

WHEREAS, Rahway Industrial Sites, L.P. is the owner of certain property shown and designated as Lot 1.01 in Block 282, Lot 4 in Block 283, and Lot 15 in Block 284 (the "Property") on the tax map of the City of Rahway, Union County, New Jersey; and

WHEREAS, the Property has frontage along New Brunswick Avenue, a public street owned by the City of Rahway (the "City Right-of-Way (ROW)"); and

WHEREAS, Rahway Industrial Sites, L.P. obtained site plan approval for the redevelopment of the Property from the Planning Board of the City of Rahway by resolution dated May 2, 2011; and

WHEREAS, Rahway Industrial Sites, L.P.'s approved site plan, as reviewed and approved by the City of Rahway showed construction of an access ramp within a portion of the City Right-of-Way (ROW); and

WHEREAS, the access ramp provides ease of access to the building from the parking areas; and

WHEREAS, Rahway Industrial Sites, L.P. desires to construct and maintain an access within a portion of the City Right of Way (ROW) and requires a permanent easement for such access ramp (the "Easement"); and

WHEREAS, the City has determined that it would benefit the citizens of the City of Rahway, County of Union and State of New Jersey to sell and convey the aforesaid Easement.

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

1. The sale of the Easement (as more fully described on the map and the legal description attached hereto and made a part hereof as Exhibit "A") to Rahway Industrial Sites, L.P. is hereby authorized for compensation in the amount of One Dollar and 00/100 (\$1.00) and other good and valuable consideration.
2. The Mayor and Municipal Clerk are hereby authorized and directed execute a deed of easement in substantially the same form as that attached hereto and made a part hereof as Exhibit "B" and any other documents which may be required to convey the aforesaid interests.

BE IT FURTHER ORDAINED, that this ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

Council President Brown opened the Public Hearing on this matter and asked if any citizen wished to be heard, to approach the rail, give his/her name and address and be heard.

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

Roll Call for O-37-11:

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

Council President Brown: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

O-38-11 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 January 1, 2012 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</u> <u>Effective 1/1/12</u>
1M	Director of Administration/ Business Administrator	\$110,000 - \$163,344
2M	Director of Police/Police Chief	\$100,000 - \$156,998
3M	Director of Fire/Fire Chief	\$ 96,000 - \$142,311
4M	Director of Public Works/ Superintendent of Public Works Director of Revenue & Finance/ Chief Financial Officer	\$ 91,800 - \$122,587

5M	Health Officer	\$ 90,000 - \$120,183
6M	Director of Bldg., Planning & Ec. Development/ Construction Official & Bldg. Sub Code Official	\$ 70,000 - \$113,165

<u>Range #</u>	<u>Title</u>	<u>Effective 1/1/12</u>
7M	City Clerk Assistant Business Administrator	\$ 66,000 - \$102,472
8M	Municipal Court Administrator Assistant Public Works Superintendent Community Development Program Director	\$ 63,000 - \$ 95,977
9M	Tax Collector Director of Recreation & Superintendent of Recreation	\$ 60,000 - \$ 92,021
10M	Supervisor of Senior Citizen Activities	\$ 56,000 - \$ 86,183
11M	Deputy Municipal Clerk	\$ 51,000 - \$ 81,695
12M	Supervising Chief Sanitary Inspector Fire Official/Fire Sub-Code Official/ Building Inspector	\$ 46,000 - \$ 78,414
13M	Electrical Sub Code Official (PT) Plumbing Sub Code Official (PT) Payroll Supervisor	\$ 45,000 - \$ 72,707
14M	Building Inspector (PT) Asst. Admin. Cultural & Heritage Affairs Accountant	\$ 45,000 - \$ 70,355
15M	Deputy Municipal Court Administrator Administrative Clerk Confidential Secretary Code Enforcement Officer/Zoning Officer (PT)	\$ 40,000 - \$ 61,389
16M	Recreation Program Specialist	\$ 35,000 - \$ 55,080
17M	Recreation Program Coordinator Sr. Housing Inspector	\$ 30,000 - \$ 51,000

18M	Recreation Leader Sports (PT)	\$ 23,000 - \$ 45,526
19M	Public Defender	\$ 10,500 - \$ 24,886

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 1/1/12</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	\$ 2,865
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Meeting Attendance: Board Clerks(Planning, Zoning, EC & MA)	\$ 85 Per board meeting
MBABC Clerk	\$ 85 Per hearing (max 3 annually)

Code Enforcement Inspector	\$ 4,458
Mayor	\$20,809

<u>No Range# & Hourly</u>	<u>Annual Rate</u> <u>Effective 1/1/12</u>
Member of Municipal Council	\$ 8,043
President of Municipal Council	\$ 9,676
Municipal Court Attendant	\$ 60 pr hr for 1 st 3 hrs./per session, 8 pr. half hr. after 3 hrs./session
Municipal Judge	\$62,424
Prosecutor	\$53,321

Public Assistance Secretary	\$ 3,352
Bus Driver Security Guard	\$ 10.00 - \$22.80/hr.
Program Instructors	\$ 20.00 – 60.00/class
Temporary/Seasonal and/or Part-time Workers	\$ 7.25 - \$36.00/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.

Scott Caffee 756 W. Grand Ave.

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

Roll Call for O-38-11:

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

Council President Brown: This Ordinance having been read on two separate days and having achieved the vote required by law is declared adopted. The City Clerk is directed to deliver same to the Mayor for his approval or disapproval.

12. MISCELLANEOUS

13. COMMUNICATIONS - Hearing of Citizens

Patrick Cassio 1971 Barnett St.
Commented on DPW, Police and Fire Departments for their hard work and great job during the two storms. Wished everyone Happy Holidays. Commented on cutting Mayor's salary and the political reasons. Asked for a pay-to-play ordinance.

Florence Robinson 1401 Essex St.
Commented on cutting the Mayor's salary and sending a message about the job. Said that the politics needed to be removed.

Scott Caffee 756 W. Scott Ave.
Spoke about cutting the Mayor's salary and not getting qualified people to run. Said that the citizens are seeing what the Council is doing.

Shirley Palmer 1650 Columbus Pl.
Spoke on MLK ceremony and three days of events.

Michael Pressman 1401 Essex St.
Said that he is a compensation consultant and spoke on the Mayor's salary. Said that compensation can be a motivator.

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

14. COUNCIL COMMENT

Councilmember Rachlin: Wished everyone Happy Holidays and a healthy and happy New Year.

Councilmember Scaturo: Thanked Council President Brown on a job well done and wished everyone Happy Holidays

Councilmember Wenson Maier: Wished everyone Happy Holidays. Said that some members of Council have been on for over 20 years and have made many improvements to the City.

Commented on memo from the Mayor regarding the Business Administrator and the Council.

Councilmember Mione: Wished everyone Happy Holidays and a safe and Happy New Year.

Councilmember Saliga: Wished everyone a very happy Holiday Season.

Councilmember Baker: Wished all the residents a safe and happy Holiday. Said that comments made here tonight were out of line and baseless regarding the accomplishments of the City Council over the years.

Councilmember Steinman: Commented on Mayor's position and serving the City and a love for the City and its residents. Said that Rahway has had the most stable tax bill in Union County over the past 20 years and that the City had an increase in population. Said that the budgets for the past several years only had an increase in a little under 2 percent. Publicly apologized for calling Mr. Cassio a liar. Wished everyone a health and happy season and New Year.

Councilmember Cox: Said that Rahway had quite a year with floods and early snow and upheaval around town. Hopes that the New year will bring everyone closer together. Wished everyone a Happy Holiday.

Council President Brown: Wished all the resident Happy Holidays. Thanked all of his colleagues for working with him. Said that it has been one of the toughest years to work with the people. Commented that the Council has had the majority vote and has been able to get things done in the City . Said that working with the Mayor and Business Administrator, things get done and that communication is the key.

ADJOURNMENT

Motion to adjourn the meeting at 9:10 p.m. was made by Councilmember Scaturo and seconded by Councilmember Mione.

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

Council President Brown declared the motion carried.

Approved:

Jean D. Kuc RMC
City Clerk

David Brown
Council President