



**CITY OF RAHWAY, NEW JERSEY**  
**MUNICIPAL COUNCIL**  
**REGULAR MEETING MINUTES**  
**April 10, 2023, 7 p.m.**

**ROLL CALL**

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

**PRESENT:** Councilmembers Brown, Miles, Mojica, Newbury, Parker, Parson, Cox

**ABSENT:** Councilmembers Brooks, Gibilisco

**PLEDGE OF ALLEGIANCE and INVOCATION**

Council President Cox led the Pledge of Allegiance. Councilmember Newbury offered an Invocation.

**OPEN PUBLIC MEETING STATEMENT:**

Notice of this meeting has been sent to the official newspapers and adequate and electronic notice has been provided in accordance with the Open Public Meetings Act as required by law.

Councilmember Brooks arrived at 7:02 pm.

**MINUTES**

March 7, 2023 Pre-Meeting Conference

March 13, 2023 Regular Meeting

A motion was made by Councilmember Newbury and seconded by Councilmember Parson to accept and approve the above listed minutes.

**YES:** Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parker, Parson, Cox

**ABSENT:** Councilmember Gibilisco

Council President Cox declared the motion carried.

**PRESENTATIONS**

Councilmember Miles presented a Mayoral proclamation recognizing 4p-/Wolf-Hirschhorn Syndrome Awareness Day

**COMMUNICATIONS: MAYOR, REPORTS OF CITY OFFICERS AND BILL PAYMENT**

**REPORTS OF COUNCIL COMMITTEES**

No reports from council committees were offered.

A motion was made by Councilmember Newbury and seconded by Councilmember Brooks to remove First reading Ordinance O-22-23 from the agenda.

**YES:** Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parker, Parson, Cox

**ABSENT:** Councilmember Gibilisco

Council President Cox declared the motion carried.

A motion was made by Councilmember Miles and seconded by Councilmember Newbury to place AR-113-23 on the Agenda and Consent Agenda.

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parker, Parson, Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**HEARING OF CITIZENS: ITEMS ON AGENDA** Except ordinances on Second Reading (five minutes per speaker)

Council President Cox opened the floor for hearing of citizens. And with no one appearing, Council President Cox closed the public hearing.

**ORDINANCES – FIRST READING**

**O-20-23 AN ORDINANCE AMENDING CHAPTER 344 “SIDEWALK CAFES”**

Motion to introduce the above titled Ordinance was made by Councilmember Mojica, seconded by Councilmember Parson and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury,  
Parker, Parson, Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**O-21-23 AN ORDINANCE AMENDING THE AMENDED AND SUPPLEMENTED CENTRAL BUSINESS DISTRICT REDEVELOPMENT PLAN**

Motion to introduce the above titled Ordinance was made by Councilmember Brown, seconded by Councilmember Miles and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury,  
Parker, Parson, Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**O-23-23 AN ORDINANCE AMENDING CHAPTER 373 “SWIMMING POOLS, PUBLIC” BY AMENDING THE TITLE TO “SWIMMING POOLS AND PUBLIC RECREATIONAL BATHING FACILITIES” AND AMENDING THE ORDINANCE TO SET LICENSING AND INSPECTION REQUIREMENTS**

Motion to introduce the above titled Ordinance was made by Councilmember Brown, seconded by Council President Cox and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury,  
Parker, Parson, Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

Council President Cox: these Ordinances are 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. These Ordinances will come up for Public Hearing and further action at a Council Meeting on May 8 at 7 p.m. or at any time and place to which the meeting for the further consideration of the ordinances shall be adjourned.

### **CONSENT AGENDA**

All items marked with an asterisk (\*) are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council Member or citizen requests. Any item not included on the Consent Agenda will be considered in its normal sequence on the Agenda.

Motion made by Councilmember Newbury and seconded by Councilmember Parker to adopt the Consent Agenda. The Consent Agenda was adopted by the following vote.

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parker, Parson, Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

### **RESOLUTIONS**

#### **Department of Engineering & Land Use**

**\*AR-92-23** RESOLUTION ENTERING INTO AN AGREEMENT WITH ANDREY KRAVTSOV OF KEY DETAIL IN THE AMOUNT NOT TO EXCEED \$22,000 TO INSTALL A MURAL AT THE PASEO AS PART OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION 2023 COMMUNITY BASED ART GRANT PROGRAM

Motion to adopt the above titled Resolution was made by Councilmember Miles, seconded by Councilmember Mojica and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker,  
Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**\*AR-93-23** RESOLUTION AUTHORIZING THE EXECUTION OF AN ACCESS AGREEMENT WITH LUKOIL NORTH AMERICA, LLC FOR THE INSTALLATION OF A TEMPORARY GROUNDWATER MONITORING WELL ON MUNICIPAL PROPERTY

Motion to adopt the above titled Resolution was made by Councilmember Brown, seconded by Councilmember Newbury and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker, Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**Department of Fire**

**\*AR-94-23** A RESOLUTION AWARDDING CONTRACT TO LEXIPOL INC. FOR FIRE DEPARTMENT POLICY MAINTENANCE AND SUPPORT OF THE POLICIES REQUIRED

Motion to adopt the above titled Resolution was made by Councilmember Parson, seconded by the Councilmember Miles and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker, Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**Department of Health**

**\*AR-95-23** RESOLUTION OF AGREEMENT TO ACCEPT NJACCHO ENHANCING LOCAL PUBLIC HEALTH INFRASTRUCTURE GRANT FUNDS FOR RAHWAY DEPARTMENT OF HEALTH

Motion to adopt the above titled Resolution was made by Council President Cox, seconded by Councilmember Mojica and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker, Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**\*AR-96-23**

A RESOLUTION AUTHORIZING AN AGREEMENT WITH NOVER ENGELSTEIN & ASSOCIATES, INC FOR HEALTH INSPECTION SOFTWARE

Motion to adopt the above titled Resolution was made by Councilmember Brooks, seconded by Councilmember Brown and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker, Cox

ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**\*AR-97-23**

A RESOLUTION AUTHORIZING AN AGREEMENT WITH SAFEPOINT SCIENTIFIC FOR TEMPERATURE MONITORING SYSTEMS OF VACCINE STORAGE UNITS

Motion to adopt the above titled Resolution was made by Councilmember Newbury, seconded by Councilmember Mojica and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker, Cox

ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**\*AR-98-23**

RESOLUTION AUTHORIZING THE MAYOR OR CLERK TO ENTER INTO A SHARED SERVICE AGREEMENT BETWEEN THE CITY OF RAHWAY AND THE BOARD OF EDUCATION OF THE CITY OF RAHWAY FOR NURSING SERVICES FOR NONPUBLIC SCHOOL PUPILS

Motion to adopt the above titled Resolution was made by Councilmember Parson, seconded by Councilmember Mojica and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker, Cox

ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**Department of Recreation**

**\*AR-99-23**

A RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL OF THE CITY OF RAHWAY TO ADMINISTER THE MUNICIPAL ALLIANCE GRANT, INCLUDING THE ADMINISTRATIVE COMPLIANCE AND AUDIT REQUIREMENTS OF THE MODIFIED GCADA'S MUNICIPAL ALLIANCE GRANT FOR FISCAL YEAR 2023-2024 AND ENTER INTO A CONTRACT THERETO

Motion to adopt the above titled Resolution was made by Council President Cox, seconded by Councilmember Brooks and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker,  
Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

### Department of Public Works

**\*AR-100-23** A RESOLUTION AWARDDING A SERVICE CONTRACT FOR CUTTING AND CONTROL OF VEGETATION ON THE RAHWAY FLOOD CONTROL LEVEE

Motion to adopt the above titled Resolution was made by Councilmember Parson, seconded by Councilmember Newbury and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker,  
Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

### Department of Police

**\*AR-101-23** RESOLUTION OF THE CITY OF RAHWAY AUTHORIZING THE AWARD OF A CONTRACT TO USGOVBID/AUCTION LIQUIDATION SERVICES AND THE SALE ON AN ONLINE AUCTION WEBSITE OF SURPLUS PROPERTY NO LONGER NEEDED FOR PUBLIC USE

Motion to adopt the above titled Resolution was made by Councilmember Brooks, seconded by Councilmember Miles and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson,  
Parker, Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**\*AR-102-23** RESOLUTION AUTHORIZING THE SALE OF UNUSED OR SEIZED CITY PROPERTY

Motion to adopt the above titled Resolution was made by Council President Cox, seconded by the Entire Council and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson,  
Parker, Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**Department of Revenue & Finance**

**\*AR-103-23 RESOLUTION AUTHORIZING ISSUANCE OF DUPLICATE TAX SALE CERTIFICATES PURSUANT TO CHAPTER 99 OF PUBLIC LAWS OF 1997**

Motion to adopt the above titled Resolution was made by Councilmember Parson, seconded by Councilmember Brown and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker, Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**\*AR-104-23 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF TAX SALE CERTIFICATE FOR 2022 TAX LIENS**

Motion to adopt the above titled Resolution was made by Councilmember Miles, seconded by Council President Cox and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker, Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**\*AR-105-23 A RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER BILLS**

Motion to adopt the above titled Resolution was made by Councilmember Brooks, seconded by Councilmember Mojica and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker, Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**Department of Administration**

**\*AR-106-23 RESOLUTION AUTHORIZING AN AGREEMENT WITH THE COUNTY OF UNION FOR USE OF RAHWAY RIVER PARK FOR THE 2023 CITY OF RAHWAY INDEPENDENCE DAY FAIR AND FIREWORKS**

Motion to adopt the above titled Resolution was made by Councilmember Brown, seconded by Councilmember Newbury and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker, Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**\*AR-107-23** RESOLUTION AUTHORIZING A HOLD HARMLESS AGREEMENT WITH THE HISTORIC RAHWAY CEMETERY FOR USE OF THE CEMETERY DURING THE 2023 CITY OF RAHWAY INDEPENDENCE DAY FAIR AND FIREWORKS

Motion to adopt the above titled Resolution was made by Council President Cox, seconded by the Entire Council and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker, Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**\*AR-109-23** RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF RAHWAY AND THE RAHWAY COMMUNITY ACTION ORGANIZATION (RCAO), A 501 (c) 3 ORGANIZATION

Motion to adopt the above titled Resolution was made by Councilmember Brown, seconded by Council President Cox and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker, Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**\*AR-110-23** A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF RICK ZDAN TO THE ZONING BOARD OF ADJUSTMENT

Motion to adopt the above titled Resolution was made by Council President Cox, seconded by Councilmember Mojica and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker, Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.



**\*AR-112-23 RESOLUTION AMENDING THE EXPIRATION DATE OF THE TERM OF ZONING BOARD ALTERNATE #3 MEMBER COURTNEY ANDERSON**

Motion to adopt the above titled Resolution was made by Councilmember Brown, seconded by Councilmember Miles and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker, Cox

ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**\*AR-113-23 A RESOLUTION AUTHORIZING THE SETTLEMENT OF TAX APPEALS FILED BY WOODBRIDGE AVENEL, LLC, FOR THE TAX YEARS 2016, 2017, 2018, 2019, 2020, 2021 AND 2022**

Motion to adopt the above titled Resolution was made by Councilmember Miles, seconded by Councilmember Newbury and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker, Cox

ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**ORDINANCES – FINAL ADOPTION / SECOND READING**

**O-12-23 AN ORDINANCE AMENDING CHAPTER 311 “PEDDLING, SOLICITING AND VENDING”, ARTICLE V “FOOD VEHICLES” SECTION 35 “BUSINESS LICENSE AND EMPLOYEE PERMIT REQUIRED” AND SECTION 37 “FEES” OF THE CODE OF THE CITY OF RAHWAY**

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

Motion to adopt the above titled Ordinance O-12-23 was made by Council President Cox, seconded by the Entire Council and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker, Cox

ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**O-13-23** AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE XVII (DEPARTMENT OF POLICE), CHAPTER §5-66 (ESTABLISHMENT, COMPOSITION, PROCEDURES) IN ORDER TO CREATE A SAFE EXCHANGE ZONE FOR THE CITY OF RAHWAY

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

Motion to adopt the above titled Ordinance O-13-23 on second reading was made by Councilmember Mojica, seconded by Councilmember Parker and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker, Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**O-14-23** AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER §389 “TOW TRUCKS; WRECKERS” OF THE CODE OF THE CITY OF RAHWAY

Motion to adopt the above titled Ordinance O-14-23 on second reading was made by Councilmember Brown, seconded by Councilmember Newbury and adopted by the following vote:

YES: Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker, Cox  
ABSENT: Councilmember Gibilisco

Council President Cox declared the motion carried.

**O-15-23** AN ORDINANCE AMENDING ORDINANCE NO. O-41-22 LAND USE LEGISLATION, CHAPTER 421 (ZONING) TO MODIFY REGULATIONS FOR CLASS 5 CANNABIS LICENSED RETAIL BUSINESSES IN THE CITY OF RAHWAY

Council President Cox opened the Public Hearing on this matter and asked if any citizen wished to be heard and give his/her name and address:

Samuel Serrano	714 E. Scott Ave.
Richard Poklemba	548 E. Grand Ave.
Vincente Barragan	2010 Barnett St.
Carol Martinez	146 Madison Ave.
Lydia Chacon	1271 Revoir Dr.
Sexto Alvarez	1180 Turner St.
Oliver Blackwell	1996 Barnett St.
Charles Reul	724 E. Scott Ave.
Gina Reul	714 E. Scott Ave.

Cynthia Chacon-Serrano            714 E. Scott Ave.  
Lydia Chacon                            714 E. Scott Ave.  
Valerie Ordonez                        1377 Jefferson Ave.  
Beth Battinelli                         1245 Main St. #251

Mayor Giacobbe addressed some of the speakers' comments.

Motion to adopt the above titled Ordinance O-15-23 on second reading was made by Council President Cox, seconded by the Entire Council and adopted by the following vote:

YES:            Councilmembers Brooks, Brown, Miles, Newbury, Parson, Parker, Cox  
NO:             Councilmember Mojica  
ABSENT:      Councilmember Gibilisco

Council President Cox declared the motion carried.

**O-16-23**

AN ORDINANCE AMENDING ORDINANCE NO. O-42-22 WHICH CREATED A NEW CHAPTER 422, "ESTABLISHMENT OF CANNABIS LICENSING AND BUSINESS REGULATIONS" WITHIN THE CODE FOR ALL CANNABIS BUSINESSES WITHIN THE CITY OF RAHWAY

Council President Cox opened the Public Hearing on this matter and asked if any citizen wished to be heard and give his/her name and address:

Samuel Serrano                            714 E. Scott Ave.

Motion to adopt the above titled Ordinance O-16-23 on second reading was made by Council President Cox, seconded by the Entire Council and adopted by the following vote:

YES:            Councilmembers Brooks, Brown, Miles, Mojica, Newbury, Parson, Parker, Cox  
ABSENT:      Councilmember Gibilisco

Council President Cox declared the motion carried.

Council President Cox: These Ordinances 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.

**MISCELLANEOUS (Unfinished Business)**

No items were offered.

**COMMUNICATIONS: HEARING OF CITIZENS ON ANY ITEM (Five minutes per speaker)**

Council President Cox opened the floor for hearing of citizens.

Samuel Serrano	714 E. Scott Ave.
Melissa Ohlund	467 Stanley Pl.
Branden Smith	1280 Clark St.
Ronald McRae	840 E. Hazelwood Ave.

With no one else appearing, Council President Cox closed the public hearing.

**COUNCIL COMMENTS (Three minutes per member)**

The Councilmembers offered their comments.

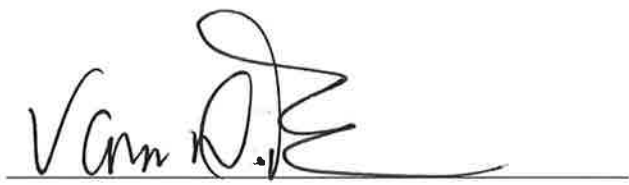
**ADJOURNMENT**

A motion to adjourn the meeting at 9:01 pm was made by Councilmember Newbury and seconded by Councilmember Brooks. The meeting was officially adjourned at 9:01 pm without objection on a voice vote.

Approved:



Jeffrey J. Jotz, City Clerk



Vannie D. Parson, Council President