

**WORK SESSION MEETING
OF THE
CITY OF GARFIELD MAYOR AND COUNCIL
October 11, 2022
6:00P.M.**

Whereas Chapter 231 of the Public Laws of the State of New Jersey requires at the commencement of every meeting a Statement of Compliance be read.

Now, therefore be advised, that the meeting requirements for this meeting have been met by publishing an annual notice in The Record and Herald News of Woodland Park and by posting such notice in the office of the City Clerk as well as in a public place within the Municipal Building and by notifying interested citizens. Notice was published on January 7, 2022.

Work Meeting Agenda Items:

1. Action Items
 2. Sunrise Movement Presentation
 3. Lily Extracts, LLC. Presentation
 4. Garfield Library – Ruth Springer
 5. DMR Architects – Fran Reiner – 94 Passaic Street
 6. Reports of the Cabinet and City Council
 7. Report of the City Manager/City Clerk
 - a. Discussion Items
 - b. Ordinances
 - c. Departmental Reports
 8. Executive Session (Closed to the Public)
- c: City Manager/City Clerk
Mayor and Council
City Attorney Daniel Lagana
Special Counsel John J. Lavin
City Engineer, Carl O'Brien/Kevin Boyer
Special Engineer, Kevin Boswell
DMR Architects, Fran Reiner
Garfield Library, Ruth Springer
Sunrise Movement
Department Heads

**WORK SESSION MEETING
OF THE
GARFIELD MAYOR AND COUNCIL
ACTION ITEMS
OCTOBER 11, 2022
6:00P.M.**

1. ORDINANCES:

FIRST READING

R-468-22

Re-Introduce Ord. #2952

AN ORDINANCE AMENDING PART II, GENERAL LEGISLATION, CHAPTER 265, SEWERS, ARTICLE I, SEWER USE, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

R-469-22

Re-Introduce Ord. #2961

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 226, PARKING, ARTICLE VI, RESIDENT PARKING PROGRAM, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

SECOND READING

R-470-22

Introduce Ord. #2953

AN ORDINANCE TO AMEND PART II GENERAL LEGISLATION, CHAPTER 114, CONSTRUCTION CODES, UNIFORM, TO CREATE THE POSITION OF ELEVATOR SUB-CODE OFFICIAL

R-471-22

Introduce Ord. #2956

AN ORDINANCE REPEALING AND REPLACING PART II, GENERAL LEGISLATION, CHAPTER 100, CANNABIS OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

R-472-22

Introduce Ord. #2959

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 226, PARKING, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

R-473-22

Introduce Ord. #2960

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 226, PARKING, ARTICLE V, PERMIT PARKING ON RESIDENTIAL STREETS, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

2. CONSENT AGENDA:

R-474-22

Appointing Ronald P. Mondello, Esq. Special Tax Counsel

R-475-22

Appointing Ronald P. Mondello, Esq. Special Tax Counsel

R-476-22

Revising Contract for Services Rendered in Connection with River Drive Roadway Improvement and Dundee Dam Waterfront Historic Park

R-477-22

Revising Contract for Services Rendered in Connection with Improvements on Grand Street

- R-478-22 Revising Contract for Services Rendered in Connection with Neighborhood Revitalization Phase 1 Project on Passaic Street
- R-479-22 Requesting Approval of Items of Revenue and Appropriation
N.J.S.A. 40A:4-87
- R-480-22 Requesting Permission for the Dedication by Rider for Civic Events Donations Required by DLGS
- R-481-22 Approving Handicap Parking Space
- R-482-22 Approving Handicap Parking Space
- R-483-22 Approving Loading Zone
- R-484-22 Approving 15-Minute Business Parking Zone
- R-484-22 Determining That the Properties Generally Known as 41-42 Hepworth Place, Also Known as Block 34.01, Lot 10 and Block 31.01, Lot 9.01 as Shown on the Official Tax Map of the City of Garfield Qualify and Is Determined as an Area in Need of Redevelopment, Specifically a Non-Condensation Redevelopment Area, Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.
- R-486-22 Establishing the Position of Elevator Subcode Official for the City of Garfield
- R-487-22 Resolution to Accept Consent Agenda

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-468-22**

**RESOLUTION BY:
SECONDED BY:**

**RE-INTRODUCE ORDINANCE #2952
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

AN ORDINANCE AMENDING PART II, GENERAL LEGISLATION, CHAPTER 265, SEWERS, ARTICLE I, SEWER USE, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

be passed and adopted on first reading; and

BE IT RESOLVED, that a final hearing on said ordinance will be heard in City Hall on Tuesday, October 25, 2022 at 6:00PM or as soon thereafter as same can be heard, at which time any persons interested in said ordinance can be heard; and

BE IT FURTHER RESOLVED, that the City Clerk be and she is hereby authorized to advertise in a legal newspaper a notice of introduction and final hearing as required by law.

APPROVED: October 11, 2022

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag				
Herrera				
Banch				
Delaney				
Rigoglioso				

This resolution was approved by the Mayor and Council of the City of Garfield at the Work Session Meeting held on the 11th day of October 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2952**

AN ORDINANCE AMENDING PART II, GENERAL LEGISLATION, CHAPTER 265, SEWERS, ARTICLE I, SEWER USE, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

BE IT ORDAINED, by the Governing Body of the City of Garfield, that Part II, General Legislation, Chapter 265, Sewers, Article I, Sewer Use, Subsection 265-26(A), is hereby amended as follows:

Section 1. The current text of City Ordinance, Part II, General Legislation, Chapter 265, Sewers, Article I, Sewer Use, Subsection 265-26, is hereby amended as follows:

§265-24 Maintenance, installation, repair of sewer and sewer laterals; tampering

- A. Before any portion of the building drain outside of the building is connected to the building connection, the owner shall prove to the satisfaction of the City Plumbing Inspector that it is clean and conforms in every respect to the Uniform Construction Code, and before any portion of the building connection is connected to the building sewer lateral, the Plumbing Inspector shall be satisfied that the building connection is in good order and conforms in every respect to the Uniform Construction Code.
- B. Maintenance of the public sewer and sewer laterals between the main and the curb shall be performed by the City's Department of Public Works or by a contractor selected by the City as a result of open competitive bidding or under the supervision of such other person or department of the City as may hereafter be designated by the Mayor and Council. Said contractor shall be governed by the terms of the ordinances of the City relating to sewer installation and maintenance and shall comply with plans and specifications of the Sewer Department on file with the City Clerk.
- C. Where there are no existing lateral connections and the installation of a new sewer lateral connection is required, it shall be the sole responsibility of the property owner to install the sewer lateral connection, at the property owner's cost and at no expense to the City of Garfield. The newly installed lateral connection must run from the building to the main line connection in the roadway.
- D. Where an existing sewer lateral must be replaced due to the construction of a new building or the renovation, remodeling or addition to an existing structure that is greater than 50% of the building's assessed value, it shall be the responsibility of the property owner to install the sewer lateral connection, at the property owner's cost and at no expense to the City of Garfield. The newly installed lateral connection must run from the building to the main line connection in the roadway.
- E. Where connection is made between the building drain outside of the building and the building connection, a long radius bend shall be appropriately installed at this connection along with a clean-out as required by the Uniform Construction Code. If no clean-out exists, the property owner shall be responsible for the installation and all costs associated therewith. This connection shall be subject to the approval of the Plumbing Inspector who shall be given ample notice prior to such work.
- F. Each contractor or other person performing work may be required to post a bond or cash acceptable to the Mayor and Council or such other official or department of the City as may hereafter be designated by the Mayor and Council. All work shall be adequately guarded with barricades, lights and other measures for protection of the public from hazard. Streets, sidewalks, parkways, curbs and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Borough.
- G. The Plumbing Inspector may apply any appropriate test as defined in the Uniform Construction Code to the plumbing, and the plumber and contractor, at his own expense,

shall furnish all necessary tools, labor, materials and assistance for such tests and shall remove or repair any defective materials when so ordered by the Inspector.

H. Each contractor or other person performing work on private property for the purpose of connecting from the curb or street line onto private property shall be governed by the terms of the ordinances of the City, the Uniform Construction Code and of the Board of Health

I. Installation and backfilling.

(1) Where there is no building sewer lateral available, the property owner or developer of the property shall, prior to the issuance of a building permit, apply to the City Clerk for a sewer lateral permit and a street opening permit, if necessary. The charge for this sewer connection permit is \$100.

(2) When installing the building connection, the trenches shall be dug in a careful manner and properly sheathed where required. The excavated materials shall be piled in a compact heap, so placed as to cause the least possible inconvenience to the public. Proper barricades and lights must be maintained around the trench to guard against accidents. Extreme care shall be taken to prevent any dirt, stones or other undesirable material from entering the public sewer system through the building sewer lateral during these operations.

(3) In backfilling, the material for the two feet immediately over the pipe shall be selected so it contains no stones. All backfill material for the trench shall be placed by tamping in eight-inch layers so as to avoid any settlement. When the trench has been filled to the proper height, the surface material shall be replaced and heavily tamped and rolled.

(4) Where the trench is excavated in rock, the rock must be carefully excavated to a depth of six inches below the grade line of the sewer and the trench brought to the proper elevation with gravel or other material satisfactory to the Plumbing Inspector. The remainder of the trench must be backfilled with suitable material.

(5) Nothing in this subsection shall be construed as abrogating any of the existing requirements of the Borough relating to the excavation and backfilling of trenches, but the requirements herein contained shall be in addition thereto.

(6) Where subsoil conditions are bad, such special precaution must be taken to secure a watertight job as may be directed by the Plumbing Inspector.

J. Tampering; cost of repair.

(1) No person shall intentionally break, damage, destroy, uncover, deface or tamper with any structure appurtenance or equipment that is part of the wastewater facilities.

(2) The property owner is also responsible for maintenance and/or repairs of all blockages that exist within the property owner's home. In the event that the Department of Public Works or other City agency incurs costs or expenses, including overtime costs, checking, repairing or otherwise addressing blockages which are ultimately determined to be inside the property owner's residence or property, the cost for said expense, including overtime costs, may be charged to the property owner.

a. The determination to charge the cost pursuant to this subsection shall be within the sound discretion of the Superintendent of the Department of Public Works; and

b. The amount to be charged to the property owner shall be determined based upon the actual cost incurred by the City, and the Superintendent of the Department of Public Works shall be required to prepare a certification of this cost and submit the same to the property owner within 30 days from the date that the cost is incurred;

- c. The amount charged shall be paid by the property owner within 15 days of the date of receipt of the statement from the Superintendent of the Department of Public Works. If the charge remains unpaid for a period of 30 days, the Superintendent shall immediately transmit a copy of the same to the office of the Tax Collector who shall enter the Superintendent of Department of Public Works certification as a lien on the subject property.

Section 2. The remainder of Chapter 265, Article 1 are ratified and remain unchanged as a result of this Ordinance amendment.

Section 3. Any article, chapter, section, paragraph, subsection, clause, or other provision of the Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 4. In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Tabled: September 13, 2022

Introduced:

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-469-22**

**RESOLUTION BY:
SECONDED BY:**

**RE-INTRODUCE ORDINANCE #2961
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 226, PARKING, ARTICLE VI, RESIDENT PARKING PROGRAM, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

be passed and adopted on first reading; and

BE IT RESOLVED, that a final hearing on said ordinance will be heard in City Hall on Tuesday, October 25, 2022 at 6:00PM or as soon thereafter as same can be heard, at which time any persons interested in said ordinance can be heard; and

BE IT FURTHER RESOLVED, that the City Clerk be and she is hereby authorized to advertise in a legal newspaper a notice of introduction and final hearing as required by law.

APPROVED: October 11, 2022

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag				
Herrera				
Banch				
Delaney				
Rigoglioso				

This resolution was approved by the Mayor and Council of the City of Garfield at the Work Session Meeting held on the 11th day of October 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2961**

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 226, PARKING, ARTICLE VI, RESIDENT PARKING PROGRAM, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

BE IT ORDAINED, by the Governing Body of the City of Garfield that Part II, General Legislation, Chapter 226, Parking, Article VI, Resident Parking Program, Section 226-28, Resident parking program, is hereby amended as follows:

Section 1. The current text of City Ordinance, Part II, General Legislation, Chapter 226, Parking, Article VI, Resident Parking Program, Section 226-28, Resident parking program, Subsection B(2), Rules and regulations, is hereby amended as follows:

Proof of residency of the owner of a vehicle must be presented when applying for a permit. The following are required proof of residency:

- a. a copy of a valid New Jersey driver's license reflecting the vehicle owner's residency within the City of Garfield;
- b. a copy of a valid New Jersey motor vehicle registration for which the permit is sought showing the vehicle owner's address in the City of Garfield;
- c. a current car insurance statement showing the vehicle's owner's address in the City of Garfield; and
- d. one additional item reflecting the vehicle owner's residency, such as a utility bill or current bank statement. A post office box number will not be deemed proof of residency in order to receive a resident parking permit.
- e. In addition to the proof of residency described herein, all applicants for resident parking permits shall be required to produce a "dwelling certificate" in accordance with the provisions of City Ordinance No. 2213.¹¹ *[1]Editor's Note: See Ch. 128, Dwelling Certificates.*

Section 2. All other provisions of this Chapter, Article, and Section endure and shall remain in full force and effect;

Section 3. Any article, chapter, section, paragraph, subsection, clause, or other provision of the Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 4. In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

Tabled: September 27, 2022

Introduced:

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-470-22**

**RESOLUTION BY:
SECONDED BY:**

**INTRODUCE ORDINANCE #2953
SECOND READING**

WHEREAS, a public notice has been given by the City Clerk that an ordinance entitled:

AN ORDINANCE TO AMEND PART II GENERAL LEGISLATION, CHAPTER 114, CONSTRUCTION CODES, UNIFORM, TO CREATE THE POSITION OF ELEVATOR SUB-CODE OFFICIAL

was introduced and passed at a meeting held on Tuesday, September 13, 2022 and that further consideration of this ordinance would be taken up at this meeting; and

WHEREAS, all persons interested in said ordinance were given an opportunity to be heard concerning the same;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Garfield, that said ordinance pass on final reading.

APPROVED: October 11, 2022

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag				
Herrera				
Banch				
Delaney				
Rigoglioso				

This resolution was approved by the Mayor and Council of the City of Garfield at the Work Session Meeting held on the 11th day of October 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2953**

AN ORDINANCE TO AMEND PART II GENERAL LEGISLATION, CHAPTER 114, CONSTRUCTION CODES, UNIFORM, TO CREATE THE POSITION OF ELEVATOR SUB-CODE OFFICIAL

WHEREAS, City Ordinance, Part II, General Legislation, Chapter 114, Construction Codes, Uniform, Subsection 114-1, Enforcing agency; sub-code officials, establishes in the City of Garfield a State Uniform Construction Code enforcing agency known as the “Department of Inspections”; and

WHEREAS, the City of Garfield wishes to add the position of Elevator Sub-code Official to regulate elevators within the City of Garfield; and

WHEREAS, N.J.A.C. 5:23-4.3(a) provides that any municipality seeking to establish and operate an enforcing agency, pursuant to the act and the regulations, shall first notify the department of its intent to establish such an agency by registered and certified mail, return receipt requested, not later than one month prior to the effective date of the regulations; and

WHEREAS, the City of Garfield Department of Inspections, located at 111 Outwater Lane, Garfield, New Jersey will retain jurisdiction to conduct enforcement measures of all documented violations; and

WHEREAS, all appeals of the decisions issued by the City of Garfield Department of Inspections, shall be submitted to the Bergen County Construction Board of Appeals for final disposition; and

WHEREAS, the City of Garfield seeks the of an Elevator Sub-code Official, licensed in accordance with N.J.A.C. 5:23-5, to perform inspections and witness tests within its jurisdiction; and

WHEREAS, the transfer of jurisdiction to the municipality shall not be effective until 120 calendar days after a certified copy of this Resolution is received by the New Jersey Department of Community Affairs; and

WHEREAS, during this 120-day period the New Jersey Department of Community Affairs shall retain jurisdiction to enforce the relevant regulations;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Garfield, County of Bergen, State of New Jersey as follows:

SECTION 1. City Ordinance, Part II, General Legislation, Chapter 114, Construction Codes, Uniform, Section 114-1, Enforcing agency; sub-code officials, Subsection A is hereby amended as follows:

There is hereby established in the City of Garfield a State Uniform Construction Code enforcing agency to be known as "Department of Inspections," consisting of a Construction Official, Building Sub-code Official, Plumbing Sub-code Official, Electrical Sub-code Official, Fire Protection Sub-code Official, Elevator Sub-code Official, and such other Sub-code officials, for such additional Sub-code as the Commissioner of the Department of Community Affairs, State of New Jersey, shall hereafter adopt as part of the State Uniform Construction Code. The Construction Official shall be the chief administrator of the enforcing agency.

SECTION 2. Repealer. All ordinances and parts of Ordinance in conflict with or inconsistent with this ordinance be and the same are hereby repealed but to the extent of such conflict or inconsistency.

SECTION 3. Effective Date of this Ordinance shall be one hundred and twenty (120) days after the final passage, provided notice of same has been duly published as required by law.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: September 13, 2022

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-471-22**

RESOLUTION BY:

SECONDED BY:

**INTRODUCE ORDINANCE #2956
SECOND READING**

WHEREAS, a public notice has been given by the City Clerk that an ordinance entitled:

AN ORDINANCE REPEALING AND REPLACING PART II, GENERAL LEGISLATION, CHAPTER 100, CANNABIS OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

was introduced and passed at a meeting held on Tuesday, September 13, 2022 and that further consideration of this ordinance would be taken up at this meeting; and

WHEREAS, all persons interested in said ordinance were given an opportunity to be heard concerning the same;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Garfield, that said ordinance pass on final reading.

APPROVED: October 11, 2022

Richard Rigoglioso, Mayor

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag				
Herrera				
Banch				
Delaney				
Rigoglioso				

This resolution was approved by the Mayor and Council of the City of Garfield at the Work Session Meeting held on the 11th day of October 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2956**

**AN ORDINANCE REPEALING AND REPLACING PART II, GENERAL
LEGISLATION, CHAPTER 100, CANNABIS OF THE REVISED GENERAL
ORDINANCES OF THE CITY OF GARFIELD**

BE IT ORDAINED, by the Governing Body of the City of Garfield, that Part II, General Legislation, Chapter 100, Cannabis, is hereby repealed and replaced with the following:

Section 1. Section 100-1. Definitions

Alternative Treatment Center" or ATC means an organization issued a permit pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) to operate as a medical cannabis cultivator, medical cannabis manufacturer, medical cannabis dispensary, or clinical registrant, as well as any alternative treatment center deemed pursuant to section 7 of that act (C.24:6I-7) to concurrently hold a medical cannabis cultivator permit, a medical cannabis manufacturer permit, and a medical cannabis dispensary permit.

"Cannabis" means all parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16 for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marijuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.).

"Cannabis Cultivator" means any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

"Cannabis Delivery Service" means any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.

"Cannabis Distributor" means any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

"Cannabis Establishment" means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

"Cannabis Item" means any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin. "Cannabis Item" does not include: Any form of medical cannabis dispensed to registered qualifying patients pursuant to the Jake Honig Compassionate Use Medical Cannabis Act," P.L. 2009, .307 (c.24:6i-1 et seq.) and P.L. 2015, c. 158 (c.18a:40-12.22 et seq.); or hemp or

hemp product cultivated, handled processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L. 2019, c.238 (c.4:28-6 et seq.).

“Cannabis Leaf” means the leaf of the plant Cannabis sativa L. within the plant family cannabaceae.

“Cannabis Manufacturer” means any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

“Cannabis Manufacturing” means the drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. “Manufacture” with respect to cannabis does not include packaging or labeling.

“Cannabis Manufacturing” means the drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. “Manufacture” with respect to cannabis does not include packaging or labeling.

“Cannabis Overlay Zone”- The overlay zone whereby the approved classes of Cannabis Establishments are permitted to operate.

“Cannabis Overlay Zone Map”- The official Township map establishing the Cannabis Overlay Zone.

“Cannabis Paraphernalia” means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing a cannabis item into the human body. “Cannabis Paraphernalia” does not include drug paraphernalia as defined in N.J.S. 2C: 36-1 and which is used or intended for use to commit a violation of Chapter 35 or 362 of Title 2C of the New Jersey Statutes.

“Cannabis Product” means a product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. “Cannabis Product” does not include (1) usable cannabis by itself; (2) cannabis extract by itself; or (3) any other cannabis resin by itself.

“Cannabis Retailer” means any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.

“Cannabis wholesaler” means any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

“Cannabis, Usable” means the dried leaves and flowers of the female plant Cannabis sativa L., and does not include seedlings, seeds, stems, stalks, or roots of the plant.

Microbusiness- A person or entity licensed under P.L.2021, c. 16 (C.24:6I-31 et al.) as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service that may only, with respect to its business operations, and capacity and quantity of product: (1) employ no more than 10 employees; (2) operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow above that plane not higher than 24 feet; (3) possess no more than 1,000 cannabis plants each month,

except that a cannabis distributor's possession of cannabis plants for transportation shall not be subject to this limit; (4) acquire each month, in the case of a cannabis manufacturer, no more than 1,000 pounds of usable cannabis; (5) acquire for resale each month, in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof; and (6) acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof.

Section 2. Section 100-2. Permitted and prohibited licenses.

- A. Permitted Licenses- Those businesses possessing a license issued by the State of New Jersey to operate and a Class 1, Class 2, Class 3, Class 4, or Class 5 adult-use license pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), may operate within the City of Garfield, subject to all of the provisions of this ordinance and all applicable State standards and regulations.
- B. Prohibited Licenses: Class 6 licenses are prohibited in the City of Garfield except for the purpose of delivering cannabis items and related supplies by a Class 6 license holder located outside of the City of Garfield.

Section 3. Section 100-3. Limitations on the number of licenses.

The City of Garfield expressly permits seventeen (17) total cannabis licenses to operate within the City limits as follows:

- a. Four (4) Class 1 adult-use cultivation license;
- b. Four (4) Class 2 adult-use manufacturing license;
- c. Four (4) Class 3 adult-use wholesaler license;
- d. Four (4) Class 4 adult-use distributor license.
- e. One (1) Class 5 adult-use retail license;

Section 4. Section 100-4. License Required

It shall be unlawful for any person or any corporate entity to operate a Cannabis Establishment without first having procured an annual license from the City Clerk's Office.

- A. License fees; renewal; late fees.
 - 1. A Cannabis Establishment permitted to operate in the City shall pay to the City an annual License Fee of \$20,000.00.
 - 2. The licenses issued shall be effective for the calendar year, expiring on the 31st day of December of the year of issue, and may be renewable upon application for succeeding calendar years thereafter. The fee for license renewals shall be due and payable on or before the first day of February in the year of renewal or be subject to late fees.
 - 3. Late fees. A late fee of \$100 shall be charged for renewal licenses which are not paid on/or before February 1 of the license year. An additional \$75 shall be charged for each thirty-day period that the license fee is not paid after February 1 of the license year.
- B. Application for license.
 - 1. Any person or persons, corporation or corporations desiring to conduct, maintain or operate any of the aforementioned businesses within the City of Garfield shall complete the designated application form.

2. Applications shall be submitted to the City Clerk and will be deemed complete upon submittal of all documentation and information described in herein to the satisfaction of the Governing Body.
3. Subject to the provisions set forth below, licensing for a Cannabis Establishment will be on a reserve basis based on the order the application form is received until the number of permitted licenses is reached. A licensee's failure to submit a fully completed Cannabis Establishment Application after a period of ninety (90) days from the original date of submittal shall constitute a basis for the Governing Body to deem the application expired and subject the licensee to a loss of the reserve space.
4. No further applications will be accepted when the City has obtained the number of application forms totaling the number of available licenses permitted by Ordinance.
5. The following documentation and information shall be provided in order for the application to be deemed complete and the license issued:
 - a. A copy of the current State-approved license.
 - b. The proposed days and hours of operation;
 - c. Security Plan;
 - d. Environmental Impact and Sustainability Plan;
 - e. Water and energy consumption plan detailing anticipated water and energy consumption.
 - f. Host Community Plan;
 - g. A proposed signage plan;
 - h. A plan describing the mitigation measures and ventilation system that will be used to prevent any odor of Cannabis off the premises;
 - i. The name(s) and location(s) of the offsite cultivation facilities associated with a dispensary; and
 - j. Such other information or documentation as determined to be necessary to assess compliance with the requirements set forth or referenced herein;

C. Notification of award.

Upon completion of the requirements set forth in paragraph B above, a notification of award shall be issued pursuant to Resolution by the Governing Body. The City Clerk's Office shall then issue the annual license.

D. Inspection.

1. Every Cannabis Establishment licensed to operate in the City shall be subject inspection by City officials or agents, during reasonable hours, without prior notice. Failure or refusal on the part of the licensed Cannabis Establishment or his agents or servants to permit such inspection, maybe subject to suspension or revocation of the license.
2. Should an inspection result in a documented violation in the form of a Complaint, the Cannabis Establishment must rectify the violation according to the Complaint or be subject to a suspension or revocation of the license.

E. Revocation, suspension or cancellation of licenses; hearing.

1. Any license issued under the terms and provisions of this chapter may be suspended or revoked by the Governing Body for the willful violation by the licensee of any provision of the City Code.
2. Summary suspension. If the City Council has reasonable grounds to believe that a licensee has engaged in deliberate and willful violation of any provision of this the City Code or upon proof that the public health, safety, and/or general welfare has

been jeopardized and requires emergency action, the City Council may enter a Summary Suspension Order for the immediate suspension of such license pending a public hearing.

3. A public hearing shall be scheduled within 30 days of the Summary Suspension Order. Said Order shall contain the time and place of the public meeting.
4. Written notice of the time and place of such hearing shall be served upon the Cannabis Establishment at least 10 days prior to the date set for such hearing. Notice may be given either by personal delivery thereof to the person to be notified or by Certified Mail, returned receipt to the business address appearing upon said license.
5. Upon due consideration and deliberation based on the record evidence presented, the Governing Body may issue a fine not to exceed \$2,500 per violation and issue a temporary suspension of the license not to exceed three (3) months, or may revoke the license in its entirety.
6. If any such license shall have been revoked, neither the holder thereof nor any person acting for him/her, directly or indirectly, shall be entitled to another license to carry on the same business within the City, unless the application for such license shall be approved by the Governing Body.

Section 5. Section 100-5. Zoning

- A. A Cannabis Establishment seeking to operate under a Class 1, Class 2, Class 3, or Class 4 license may operate within the LM District as a Conditional Use.
- B. A Cannabis Establishment seeking to operate under a Class 5 license may operate within the B-2 District as a Conditional Use.
- C. All Cannabis Establishments operating in the City of Garfield shall be permitted as a Condition Use, subject to the following conditions:
 - (1) Present proof of the appropriate State license;
 - (2) All Cannabis Establishments shall undergo site plan review by the City's Land Use Board, unless a prior approval has been previously issued by the City's Land Use Board approving the same Cannabis Establishment license to operate at the proposed location;
 - (3) A Cannabis Establishment shall be subject to licensing requirements outlined in City Code, Section 100-11;
 - (4) All "bulk" standards established for the underlying zoning as identified in Chapter **341** Attachment 2 shall apply.
 - (5) For Class 5 Cannabis Retail Dispensaries, "bulk" standards associated with "other permitted uses" in B-2 Districts as identified in Chapter **341** Attachment 2 shall apply. Parking and loading requirements associated with "retail store" uses shall apply.
 - (6) For all other Classes of Cannabis Licenses, the parking requirements shall be one parking space for each employee;
 - (7) Cannabis Establishments shall be permitted to conduct its business during the hours of 9:00 a.m. to 7:00 p.m., Monday through Saturday;
 - (8) Drive-thru access shall be prohibited;
 - (9) No Cannabis Establishment shall be located within 750 feet from a parcel housing a pre-existing public, non-public, or charter school identified in the New Jersey Department of Education's School Directory within Garfield or shall be within 750 feet

of a park or recreational facility including, but not limited to, those parks or recreation facilities identified in the Recreation Element of the City of Garfield's 2002 Master Plan.

- a. Distances shall be measured in a straight line from the center of the entrance of the Cannabis Establishment to the closest point of the property line.
 - b. Emergency/fire exits, maintenance access, and doors to gain access to non-public areas are not used in the measurement. If the entrance is set back from the sidewalk or street by a walkway or doorway, the measurement is taken from the center of the line where the walkway/doorway meets the sidewalk or curb.
 - c. For an establishment in a multi-story building, the building entrance at street level is to be used to guide the measurement.
- (10) No Cannabis Paraphernalia shall be displayed or kept at the Cannabis Establishment so as to be visible from outside the premises;
- (11) Cannabis Consumption Areas are strictly prohibited;
- (12) No Cannabis Product shall be smoked, eaten, or otherwise consumed or ingested on the premises of any Cannabis Establishment;
- (13) A Cannabis Establishment shall not be located in a home, apartment, townhouse, condominium or mix-use building;
- (14) If located in a multi-tenant commercial building, the Cannabis Establishment shall have a separate entrance where no part of the Cannabis Establishment shall be directly accessible from any common area within the building;
- (15) The applicant shall implement an odor mitigation infrastructure so that odors emanating from the facility are not detectable by a person on adjacent properties, rights-of way, or other units with a building on the same lot;
- (16) All activities associated with the production of cannabis, including cultivation, manufacturing, and processing, shall occur within an enclosed building;
- (17) The applicant shall provide appropriate landscape buffers at least six (6) feet high at the time of installation, or other equivalent method of buffering, to be installed adjacent on any property line shared with a residential property.
- (18) The applicant shall comply with the signage standards of the underlying zoning district, including the following additional limitations:
- (a) No sign shall be placed on the roof of a building nor placed on its walls so as to exceed in height the roof of a building.
 - (b) No illuminated signs shall be permitted.
 - (c) No freestanding signs shall be permitted.
 - (d) There shall only be one sign.
 - (e) The content of signage shall be restricted to text on a solid background. The logo of the business may be included provided the logo does not include a cannabis plant leaf or image of other cannabis paraphernalia or products.

Section 6. Section 100-6. Creation and imposition of a municipal tax:

A. Transfer Tax and User Tax Imposed.

1. There is hereby imposed a transfer tax of two percent (2%) on receipts from the sale of all Cannabis from a Cannabis Cultivator, a Cannabis Manufacturer, and a Cannabis Retailer.
2. There is hereby imposed a transfer tax of one percent (1%) on receipts from the sale of Cannabis from a Cannabis Wholesaler.
3. There is hereby imposed a user tax equivalent to the transfer tax rate established in Section 100-4A.1 and 2, on any concurrent license holder, as permitted by section 33 of P.L.2021, c.16 (C.24:6I-46), operating more than one cannabis establishment. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax, from the license holder's establishment that is located in the municipality to any of the other license holder's establishments, whether located in the municipality or another municipality.
4. Such transfer tax shall be collected or paid and remitted to the municipality by the Cannabis Establishment from the cannabis establishment purchasing or receiving the cannabis or cannabis item, or from the consumer at the point of sale, on behalf of the municipality by the cannabis retailer selling the cannabis item to that consumer.
5. The transfer tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item. No Cannabis Establishment required to collect a transfer tax imposed hereunder shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer, or that the transfer tax will be refunded to the Cannabis Establishment or the consumer.

B. Tax Liability.

Every Cannabis Establishment required to collect a transfer tax and user tax imposed herein shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any Cannabis Establishment shall have the same right with respect to collecting the transfer tax from another Cannabis Establishment or the consumer as if the transfer tax was a part of the sale and payable at the same time, or with respect to non-payment of the transfer tax or user tax by the Cannabis Establishment or consumer, as if the transfer tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time.

C. Collection of Taxes and Lien.

1. All revenues collected from a transfer tax and user tax imposed pursuant to this section shall be remitted to the City of Garfield Chief Financial Officer in the manner prescribed herein. The Chief Financial Officer shall collect and administer any transfer tax or user tax imposed.
2. The City of Garfield may enforce the payment of delinquent taxes or transfer fees imposed by ordinance pursuant to this section in the same manner as provided for municipal real property taxes.
 - a. In the event that the transfer tax imposed by ordinance pursuant to this section is not paid when due by a Cannabis Establishment the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the Cannabis Establishment's premises in the same manner as all other unpaid municipal taxes, fees, or other charges.
 - b. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the

municipal lien on the parcel for unpaid property taxes due and owing in the same year.

- c. The City shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

D. Administration of Transfer Tax and User Tax.

1. The City of Garfield Chief Financial Officer is charged with the administration and enforcement of the provisions of this chapter, and is empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this chapter, including provisions for the reexamination and corrections of declarations and returns, and of payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and to prescribe forms necessary for the administration of this chapter.
2. Should a Cannabis Establishment fail or refuse to provide adequate information to the Chief Financial Officer to determine the amount of tax due, the Chief Financial Officer may use information provided to the Chief Financial Officer from other sources (i.e., the Commission or Department of Treasury) to determine the amount of tax liability.
 - a. Every Medicinal Cannabis Dispensary is hereby directed and required to give to the Chief Financial Officer, or to any agent designated by him/her, the means, facilities and opportunity for such examinations and investigations, as are hereby authorized.
 - b. The Chief Financial Officer is hereby authorized to examine the books, papers and records of the Cannabis Establishment to verify the accuracy of any declaration or return, or if no declaration or return was filed, to ascertain the tax due.
 - c. It shall be the duty of the Chief Financial Officer to collect and receive the taxes, fines, and penalties imposed by this chapter. It shall also be the duty of the Chief Financial Officer to keep a record showing the date of such receipt. The Chief Financial Officer is authorized to enter into agreements with the State of New Jersey to obtain information to facilitate administration of the tax. The Chief Financial Officer is authorized to issue a ruling upon written request of a taxpayer or upon its own volition.

E. Recordkeeping.

1. A Cannabis Establishment liable for the transfer tax or user tax shall be required to keep such records as will enable the filing of true and accurate returns of the tax and such records shall be preserved for a period of not less than three (3) years from the filing date or due date, whichever is later, in order to enable the Chief Financial Officer or any agent designated to verify the correctness of the declarations or returns filed.
2. If records are not available in the municipality to support the returns which were filed or which should have been filed, the Cannabis Establishment will be required to make them available to the Chief Financial Officer either by producing them at a location in the municipality or by paying for the expenses incurred by the Chief Financial Officer or his agent in traveling to the place where the records are regularly kept.

F. Returns.

1. All Cannabis Establishments operating in the municipality are required to file a tax return with the Chief Financial Officer to report their sales during each calendar quarter and the amount of tax in accordance with the provisions of this chapter. Returns shall be filed and payments of tax imposed for the preceding calendar quarter shall be made on or before the last day of April, July, October, and January, respectively.
2. A Cannabis Establishment that has overpaid the transfer tax, or who believes it is not liable for the tax, may file a written request on an amended tax return with the Chief Financial Officer for a refund or a credit of the tax. For amounts paid as a result of a notice asserting or informing a taxpayer of an underpayment, a written request for a refund shall be filed with the Chief Financial Officer within two (2) years of the date of the payment.

G. Confidentiality.

The returns filed by the Cannabis Establishment, and the records and files of the Chief Financial Officer respecting the administration of the transfer tax, shall be considered confidential and privileged and neither the municipality nor any employee or agent engaged in the administration thereof or charged with the custody of any such records or files, nor any former officer or employee, nor any person who may have secured information therefrom, shall divulge, disclose, use for their own personal advantage, or examine for any reason other than a reason necessitated by the performance of official duties any information obtained from the said records or files or from any examination or inspection of the premises or property of any person. Neither the Chief Financial Officer nor any employee engaged in such administration or charged with the custody of any such records or files shall be required to produce any of them for the inspection of any person or for use in any action or proceeding except when the records or files or the facts shown thereby are directly involved in an action or proceeding under the provisions of the State Uniform Tax Procedure Law or of the tax law affected, or where the determination of the action or proceeding will affect the validity or amount of the claim of the municipality under the tax provisions of this chapter.

H. Audit and Assessment.

1. The City's Chief Financial Officer may initiate an audit by means of an audit notice to be served on any agent at the Cannabis Establishment's principal place of business. If, as a result of an examination conducted by the Chief Financial Officer,
2. In the event a return is found to be incorrect and transfer or user taxes are owed, the Chief Financial Officer is authorized to assess and collect any tax due and owing. Deficiency assessments (i.e., where a Cannabis Establishment filed a return but is found to owe additional tax) shall include taxes for up to three (3) years to the date when the deficiency is assessed.
3. If no return has been filed and tax is found to be due, the tax actually due may be assessed and collected with or without the formality of obtaining a return from the taxpayer. Where no return was filed, there shall be no limit to the period of assessment.
4. All expenses incurred by the City associated with the audit and the collection of the outstanding taxes shall be paid by the delinquent Cannabis Establishment.
5. Upon proposing an assessment, the Chief Financial Officer shall send the Cannabis Establishment an interim notice by certified mail, return receipt requested, or by electronic means approved by the Cannabis Establishment, advising the taxpayer of additional taxes that are due. Should the taxpayer wish to dispute the assessment administratively by requesting a hearing with the Chief Financial Officer, it must do so within thirty (30) days of the date of such interim notice. If, after the Chief Financial Officer sends an interim notice, a taxpayer fails to timely request a hearing with the Chief Financial Officer or requests a hearing and after conducting a hearing, the Chief Financial Officer determines that the taxes are due, the Chief Financial Officer shall send the Cannabis Establishment by certified mail, return

receipt requested, or by electronic means approved by the Cannabis Establishment, a final notice. Should the Cannabis Establishment wish to dispute the assessment set forth in the final notice, the Medicinal Cannabis Dispensary must initiate an appeal in the New Jersey Tax Court within ninety (90) days after the mailing of any final notice regarding a decision, order, finding, assessment, or action hereunder.

I. Time Limitations.

The following periods of limitations shall apply to suits for collection of taxes:

1. When a return has been filed but no tax paid, any suit brought to recover the tax due and unpaid shall be filed within two (2) years after the return was due or filed, whichever is later;
2. Where no return was filed or a fraudulent return was filed, there shall be no limits to file suit for the collection of taxes;
3. Where, before the expiration of the time prescribed in this section for the filing a lawsuit against the taxpayer, both the Chief Financial Officer and the taxpayer have consented in writing to its extension after such time, the suit may be filed at any time prior to the expiration of the period agreed upon; and
4. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

J. Hearings.

Any person who receives an interim notice from the Chief Financial Officer may within thirty (30) days after the date of an interim notice, request a hearing with the Chief Financial Officer. Any person who fails to request a hearing in a timely manner waives the right to administratively contest any element of the assessment. The Chief Financial Officer shall accept payments of disputed tax amounts under protest pending appeals; however, any request for refund of such monies must be filed in accordance with this section.

K. Appeals.

A Cannabis Establishment may, within ninety (90) days after the mailing of any final notice regarding a decision, order, finding, assessment, or action hereunder, or publication of any rule, regulation or policy of the Chief Financial Officer, appeal to the Tax Court pursuant to the jurisdiction granted by N.J.S.A. 2B:13-2a(3) to review actions or regulations of municipal officials by filing a complaint in accordance with the New Jersey Court Rule 8:3-1. The appeal provided by this section shall be the exclusive remedy available to any taxpayer for review of a final decision of the Chief Financial Officer in respect to a determination of liability for the tax imposed by this chapter.

L. Definitions and Repealer.

Unless specifically defined otherwise herein, any term used herein shall be incorporate the definition of that term in the Act. Any article, section, paragraph, subsection, clause, or other provision of the City of Garfield Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

M. Interpretation and Savings Provision.

No ordinance, regulation or interpretation thereof shall conflict with the Act. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to conflict with the Act or otherwise be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

N. Violations and penalties.

Any person or business who violates any provision of this chapter shall, upon conviction, be subject to the penalties provided by Article II, §1 of the City Code.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: September 13, 2022

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-472-22**

**RESOLUTION BY:
SECONDED BY:**

**INTRODUCE ORDINANCE #2959
SECOND READING**

WHEREAS, a public notice has been given by the City Clerk that an ordinance entitled:

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 226, PARKING, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

was introduced and passed at a meeting held on Tuesday, September 27, 2022 and that further consideration of this ordinance would be taken up at this meeting; and

WHEREAS, all persons interested in said ordinance were given an opportunity to be heard concerning the same;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Garfield, that said ordinance pass on final reading.

APPROVED: October 11, 2022

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag				
Herrera				
Banch				
Delaney				
Rigoglioso				

This resolution was approved by the Mayor and Council of the City of Garfield at the Work Session Meeting held on the 11th day of October 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2959**

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 226, PARKING, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

BE IT ORDAINED, by the Governing Body of the City of Garfield that Part II, General Legislation, Chapter 226, Parking, is hereby amended as follows:

Section 1. The current text of City Ordinance that Part II, General Legislation, Chapter 226, Parking, is hereby amended to create the following article:

Article X- Safety Sticks

Section 2. The current text of City Ordinance that Part II, General Legislation, Chapter 226, Parking, Article X, is hereby amended to create the following article:

§226-47 Purpose.

The City has deployed Safety Sticks technology at various locations to monitor parking activity and enforce parking regulations in certain no-parking zones such as fire hydrants, bus stops, crosswalks, and loading zones.

Section 3. The current text of City Ordinance that Part II, General Legislation, Chapter 226, Parking, Article X, is hereby amended to create the following article:

§ 226-48 Violations and penalties.

Any person who violates the provisions of this section of the Code shall be punished by a fine in the amount of \$60. A separate offense shall be deemed committed on each day the vehicle remains parked in violation of this article. No court appearance is necessary.

Section 4. The current text of City Ordinance that Part II, General Legislation, Chapter 226, Parking, Article X, is hereby amended to create the following article:

§ 226-49 Removal of vehicles.

Any unoccupied vehicle parked or standing in violation of this article shall be deemed a nuisance and a menace to the safe and proper regulation of traffic, and any peace officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal and storage, which may result from such removal, before regaining possession of the vehicle.

Section 5. The current text of City Ordinance that Part II, General Legislation, Chapter 226, Parking, Article X, is hereby amended to create the following article:

§ 226-50 Enforcement.

Enforcement of this Article and further rules and regulations as may be promulgated from time to time shall be under the jurisdiction the Police Department of the City of Garfield or the Parking Enforcement Officers of the City of Garfield.

Section 6. Any article, chapter, section, paragraph, subsection, clause, or other provision of the Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 7. In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: September 27, 2022

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-473-22**

RESOLUTION BY:

SECONDED BY:

**INTRODUCE ORDINANCE #2959
SECOND READING**

WHEREAS, a public notice has been given by the City Clerk that an ordinance entitled:

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 226, PARKING, ARTICLE V, PERMIT PARKING ON RESIDENTIAL STREETS, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

was introduced and passed at a meeting held on Tuesday, September 27, 2022 and that further consideration of this ordinance would be taken up at this meeting; and

WHEREAS, all persons interested in said ordinance were given an opportunity to be heard concerning the same;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Garfield, that said ordinance pass on final reading.

APPROVED: October 11, 2022

Richard Rigoglioso, Mayor

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag				
Herrera				
Banch				
Delaney				
Rigoglioso				

This resolution was approved by the Mayor and Council of the City of Garfield at the Work Session Meeting held on the 11th day of October 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2960**

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 226, PARKING, ARTICLE V, PERMIT PARKING ON RESIDENTIAL STREETS, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

BE IT ORDAINED, by the Governing Body of the City of Garfield, that Part II, General Legislation, Chapter 226, Parking, Article V, Parking on Residential Streets, Section 226-23, Restricted streets, is hereby amended as follows:

Section 1. The current text of City Ordinance that Part II, General Legislation, Chapter 226, Parking, Article V, Parking on Residential Streets, Section 226-23, Restricted streets, is hereby amended as follows:

§ 226-23 Restricted streets.

Pursuant to the provisions of this article and based upon the findings of the Chief of Police, or his designee, made in accordance therewith, no person who does not hold a parking permit issued in accordance with the terms of this article shall park any vehicle on the following described streets or portions thereof in the City of Garfield between the hours and on the days indicated:

Name of Street	Side	Hours/Days	Location
Alaska Street	Both	7:00 a.m. to 7:00 p.m., Monday through Friday	Entire length
Bergen Street	Both	7:00 a.m. to 7:00 p.m., Monday through Friday	From Plauderville Avenue to Hartman Avenue
Dewey Street	Both	7:00 a.m. to 7:00 p.m., Monday through Friday	From Walnut Street to Cherry Street
Harding Court	Both	7:00 a.m. to 7:00 p.m., Monday through Friday	Entire length
Hartmann Avenue	Both	7:00 a.m. to 7:00 p.m., Monday through Friday	From the west curb line of Bergen Street to Midland Avenue
Henrietta Street	Both	7:00 a.m. to 7:00 p.m., Monday through Friday	Entire length
Jacob Street	Both	7:00 a.m. to 7:00 p.m., Monday through Friday	Entire length
Palisade Avenue	Both	9:00 a.m. to 7:00 p.m., Monday through Saturday	Midland Avenue to Passaic Street
Plauderville Avenue	Both	7:00 a.m. to 7:00 p.m., Monday through Friday	From Midland Avenue to Bergen Street western curb line
Union Avenue	Both	7:00 a.m. to 7:00 p.m., Monday through Friday	From Dead Street to Alaska Street
Walnut Street	Both	7:00 a.m. to 7:00 p.m., Monday through Friday	Entire length

Williams Street	Both	7:00 a.m. to 7:00 p.m., Monday through Friday	Entire length
-----------------	------	---	---------------

Section 2. All other provisions of this Chapter, Article, and Section endure and shall remain in full force and effect;

Section 3. Any article, chapter, section, paragraph, subsection, clause, or other provision of the Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 4. In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: September 27, 2022

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-474-22**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

APPOINTING RONALD P. MONDELLO, ESQ. SPECIAL TAX COUNSEL

WHEREAS, there is one (1) Tax Court case pending before the tax court in which there exists a conflict of interest with the City's special Tax Counsel Lavin & Associates, P.C.; and

WHEREAS, there is also a conflict of interest with the City Attorney's office in these matters; and

WHEREAS, the City requires the appointment of special tax counsel for these limited matters; and

WHEREAS, the matter requiring the appointment of special tax counsel is as follows, DANIEL P. CONTE III, (Trstes/Et) v. CITY OF GARFIELD, Docket No. 010214-2022;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that the City Manager is hereby authorized to enter into a professional services contract with Ronald P. Mondello, Esq. as discussed herein; and

BE IT FURTHER RESOLVED, that Ronald P. Mondello, Esq. shall be compensated at an hourly rate of \$150.00, per hour to be billed by the one-tenth of an hour for his services as special counsel to handle the foregoing matters to be paid out of account 2-01-20-155-155-022; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause to be published, notice of the Award of Professional Services contract as required by the New Jersey local public contracts law.

I, Anders Hasseler, Chief Financial Officer for the City of Garfield do hereby confirm that there are sufficient funds available for this resolution.

Anders Hasseler, Chief Financial Officer

October 10, 2022

Dated

APPROVED: October 11, 2022

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag				
Herrera				
Banch				
Delaney				
Rigoglioso				

This resolution was approved by the Mayor and Council of the City of Garfield at the Work Session Meeting held on the 11th day of October 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-475-22**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

APPOINTING RONALD P. MONDELLO, ESQ. SPECIAL TAX COUNSEL

WHEREAS, there is one (1) Tax Court case pending before the tax court in which there exists a conflict of interest with the City's special Tax Counsel Lavin & Associates, P.C.; and

WHEREAS, there is also a conflict of interest with the City Attorney's office in these matters; and

WHEREAS, the City requires the appointment of special tax counsel for these limited matters; and

WHEREAS, the matter requiring the appointment of special tax counsel is as follows, DANIEL P. CONTE Jr. v. CITY OF GARFIELD, Docket No. 010242-2022;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that the City Manager is hereby authorized to enter into a professional services contract with Ronald P. Mondello, Esq. as discussed herein; and

BE IT FURTHER RESOLVED, that Ronald P. Mondello, Esq. shall be compensated at an hourly rate of \$125.00, per hour to be billed by the one-tenth of an hour for his services as special counsel to handle the foregoing matters to be paid out of account 2-01-20-155-155-022; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause to be published, notice of the Award of Professional Services contract as required by the New Jersey local public contracts law.

I, Anders Hasseler, Chief Financial Officer for the City of Garfield do hereby confirm that there are sufficient funds available for this resolution.

Anders Hasseler, Chief Financial Officer

October 10, 2022
Dated

APPROVED: October 11, 2022

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag				
Herrera				
Banch				
Delaney				
Rigoglioso				

This resolution was approved by the Mayor and Council of the City of Garfield at the Work Session Meeting held on the 11th day of October 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-476-22**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

**REVISING CONTRACT FOR SERVICES RENDERED IN CONNECTION WITH
RIVER DRIVE ROADWAY IMPROVEMENT AND DUNDEE DAM WATERFRONT
HISTORIC PARK**

WHEREAS, the City of Garfield acquired various properties in connection with the construction of a roadway widening project as well as a linear park along the Passaic River; and

WHEREAS, this effort required a diversion of park land through the NJDEP Department of Green Acres, preliminary assessments, site investigations and remedial action oversight pursuant to NJDEP regulations; and

WHEREAS, Boswell McClave Engineering performed these services and additional services remain outstanding;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Garfield, County of Bergen, State of New Jersey approved the contract of \$63,390.47 to Boswell McClave Engineering for additional services rendered in connection with this project in R-11-331; and

BE IT FURTHER RESOLVED, by the City that an additional amount of \$9,938.81 is necessary to complete the services, for a total of \$73,329.28 to be paid out of account C-04-55-999-000-902.

I, Anders Hasseler, Chief Financial Officer for the City of Garfield do hereby confirm that there are sufficient funds available for this resolution.

Anders Hasseler, Chief Financial Officer

October 10, 2022
Dated

APPROVED: October 11, 2022

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag				
Herrera				
Banch				
Delaney				
Rigoglioso				

This resolution was approved by the Mayor and Council of the City of Garfield at the Work Session Meeting held on the 11th day of October 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-477-22**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

**REVISING CONTRACT FOR SERVICES RENDERED IN CONNECTION WITH
IMPROVEMENTS ON GRAND STREET**

WHEREAS, the City of Garfield received a NJDOT Local Aid grant in the amount of \$230,050 in 2018; and

WHEREAS, the City has applied for additional funding from NJDOT for the 2019 funding cycle; and

WHEREAS, the scope of eligible work involves road, curb, sidewalk and ADA ramp improvements between Pierre Avenue and River Drive; and

WHEREAS, the City has previously replaced an undersized water main and lead water services between Pierre Avenue and Palisade Avenue; and

WHEREAS, the City wishes to include the replacement of the water main and lead water services between Palisade Avenue and River Drive within the scope of this project; and

WHEREAS, additional services were required to meet the NJDOT requirements;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Garfield, County of Bergen, State of New Jersey approved the contract of \$105,000.00 to Boswell Engineering for additional services rendered in connection with this project in R-19-094; and

BE IT FURTHER RESOLVED, by the City that an additional amount of \$2,293.50 is necessary to complete the services, for a total of \$107,293.50 to be paid out of C-04-55-999-000-965.

I, Anders Hasseler, Chief Financial Officer for the City of Garfield do hereby confirm that there are sufficient funds available for this resolution.

Anders Hasseler, Chief Financial Officer

October 10, 2022

Dated

APPROVED: October 11, 2022

Richard Rigoglioso, Mayor

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag				
Herrera				
Banch				
Delaney				
Rigoglioso				

This resolution was approved by the Mayor and Council of the City of Garfield at the Work Session Meeting held on the 11th day of October 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-478-22**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

**REVISING CONTRACT FOR SERVICES RENDERED IN CONNECTION WITH
NEIGHBORHOOD REVITALIZATION PHASE 1 PROJECT ON PASSAIC STREET**

WHEREAS, the City of Garfield received a Transportation Alternatives Program (TAP) grant from the NJDOT; and

WHEREAS, Boswell Engineering was authorized to perform consulting services to both design the project and to coordinate the requirements associated with this grant program; and

WHEREAS, additional services were required to meet the NJDOT requirements;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Garfield, County of Bergen, State of New Jersey approves the payment of \$14,307.00 to Boswell Engineering for additional services rendered in connection with this project in R-21-218; and

BE IT FURTHER RESOLVED, by the City that an additional amount of \$1,693.00 is necessary to complete the services, for a total of \$16,000.00 to be paid out of C-04-55-999-000-933.

I, Anders Hasseler, Chief Financial Officer for the City of Garfield do hereby confirm that there are sufficient funds available for this resolution.

Anders Hasseler, Chief Financial Officer

October 10, 2022

Dated

APPROVED: October 11, 2022

Richard Rigoglioso, Mayor

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag				
Herrera				
Banch				
Delaney				
Rigoglioso				

This resolution was approved by the Mayor and Council of the City of Garfield at the Work Session Meeting held on the 11th day of October 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-479-22**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

**REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJSA
40A:4-87**

WHEREAS, NJSA 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Garfield in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Service to approve the insertion of an item of revenue in the budget of the year 2022 in the sum of \$50,000.00 which is now available from the Bergen County; and

BE IT FURTHER RESOLVED, that the sum of \$50,000.00 is hereby appropriated under the caption Bergen County; and

BE IT FURTHER RESOLVED, that the above is the result of funds from Bergen County, in the amount of \$50,000.00.

APPROVED: October 11, 2022

Richard Rigoglioso, Mayor

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag				
Herrera				
Banch				
Delaney				
Rigoglioso				

This resolution was approved by the Mayor and Council of the City of Garfield at the Work Session Meeting held on the 11th day of October 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-480-22**

CONSENT AGENDA

**RESOLUTION BY:
SECONDED BY:**

**REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR CIVIC
EVENTS DONATIONS REQUIRED BY DLGS**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the City of Garfield provides for receipt of Civic Events Donations by the municipality to provide for the operating costs to administer this act; and

WHEREAS, NJS 40A:5-29 provides the dedicated revenues anticipated from Civic Events Donations are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Garfield, County of Bergen, State of New Jersey as follows:

1. The City Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of Civic Events Donations.
2. This resolution shall take effect immediately.
3. The Clerk of the City of Garfield, County of Bergen is hereby directed to forward two certified copies of this resolution to the Director of New Jersey, Division of Local Government Services.

APPROVED: October 11, 2022

Richard Rigoglioso, Mayor

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag				
Herrera				
Banch				
Delaney				
Rigoglioso				

This resolution was approved by the Mayor and Council of the City of Garfield at the Work Session Meeting held on the 11th day of October 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-481-22**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

APPROVING HANDICAP PARKING SPACE

WHEREAS, Paula Calle, of 221 Harrison Avenue, who is the holder of a Disabled Person I.D. Card No. P2580962, has filed an application for a handicap parking sign to be placed at her address; and

WHEREAS, the Police Department has investigated and recommend approval of the application;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicap Parking”, located on the west curb line of Harrison Avenue commencing 267 feet south of the intersection of Harrison Avenue and Charles Street and continue an additional 20 feet south from that point; and

BE IT FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

APPROVED: October 11, 2022

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag				
Herrera				
Banch				
Delaney				
Rigoglioso				

This resolution was approved by the Mayor and Council of the City of Garfield at the Work Session Meeting held on the 11th day of October 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-482-22**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

APPROVING HANDICAP PARKING SPACE

WHEREAS, Kristina Polaczyk, 94 Summit Ave 1st Floor, who is the holder of a Disabled Person I.D. Card No. P2451896, has filed an application for a handicap parking sign to be placed at her address; and

WHEREAS, the Police Department has investigated and recommend approval of the application;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicap Parking”, located on the east curb line of Summit Avenue commencing 340 feet south of the intersection of Botany Street and Summit avenue and continue an additional 20 feet south from that point; and

BE IT FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

APPROVED: October 11, 2022

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag				
Herrera				
Banch				
Delaney				
Rigoglioso				

This resolution was approved by the Mayor and Council of the City of Garfield at the Work Session Meeting held on the 11th day of October 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-483-22**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

APPROVING LOADING ZONE

WHEREAS, Rana Luqman, owner of The Meat Pointe, 63 Belmont Avenue, has filed an application for a loading zone to be placed at his business; and

WHEREAS, the Police Department has investigated and recommend approval of the application;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that a loading zone be designated in front of The Meat Pointe, located on the south curb line of Belmont Avenue commencing 45 feet east of the intersection of Belmont Avenue and Palisade Avenue and run an additional 20 feet east from that point; and

BE IT FURTHER RESOLVED that a loading zone is hereby authorized to be in effect Monday-Saturday 6:00AM – 8:00PM; and

BE IT FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

APPROVED: October 11, 2022

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag				
Herrera				
Banch				
Delaney				
Rigoglioso				

This resolution was approved by the Mayor and Council of the City of Garfield at the Work Session Meeting held on the 11th day of October 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-484-22**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

APPROVING 15-MINUTE BUSINESS PARKING ZONE

WHEREAS, Veena Doshi, owner of Tobacco Road, 320 River Drive, has filed an application for a 15-minute parking zone be placed at his business; and

WHEREAS, the Police Department has investigated and recommend approval of the application;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that a 15-minute parking zone be designated in front of Tobacco Road, located on the south curb line of Monroe Street commencing 41 feet east of the intersection of River Drive and Monroe Street and run an additional 25 feet east from that point; and

BE IT FURTHER RESOLVED that a 15-minute parking zone is hereby authorized to be in effect Monday-Saturday 10:00AM – 9:00PM & Sunday 10:00AM – 6:00PM; and

BE IT FURTHER RESOLVED that the Traffic Safety Control Division is hereby authorized and directed to erect an appropriate sign at the above location.

APPROVED: October 11, 2022

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag				
Herrera				
Banch				
Delaney				
Rigoglioso				

This resolution was approved by the Mayor and Council of the City of Garfield at the Work Session Meeting held on the 11th day of October 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-485-22**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

**DETERMINING THAT THE PROPERTIES GENERALLY KNOWN AS 41-42
HEPWORTH PLACE, ALSO KNOWN AS BLOCK 34.01, LOT 10 AND BLOCK 31.01,
LOT 9.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF GARFIELD
QUALIFY AND IS DETERMINED AS AN AREA IN NEED OF REDEVELOPMENT,
SPECIFICALLY A NON-CONDEMNATION REDEVELOPMENT AREA, PURSUANT
TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET
SEQ.**

WHEREAS, the City Council of the City of Garfield (the "City") has identified certain Properties, located at 41-42 Hepworth Place, also known as Block 34.01, Lot 10 and Block 31.01, Lot 9.01, all as delineated on the tax map attached hereto and made part of this resolution (the "Properties"), to be considered for designation as an area "in need of redevelopment", pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, before an area may be declared in need of redevelopment, it is legally necessary for the adoption of a resolution authorizing the Planning Board of a given municipality to undertake a preliminary study to determine whether the Properties meets the criteria for determining as a redevelopment area pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, on May 10, 2022, the City adopted a Resolution No. 221-22, authorizing and directing the City Planning Board (the "Board") to examine whether the Properties can be determined to be an area in need of redevelopment (specifically a non-condemnation redevelopment area) and that the City will not have the right to exercise the use of eminent domain; and

WHEREAS, the City hereby states that any redevelopment area determination shall authorize the municipality to use all those powers provided by the Redevelopment Law for use in a redevelopment area, except the use of eminent domain (hereinafter referred to as a "Non-Condensation Redevelopment Area"); and

WHEREAS, the Board conducted a public hearing on September 29, 2022 to determine whether or not the Properties may be designated as a Non-Condensation Redevelopment, pursuant to the criteria set forth in the Redevelopment Law and the public was provided the opportunity to appear and provide testimony and comments; and

WHEREAS, in advance of the public hearings held by the Board, the Board met the requirements of Redevelopment Law, by providing notice to all persons interested or who would be affected by a determination that the Properties are a Non-Condensation Redevelopment Area, which notice specifically stated that a redevelopment area determination shall not authorize the municipality to exercise the power of eminent domain; and

WHEREAS, a map showing the boundaries and the location of the Properties, as well as the Preliminary Investigation for Determination of an Area in Need of Redevelopment prepared by Francis Reiner, LLA - PP, DMR Architects, dated June 2022, (the "Reiner Report") was considered by the Board at the hearing and the Reiner Report and findings therein were incorporated into the record; and

WHEREAS, the Board recommended that the Property be determined as a Non-Condensation Redevelopment Area pursuant to the Redevelopment Law, based on its preliminary investigation and the factual findings made by the Board, including the Reiner Report and the testimony presented at the hearing by Francis Reiner, LA - PP, a licensed professional planner, who signed and prepared the Reiner Report;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Garfield accepts the findings and recommendations of the Board as made at a public hearing held on September 29, 2022 as supported by the Reiner Report of the Property and the testimony of Francis Reiner, LA - PP, a licensed professional planner and all are incorporated herein by reference and determines that the Property located at 41-42 Hepworth Place, also known as Block 34.01, Lot 10 and Block 31.01, Lot 9.01, referred to herein as the Property, meets the criteria and qualifies as an “area in need of redevelopment” and which shall be a Non- Condemnation Redevelopment Area pursuant to the Redevelopment Law; and

BE IT FURTHER RESOLVED THAT the City hereby states that any Non-Condemnation Redevelopment Area designation shall authorize the municipality to use all those powers provided by the Redevelopment Law for use in a redevelopment area, except the use of eminent domain; and

BE IT FURTHER RESOLVED that the City Council hereby advises that any Property owner wishing to challenge the designation of the Property as a Non-Condemnation Redevelopment Area must file a complaint in the Superior Court within 45 days of the adoption of that resolution; and

BE IT FURTHER RESOLVED that within ten (10) days of the adoption of this Resolution, the City Clerk shall serve a notice of the determination, including a copy of this Resolution, upon the last owner of each of the Property according to the assessment records of the City, which notice shall be in accordance with the requirements set forth in the Redevelopment Law; and

BE IT FURTHER RESOLVED that upon adoption of this resolution, the City Clerk shall transmit a copy of this resolution to the Commissioner of Community Affairs for the State of New Jersey for review pursuant to N.J.S.A. 40A:12A-6.b.(5); and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

APPROVED: October 11, 2022

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag				
Herrera				
Banch				
Delaney				
Rigoglioso				

This resolution was approved by the Mayor and Council of the City of Garfield at the Work Session Meeting held on the 11th day of October 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-486-22**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

**ESTABLISHING THE POSITION OF ELEVATOR SUBCODE OFFICIAL FOR THE
CITY OF GARFIELD**

WHEREAS, City Ordinance, Part II, General Legislation, Chapter 114, Construction Codes, Uniform, Subsection 114-1, Enforcing agency; subcode officials, establishes in the City of Garfield a State Uniform Construction Code enforcing agency known as the “Department of Inspections”; and

WHEREAS, the City of Garfield wishes to add the position of Elevator Subcode Official to regulate elevators within the City of Garfield; and

WHEREAS, N.J.A.C. 5:23-4.3(a) provides that any municipality seeking to establish and operate an enforcing agency, pursuant to the act and the regulations, shall first notify the department of its intent to establish such an agency by registered and certified mail, return receipt requested, not later than one month prior to the effective date of the regulations; and

WHEREAS, the City of Garfield Department of Inspections, located at 111 Outwater Lane, Garfield, New Jersey will retain jurisdiction to conduct enforcement measures of all documented violations; and

WHEREAS, all appeals of the decisions issued by the City of Garfield Department of Inspections, shall be submitted to the Bergen County Construction Board of Appeals for final disposition; and

WHEREAS, the City of Garfield seeks the of an Elevator Subcode Official, licensed in accordance with N.J.A.C. 5:23-5, to perform inspections and witness tests within its jurisdiction; and

WHEREAS, the transfer of jurisdiction to the municipality shall not be effective until 120 calendar days after a certified copy of the resolution is received by the Department; and

WHEREAS, during this 120-day period the New Jersey Department of Community Affairs shall retain jurisdiction to enforce the relevant regulations;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Garfield, hereby directs the City manager to execute the contract with MPS as on file in the City Clerk’s office pursuant to the mutual covenants, terms and conditions set forth in the Contract Document.

APPROVED: October 11, 2022

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag				
Herrera				
Banch				
Delaney				
Rigoglioso				

This resolution was approved by the Mayor and Council of the City of Garfield at the Work Session Meeting held on the 11th day of October 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-487-22**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

RESOLUTION TO ACCEPT THE CONSENT AGENDA

BE IT RESOLVED, by the Mayor and Council of the City of Garfield that the actions noted in the Consent Agenda, Resolutions R-474-22 through R-487-22 be and are hereby approved and the proper officers are directed to take necessary action on same.

APPROVED: October 11, 2022

Richard Rigoglioso, Mayor

ATTEST: _____
Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag				
Herrera				
Banch				
Delaney				
Rigoglioso				

This resolution was approved by the Mayor and Council of the City of Garfield at the Work Session Meeting held on the 11th day of October 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated