

**REGULAR MEETING
OF THE
GARFIELD MAYOR AND COUNCIL
JANUARY 24, 2023
6:00P.M.**

1. CALL TO ORDER:

2. ROLL CALL:

3. FLAG SALUTE

4. STATEMENT OF COMPLIANCE:

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 by the presiding officer.

Now, Therefore Be Advised, that the meeting requirements for this meeting have been met by publishing a special meeting notice in The Record and Herald News 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. Said notice was posted on January 9, 2023 and published on January 12, 2023.

5. APPROVAL OF MINUTES:

November 22, 2022 – Executive Session
November 22, 2022 – Regular Meeting
December 14, 2022 – Work Session
December 14, 2022 – Executive Session
December 29, 2022 – Regular Meeting
January 6, 2023 – Reorganization Meeting

6. ORDINANCES: FIRST READING

R-34-23 Re- Introduce Ord. #2963

**AN ORDINANCE TO AMEND PART II, GENERAL
LEGISLATION, CHAPTER 329 VEHICLE SALES
BUSINESSES, OF THE REVISED GENERAL
ORDINANCES OF THE CITY OF GARFIELD**

R-35-23 Introduce Ord. #2977

**BOND ORDINANCE TO AUTHORIZE THE ACQUISITION
OF A NEW PUMPER FIRE ENGINE, INCLUDING
ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND
FOR THE CITY OF GARFIELD, IN THE COUNTY OF
BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE
THE SUM OF \$1,345,000 TO PAY THE COST THEREOF,
TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE
ISSUANCE OF BONDS TO FINANCE SUCH
APPROPRIATION AND TO PROVIDE FOR THE
ISSUANCE OF BOND ANTICIPATION NOTES IN
ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

R-36-23

Introduce Ord. #2978

AN ORDINANCE AMENDNING PART II, GENERAL LEGISLATION, CHAPTER 151, FOOD HANDLING ESTABLISHMENTS, ARTICLE III, EMERGENCY OUTDOOR CAFES, SUBSECTION 151-24, TERM OF LICENSE, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

R-37-23

Introduce Ord. #2979

AN ORDINANCE REPEALING AND REPLACING PART II, GENERAL LEGISLATION, CHAPTER 341, ZONING, ARTCILE XVII TELECOMMUNICATIONS FACILITIES, SUBSECTION 341-68, TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

SECOND READING

R-38-23

Introduce Ord. #2974

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE SEMEL AVENUE DRAINAGE PROJECT (PHASE I) IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,820,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE A FEDERAL GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

R-39-23

Introduce Ord. #2975

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 341, ZONING, ARTICLE VII, OUTDOOR STORAGE OF MOTOR VEHICLES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

R-40-23

Introduce Ord. #2976

AN ORDINANCE TO AMEND PART I, ADMINISTRATIVE LEGISLATION, CHAPTER 48, POLICE DEPARTMENT, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

7. CONSENT AGENDA:

R-41-23

Approval of Bills and Claims

R-42-23

Authorizing the Execution of a Professional Service Contract with Stanley H. Allen d/b/a Allen Associates and Appointing Risk Manager for the City of Garfield

R-43-23

Approving Refund of Street Opening

R-44-23

Authorizing Progress Payment #1 to American Athletic Track and Turf for the Firehouse Basketball Court Improvements

R-45-23

Authorizing the City Manager to Enter into a Professional Services Agreement with Colliers Engineering & Design (d/b/a

- Maser Consulting) to Provide Engineering Services for the Temporary Repairs for Banta Avenue Culvert Project
- R-46-23 Authorizing the City Manager to Enter into a Professional Services Agreement with Boswell Engineering to Provide Engineering Services for a Tax Map Update
- R-47-23 Supporting Braided Organics, L.L.C., as the Operator of a Class 1 Cannabis Cultivation Establishment to Be Located in the City of Garfield
- R-48-23 Supporting Navigator Wellness Group, L.L.C., as the Operator of a Class 2 Cannabis Manufacturing Establishment to Be Located in the City of Garfield
- R-49-23 Approval of Liquor License Renewal
- R-50-23 Approving Junior Member – Fire Department
- R-51-23 Approving Resignation Active Member – Fire Department
- R-52-23 Approving Resignation Active Member – Fire Department
- R-53-23 Approving Resignation Active Member – Fire Department
- R-54-23 Requesting the Installation of a Light by PSE&G
- R-55-23 Approval of Towing Licenses
- R-56-23 Approval of Vehicle Sale Business License – 2022
- R-57-23 Approval of Vehicle Sale Business Licenses – 2023
- R-58-23 Supporting the 30x30 Initiative by The Policing Project
- R-59-23 Approving Handicap Parking Space
- R-60-23 Approving Handicap Parking Space
- R-61-23 Authorizing Temporary Appointment of Acting Deputy Mayor
- R-62-23 Grantee Authorizing Resolution with Bergen County Open Space Garfield Riverwalk Expansion
- R-63-23 Approving Regular Active Member – Fire Department
- R-64-23 Authorizing and Directing the Planning Board of the City of Garfield, County of Bergen, State of New Jersey to Examine Whether the Properties Located at 32 & 46 Passaic Street, Also Known as Block 10, Lots 1 & 3 and at 19, 21, 25 & 31 Passaic Street, 45 Cambridge Avenue and 12, 16 & 20 Bloomingdale Avenue, Also Known as Block 26, Lots 1, 3, 5, 6, 8, 9, 12 & 14, as Shown on the Official Tax Map of the City of Garfield Should Be Determined to Be 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.
- R-65-23 Resolution to Accept Consent Agenda

8. PUBLIC HEARING:

9. MAYOR & COUNCIL REPORTS:

10. ADJOURNMENT:

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-34-23**

**RESOLUTION BY:
SECONDED BY:**

**RE-INTRODUCE ORDINANCE #2963
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

**AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 329
VEHICLE SALES BUSINESSES, 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 at a meeting held on Tuesday, February 14, 2023 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: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2963**

**AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 329
VEHICLE SALES BUSINESSES, 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 329, Vehicle Sales Business, is hereby amended as follows:

Section 1. The current text of City Ordinance, Part II, General Legislation, Chapter 329 Vehicle Sales Business, Subsection 329-10, Suspension or revocation of license, is hereby amended as follows:

§ 329-10 Suspension or Revocation of license; notice of hearing.

A. Licenses issued under the provisions of this chapter may be suspended or revoked by the City Council after notice and hearing for any of the following causes:

1. Fraud, misrepresentation or false statement contained in the application for license.
2. Any violation of this chapter.
3. Conviction of any crime involving moral turpitude.

B. Notice of the hearing for revocation of a license shall be given to the licensee, in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed by registered or certified mail, return receipt requested, addressed to the licensee at his last known address, at least five days prior to the date set for the hearing.

Section 2. The current text of City Ordinance, Part II, General Legislation Chapter 329 Vehicle Sales Business, Subsection 329-20, Maintenance of premises, is hereby repealed and replaced as follows:

§ 329-20 Maintenance of premises.

- A. The licensee shall not create or allow undue noise on the premises so as to constitute a public or private nuisance.
- B. The licensee shall not permit smoke, dust or any noxious odors to escape from the premises so as to constitute a public or private nuisance.
- C. The licensee shall maintain all surface parking areas and driveways with concrete or asphalt paving.
- D. The licensee shall have all vehicles displayed for sale parked in designated parking spaces with a minimum parking stall size of 162 square feet measured as 9' x 18'.
- E. Vehicles not displayed for sale shall be stored in an area separate from the sales display area and shall be enclosed with a solid fence not to exceed six (6) feet in height. The fence shall not be used to place signage or other form of advertising.
- F. All licensees whose business has a parking lot that abuts a sidewalk shall maintain a guardrail, concrete curb stop, or similar structure along that portion of the parking lot abutting the sidewalk to prevent motor vehicles from intruding on to the sidewalk. All licensees whose business has a parking lot that abuts a street where no sidewalk exists shall maintain a guardrail, concrete curb stop, or similar structure along that portion of the parking lot abutting the street at a minimum distance of five (5) feet measured from the end of the street or an existing curb.

Section 3. The current text of City Ordinance, Part II, General Legislation, Chapter 329 Vehicle Sales Business, Subsection 329-21, Enforcement, is hereby repealed and replaced as follows:

§ 329-21 Hours of Operation.

No business licensed under this section shall operate between the hours of 8:00 p.m. and 7:00 a.m. the following day.

Section 4. The current text of City Ordinance, Part II, General Legislation Chapter 329 Vehicle Sales Business, Subsection 329-22, Violations and penalties, is hereby repealed and replaced as follows:

§ 329-22 Enforcement.

Every business licensed for vehicle sales shall at all times comply with the requirements of this chapter and with all authorities having jurisdiction in the licensed premises. Any violation of the terms of this chapter or any nuisances or hazard to health or safety which may exist or develop in or in consequence of or in connection with any such premises shall forthwith be abated and removed by the licensee upon receipt of a notice to that effect from the Construction Official, Police Department or other authority having jurisdiction in the licensed premises. The Construction Official's office and the Police Department shall be responsible for the enforcement of this chapter.

Section 5. The current text of City Ordinance, Part II, General Legislation, Chapter 329 Vehicle Sales Business, is hereby amended to include the following:

§329-23 Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by one or more of the following: a fine not exceeding \$2,000; imprisonment for a term not exceeding 90 days; and/or a period of community service not exceeding 90 days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 6. The remainder of Chapter 329 is hereby ratified and remains unchanged from these proposed amendments.

Section 7. 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 8. 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: October 25, 2022

Introduced:

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-35-23**

**RESOLUTION BY:
SECONDED BY:**

**INTRODUCE ORDINANCE #2977
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A NEW PUMPER FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,345,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

be passed and adopted on first reading; and

BE IT RESOLVED, that a final hearing on said ordinance will be heard at a meeting held on Tuesday, February 14, 2023 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: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2977**

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A NEW PUMPER FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,345,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

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

Section 1. The City of Garfield, in the County of Bergen, State of New Jersey (the "City") is hereby authorized to acquire a new pumper fire engine, including original apparatus and equipment, in, by and for the City. Said improvement shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$1,345,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said City, and (2) it is necessary to finance said purpose by the issuance of obligations of said City pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$1,345,000, and (4) \$65,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$1,280,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$16,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$65,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said City, are now available to finance said purpose. The sum of \$65,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said City of an aggregate principal amount not exceeding \$1,280,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said City of an aggregate principal amount not exceeding \$1,280,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its

date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said City and attested by the City Clerk or Deputy City Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the City Clerk of said City, and that such statement so filed shows that the gross debt of said City, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,280,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the City Clerk and is available for public inspection.

Section 12. The City intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the City incurs such costs prior to the issuance of the bonds or notes, the City hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the City, and the City shall levy ad valorem taxes upon all the taxable real property within the City for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced:

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-36-23**

RESOLUTION BY:

SECONDED BY:

INTRODUCE ORDINANCE #2978

FIRST READING

BE IT RESOLVED, that an ordinance entitled:

AN ORDINANCE AMENDNING PART II, GENERAL LEGISLATION, CHAPTER 151, FOOD HANDLING ESTABLISHMENTS, ARTICLE III, EMERGENCY OUTDOOR CAFES, SUBSECTION 151-24, TERM OF LICENSE, 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 at a meeting held on Tuesday, February 14, 2023 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: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2978**

AN ORDINANCE AMENDNING PART II, GENERAL LEGISLATION, CHAPTER 151, FOOD HANDLING ESTABLISHMENTS, ARTICLE III, EMERGENCY OUTDOOR CAFES, SUBSECTION 151-24, TERM OF LICENSE, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

BE IT ORDAINED, by the Governing Body of the City of Garfield, Part II, General Legislation, Chapter 151, Food Handling Establishments, Article III, Emergency Outdoor Cafes, Subsection 151-24, Term of License, is hereby amended as follows:

Section 1. The current text of City Ordinance, Part II, General Legislation, Chapter 151, Food Handling Establishments, Article III, Emergency Outdoor Cafes, Subsection 151-24, Term of License, is hereby amended as follows:

§ 151-24 Term of license.

All outdoor cafe licenses issued under this section shall expire on November 30, 2024, unless the Mayor and Council, by ordinance, extend the time for which this section shall apply.

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

Introduced:

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-37-23**

**RESOLUTION BY:
SECONDED BY:**

**INTRODUCE ORDINANCE #2979
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

AN ORDINANCE REPEALING AND REPLACING PART II, GENERAL LEGISLATION, CHAPTER 341, ZONING, ARTICLE XVII TELECOMMUNICATIONS FACILITIES, SUBSECTION 341-68, TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY 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 at a meeting held on Tuesday, February 14, 2023 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: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2979**

AN ORDINANCE REPEALING AND REPLACING PART II, GENERAL LEGISLATION, CHAPTER 341, ZONING, ARTICLE XVII TELECOMMUNICATIONS FACILITIES, SUBSECTION 341-68, TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

WHEREAS, the wireless communications industry has expressed interest in submitting applications to utilize space in public rights-of-way within the City of Garfield for the installation of small cell wireless telecommunications facilities (hereinafter "Small Wireless Facilities") in connection with the industry's efforts to expand and/or upgrade existing 4G Facilities and as part of the construction of a nation-wide 5G Facilities network; and

WHEREAS, the City of Garfield support these investments and deployment of wireless networks in a way that balances our community character, needs, and interests while preserving the City of Garfield ability to manage public rights-of-way in the overall interests of the public health, safety and welfare; and

WHEREAS, the City of Garfield recognizes that Small Wireless Facilities often are most effectively deployed in public rights-of-way and that the rules and regulations of the Federal Communications Commission require municipalities to make rights of way available subject to local police power regulations; and

WHEREAS, multiple installations of Small Wireless Facilities within the public right-of-way can impact property values, create traffic and pedestrian safety hazards, impact shade trees where proximity conflicts may require trimming of branches or require removal of roots and create visual and aesthetic blights all of which can negatively impact the quality and character of life within the City of Garfield; and

WHEREAS, the City of Garfield wishes to preserve the aesthetics of the community by encouraging the location of Small Wireless Facility equipment on existing or previously approved infrastructure; and

WHEREAS, A September 2018 Ruling and Order of the Federal Communications Commission ("FCC") and subsequent federal court decision impacting that ruling imposes certain restrictions and preemptions on the exercise of local authority when dealing with small wireless facilities; and

WHEREAS, the City of Garfield's needs to amend its municipal code to address the legal and practical issues that arise in connection with multiple Small Wireless Facility installations deployed in the public rights-of-way; and

WHEREAS, in light of the foregoing, this governing body is of the opinion that the adoption of this Ordinance is in the best interest of the City of Garfield and the health, safety and welfare of its residents and visitors;

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

Section 1. Part II, General Legislation, Chapter 341, Zoning, Article XVII, Telecommunications Facilities, Subsection 341-68, Telecommunications Facilities, is hereby repealed and replaced with the following:

§ 341-68 Telecommunications facility in the public right-of-way

A. Short title, purpose and definitions.

1. Short title. This article is titled the "Telecommunications Facilities in the Public Right-of-Way," and amends all applicable provisions of the City of Garfield

Code, and any existing local laws, rules, orders, resolutions and ordinances relating to the subject matter of this article.

2. Purpose. It is the intent of this article of Chapter **341**, Zoning, of the Code to regulate the placement of telecommunications equipment, including poles, towers, antennas and other infrastructure located on municipal rights-of-way. The placement of telecommunications equipment outside of the municipal right-of-way shall be governed by Chapter **341**, Zoning, Article **XIII**, Commercial Antennas.

B. Definitions.

1. All definitions of words, terms and phrases that are set forth in the Communications Act of 1934, P.L. 73-416, as amended by various statutory enactments including, but not limited to, the Telecommunications Act of 1996 P.L. 104-104, are incorporated herein and are made apart hereof.
2. All definitions of words, terms and phrases that are set forth in the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1, *et. seq.*, are incorporated herein and are made apart hereof.
3. All of the definitions of words, terms and phrases that are set forth in the Code of Federal Regulations at 47 C.F.R. §1.6002, as amended, are incorporated herein and are made a part hereof.
4. In the event that a term, word or phrase is not defined in any of the aforementioned statutes and is not otherwise defined herein then that term, word or phrase shall have its common, ordinary meaning.
5. In addition to the foregoing, the following words, terms and phrases shall have the meanings indicated unless an alternate meaning clearly is discernable from the context in which the word, term or phrase is used:

Administrative Review means ministerial review of an Application by the Borough to determine whether the issuance of a Permit is in conformity with the applicable provisions of this Chapter.

Antenna means communications equipment that transmits and/or receives electromagnetic radio frequency signals used in the provision of Wireless Services. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

Applicable Codes means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the Authority, including any amendments adopted by the Authority, or otherwise are applicable in the jurisdiction.

Applicant means any Person or Entity who submits an Application under this Chapter, such as a Provider described herein.

Application means a written request, on a form provided by the City of Garfield.

Authority means the Board of Commissioners of the City of Garfield. The term "Authority" and "City" are interchangeable.

Collocate means to install or mount a Small Wireless Facility in the Public Right-Of-Way on an existing Support Structure, on an existing Pole, on a new pole, or smart pole.

"**Collocation**" has a corresponding meaning.

Communications Facility means, collectively, the equipment at a fixed location or locations within the Public ROW that enables Communications Services, including; (i) radio transceivers,

Antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. A Communications Facility does not include the Pole or Support Structure to which the equipment is attached.

Communications Service means cable service, as defined in 47 U.S.C. § 522(6); information service, as defined in 47 U.S.C. § 153(24); or telecommunications service, as defined in 47 U.S.C. § 153(53).

Communications Service Provider means a provider of Communications Services and includes a cable operator as defined in 47 U.S.C. § 522(5).3

Consultant means any Person appointed by the Borough to serve as a consultant for the Borough for all matters concerning this Chapter, and who may be contracted for professional services.

FCC means the Federal Communications Commission of the United States.

Laws means, collectively, any and all Federal, State or Local law, statute, common law, code, rule, regulation, order, or ordinance.

Ordinary Maintenance and Repair means inspections, testing and/or repair that maintain functional capacity, aesthetic and structural integrity of a communications Facility and/or the associated Support Structure or Pole, that does not require blocking, damaging or disturbing any portion of the Public ROW.

Permit, "R.O.W. Permit" or "Small Cell Permit" means a written authorization to install, at a specified location(s) in the Public ROW, a Communications Facility or a Pole to support a Communications Facility.

Permittee means an Applicant that has received a Permit under this Chapter.

Person means an individual, corporation, limited liability company, partnership, association, trust or other entity or organization, including a governmental entity.

Personal Wireless Services

"Personal Wireless Services," as defined in 47 U.S.C. §332(c)(7)(C), as supplemented and/or as amended.

Public Right-of-Way

The surface, the airspace above the surface and the area below the surface of any street, road, highway, lane, alley, boulevard or drive, including the sidewalk, shoulder and area for utilities owned by the City of Garfield.

Small Wireless Facility

"Small Wireless Facility," as defined in the Code of Federal Regulations at 47 C.F.R. §1.6002(1), as supplemented and/or as amended.

Small wireless facility means a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

Smart Pole

A decorative utility pole that conceals three or more Small Wireless Facility installation(s) and may include other features such as street lighting, 911 call service access, public access

Wi-Fi and surveillance cameras. A Smart Pole must allow for multiple occupants and allow space for municipal use for other services and/or equipment. Smart Poles shall neither have external latches, external hinges, external cabling, or other attachments. The pole should be made of an inherently rust-resistant material (i.e. aluminum alloys or stainless steel).

Utility Pole

A wooden or metal pole that is used by public utilities to support electrical wires, telephone wires, coaxial cables, fiber optic cables and like and similar appurtenances.

Wireless Communications Infrastructure

Infrastructure designed specifically for the purpose of supporting wireless facility equipment deployments, including large-scale (macro) collocatable infrastructure as well as Small Wireless Facilities Infrastructure

Small Wireless Facilities Infrastructure

A Smart Pole meeting the above definition or other collocatable infrastructure designed or deployed for the purpose of supporting small wireless facility, the types of which may be approved by geographical zones as defined by City of Garfield

C. Small Wireless Facility Siting Permit Required; Consent to Use Rights-of-Way Required.

1. No person shall place a Small Wireless Facility in any right-of-way without first filing a Small Wireless Facility siting permit application, in the form specified herein and in accordance with the procedures specified herein, with the City of Garfield Clerk and obtaining a siting permit therefore, except as otherwise may be provided in this ordinance. Upon approval of a siting permit application, the siting permit authorizing placement of a Small Wireless Facility in a public right-of-way shall not be issued by the City of Garfield Clerk to any Applicant unless:
 - a. All siting permit application fees and escrow fees, as established herein, have been paid; and
 - b. All other governmental permits or other governmental approvals that are required for the deployment(s) proposed by the Applicant's siting permit application under the New Jersey Uniform Construction Code Act, N.J.S.A. 52:27D-119, et. seq., and the administrative regulations adopted thereunder, Street Openings, of the Code of the City of Garfield, and by any other applicable federal, state or municipal law have been issued by the appropriate issuing authority therefore to the Applicant and the Applicant has supplied copies of such other permits or approvals to the City of Garfield Clerk for inclusion with the Applicant's application documents; and
 - c. The Applicant has entered into a "Right-of-Way Use Agreement," the approved form of which is set forth in Appendix "A" to this ordinance, with the City of Garfield. The approved form of "Right-of-Way Use Agreement" may from time-to-time be revised, supplemented or otherwise amended or replaced. All such revisions, supplements, amendments or replacements shall be approved by Resolution of City of Garfield Council. The City of Garfield Clerk shall maintain on file the currently approved Right-of-Way Use Agreement version and shall provide a copy to all siting permit applicants. Minor deviations to the terms and conditions that are set forth in the approved form of Right-of-Way Use Agreement may be approved by City of Garfield Council at the time that it grants consent to use a right-of-way to a siting permit Applicant.
2. No siting permit authorizing placement of a Small Wireless Facility in a public right- of-way shall be issued to any Applicant unless City of Garfield Council, in the manner prescribed by applicable laws of the State of New

Jersey, has granted to the siting permit Applicant its consent to use public rights-of-way within the City of Garfield. No siting of a Small Wireless Facility shall be permitted within five-hundred (500) feet of another Small Wireless Facility unless it can be established by clear and convincing evidence that compliance with these regulations would effectively prohibit the applicant from providing service and that co-location on an existing or previously approved Small Wireless Facility is not feasible. Any claims of applicants of technical incompatibility or inability to collocate need to be demonstrated scientifically by the applicant how technical incompatibility exists, not disproven by the City of Garfield. Responsibility for judging proof of said claims lies solely with the City of Garfield and/or its chosen representative(s).

D. Installation of New Structures; Installation on Existing Structures.

1. No application for a Small Wireless Facility siting permit shall be approved if the application proposes the deployment of a Small Wireless Facility upon an existing structure in a right-of-way unless the structure is one of the types of Smart Poles that are set forth in Section One: Definitions to this ordinance and such Smart Pole specifically is designed to accommodate the reasonable and customary equipment necessary for a Small Wireless Facility installation which will accommodate at least three carriers per Small Wireless Facility deployment. Any exception to this requirement must be accompanied by clear and convincing evidence that co-location on an existing or previously approved Small Wireless Facility is not feasible. Any claims of applicants of technical incompatibility or inability to comply with this requirement need to be demonstrated scientifically by the applicant, not disproven by the City of Garfield. Responsibility for judging proof of said claims lies solely with the City of Garfield and/or its chosen representative(s).
2. No Small Wireless Facility shall be installed upon any new structure within any right-of-way unless the new structure is one of the types of Smart Poles that are identified in Section One: Definitions to this ordinance. A replacement pole is a new structure. The restrictions on new structures set forth herein shall not apply to new structures to be constructed in the zone district permitting such facilities as a permitted or Conditional Use
3. No application for a Small Wireless Facility siting permit shall be approved if the application proposes the deployment of a Small Wireless Facility in an area other than those specific locations set forth within the City's Wireless Siting Plan, which can be found on file with the Office of the City Clerk. All Small Wireless Facilities must be placed within a 25 ft. radius of those specific locations set forth on the City's Wireless Siting Plan. No more than one (1) Smart Pole shall be permitted per intersection or block if the Siting Plan calls for the deployment of a Small Wireless Facility at any location other than an intersection, unless otherwise specified within the Wireless Siting Plan. No Smart Poles shall be located within 500 ft. of another. Any claims of carriers of technical incompatibility or inability to comply with this requirement need to be proven by the carrier, not disproven by the City of Garfield. Responsibility for judging proof of said claims lies solely with the City of Garfield and/or its chosen representative(s).

E. Siting Permit Application Process.

1. Application Filing. An application for a siting permit to place one or more Small Wireless Facility within a right-of-way shall be made on forms which shall be available from the Office of the City of Garfield Clerk. The application, along with the required application fee and the required escrow fee, shall be filed with the City of Garfield Clerk. Immediately upon receipt of an application, the City of Garfield Clerk shall provide copies of the application and all supporting documents that were submitted by the Applicant with the application, to the City of Garfield Engineer, Zoning Official, Construction Official and the City of Garfield Solicitor.

2. Application Form. The Small Wireless Facility siting permit application shall be made by a provider of personal wireless services, its duly authorized representative, as noted in a notarized statement from the provider of personal wireless services, on whose behalf the representative is acting, or an entity in the business of deploying wireless communications facilities or infrastructure, and shall contain the following:
 - a. The Applicant's name, address, telephone number and e-mail address;
 - b. The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application;
 - c. A general description of the proposed Small Wireless Facility, existing structure and new structure work to be performed. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with particular emphasis on those matters, including, but not limited to, subsurface utilities likely to be affected or impacted by the work proposed along with a description of such other governmental permits or approvals as may be required by applicable law with respect to the proposed installation(s) and a description of such other permits or approvals for which the Applicant has applied;
 - d. Authorization for any consultant acting on behalf of the Applicant to speak with the City of Garfield, or a designee of the City of Garfield, on the area of consultation for the Applicant even if the Applicant cannot be available;
 - e. Verification via sworn statement from an appropriate professional that the Small Wireless Facility shall comply with all applicable federal, state and local laws, administrative regulations and codes;
 - f. With respect to radio frequency emissions, Applicant must provide a sworn statement from a qualified radio frequency engineer that the Application will comply with all applicable Federal, State, and Local laws regarding radio frequency emissions;
 - g. The Applicant shall certify that they shall make available approved facilities to all major wireless carriers in the marketplace. The Applicant shall further certify that they will encourage, manage and coordinate the location and placement of any interested carrier's equipment on their structure.
3. An Applicant seeking to deploy a network of Small Wireless Facilities, all of which are to be located in rights-of-way, may file a batched application for up to twenty-five (25) Small Wireless Facilities and receive a single siting permit for multiple Small Wireless Facilities. Any denial of any individual Small Wireless Facilities within a batched application, will not impact the consideration of other sites within the same application.

F. Procedure on Permit Application; No Exclusive Rights.

1. The City of Garfield shall review the application for a Small Wireless Facility siting permit in light of its conformity with the provisions of this Ordinance, and shall approve or deny a siting permit on nondiscriminatory terms. Within thirty (30) days of receiving an Application, the City of Garfield Clerk shall determine and notify the Applicant:
 - (a) Whether the Application is complete;
 - (b) If the Application is incomplete, what specific information is missing; and
2. The City of Garfield shall make its final decision to approve or deny the Application within the following timeframes:
 - a. Sixty (60) days from the submission of a complete application to

- install a Small Wireless Facility upon one or more existing structures.
 - b. Ninety (90) days from the submission of a complete application to install a Small Wireless Facility upon one or more new structures.
 - c. Ninety (90) days from the submission of a complete batched application to install Small Wireless Facilities upon both existing and new structures.
 3. The timeframes described above by which an application shall be either approved or denied may be extended by mutual consent of the Applicant and City of Garfield. Such consent shall be set forth on a form for such purposes which shall be available from the Office of the City of Garfield Clerk. Such consent on behalf of the City of Garfield shall be exercised by Zoning Officer in his/her reasonable discretion.
 4. The City of Garfield Clerk shall notify the Applicant in writing of the final decision, and if the Application is denied Specify the basis for denial; and cite such specific provisions, as may be recommended by the City of Garfield Solicitor, from federal, state, or local laws, administrative regulations or codes as to why the Application was denied.
 5. Notwithstanding an initial denial, the Applicant may cure any deficiencies identified by the City of Garfield within thirty (30) days of the denial without paying an additional application fee, provided the City of Garfield Clerk shall approve or deny the revised application within thirty (30) days of receipt of the amended application which shall be limited to the deficiencies specified in the original notice of denial.
 6. A siting permit from the City of Garfield authorizes an Applicant to undertake only certain activities in accordance with this ordinance. No approval or consent granted, or siting permit issued, pursuant to this ordinance shall confer any exclusive right, privilege, license or franchise to occupy or use any public right-of-way within the City of Garfield of City of Garfield for the delivery of telecommunications services or for any other purpose.
 7. Nothing in this section affects an applicant's obligation to apply for other permits that may be required under this code, such as street opening permits or construction permits, for which the Applicant has not yet applied. No Small Wireless Facility siting permit shall be approved until the Applicant has applied for all other permits and approvals required by all other laws and regulations that are applicable to the Applicant's proposed Small Wireless Facility deployment.
- G. Duration. No siting permit issued under this ordinance shall be valid for a period longer than twelve (12) months unless construction has actually begun and continuously and diligently is pursued to completion. Upon written request from the Applicant, the Mayor, upon consultation with the Construction Official, may extend the siting permit for a period of up to twelve (12) months so long as construction has begun at the time that the Applicant's request for an extension is made.
- H. Routine Maintenance and Replacement.
 1. A Small Wireless Facility siting permit shall not be required for:
 - a. Routine maintenance of a Small Wireless Facility;
 - b. The replacement of a Small Wireless Facility with another Small Wireless Facility that is the same or smaller in size, weight and height to the Small Wireless Facility that is being replaced;
 - c. Provided, however, that on a location where the City of Garfield and/or another provider has placed equipment or facilities, any routine maintenance or replacement that is done shall not occur until written authorization from the City of Garfield and/or the other provider, as the

case may be, to proceed is provided to the City of Garfield, which authorization to proceed shall not unreasonably be withheld by the City of Garfield and/or the other provider.

- d. Provided further that if the replacement of a Small Wireless Facility with another Small Wireless Facility includes replacement of the structure to which the Small Wireless Facility is attached then an application for a siting permit shall be required.
2. Notwithstanding anything to the contrary in this section 7, permits are required for any activity that involves any road closure or other activity that will impact vehicle or pedestrian traffic.

I. Fees.

1. Application Fees. All applications for approval and issuance of a Small Wireless Facility siting permit pursuant to this ordinance shall be accompanied by a fee as follows:
 - a. For applications that do not include the installation of any new structures within a right-of-way the application fee shall be \$500.00 for up to five (5) Small Wireless Facilities with an additional \$100.00 for each Small Wireless Facility beyond five (5).
 - b. For applications that include the installation of a new structure within a right-of-way the application fee shall be \$1000.00 for up to five (5) Small Wireless Facilities with an additional \$100.00 for each Small Wireless Facility beyond five (5).
2. Other Fees: No pole attachment fees will be assessed by the City unless and until an applicant applies for pole attachment to a City-owned pole.
3. Annual Rate: \$270 Annual ROW Maintenance Rate per small wireless facility, starting on the anniversary of the permit

J. Escrow Fee for Third-Party Professionals and Consultants.

1. In addition to the application fee and performance guarantee related to the street opening permit, all applications for approval and issuance of a Small Wireless Facility siting permit shall be accompanied by an escrow fee as follows:
 - a. For applications whose proposed Small Wireless Facility deployment(s) will not require a street opening permit: \$5,000.00; and
 - b. For applications whose proposed Small Wireless Facility deployment(s) will require a street opening permit: \$7,500.00.
2. The escrow account deposits are required to pay for the costs of professional services, including engineering, planning, legal and other third-party professional consulting expenses connected with the review of submitted materials, including any traffic engineering review or other special analyses related to the City of Garfield of the materials submitted by the Applicant and the preparation of any reports or any necessary legal agreement regarding rights-of-way use. An Applicant is required to reimburse the City of Garfield for all fees, costs and expenses of third-party professionals and consultants incurred and paid by the City of Garfield for the review process of a Small Wireless Facility siting permit application, such as, but not limited to:
 - a. Professional fees for reviews by third-party professionals or consultants of applications, plans and accompanying documents;
 - b. Issuance of reports or analyses by third-party professionals or consultants to the City of Garfield setting forth recommendations

- resulting from the review of any documents submitted by the Applicant;
- c. Charges for any telephone conference(s) or meeting(s), including travel expenses, requested or initiated by the Applicant, the Applicant's attorney or any of the Applicant's experts or representatives;
 - d. Review of additional documents submitted by the Applicant and issuance of reports or analyses relating thereto;
 - e. Review or preparation of right-of-way use agreements, easements, deeds, right-of-way municipal consent ordinances or resolutions and any and all other like or similar documents; and
 - f. Preparation for and attendance at all meetings by third-party professionals or consultants serving the City of Garfield, such as the City of Garfield Attorney, City of Garfield Engineer and City of Garfield Planner or other experts as required.
3. The escrow account deposits shall be placed in a separate account by the City of 's Chief Financial Officer at the request of the City of Garfield Clerk and an accounting shall be kept of each Applicant's deposit. Thereafter:
 - a. All third-party professional or consultant fees, costs, expenses and charges shall be paid from the escrow account and charged to the applicant;
 - b. Third-party professional or consultant fees shall not be disbursed from escrow if they are for a service performed in the context of an identical paid service between applicant and same third-party who may otherwise be entitled to said fees;
 4. Upon either final denial of a Small Wireless Facility siting permit application or upon issuance of a Small Wireless Facility siting permit, any moneys not expended for third-party professional or consulting services shall be returned to the Applicant within 90 days upon written request by the Applicant and as authorized by the City of Garfield Council.
 5. If at any time during the application review process 75% of the money originally posted shall have been expended, the Applicant shall be required to replenish the escrow deposit to 100% of the amount originally deposited by the Applicant.
 6. No Small Wireless Facility siting permit application shall be considered complete until such time as the required escrow fee has been posted to guarantee payment of third-party professional or consultant fees, costs, expenses and charges.
 7. All payments charged to the escrow deposit shall be pursuant to vouchers from the third-party professionals or consultants stating the hours spent, the hourly rate and the fees, costs, expenses and charges incurred.
 8. Third-party professionals and consultants submitting charges pursuant to this section shall be permitted to charge for such services at the same rates as they would charge their private clients for like or similar work provided that:
 - a. Professional fees are billed at rates that do not exceed such professional fees as are customarily charged by other like professionals and consultants performing similar work within Bergen County; and
 - b. Out-of-pocket costs, expenses and charges are billed on a dollar-for-dollar basis with no mark-up being permitted;
 9. The City of Garfield shall render a written final accounting to the Applicant on the uses to which the escrow deposit was put. The written final accounting shall include copies of all vouchers that were submitted by third-

party professionals and consultants and paid by the City of Garfield.

K. Municipal Access to New Structures.

An Applicant whose siting permit includes the installation of any new Smart Pole structure of any of the types that are defined in in Section One: Definitions to this ordinance shall provide the City of Garfield with access to space within the Smart Pole structure for the purpose of deploying City of Garfield’s own equipment including but not limited to, public access Wi-Fi, 911 call service or security cameras. Notwithstanding the foregoing, the Municipal use shall not interfere with Small Wireless Facilities of any other users of that Smart Pole. Any Municipal use pursuant to this section shall include a reimbursement to the applicant, on an annual basis, of the costs, on a dollar-for-dollar basis, of providing the City of Garfield with such access. Such costs shall be limited to the costs of providing electricity to the components used by the City of Garfield and the costs of any repairs required to be made to the components used by the City of Garfield, unless the repair costs are necessitated by the acts of the Applicant or subsequent owner of the structure, without regard to whether such acts are negligent or intentional.

Section 2. Any other chapter of the City Code that conflicts with this amendment is hereby repealed to the extent of the conflict; and

Section 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

Introduced:

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-38-23**

RESOLUTION BY:

SECONDED BY:

**INTRODUCE ORDINANCE #2974
SECOND READING**

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

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE SEMEL AVENUE DRAINAGE PROJECT (PHASE I) IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,820,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE A FEDERAL GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

was introduced and passed at a meeting held on Tuesday, January 10, 2023 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: January 24, 2023

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 Regular Meeting held on the 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2974**

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE SEMEL AVENUE DRAINAGE PROJECT (PHASE I) IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,820,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE A FEDERAL GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

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

Section 1. The City of Garfield, in the County of Bergen, State of New Jersey (the "City"), is hereby authorized to undertake the Semel Avenue Drainage Project (Phase I) in, by and for the City. Said improvement shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$1,820,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized, and the down payment and Federal grant appropriated, by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of the City, and (2) it is necessary to finance said purpose by the issuance of obligations of the City pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$1,820,000, and (4) \$395,157 of said sum is to be provided by the Federal grant hereinafter appropriated, and (5) \$68,843 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (6) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$1,356,000, and (7) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$217,500, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that the sum of \$395,157 received or to be received as a grant from the Bergen County Community Development Program, pursuant to the Federal Housing and Community Development Act, is hereby appropriated to the payment of the cost of such purpose.

Section 5. It is hereby determined and stated that moneys exceeding \$68,843, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for the City, are now available to finance said purpose. The sum of \$68,843 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 6. To finance said purpose, bonds of the City of an aggregate principal amount not exceeding \$1,356,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 7. To finance said purpose, bond anticipation notes of the City of an aggregate principal amount not exceeding \$1,356,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 8. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within the limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and

by a financial officer and shall be under the seal of the City and attested by the City Clerk or Deputy City Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 9. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 10. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the City Clerk of the City, and that such statement so filed shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,356,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose (other than the Federal grant hereinbefore appropriated which shall be applied to the cost of such purpose, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 12. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the City Clerk and is available for public inspection.

Section 13. The City intends to issue bonds or notes to finance the cost of the improvement described in Section 1 of this ordinance. If the City incurs such costs prior to the issuance of such bonds or notes, the City hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this ordinance.

Section 14. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the City, and the City shall levy ad valorem taxes upon all the taxable real property within the City for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. This ordinance shall take effect twenty days after the first publication thereof after final passage.

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

Introduced: January 10, 2023

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-39-23**

RESOLUTION BY:

SECONDED BY:

**INTRODUCE ORDINANCE #2975
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 341, ZONING, ARTICLE VII, OUTDOOR STORAGE OF MOTOR VEHICLES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

was introduced and passed at a meeting held on Tuesday, January 10, 2023 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: January 24, 2023

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 Regular Meeting held on the 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2975**

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 341, ZONING, ARTICLE VII, OUTDOOR STORAGE OF MOTOR VEHICLES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

WHEREAS, the Governing Body of Garfield believes it is in the best interest of the City of Garfield to repeal and replace Part II General Legislation, Chapter 341, Zoning, Article VII, Outdoor Storage of Motor Vehicles, of the Code of the City of Garfield;

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

Section 1. Repeal and replace Part II General Legislation, Chapter 341, Zoning, Article VII, Outdoor Storage of Motor Vehicles, of the Code of the City of Garfield is hereby repealed and replace as follows:

§ 341-29 Purpose.

The purpose of this article is to prohibit the outdoor and overnight storage of certain motor vehicles and trailers on private property in all zones that are unrelated to the primary use on the site.

§ 341-30 Definitions.

As used in this article, the following terms shall have the meanings indicated:

MOTOR VEHICLE

Includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles. It shall include trailers, semitrailers or other type of vehicles drawn by motor driven vehicles.

OUTDOOR STORAGE

Refers to any storage outside of a building or structure which has four walls and a roof.

RESIDENTIAL ZONE

Refers to those zoning districts categorized as R-1A, R-1, R-2 and R-3 within the zoning laws of the City of Garfield.

ROAD-TRACTOR

Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

TRUCK

Every motor vehicle designed, used or maintained primarily for the transportation of property.

§ 341-31 Storage prohibited.

- A. Within every zone, the outdoor storage on private property of motor vehicles, car carriers, tractor trailers, road-tractors, single or double axel trucks, and storage trailers/containers is strictly prohibited, unless the storage of such vehicles is customarily related to the principal use on site.
- B. Storage of permitted vehicles shall be stored in designated storage areas and shall not be parked so as to inhibit any parking stalls, drive aisles, ingress/egress points, or pedestrian sidewalks.
- C. This section shall not apply to nonconsensual towed vehicles that have a licensed off-site storage area as governed by Section 310, et. seq.

Section 2. All other provisions of Chapter 341, Zoning, Article VII, Outdoor Storage of Motor Vehicles, is hereby ratified and remains in full force and effect;

Section 3. Any other chapter of the City Code that conflicts with this amendment is hereby repealed to the extent of the conflict;

Section 4. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: January 10, 2023

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-40-23**

**RESOLUTION BY:
SECONDED BY:**

**INTRODUCE ORDINANCE #2976
SECOND READING**

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

**AN ORDINANCE TO AMEND PART I, ADMINISTRATIVE LEGISLATION,
CHAPTER 48, POLICE DEPARTMENT, OF THE REVISED GENERAL ORDINANCES
OF THE CITY OF GARFIELD**

was introduced and passed at a meeting held on Tuesday, January 10, 2023 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: January 24, 2023

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 Regular Meeting held on the 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2976**

**AN ORDINANCE TO AMEND PART I, ADMINISTRATIVE LEGISLATION,
CHAPTER 48, POLICE DEPARTMENT, OF THE REVISED GENERAL ORDINANCES
OF THE CITY OF GARFIELD**

WHEREAS, commencing July 18, 2022, pursuant to N.J.S.A. 11A:41.3(a), the Civil Service Commission must exempt from the requirement to take an examination for an entry-level law enforcement position, a person who has successfully completed within nine months from the date of hire as a temporary entry-level officer a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Training Commission;

WHEREAS, N.J.S.A. 11A:4-1.3 enables a municipal police department to hire a person who is exempt from the requirement to take an examination for an entry-level law enforcement officer position pursuant to N.J.S.A. 11A:401.3(a) upon a resolution of the governing body authorizing such hiring by the police department and the adoption of a conflict of interest and nepotism policy;

WHEREAS, the Director of Public Safety, with the consent of the Mayor and City Manager, has recommended to the governing body that due to retirements, and a general shortage of police officers, there is an immediate need to train persons who are interested in becoming police officers in the City, and all available means should be utilized to achieve this goal to ensure the public safety; and

WHEREAS, the City Council wishes to authorize the hiring of entry-level law enforcement officers who shall be exempt from the requirement that they take an examination for the position upon successful completion, within nine months from the date of hire as a temporary entry-level officer, of a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police Training Commission.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the City of Garfield, that Part I, Administrative Legislation, Chapter 48, Police Department, is hereby amended as follows:

Section 1. The current text of City Ordinance, Part I, Administrative Legislation, Chapter 48 Police Department, is hereby amended to include the following:

Article VIII: Alternate Police Testing and Hiring.

Section 48-29: Purpose, policy established.

Individuals who are enrolled in or who have successfully completed the academy portion of the Alternate Route Program will be eligible to apply for a regular fulltime position under this provision of the Garfield City Code. This enables the City of Garfield to consider candidates already trained without incurring the significant financial and time commitment to train officers to supplement the City of Garfield Police Department Ranks. This process will allow the Chief of Police and the Mayor and Council to target and recommend to hire individuals who will contribute to overall Police Department excellence and have an immediate impact on the manpower and/or diversity of the department. The Alternate Route Program is purposely flexible so as to allow for consideration of many varied candidates and allows this premises on the need to diversify the City of Garfield Police Department and maintain an appropriate number of officers on the street.

Section 48-30: Qualifications and eligibility.

A. All appointees must meet the following standards at the time of hire to be eligible under this section:

- i. A Citizen of the United States who is 18 years of age or older;
 - ii. Be of sound in body and of good health sufficient to satisfy the Board of Trustees of the Police and Firemen's Retirement system of N.J. as to eligibility for membership in the retirement system;
 - iii. Be able to read, write and speak the English language well and intelligently;
 - iv. Is of good moral character and has not been convicted of any criminal offense involving moral turpitude;
 - v. Minimum of 60 academic credits or individuals who have served in the military and have not earned 60 credits, but can substitute two years of full-time, active-duty military service, or combination of college credits and full-time active-duty military service to satisfy the education requirements. ALL EDUCATIONAL AND/OR MILITARY REQUIREMENTS MUST BE MET AT THE TIME OF HIRE; and
 - vi. Pass a rigorous selection process, including a written examination, a physical fitness test, oral interview, psychological evaluation, medical exam, and a full background check prior to attending.
- B. All candidates hired under the Alternate Route Program must receive the Police Training Commission BCPO certificate from the school director within the probationary period as so designated by the Chief of Police or the employment will be terminated on or before the one-year anniversary;
- C. Candidates who are currently SLEO II certified and eligible for a BCPO waiver from the Police Training Commission (PTC) shall also be considered under the Borough's Alternate Police Testing/Hiring Program;
- D. The Civil Service Commission shall exempt from the requirement to take an examination for an entry-level law enforcement officer position a person who successfully completes a full Basic Course for Police Officers training course or a full Basic Course for Correction Officers training course at a school approved and authorized by the New Jersey Police Training commission within nine months from the date of hire as a temporary entry-level officer as directed by provisions of N.J.S.A. 11A:4-1.3.1.a.

Section 2. 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 3. 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: January 10, 2023

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-41-23**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

APPROVAL OF BILLS AND CLAIMS

BE IT RESOLVED by the City Council of the City of Garfield that the Current Year Reserve Totaling \$642,015.76 and the Current Fund totaling \$1,026,334.73 and the Water Fund Reserve totaling \$258,647.72 and the Water Fund totaling \$1,050,257.73 and the General Capital Fund totaling \$412,096.25 and the Trust Account totaling \$8,253.26 and the Grants totaling \$22,301.10 per attached Computer Lists, dated January 20, 2023, be ordered paid and the proper officers are hereby authorized to issue checks for same provided there are funds in the respective appropriations; and

BE IT FURTHER RESOLVED that the action of the Mayor, City Clerk and City Treasurer in issuing checks in payment on the Ratification List, totaling \$5,719,990.52 prior to the meeting be ratified.

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

January 23, 2023
Dated

APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-42-23**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

**AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICE CONTRACT
WITH STANLEY H. ALLEN D/B/A ALLEN ASSOCIATES AND APPOINTING RISK
MANAGER FOR THE CITY OF GARFIELD**

WHEREAS, it is necessary for the City of Garfield to retain the services of a professional risk management consultant for those insurance matters (property & casualty, workers compensation, property, excess liability, public officials' liability, environmental liability) integral to the operation of the City of Garfield for the calendar year 2023, commencing on January 1, 2023 regardless of the date of execution; and

WHEREAS, such services are highly specialized in nature and exempt from a formal bidding pursuant to the New Jersey Public Contract Laws, N.J.S.A. 40A:11-5(1); and

WHEREAS, the Mayor and Council wish to appoint the Stanley H. Allen Inc d/b/a Allen Associates as the risk manager for the year 2023; and

WHEREAS, the Chief Financial Officer of the City of Garfield confirms there are sufficient funds available to enter into the contract; and

WHEREAS, said contract, in aggregate, is above \$17,500 as certified by the City Chief Financial Officer and therefore, such award be in compliance with the requirement set forth by P.L. 2004, Chapter 19 (as amended by P.L. 2005,c. 51) N.J.S.A. 19:44A-20.5 et. seq; and

WHEREAS, the contract amount for these services shall be no more than 6% of the City' annual JIF Assessment, payable by the Suburban Metro Joint Insurance Fund directly to Stanley H. Allen d/b/a Allen Associates;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield that Stanley H. Allen d/b/a Allen Associates is hereby appointed as Risk Management Consultant effective January 1, 2023 and that the City Manager, Erin N. Delaney, is hereby authorized to execute the risk management consultant's agreement in accordance with the by-laws of the Suburban Metro Joint Insurance Fund for the period commencing on January 1, 2023 and ending on December 31, 2023 to be paid out of account Other Insurance Premiums 3-01-23-210-210-000; and

BE IT FURTHER RESOLVED, that a notice of said contract award, stating the nature, duration and services provided, be published in accordance with N.J.S.A. 40A:11-5(1).

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

January 23, 2023

Dated

APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-43-23**

CONSENT AGENDA

**RESOLUTION BY:
SECONDED BY:**

APPROVING REFUND OF STREET OPENING

WHEREAS, the rules of procedure of Ordinance No. 1856, adopted on 1/22/1985, as per the City Manager and her designee of the City of Garfield state that a Performance Guarantee shall be made, in an amount as determined by the City Engineer, to cover a Street Opening Bond for the period of one year; and

WHEREAS, a deposit has been received from Elite Excavation and Drainage Services for 44 Krakow Street in the City of Garfield, Bergen County, New Jersey, in the amount of \$2,500.00 for said Street Opening Bond on March 3, 2022 and said funds are being held in the Trust Other Fund; and

WHEREAS, a \$5,000.00 bond has been deposited to replace the initial cash deposit; and

WHEREAS, the Building Inspector has investigated this deposit and has determined that they are due to the above individual;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that these monies be refunded to the above-named claimant out of account T-03-56-287-287-004.

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

January 23, 2023
Dated

APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-44-23**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

**AUTHORIZING PROGRESS PAYMENT #1 TO AMERICAN ATHLETIC TRACK AND
TURF FOR THE FIREHOUSE BASKETBALL COURT IMPROVEMENTS**

WHEREAS, American Athletic Track & Turf, has previously been awarded a contract for the Firehouse Basketball Court Improvements Project; and

WHEREAS, American Athletic Track & Turf, has submitted Proposal dated 4/29/2022 in the amount of \$26,500.00; and

WHEREAS, the City Engineer has reviewed the documents submitted by the contractor to date and all work has been completed to the satisfaction of the City Engineer;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Garfield hereby approves Progress Payment #1 in the amount of \$26,500.00 to American Athletic Track and Turf for work completed on the Firehouse Basketball Court Improvements Project to be paid out of account C-04-55-999-000-986.

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

January 23, 2023
Dated

APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-45-23**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH COLLIERS ENGINEERING & DESIGN (D/B/A MASER CONSULTING) TO PROVIDE ENGINEERING SERVICES FOR THE TEMPORARY REPAIRS FOR BANTA AVENUE CULVERT PROJECT

WHEREAS, it is in the best interest of the City of Garfield to enter into an agreement with Colliers Engineering & Design to provide engineering services for the Temporary Repairs for the Banta Avenue Culvert Project; and

WHEREAS, the terms of the agreement are outlined in proposal documents submitted by Colliers Engineering & Design on file in the City Manager's Office; and

WHEREAS, the agreement is for professional services and as a result is exempt from the public bidding process; and

WHEREAS, the Mayor and Council of City of Garfield authorize the City Manager, Erin N. Delaney, to enter into an agreement with Colliers Engineering & Design to provide engineering services for the Temporary Repairs for Banta Avenue Culvert Project;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Garfield approves the authorization of the City Manager, Erin N. Delaney, to enter into an agreement with Colliers Engineering & Design to provide engineering services for the Temporary Repairs for Banta Avenue Culvert Project, in the amount of \$13,500.00 to be paid out of account C-04-55-999-000-970.

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

January 23, 2023

Dated

APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-46-23**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL
SERVICES AGREEMENT WITH BOSWELL ENGINEERING TO PROVIDE
ENGINEERING SERVICES FOR A TAX MAP UPDATE**

WHEREAS, it is in the best interest of the City of Garfield to enter into an agreement with Boswell Engineering to provide engineering services for an update to the City Tax Maps in preparation of the County Tax Revaluation; and

WHEREAS, the terms of the agreement are outlined in proposal documents submitted by Boswell Engineering on file in the City Manager's Office; and

WHEREAS, the agreement is for professional services and as a result is exempt from the public bidding process; and

WHEREAS, the Mayor and Council of City of Garfield authorize the City Manager, Erin N. Delaney, to enter into an agreement with Boswell Engineering to provide engineering services for an update to the City Tax Maps in preparation of the County Tax Revaluation;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Garfield approves the authorization of the City Manager, Erin N. Delaney, to enter into an agreement with Boswell Engineering to provide engineering services for the above-named project, in the amount of \$20,300.00 to be paid out of account 3-01-44-903-903-020.

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

January 23, 2023

Dated

APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-47-23**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

**SUPPORTING BRAIDED ORGANICS, L.L.C., AS THE OPERATOR OF A CLASS 1
CANNABIS CULTIVATION ESTABLISHMENT TO BE LOCATED IN THE CITY OF
GARFIELD**

WHEREAS, on November 3, 2020, the citizens of the State of New Jersey voted to approve Public Question No. 1, amending and supplementing Section VII of Article IV of the New Jersey Constitution to authorize the growth, cultivation, processing, manufacturing, preparing, packaging, transferring, and retail purchasing and consumption of cannabis, or products created from or which include cannabis for persons twenty-one (21) years older in the State of New Jersey; and

WHEREAS, in response to the aforementioned vote of the citizens of the State of New Jersey, the State passed enabling legislation entitled, “The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (“Act) (P.L.2021, c.16, approved February 22, 2021), which legalized personal use cannabis for certain adults, subject to State regulations, decriminalization small amount marijuana and hashish possession, and removes marijuana as Schedule I drug; and

WHEREAS, pursuant to N.J.A.C. 17:30-7.1, N.J.A.C. 17:30-7.8, and N.J.A.C. 17:30-7.10 Alternative Treatment Centers (“ATCs”) and applicants for cannabis business licenses (“license-applicants”) need to submit proof of local support in the form of municipal approval as part of either their certification (ATCs) or application (cannabis business license applicants); and

WHEREAS, if the municipality has a Governing Body, a resolution by that Governing Body that includes: a. The license applicant’s legal name under which they are registered to do business in the State of New Jersey; b. A determination that the municipality has authorized the type of cannabis business license being sought by the license-applicant to operate within its jurisdiction; and c. A confirmation that if the municipality has imposed a limit on the number of licensed cannabis businesses, the issuance of a license to the license applicant by the Commission would not exceed that limit; and

WHEREAS, on July 20, 2021, the Governing Body of the City of Garfield passed Ordinance 2890, creating Part II, General Legislation, Chapter 100, as was subsequently amended by Ordinance 2965, authorizing the operation of four (4) Class 1 Cannabis Cultivation Establishments as a conditionally permitted use in the Light Manufacturing Zoning District; and

WHEREAS, the issuance of a Class 1 license to Braided Organics, L.L.C., to operate in the City of Garfield would not exceed the limit imposed by Ordinance;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the City of Garfield that Braided Organics, L.L.C., be granted this Resolution of Local Support, which is to be viewed by the State of New Jersey as unequivocal support of their application to operate a Class 1 Cannabis Cultivation License in the City of Garfield.

APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-48-23**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

**SUPPORTING NAVIGATOR WELLNESS GROUP, L.L.C., AS THE OPERATOR OF A
CLASS 2 CANNABIS MANUFACTURING ESTABLISHMENT TO BE LOCATED IN THE
CITY OF GARFIELD**

WHEREAS, on November 3, 2020, the citizens of the State of New Jersey voted to approve Public Question No. 1, amending and supplementing Section VII of Article IV of the New Jersey Constitution to authorize the growth, cultivation, processing, manufacturing, preparing, packaging, transferring, and retail purchasing and consumption of cannabis, or products created from or which include cannabis for persons twenty-one (21) years older in the State of New Jersey; and

WHEREAS, in response to the aforementioned vote of the citizens of the State of New Jersey, the State passed enabling legislation entitled, “The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (“Act) (P.L.2021, c.16, approved February 22, 2021), which legalized personal use cannabis for certain adults, subject to State regulations, decriminalization small amount marijuana and hashish possession, and removes marijuana as Schedule I drug; and

WHEREAS, pursuant to N.J.A.C. 17:30-7.1, N.J.A.C. 17:30-7.8, and N.J.A.C. 17:30-7.10 Alternative Treatment Centers (“ATCs”) and applicants for cannabis business licenses (“license-applicants”) need to submit proof of local support in the form of municipal approval as part of either their certification (ATCs) or application (cannabis business license applicants); and

WHEREAS, if the municipality has a Governing Body, a resolution by that Governing Body that includes: a. The license applicant’s legal name under which they are registered to do business in the State of New Jersey; b. A determination that the municipality has authorized the type of cannabis business license being sought by the license-applicant to operate within its jurisdiction; and c. A confirmation that if the municipality has imposed a limit on the number of licensed cannabis businesses, the issuance of a license to the license applicant by the Commission would not exceed that limit; and

WHEREAS, on July 20, 2021, the Governing Body of the City of Garfield passed Ordinance 2890, creating Part II, General Legislation, Chapter 100, as was subsequently amended by Ordinance 2965, authorizing the operation of four (4) Class 2 Cannabis Manufacturing Establishments as a conditionally permitted use in the Light Manufacturing Zoning District; and

WHEREAS, the issuance of a Class 2 license to Navigator Wellness Group, L.L.C., to operate in the City of Garfield would not exceed the limit imposed by Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Garfield that Navigator Wellness Group, L.L.C., be granted this Resolution of Local Support, which is to be viewed by the State of New Jersey as unequivocal support of their application to operate a Class 2 Cannabis Manufacturing License in the City of Garfield.

APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-50-23**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

APPROVING JUNIOR MEMBER – FIRE DEPARTMENT

WHEREAS, Fire Company No. 5 has advised that they have accepted Dominik R. Miotto, 170 Hartmann Avenue, Garfield, New Jersey 07026, as a Junior Member, effective January 3, 2025;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the action taken by Fire Company No. 5 with respect to the above matter, is hereby approved.

APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-51-23**

CONSENT AGENDA

**RESOLUTION BY:
SECONDED BY:**

APPROVING RESIGNATION OF ACTIVE MEMBER – FIRE DEPARTMENT

WHEREAS, Fire Company No. 5 has advised that they have accepted the resignation of Joseph Kopacz of 462 Boulevard, Garfield, New Jersey 07026 as an active member, effective January 3, 2023;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that the action taken by Fire Company No. 5 with respect to the above matter, is hereby approved.

APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-52-23**

CONSENT AGENDA

**RESOLUTION BY:
SECONDED BY:**

APPROVING RESIGNATION OF ACTIVE MEMBER – FIRE DEPARTMENT

WHEREAS, Fire Company No. 5 has advised that they have accepted the resignation of Nicholas Kopacz of 462 Boulevard, Garfield, New Jersey 07026 as an active member, effective January 3, 2023;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that the action taken by Fire Company No. 5 with respect to the above matter, is hereby approved.

APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-53-23**

CONSENT AGENDA

**RESOLUTION BY:
SECONDED BY:**

APPROVING RESIGNATION ACTIVE MEMBER – FIRE DEPARTMENT

WHEREAS, Fire Company No. 5 has advised that they have accepted the resignation of Joseph Petta of 8 Garwood Court North, Garfield, New Jersey 07026 as an active member, effective January 3, 2023,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that the action taken by Fire Company No. 5 with respect to the above matter, is hereby approved.

APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-54-23**

CONSENT AGENDA

**RESOLUTION BY:
SECONDED BY:**

REQUESTING THE INSTALLATION OF A LIGHT BY PSE&G

BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey, that Public Service Electric and Gas Company is hereby authorized and requested to install a High-Pressure Sodium Lamp on Pole Number 60730 in front of 11 Orchard Street the pole number at Van Winkle Avenue and Orchard Street is 61126; and

BE IT FURTHER RESOLVED that City Manager/Clerk Erin N. Delaney is hereby authorized and directed to forward a certified and exact copy of this approved resolution to P.S.E. & G. Co. at the following address:

P.S.E.& G. Company
325 County Avenue
Secaucus, New Jersey 07094

APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-55-23**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

APPROVAL OF TOWING LICENSES

WHEREAS, the following towers have filed for a towing license in the City of Garfield and the City Council having determined the public convenience and necessity, allows and requires such license and that the applicant is fit and has the necessary equipment, including a storage area pursuant to Chapter 229; and

WHEREAS, a \$500.00 license fee has been received by the City Clerk in connection with this application pursuant to City Ordinance No. 2008; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the City Manager/Clerk is authorized to notify:

Belfi’s Auto and Truck Repair, Inc. 208 Palisade Avenue, Garfield, New Jersey 07026

David’s Auto Body, 70 Lincoln Place, Garfield, New Jersey 07026

Nutchies Service Station LLC, 72 South Main Street, Lodi, New Jersey 07644

that they have received a 2023 Towing License pursuant to the City Code; and

BE IT FURTHER RESOLVED that all towers shall comply with all the pre-conditions and requirements of the towing license.

APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-56-23**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

APPROVAL OF VEHICLE SALE BUSINESS LICENSE – 2022

BE IT RESOLVED by the City Council of the City of Garfield that Erin N. Delaney, City Manager/ City Clerk, is hereby authorized to issue the following licenses for Vehicle Sales Business for the year 2022 described in application, duly filed:

Joe Dee’s Auto Body, Inc. 9 Marsellus Place Garfield, NJ 07026	\$ 365.00
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APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-57-23**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

APPROVAL OF VEHICLE SALE BUSINESS LICENSES – 2023

BE IT RESOLVED by the City Council of the City of Garfield that Erin N. Delaney, City Manager/ City Clerk, is hereby authorized to issue the following licenses for Vehicle Sales Business for the year 2023 described in application, duly filed:

Sudol's Auto Sales 1 Belmont Avenue Garfield, NJ 07026	\$ 365.00
Car House of Garfield 86 Jewell Street Garfield, NJ 07026	\$ 365.00
Nahas Auto Center 376 Midland Avenue Garfield, NJ 07026	\$ 365.00
Urban Motors 2 Passaic Street Garfield, NJ 07026	\$ 365.00
SBS Motor Cars LLC 6 Plauderville Avenue Garfield, NJ 07026	\$ 365.00
Buy Rite Auto Mall 341 River Drive Garfield, NJ 07026	\$ 365.00
Kaytors Garage 379 River Drive Garfield, New Jersey 07026	\$ 365.00
Dymora Auto LLC 381 River Drive Garfield, NJ 07026	\$ 365.00
Mike's Auto Sales LLC 413 River Drive Garfield, New Jersey 07026	\$ 365.00
Urbin Auto Sales 577 River Drive Garfield, NJ 07026	\$ 365.00
Payless Auto Wholesales 601 River Drive Garfield, NJ 07026	\$ 365.00

APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-58-23**

CONSENT AGENDA

**RESOLUTION BY:
SECONDED BY:**

SUPPORTING THE 30X30 INITIATIVE BY THE POLICING PROJECT

WHEREAS, The Policing Project is a national organization that works to improve police-community relations through evidence-based reform and community engagement; and

WHEREAS, The Policing Project's 30x30 initiative aims to increase the percentage of women in policing to 30% by the year 2030; and

WHEREAS, increasing the representation of women in policing will lead to more effective and just policing, as well as better representation of the community;

NOW, THEREFORE, BE IT RESOLVED that the City of Garfield supports the 30x30 initiative by The Policing Project and the Garfield Police Department commits to working to increase the representation of women within the ranks of the department; and

BE IT FURTHER RESOLVED that the City of Garfield encourages neighboring local law enforcement agencies to participate in The Policing Project's 30x30 initiative and to develop and implement strategies to recruit, retain, and promote women in policing; and

BE IT FURTHER RESOLVED that the City of Garfield will collaborate with The Policing Project to establish a police department that reflects the diversity of our community and promotes fairness, impartiality, and trust between law enforcement and the community; and

BE IT FURTHER RESOLVED that the City of Garfield will report on the progress of increasing the representation of women in policing to The Policing Project and to the public.

APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-59-23**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

APPROVING HANDICAP PARKING SPACE

WHEREAS, Rosalba Olivares, 55 Cottage Place Fl. 2, who is the holder of a Disabled Person I.D. Card No. P2635452, 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 north curb line of Cottage Place commencing 254 feet west of the dead end of Cottage Place and continue an additional 20 feet west 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: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-60-23**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

APPROVING HANDICAP PARKING SPACE

WHEREAS, Rose Roman, 45 Belmont Ave Apt. A3, who is the holder of a Disabled Person I.D. Card No. P2547524, 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 Wessington Avenue commencing 76 feet north of the intersection of Wessington Avenue and Belmont Avenue and continue an additional 20 feet east 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: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-61-23**

CONSENT AGENDA

**RESOLUTION BY:
SECONDED BY:**

AUTHORIZING TEMPORARY APPOINTMENT OF ACTING DEPUTY MAYOR

WHEREAS, pursuant to Local Ordinance, Joseph P. Delaney III was appointed Deputy Mayor for the City of Garfield; and

WHEREAS, pursuant to the provisions of state and local law, the Deputy Mayor shall serve in the place of the Mayor and perform all functions of the Mayor in the Mayor's absence; and

WHEREAS, on Saturday, February 11, 2023, it will be necessary and appropriate to temporarily appoint Romi Herrera as Deputy Mayor for the City of Garfield in order to perform the marriage ceremony of Maria Fernanda Rojas and Richard Herrera;

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

1. Councilman Romi Herrera be and is hereby appointed Deputy Mayor for the City of Garfield to perform the marriage ceremony of Maria Fernanda Rojas and Richard Herrera; and
2. This temporary appointment shall be solely for the purpose of performance of this marriage ceremony and for no other reason. Similarly, no additional authority is granted hereby other than to perform said ceremony and to execute any and all documents which may be necessary in order to effectuate the provision of this Resolution and to confirm the performance of the marriage ceremony as described above.

APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-62-23**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

**GRANTEE AUTHORIZING RESOLUTION WITH BERGEN COUNTY OPEN SPACE
GARFIELD RIVERWALK EXPANSION**

BE IT RESOLVED, that the Mayor and Council of the City of Garfield wish to enter into a grant agreement with the County of Bergen for the purpose of using a \$845,600.00 grant award from the 2022 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“Trust Fund”) for the acquisition of open space property in the project entitled “Riverwalk Expansion Phase V” located in Block 110.01, Lot 45 on the tax maps of the City of Garfield; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes City Manager Erin Delaney to be a signatory to the aforesaid Contract; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes City CFO Anders Hasseler to sign all County of Bergen Payment Vouchers submitted in conjunction with the aforesaid project.

APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-63-23**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

APPROVING REGULAR ACTIVE MEMBER – FIRE DEPARTMENT

WHEREAS, Fire Company No. 2 has advised that they have accepted Michael Sialer, 48 Belmont Avenue, Garfield, New Jersey 07026, as a regular active member, effective January 5, 2023;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that the action taken by Fire Company No. 2 with respect to the above matter, is hereby approved.

APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-64-23**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE CITY OF GARFIELD, COUNTY OF BERGEN, STATE OF NEW JERSEY TO EXAMINE WHETHER THE PROPERTIES LOCATED AT 32 & 46 PASSAIC STREET, ALSO KNOWN AS BLOCK 10, LOTS 1 & 3 AND AT 19, 21, 25 & 31 PASSAIC STREET, 45 CAMBRIDGE AVENUE AND 12, 16 & 20 BLOOMINGDALE AVENUE, ALSO KNOWN AS BLOCK 26, LOTS 1, 3, 5, 6, 8, 9, 12 & 14, AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF GARFIELD SHOULD BE DETERMINED TO BE 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 32 & 46 Passaic Street, also known as Block 10, Lots 1 & 3 and at 19, 21, 25 & 31 Passaic Street, 45 Cambridge Avenue and 12, 16 & 20 Bloomingdale Avenue, also known as Block 26, Lots 1, 3, 5, 6, 8, 9, 12 & 14, as delineated on the tax map (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 meet the criteria for designation as a redevelopment area pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the City desires that the Planning Board undertake an examination as to whether the Properties, may be deemed “an area in need of redevelopment”; and

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

WHEREAS, the notice of any hearing to be conducted by the Planning Board with regards to this Resolution shall specifically state that a Non-Condemnation Redevelopment Area determination shall not authorize the municipality to exercise the power of eminent domain to acquire the Properties;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield being the Governing Body thereof, that the City Planning Board is hereby directed and authorized to examine whether the properties located at 32 & 46 Passaic Street, also known as Block 10, Lots 1 & 3 and at 19, 21, 25 & 31 Passaic Street, 45 Cambridge Avenue and 12, 16 & 20 Bloomingdale Avenue, also known as Block 26, Lots 1, 3, 5, 6, 8, 9, 12 & 14, as shown on the official tax map of the City of Garfield, should be determined “an area in need of redevelopment” pursuant to N.J.S.A. 40A:12A-5 and 6; and

BE IT FURTHER RESOLVED that the City hereby states that any Non-Condemnation Redevelopment Area determination shall not authorize the municipality to use all those powers provided by the Local Redevelopment and Housing Law for use in a redevelopment area, except the use of eminent domain; and

BE IT FURTHER RESOLVED that the notice of any hearing to be conducted by the Planning Board with regards to this Resolution shall specifically state that a Non-Condemnation Redevelopment Area determination shall not authorize the municipality to exercise the power of eminent domain to acquire any property in the delineated area; and

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

APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-65-23**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

RESOLUTION TO APPROVE 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-41-23 through R-65-23 be and are hereby approved and the proper officers are directed to take necessary action on same.

APPROVED: January 24, 2023

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 24th day of January 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated