

**WORK SESSION MEETING
OF THE
GARFIELD MAYOR AND COUNCIL
ACTION ITEMS
FEBRUARY 14, 2023
6:00P.M.**

1. APPROVAL OF MINUTES:

January 10, 2023 – Work Session
January 10, 2023 – Executive Session
January 24, 2023 – Regular Meeting

2. ORDINANCES:

FIRST READING

R-66-23

Introduce Ord. #2980

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 242 ENTITLED “PROPERTY MAINTENANCE”, OF THE CODE OF THE CITY OF GARFIELD REGARDING THE REQUIREMENT FOR INSPECTION OF LEAD-BASED PAINT IN RESIDENTIAL DWELLINGS

R-67-23

Introduce Ord. #2981

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 142, FIRE PREVENTION, ARTICLE I, UNIFORM FIRE CODE; UNIFORM FIRE SAFETY ACT ENFORCING AGENCY, THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

R-68-23

Introduce Ord. #2982

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-69-23

Introduce Ord. #2983

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

SECOND READING

R-70-23

Introduce Ord. #2962

ADOPTING THE REDEVELOPMENT PLAN FOR 94-104 PASSAIC STREET AND 43-45 SPENCER PLACE (BLOCK 14.02, LOTS 1, 4.01, 4.02, 9 AND 10) WHICH HAVE BEEN DESIGNATED AS A NON-CONDEMNATION REDEVELOPMENT AREA PURSUANT TO N.J.S.A. 40A:12A-1ET SEQ.

R-71-23

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-72-23

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-73-23

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-74-23

Introduce Ord. #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

3. CONSENT AGENDA:

R-75-23

Authorizing the City Manager to Execute a Contract with Sterling Carting Incorporated for the Collection and Disposal of Solid Waste and White Goods

R-76-23

Approval of Vehicle Sale Business Licenses – 2023

R-77-23

Authorizing the Submission of a Bergen County Community Development Block Grant Application

R-78-23

Approving the Amendment of a Bergen County Community Development Block Grant Agreement with the County of Bergen

R-79-23

Authorizing Resolution to Accept Consent Agenda

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-66-23**

RESOLUTION BY:

SECONDED BY:

INTRODUCE ORDINANCE #2980

FIRST READING

BE IT RESOLVED, that an ordinance entitled:

**“PROPERTY MAINTENANCE”, OF THE CODE OF THE CITY OF GARFIELD
REGARDING THE REQUIREMENT FOR INSPECTION OF LEAD-BASED PAINT IN
RESIDENTIAL DWELLINGS**

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, March 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: February 14, 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 14th day of February 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2980**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 242 ENTITLED
“PROPERTY MAINTENANCE”, OF THE CODE OF THE CITY OF GARFIELD
REGARDING THE REQUIREMENT FOR INSPECTION OF LEAD-BASED PAINT IN
RESIDENTIAL DWELLINGS**

WHEREAS, the City of Garfield (the “City”) maintains Chapter 242 entitled “Property Maintenance” of the City Code, specifically the Property Maintenance Code; and

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are required to inspect every rental unit whether a single-family residential dwelling, a two-family residential dwelling, or a multiple residential unit dwelling located within the municipality on a recurring basis and at tenant turnover for lead-based paint hazards; and

WHEREAS, it is in the best interests of City residents to amend the City Code at this time to require inspections for lead-based paint in the aforementioned residential rental dwellings to conform with the State law.

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

Section 1. The current text of City Ordinance, Part II, General Legislation, Chapter 242, Property Maintenance, is hereby amended to include the following:

Article VI Lead-Based Paint

Section 2. City Ordinance, Part II, General Legislation, Chapter 242, Property Maintenance, Article VI Lead-Based Paint is hereby amended to include the following:

§242-13 - Lead-Based Paint Inspections.

1. Required Initial Inspection. The owner, landlord and/or agent of every single-family, two family, and multiple dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards within two years of the effective date of the law, July 22, 2022, or upon tenant turnover, whichever is earlier.

2. Required Recurring Inspection. After the initial inspection required by Section 312-21, the owner, landlord and/or agent of such dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three years, or at tenant turnover, whichever is earlier, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification.

3. Standards. Inspections for lead-based paint in rental dwelling units shall be governed by the standards set forth in N.J.S.A. 52:27D-437.1 et seq., and N.J.S.A. 55:13A-1 et seq.

§242-14 – Exceptions

Exceptions. A dwelling unit in a single-family, two-family or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards or for the fees for such inspection or evaluation, if the unit:

- a. has been certified to be free of lead-based paint;
- b. was constructed during or after 1978;
- c. is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the “Hotel and Multiple Dwelling Law”, N.J.S.A. 55:13A-1, et seq.;
- d. is a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or
- e. has a valid lead-safe certification issued in accordance with N.J.S.A. 52:27D-437.16(d)(2).

§242-15- Fees

Fees. Notwithstanding any other fees due pursuant to this Chapter, the following fees shall be paid:

- a. Inspection Fee. A dwelling owner or landlord shall owe a fee in the amount of \$65.00 which shall be paid for each lead-based paint inspection conducted by the City . Said fee shall be dedicated to meeting the costs of implementing and enforcing this subsection and the required contribution to the New Jersey Lead Hazard Control Assistance Fund (N.J.S.A. 52:27D-437.16(h)) and shall not be used for any other purpose.
- b. Administrative Fee. Alternatively, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs in which case a \$50 administrative fee shall be paid. Said fee shall be dedicated to the costs of monitoring compliance with this subsection.

Section 3. The remainder of Chapter 242 is ratified and remains in full force and effect.

Section 4. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder of any portion thereof.

Section 5. All ordinances or parts of ordinance inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect upon final adoption and publication in accordance with Law.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced:

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-67-23**

RESOLUTION BY:

SECONDED BY:

INTRODUCE ORDINANCE #2981

FIRST READING

BE IT RESOLVED, that an ordinance entitled:

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 142, FIRE PREVENTION, ARTICLE I, UNIFORM FIRE CODE; UNIFORM FIRE SAFETY ACT ENFORCING AGENCY, 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, March 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: February 14, 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 14th day of February 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2981**

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 142, FIRE PREVENTION, ARTICLE I, UNIFORM FIRE CODE; UNIFORM FIRE SAFETY ACT ENFORCING AGENCY, 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 142, Fire Prevention, Article I Uniform Fire Code; Uniform Fire Safety Act Enforcing Agency, Subsection 142-9, Non-Life-Hazard uses inspection fees, is hereby amended as follows:

Section 1. The current text of City Ordinance that Part II, General Legislation, Chapter 142, Fire Prevention, Article I Uniform Fire Code; Uniform Fire Safety Act Enforcing Agency, Subsection 142-9, Non-Life-Hazard uses inspection fees, is hereby amended as follows:

§ 142-9 Non-life-hazard use inspection fees.

(2) For all multifamily dwellings except owner-occupied, one- or two-family dwellings, including accessory structures, buildings, or premises:

- a) Residential, two to 10 units per building: \$85 per year;
- b) Residential, 11 to 20 units per building: \$120 per year;
- c) Residential, 21 to 30 units per building: \$130 per year;
- d) Residential, 31 to 40 units per building: \$140 per year;
- e) Residential, 41 to 50 units per building: \$200 per year;
- f) Residential, 51 units and up, per building: \$215 per year.

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

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

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

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

APPROVED: _____

Richard Rigoglioso, Mayor

Introduced:

Adopted:

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-68-23**

RESOLUTION BY:

SECONDED BY:

INTRODUCE ORDINANCE #2982

FIRST READING

BE IT RESOLVED, 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

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, March 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: February 14, 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 14th day of February 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2982**

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. Part II, General Legislation, Chapter 341, Zoning, Article VII, Outdoor Storage of Motor Vehicles is hereby repealed and replaced as follows:

§ 341-29 Purpose.

The purpose of this article is to prohibit the outdoor and overnight storage of certain vehicles and trailers on private property that are unrelated to the principal 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 residential zone, the outdoor storage on private property of every motor vehicle, road-tractor or truck in excess of 5,500 pounds in weight shall be prohibited.
- B. Within every residential zone, the storage or overnight parking on private property of any motor vehicle, road-tractor or truck in excess of 7,500 pounds in weight shall be prohibited.

- C. Within the B-1 Zone and B-2 Zone, the storage or overnight parking on private property of any motor vehicles, car carriers, tractor trailers, road-tractors, single or double axel trucks, and storage trailers/containers not related to the principal use on the site is strictly prohibited.
- D. Storage of permitted vehicles shall be stored in designated storage or loading areas and shall not be parked so as to inhibit any parking stalls, drive aisles, ingress/egress points, or pedestrian walkways.
- E. This section shall not apply to nonconsensual towed vehicles that have a licensed off-site storage area as governed by Section 310, et. seq.

§ 342-32 Enforcement.

The Construction Official's office and the Police Department shall be responsible for the enforcement of this chapter.

§341-32 Violations and penalties.

- A. Unauthorized parking is prohibited. Unauthorized vehicles will be towed at the owner's expense.
- B. Unless another penalty is expressly provided by New Jersey statute, every person convicted of a violation of a provision of this chapter or any supplement thereto shall 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. Each day an unauthorized vehicle remains is considered a new violation.

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

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-69-23**

**RESOLUTION BY:
SECONDED BY:**

**INTRODUCE ORDINANCE #2983
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

AN ORDINANCE AMENDING PART II, GENERAL LEGISLATION, CHAPTER 100, CANNABIS, 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, March 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: February 14, 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 14th day of February 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2983**

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

BE IT ORDAINED, by the Governing Body of the City of Garfield that Part II, General Legislation, Chapter 100, Cannabis, is hereby amended as follows:

Section 1. The Governing Body of the City of Garfield hereby amends Part II, General Legislation, Chapter 100, Cannabis, Section 100-5, Zoning, Subsection 100-5C(9). as follows:

Section 100-5. Zoning

- A. A cannabis establishment seeking to operate under a Class 1, Class 2, Class 3, or Class 4 license may operate within the LM District as a Conditional Use.
- B. A cannabis establishment seeking to operate under a Class 5 license may operate within the B-2 District as a Conditional Use.
- C. Except as stated in Subsection 100-5C, all bulk standards established for the underlying zoning as identified in Chapter **341**, Attachment 2, shall apply;
- D. For Class 5 cannabis retail dispensaries, bulk standards associated with "other permitted uses" in B-2 Districts as identified in Chapter **341**, Attachment 2, shall apply.
- E. All Cannabis Establishments operating in the City of Garfield shall be permitted as a Conditional Use, subject to the following conditions:
 - (1) Present proof of the appropriate State Annual License;
 - (2) All cannabis establishments shall undergo site plan review by the City's Land Use Board, unless a prior approval has been previously issued by the City's Land Use Board approving the same cannabis establishment license to operate at the proposed location;
 - (3) A cannabis establishment shall be subject to licensing requirements outlined in City Code § **100-4**;
 - (4) For Class 5 cannabis retail dispensaries, "parking and loading requirements associated with "retail store" uses shall apply;
 - (5) For all other classes of cannabis licenses, the parking requirements shall be one parking space for each employee;
 - (6) Cannabis establishments shall be permitted to conduct their business during the hours of 9:00 a.m. to 7:00 p.m., Monday through Saturday;
 - (7) Drive-through access shall be prohibited;
 - (8) No Class 5 cannabis retail establishment shall be located within 750 feet from a parcel housing a pre-existing public, nonpublic, or charter school identified in the New Jersey Department of Education's School Directory within Garfield or shall be within 750 feet of a park or recreational facility, including, but not limited to, those parks or recreation facilities identified in the Recreation Element of the City of Garfield's 2002 Master Plan.

[Amended 12-13-2022 by Ord. No. 2969]

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

Section 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:

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-70-23**

**RESOLUTION BY:
SECONDED BY:**

**INTRODUCE ORDINANCE #2962
SECOND READING**

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

ADOPTING THE REDEVELOPMENT PLAN FOR 94-104 PASSAIC STREET AND 43-45 SPENCER PLACE (BLOCK 14.02, LOTS 1, 4.01, 4.02, 9 AND 10) WHICH HAVE BEEN DESIGNATED AS A NON-CONDEMNATION REDEVELOPMENT AREA PURSUANT TO N.J.S.A. 40A:12A-1ET SEQ.

was introduced and passed at a meeting held on Tuesday, October 25, 2022 and that further consideration of this ordinance would be taken up at this meeting; and

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

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

APPROVED: February 14, 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 14th day of February 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2962**

ADOPTING THE REDEVELOPMENT PLAN FOR 94-104 PASSAIC STREET AND 43-45 SPENCER PLACE (BLOCK 14.02, LOTS 1, 4.01, 4.02, 9 AND 10) WHICH HAVE BEEN DESIGNATED AS A NON-CONDEMNATION REDEVELOPMENT AREA PURSUANT TO N.J.S.A. 40A:12A-1ET SEQ.

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

SECTION I Pursuant to the “Local Redevelopment and Housing Law,” P.L.1992, c.79 (C.40A:12A-1 et seq.)(the “Redevelopment Law”), the City of Garfield City Council (“City Council”), by a Resolution adopted on April 23, 2019, determined Block 14.02, Lot 4.01, also known as 95-109 Passaic Street, as shown on the City Tax Maps as an area in need of redevelopment, specifically as a non-condemnation redevelopment area.

SECTION II Pursuant to the Redevelopment Law, the City Council by Resolution adopted on December 21, 2021 determined Block 14.02, Lots 1, 4.01, 4.02, 9 & 10, also known as 94, 100 and 104 Passaic Street and 43 and 45 Spencer Place, as shown on the City Tax Maps as an area in need of redevelopment, specifically as a non-condemnation redevelopment area (the “Redevelopment Area”).

SECTION III In furtherance of redeveloping Redevelopment Area, the City Council directed the firm of DMR Architects to prepare a Redevelopment Plan for the Redevelopment Area, dated October 2022, attached hereto and made part of this Ordinance (the “Redevelopment Plan”) and which shall be referred to the Garfield Planning Board (the “Planning Board”) for its review and consideration pursuant to N.J.S.A. 40A:12A-7.e.

SECTION IV The Redevelopment Plan shall supersede and replace any prior redevelopment plan adopted by the City Council for the Redevelopment Area.

SECTION V Prior to the adoption of the Redevelopment Plan, the Planning Board shall, within 45 days after referral by the City Council, transmit to the City Council, a report containing its recommendation concerning the Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.e.

SECTION VI Upon receipt of the Planning Board’s recommendation or if the Planning Board fails to transmit a recommendation within 45 days after referral, the City Council shall act upon this Ordinance adopting the Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.e.

SECTION VII The City Council hereby adopts the Redevelopment Plan for Redevelopment Area.

SECTION VIII Upon adoption of this Ordinance, the Redevelopment Plan shall include the date of adoption of this Ordinance.

SECTION IX This Ordinance shall take effect in accordance with applicable law.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: October 25, 2022

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-71-23**

RESOLUTION BY:

SECONDED BY:

RE-INTRODUCE ORDINANCE #2963

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 329
VEHICLE SALES BUSINESSES, OF THE REVISED GENERAL ORDINANCES OF
THE CITY OF GARFIELD**

was introduced and passed at a meeting held on Tuesday, January 24, 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: February 14, 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 14th day of February 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: January 24, 2023

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-72-23**

**RESOLUTION BY:
SECONDED BY:**

**INTRODUCE ORDINANCE #2977
SECOND READING**

WHEREAS, a public notice has been given by the City Clerk 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

was introduced and passed at a meeting held on Tuesday, January 24, 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: February 14, 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 14th day of February 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: January 24, 2023

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-73-23**

**RESOLUTION BY:
SECONDED BY:**

**INTRODUCE ORDINANCE #2978
SECOND READING**

WHEREAS, a public notice has been given by the City Clerk 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

was introduced and passed at a meeting held on Tuesday, January 24, 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: February 14, 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 14th day of February 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: January 24, 2023

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-74-23**

RESOLUTION BY:

SECONDED BY:

**INTRODUCE ORDINANCE #2979
SECOND READING**

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

AN ORDINANCE REPEALING AND REPLACING PART II, GENERAL LEGISLATION, CHAPTER 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

was introduced and passed at a meeting held on Tuesday, January 24, 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: February 14, 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 14th day of February 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 of 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 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 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 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. he 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: January 24, 2023

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-75-23**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

**AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH STERLING
CARTING INCORPORATED FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE
AND WHITE GOODS**

WHEREAS, the City of Garfield solicited bids for the collection and disposal of solid waste and white goods in accordance with the terms of the Bid Specifications and N.J.A.C. 7:26H-6 et. seq.; and

WHEREAS, the City of Garfield advertised the request for public bids in The Record, the City's designated newspaper, on December 2, 2022; and

WHEREAS, according to the notice, all bids were to be submitted on January 31, 2023 at 10:00 a.m., at Garfield City Hall, Clerk's Office, 111 Outwater Lane, Garfield, New Jersey 07026; and

WHEREAS, all bid proposals were publicly opened and read by the City QPA/CFO at Garfield City Hall, 111 Outwater Lane, Garfield, New Jersey on Tuesday, January 31, 2023 at 10:00 a.m.; and

WHEREAS, Sterling Carting Incorporated, with its principal place of business located at 99 Sterling Mine Road, Sloatsburg, New York, 10974, submitted the sole bid for consideration; and

WHEREAS, the bid submitted from Sterling Carting Incorporated, for the collection and disposal of recyclables for the City of Garfield represented the lowest responsible bidder; and

WHEREAS, the City of Garfield seeks to enter into a contract with Sterling Carting Incorporated for the collection and disposal of recyclables for a period of five (5) years, to commence on March 1, 2023 and ending on February 29, 2028;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield hereby directs the City Manager to execute the contract with Sterling Carting Incorporated, for the collection and disposal of solid waste and white goods in the City of Garfield for a period of five (5) years, to commence on March 1, 2023 and ending on February 29, 2028, of which will be paid out of account 3-01-26-305-305-020.

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

February 13, 2023
Dated

APPROVED: February 14, 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 14th day of February 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-76-23**

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:

Joe Dee’s Auto Body, Inc. 9 Marsellus Place Garfield, NJ 07026	\$ 365.00
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APPROVED: February 14, 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 14th day of February 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-77-23**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

**AUTHORIZING THE SUBMISSION OF A BERGEN COUNTY COMMUNITY
DEVELOPMENT BLOCK GRANT APPLICATION**

WHEREAS, a Bergen County Community Development Block Grant totaling \$199,001 has been proposed by the City of Garfield to complete repairs to the Senior Center’s Kitchen in the municipality of the City of Garfield; and

WHEREAS pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS aforesaid project is in the best interest of the people of the City of Garfield; and

WHEREAS this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development application;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Garfield hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Division of Community Development (Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, 4th Floor; Hackensack, NJ 07601) so that implementation of the aforesaid project may be expedited; and

BE IT FURTHER RESOLVED that Resolution R-198-22 and R-315-22 be and are hereby rescinded.

APPROVED: February 14, 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 14th day of February 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-78-23
CONSENT AGENDA**

**RESOLUTION BY:
SECONDED BY:**

**APPROVING THE AMENDMENT OF A BERGEN COUNTY COMMUNITY
DEVELOPMENT BLOCK GRANT AGREEMENT WITH THE COUNTY OF BERGEN**

BE IT RESOLVED that the City Council of the City of Garfield wishes to amend Grant Agreement #UPG-GARFLD 02-22 with the County of Bergen for the purpose of using \$150,000 in 2022 Community Development Block Grant Funds in conjunction with a previous grant in the amount of \$49,001 for a total amount of \$199,001 as a result of increased costs for the improvements needed at the Senior Center Kitchen; and

BE IT FURTHER RESOLVED that the City Council of the City of Garfield hereby authorizes City Manager/City Clerk Erin N. Delaney to be the signatory of the aforesaid amended Grant agreement; and

BE IT FURTHER RESOLVED that the City Council of the City of Garfield hereby authorizes City CFO Anders Hasseler and/or City Manager/City Clerk Erin N. Delaney to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED that the City Council of the City of Garfield recognizes that the City of Garfield is liable for any funds not spent in accordance with the aforesaid Grant Agreement and that liability of the City Council is in accordance with HUD requirements.

APPROVED: February 14, 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 14th day of February 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-79-23**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

RESOLUTION TO ACCEPT THE CONSENT AGENDA

BE IT RESOLVED, by the Mayor and Council of the City of Garfield that the actions noted in the Consent Agenda, Resolutions R-75-23 through R-79-23 be and are hereby approved and the proper officers are directed to take necessary action on same.

APPROVED: February 14, 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 14th day of February 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated