

**WORK SESSION MEETING
OF THE
CITY OF GARFIELD MAYOR AND COUNCIL
April 11, 2023
6:00P.M.**

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

Now, Therefore Be Advised, that the meeting requirements for this meeting have been met by publishing an annual meeting notice in The Record and Herald News and by posting such notice in the office of the City Clerk as well as in a public place within the Municipal Building, and by notifying interested citizens. Said notice was posted on January 9, 2023 and published on January 12, 2023.

Work Meeting Agenda Items:

1. Action Items
2. Reports of the Cabinet and City Council
3. Francis Reiner Presentation – DMR Architects
4. MB1 Industries LLC. – Class 1 Cultivation Presentation
5. Report of the City Manager/City Clerk
 - a. Discussion Items
 - b. Ordinances
 - c. Departmental Reports
6. Executive Session (Closed to the Public)

c: City Manager/City Clerk
Mayor and Council
City Attorney Daniel Lagana
Special Counsel John J. Lavin
City Engineer, Kevin Boswell
Special Engineer, Carl O'Brien/Kevin Boyer
Francis Reiner
MB1 Industries LLC.
Department Heads

**WORK SESSION MEETING
OF THE
GARFIELD MAYOR AND COUNCIL
ACTION ITEMS
APRIL 11, 2023
6:00P.M.**

1. ORDINANCES:

FIRST READING

R-163-23 Introduce Ord. #2989

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF NEIGHBORHOOD PRESERVATION PROGRAM IMPROVEMENTS ALONG THE PASSAIC STREET CORRIDOR (PHASE III) IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$170,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

SECOND READING

R-164-23 Re-Introduce Ord. #2983

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

R-165-23 Introduce Ord. #2986

AN ORDINANCE OF THE CITY OF GARFIELD, COUNTY OF BERGEN, NEW JERSEY, APPROVING THE PILOT APPLICATION AND AUTHORIZING THE MAYOR AND CITY CLERK, PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ., TO EXECUTE A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF GARFIELD AND 293 PASSAIC STREET URBAN RENEWAL LLC FOR PROPERTY LOCATED ON BLOCK 41, LOT 1.03, ALSO KNOWN AS 281-293 PASSAIC STREET AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF GARFIELD AND LOCATED IN A REDEVELOPMENT AREA

2. CONSENT AGENDA:

R-166-23 Authorizing the City Manager to Enter into a Contract with Why'd You Stop Me (WYSM) Under an Extraordinary Unspecifiable Service

R-167-23 Authorizing the City Manager to Enter into a Contract with DMR Architects to Prepare a Redevelopment Plan for 41-42 Hepworth Place Pursuant to the Local Redevelopment and Housing law, N.J.S.A.40A:12a-1 et seq.

R-168-23 Authorizing Payment to Montana Construction in Connection with an Emergency Water Repair at 107 Farnham Avenue

R-169-23 Authorizing Payment to Montana Construction in Connection with the Raising of a Manhole Casting on Midland Avenue

R-170-23	Authorizing the City Engineer to Coordinate an Emergency Water Main Repair on River Drive at Prescott Avenue
R-171-23	Authorizing the City Manager to Execute an Amended Shared Service Contract with the Garfield Board of Education
R-172-23	Authorizing Temporary Appointment of Acting Deputy Mayor
R-173-23	Authorizing Resolution to Accept Consent Agenda

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-163-23**

**RESOLUTION BY:
SECONDED BY:**

**INTRODUCE ORDINANCE #2989
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF NEIGHBORHOOD PRESERVATION PROGRAM IMPROVEMENTS ALONG THE PASSAIC STREET CORRIDOR (PHASE III) IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$170,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

be 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, April 25, 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: April 11, 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 11th day of April 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2989**

BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF NEIGHBORHOOD PRESERVATION PROGRAM IMPROVEMENTS ALONG THE PASSAIC STREET CORRIDOR (PHASE III) IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$170,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

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

Section 1. The City of Garfield, in the County of Bergen, New Jersey (the "City") is hereby authorized to undertake Neighborhood Preservation Program improvements along the Passaic Street corridor (Phase III) in, by and for the City. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$170,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 of this ordinance (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the State grant appropriated by this ordinance. No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c) because this ordinance involves a project to be funded by a State grant. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) the making of such improvements 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 \$170,000, and (4) \$125,000 of said sum is to be provided by a State grant hereinafter appropriated, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$45,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$25,000 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 the sum of \$125,000 received or to be received as a grant from the New Jersey Department of Community Affairs

Neighborhood Preservation Program is hereby appropriated to the payment of the cost of such purpose.

Section 5. To finance said purpose, bonds of said City of an aggregate principal amount not exceeding \$45,000 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 \$45,000 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 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 and to issue 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 \$45,000 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 (other than the State grant hereinbefore appropriated which shall be applied to the cost of such purpose, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

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

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

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

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

Introduced:

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-164-23**

**RESOLUTION BY:
SECONDED BY:**

**RE-INTRODUCE ORDINANCE #2983
SECOND READING**

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

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

was introduced and passed at a meeting held on Tuesday, March 14, 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: April 11, 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 11th day of April 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 100-3, Limitations of number of licenses, as follows:

Section 100-3. Limitations of number of licenses

The City of Garfield expressly permits 18 total cannabis licenses to operate within the City limits as follows:

- A. Four Class one adult-use cultivation licenses;
- B. Four Class two adult-use manufacturing licenses;
- C. Four Class three adult-use wholesaler licenses;
- D. Four Class four adult-use distributor licenses;
- E. Two Class five adult-use retail licenses.

Section 2. 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 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: February 14, 2023

Re-Introduced: March 14, 2023

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-165-23**

**RESOLUTION BY:
SECONDED BY:**

**INTRODUCE ORDINANCE #2986
SECOND READING**

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

AN ORDINANCE OF THE CITY OF GARFIELD, COUNTY OF BERGEN, NEW JERSEY, APPROVING THE PILOT APPLICATION AND AUTHORIZING THE MAYOR AND CITY CLERK, PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ., TO EXECUTE A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF GARFIELD AND 293 PASSAIC STREET URBAN RENEWAL LLC FOR PROPERTY LOCATED ON BLOCK 41, LOT 1.03, ALSO KNOWN AS 281-293 PASSAIC STREET AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF GARFIELD AND LOCATED IN A REDEVELOPMENT AREA

was introduced and passed at a meeting held on Tuesday, February 21, 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: April 11, 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 11th day of April 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2986**

AN ORDINANCE OF THE CITY OF GARFIELD, COUNTY OF BERGEN, NEW JERSEY, APPROVING THE PILOT APPLICATION AND AUTHORIZING THE MAYOR AND CITY CLERK, PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ., TO EXECUTE A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF GARFIELD AND 293 PASSAIC STREET URBAN RENEWAL LLC FOR PROPERTY LOCATED ON BLOCK 41, LOT 1.03, ALSO KNOWN AS 281-293 PASSAIC STREET AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF GARFIELD AND LOCATED IN A REDEVELOPMENT AREA

WHEREAS, pursuant to the “Local Redevelopment and Housing Law,” P.L.1992, c.79 (C.40A:12A-1 et seq.), the Garfield City Council (“City Council”), by a Resolution adopted on February 11, 2020, determined that 281-293 Passaic Street & 8 Clark Street, also known as Block 41, Lot 1.03 as shown on the City Tax Maps (the “Property”) as a non-condemnation redevelopment area (the “Redevelopment Area”); and

WHEREAS, in furtherance of redeveloping the Redevelopment Area, on July 14, 2020, the City Council adopted a redevelopment plan for the Redevelopment Area prepared by Benecke Economic, dated February 20, 2020 (the “Redevelopment Plan”); and

WHEREAS, the Garfield Redevelopment Agency (the “Agency”) was established as an instrumentality of the City pursuant to the Redevelopment Law for the purpose of implementing redevelopment plans and carrying out redevelopment projects within the City; and

WHEREAS, 293 Passaic Street Urban Renewal LLC (the “Entity”) is the owner of the Property; and

WHEREAS, the Entity has been designated as the exclusive redeveloper of the Property by the Garfield Redevelopment Agency (the “Agency”) and the Agency and the Entity have negotiated the terms and conditions of a redevelopment agreement for the Property; and

WHEREAS, the Entity proposes the construction of a mixed-use project with three (3) commercial units and seventeen (17) residential units, forty-one (41) parking spaces and residential amenities in a three (3) story building (the “Project”), which Project has received site plan approval from the City Planning Board; and

WHEREAS, the Entity was created for the purposes of acquiring, owning, holding, developing, maintaining, financing, mortgaging, improving, operating, leasing, managing, using, refinancing, selling, subdividing, or otherwise dealing with the Property and the Project; and

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

WHEREAS, the Entity submitted an application for the approval of a Project, as such term is used in the Long-Term Tax Exemption Law, all in accordance with N.J.S.A. 40A:20-8 (the “Exemption Application”, a copy of which is on file in the Office of the City Manager/City Clerk as Exhibit B); and

WHEREAS, the Exemption Application requested a 30-year term for a financial agreement and an annual service charge based on 10% of annual gross revenues for years 1 through 7 and increasing to 11% of annual gross revenues for years 8 through 30; and

WHEREAS, the City proposes and agrees to a 30-year term for a financial agreement and an annual service charge based on 10% of annual gross revenues for years 1 through 7, increasing to 11% of annual gross revenues for years 8 through 30; and

WHEREAS, pursuant to the Long-Term Tax Exemption Law, the City is authorized to enter into a financial agreement with a redeveloper for payment of an annual service charge for municipal services in lieu of taxes for market rate housing and commercial projects; and

WHEREAS, the Entity has requested that the City enter into a financial agreement for payment of an annual service charge for municipal services in lieu of taxes (the “Financial Agreement”) for the Project; and

WHEREAS, the City acknowledges that the Entity, by effectuating the redevelopment of the Project, will significantly limit its profits due to the extraordinary costs to be borne by the Entity, which will provide significant and long-term benefits to the City; and

WHEREAS, the City and the Entity have reached agreement with respect to, among other things, the terms and conditions relating to the Annual Service Charges and desire to execute a Financial Agreement;

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

Section 1. The City acknowledges that by effectuating the redevelopment of the Project, 293 Passaic Street Urban Renewal LLC will significantly limit its profits due to the extraordinary costs to be borne by the Entity, which will provide significant and long-term benefits to the City.

Section 2. The City makes the following findings:

A. Relative benefits of the Project when compared to the costs:

1. The Property currently generates approximately \$45,378.00 in real estate tax revenue to the City. The projected Annual Service Charge over the 30-year term will generate an average annual revenue to the City of approximately \$77,021.00.

2. It is estimated that the Project will create jobs during construction and permanent jobs;

3. The Project should stabilize and contribute to the economic growth of existing local business and to the creation of new business, which will serve the residents and attract additional people to the City;

4. The Project will further the redevelopment objectives of the Redevelopment Plan for Redevelopment Area 1; and

5. The redevelopment of the Property will greatly improve the neighborhood.

6. The City has determined that the benefits of the Project significantly outweigh the costs to the City.

B. Assessment of the importance of the tax exemption defined in obtaining development of the Project and influencing the locational decisions of probable occupants:

1. The relative stability and predictability of the Annual Service Charge will make the Project more attractive to investors and lenders needed to finance the Project; and

2. The relative stability and predictability of the Annual Service Charge will allow stabilization of the Project operating budget, allowing a high level of urban design and aesthetics as well as the use of high-quality materials which will maintain the appearance of the building over the life of the Project, which will insure the likelihood of the success of the Project and insure that it will have a positive impact on the surrounding area.

C. Based upon the above determinations by the City and the provisions of N.J.S.A. 40A:20-12, this Agreement contains appropriate tax exemption provisions and an appropriate Annual Service Charge schedule.

Section 3. The Exemption Application is hereby accepted and approved.

Section 4. The Financial Agreement shall be for a thirty (30) year term with an annual service charge at ten percent (10%) of annual gross revenues for years 1-7 and increasing to 11% of annual gross revenues for years 8-30 from the Project, all in accordance with the Long-Term Tax Exemption Law.

Section 5. The Financial Agreement is hereby authorized to be executed and delivered on behalf of the City by the Mayor in substantially the form attached hereto as Exhibit B. The City Clerk is hereby authorized and directed to attest to the execution of the Financial Agreement by the Mayor and to affix the corporate seal of the City to the Financial Agreement.

Section 6. This ordinance shall take effect upon final passage and publication as required by law.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: February 21, 2023

Tabled: March 14, 2023

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-166-23**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH
WHY'D YOU STOP ME (WYSM) UNDER AN EXTRAORDINARY UNSPECIFIABLE
SERVICE**

WHEREAS, the City of Garfield Police Department is in receipt of a COPS de-escalation grant that calls for the need to host trainings related to conflict, supervisory leadership, etc.; and

WHEREAS, the City Manager is in receipt of a quote for this unique service from Why'd You Stop Me (WYSM) as they are qualified to render said services in accordance with the grant obtained; and

WHEREAS, the City of Garfield has a need to acquire these services without a "fair and open process" as defined by P.L. 2004, c.19, the "Local Unit Pay-to-Play Law" and in connection therewith, Cablevision Lightpath, LLC. has completed and filed with the City the required Campaign Contributions Affidavit pursuant to N.J.S.A. 19:44A-20.8, Certification Regarding Political Contributions pursuant to N.J.S.A. 19:44A-20.26 and affidavit (collectively, the "Pay-to-Play Forms"); and

WHEREAS, the agreement shall be for an amount not to exceed \$82,780.00 for a total of 11 trainings, inclusive of all costs associated for said trainings, which shall be completed no later than April 30, 2024; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available to pay for said services out of account G-02-41-722-000-5112; and

WHEREAS, the Local Public Contracts Law, *N.J.S.A. 40A:11-5(1)(a)(ii) et seq.*, authorizes the City of Garfield to award this agreement as an extraordinary unspecifiable service agreement, without public bidding.

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

1. The City Manager is hereby authorized and directed to execute an agreement with Why'd You Stop Me (WYSM) consistent with this Resolution and the above "Whereas" clauses.
2. The agreement is awarded without competitive bidding as an "Extraordinary Unspecifiable Service" in accordance with the Local Public Contracts Law, *N.J.S.A. 40A:11-5(1)(a)(ii)*, for the reasons set forth in the "Whereas" clauses and in the Administrator's Certification of Extraordinary Unspecifiable Service, which reasons are incorporated herein as if fully restated.
3. Why'd You Stop Me (WYSM) shall be paid a fee by the City of Garfield up to an amount not to exceed \$82,780.00.
4. A copy of the Resolution, the Administrator's Certification of Extraordinary Unspecifiable Service and the agreement shall be placed on file in the Office of the Clerk.
5. A notice of the action shall be published in the official newspaper as required by law.

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

Anders Hasseler, Chief Financial Officer

April 10, 2023
Dated

APPROVED: April 11, 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 11th day of April 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-167-23**

CONSENT AGENDA

RESOLUTION BY:

SECONDED BY:

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DMR ARCHITECTS TO PREPARE A REDEVELOPMENT PLAN FOR 41-42 HEPWORTH PLACE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A.40A:12A-1 ET SEQ.

WHEREAS, there exists for the City of Garfield (the “City”), a need for the services of a firm specializing in planning consulting services to prepare a redevelopment plan for 41-42 Hepworth Place (Block 31.01, Lot 9.01 & Block 34.01, Lot 10) pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”); and

WHEREAS, DMR Architects has submitted a proposal, dated September 21, 2022, to prepare the redevelopment plan for said area, a copy of the proposal is on file in the office of the City Clerk; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that resolutions authorizing the award of contracts for a professional service be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield that:

1. The City Manager is hereby authorized and directed to execute for the City, subject to the availability of funds, a professional services contract with DMR Architects to provide services in accordance with its proposal, which shall remain on file in the Clerk’s office and available for public inspection.
2. That this contract shall be in an amount not to exceed a total of \$14,260.00, payable out of the redevelopment escrow account for said property, upon completion of the tasks as outlined in the proposal.
3. This agreement is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5) because it is a recognized profession, licensed and regulated by law, the performance of which services requires knowledge of an advanced type pursuant to N.J.S.A. 40A:11-2 (6).
4. A notice of this action shall be printed in the Legal Newspaper of the City as required by law within ten (10) days of its passage.

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

April 10, 2023

Dated

APPROVED: April 11, 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 11th day of April 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-168-23**

CONSENT AGENDA

**RESOLUTION BY:
SECONDED BY:**

**AUTHORIZING PAYMENT TO MONTANA CONSTRUCTION IN CONNECTION
WITH AN EMERGENCY WATER REPAIR AT 107 FARNHAM AVENUE**

WHEREAS, the City of Garfield required a contractor on an emergency basis to respond to a water break at 107 Farnham Avenue; and

WHEREAS, the City retained Montana Construction to perform these services; and

WHEREAS, the services were successfully performed and approved by the City Engineer;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that payment to Montana Construction in the amount of \$25,061.71 for the work performed above be and is hereby approved to be paid out of account C-06-55-598-000-906 ORD 2815.

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

April 10, 2023
Dated

APPROVED: April 11, 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 11th day of April 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-169-23**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

**AUTHORIZING PAYMENT TO MONTANA CONSTRUCTION IN CONNECTION
WITH THE RAISING OF A MANHOLE CASTING ON MIDLAND AVENUE**

WHEREAS, the City of Garfield required a manhole casting be raised on Midland Avenue due to a structural failure of this structure; and

WHEREAS, the condition constituted an unsafe condition which resulted in a request by the DPW Superintendent to immediately dispatch to the location; and

WHEREAS, the City Engineer inspected and approved the work at the completion of services performed;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that payment to Montana Construction in the amount of \$6,943.86 for the work performed above be and is hereby approved to be paid out of account C-04-55-999-000-970 ORD 2824C.

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

April 10, 2023
Dated

APPROVED: April 11, 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 11th day of April 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-170-23**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

**AUTHORIZING THE CITY ENGINEER TO COORDINATE AN EMERGENCY
WATER MAIN REPAIR ON RIVER DRIVE AT PRESCOTT AVENUE**

WHEREAS, there is a water main break on River Drive near Prescott Avenue; and

WHEREAS, the City Engineer must coordinate the solicitation of quotes from various contractors, oversee the work, maintain records for purposes of preparing a payment requisition and ensure the restoration of the work is properly performed;

NOW, THEREFORE, BE IT RESOLVED the City Engineer is hereby authorized to perform the necessary services in accordance with his current hourly rate schedule for a total fee not to exceed \$6,000.00 to be paid out of account C-06-55-596-000-901 ORD 2627 & C-06-55-598-000-906 ORD 2815.

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

April 10, 2023
Dated

APPROVED: April 11, 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 11th day of April 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-171-23**

CONSENT AGENDA

RESOLUTION BY:
SECONDED BY:

**AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDED SHARED
SERVICE CONTRACT WITH THE GARFIELD BOARD OF EDUCATION**

WHEREAS, the Parties are “Local Units” located within the State of New Jersey authorized by law to enter into this agreement to jointly provide any lawful service to and for the residents pursuant to the provisions of the “Uniform Shared Service and Consolidation Act,” N.J.S.A. 40A:65-1 et seq.; and

WHEREAS, the Parties are committed to delivering services to their respective taxpayers in the most effective and cost-efficient manner; and

WHEREAS, the Garfield Board of Education is interested in utilizing the City’s park and recreation facilities for high school sports; and;

WHEREAS, the City of Garfield is willing to accommodate said request as outlined in a previously executed shared service agreement commencing July 20, 2022 and ending June 30, 2023; and

WHEREAS, said contract has been amended to reflect additional sports & facilities and an extension until August 31, 2023;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield hereby directs the City Manager to execute the Shared Services Contract with the Garfield Board of Education.

APPROVED: April 11, 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 11th day of April 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-172-23**

CONSENT AGENDA

**RESOLUTION BY:
SECONDED BY:**

AUTHORIZING TEMPORARY APPOINTMENT OF ACTING DEPUTY MAYOR

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

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

WHEREAS, on Saturday, April 22, 2023, it will be necessary and appropriate to temporarily appoint Romi Herrera as Deputy Mayor for the City of Garfield in order to perform the marriage ceremony of Jose Luis Rodriguez Martinez and Emely Yorleny Hidalgo Nunez;

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

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

APPROVED: April 11, 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 11th day of April 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-173-23**

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-166-23 through R-173-23 be and are hereby approved and the proper officers are directed to take necessary action on same.

APPROVED: April 11, 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 11th day of April 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated