

**REGULAR MEETING
OF THE
CITY OF GARFIELD MAYOR AND COUNCIL
September 28, 2021
6:00P.M.**

1. CALL TO ORDER:

The Regular Meeting of the Mayor and Council of the City of Garfield was called to order on Tuesday, September 28, 2021 at 6:04PM in the Council Caucus Room of the Municipal Building, 111 Outwater Lane, Garfield, New Jersey. On Roll Call present members were: Councilman Maslag, Councilman Herrera*, Councilwoman Banch, Deputy Mayor Delaney, and Mayor Rigoglioso. Also present were City Manager/City Clerk Delaney, City Attorney John Ferraro**, and City Engineer Carl O'Brien.

*Councilman Herrera arrived at 6:06PM

**City Attorney John Ferraro arrived at 6:08PM.

2. STATEMENT OF COMPLIANCE:

Whereas, P.L. 1975, Chapter 231 of the Open Public Meetings Act of the State of New Jersey requires at the commencement of every meeting a Statement of Compliance be read.

Now, Therefore Be Advised, that the meeting requirements for this meeting have been met by publishing an annual 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 and published on January 7, 2021.

3. FLAG SALUTE:

4. APPROVAL OF MEETING MINUTES

A motion was made by Councilwoman Banch and seconded by Councilman Maslag to approve the August 17, 2021 Work Session Meeting, Executive Session, & Regular Meeting and September 14, 2021 Special and Special Executive Session meeting minutes. The motions carried unanimously.

5. BERGEN COUNTY SHARED SERVICES PRESENTATION

Bergen County Commissioner Ramon Hache, along with Joanne Cimiluca and Robert Esposito, made a special presentation to the Mayor and Council in reference to multiple services that the County has to offer local municipalities.

6. ORDINANCES: FIRST READING

R-21-309 Introduce Ord. #2900

AN ORDINANCE TO AMEND AND REVISE ORDINANCE NUMBER CHAPTER 150 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED "FOOD HANDLERS, MOBILE"

R-21-310 Introduce Ord. #2901

AN ORDINANCE TO AMEND CHAPTER 23 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED "FIRE DEPARTMENT" MORE PARTICULARLY BY ADDING §23-15 THEREOF, ENTITLED "VOLUNTEER EMERGENCY STANDY GUIDELINES"

- R-21-311 Introduce Ord. #2902
AN ORDINANCE TO REPEAL AND AMEND ARTICLE III §73 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “ALCOHOLIC BEVERAGES,” MORE PARTICULARLY §73-28 THEREOF, ENTITLED “CONSUMPTION IN UNLICENSED PREMISES PROHIBITED, BYOB EXCEPTION”
- R-21-312 Introduce Ord. #2903
AN ORDINANCE TO AMEND CHAPTER 73 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “ALCOHOLIC BEVERAGES” TO INCREASE LICENSE FEES
- R-21-313 Introduce Ord. #2904
SICK LEAVE DOCUMENTATION ORDINANCE
- R-21-314 Introduce Ord. #2905
CHAPTER 284 STORMWATER CONTROL ORDINANCE
- SECOND READING**
- R-21-315 Introduce Ord. #2893
AN ORDINANCE TO AMEND AND REVISE §310 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “TOW TRUCKS”
- R-21-316 Introduce Ord. #2894
AN ORDINANCE TO AMEND ARTICLE II OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “PARKING FOR HANDICAPPED PERSONS,” SPECIFICALLY § 226-5 THEREIN, ENTITLED “APPLICATION FOR HANDICAPPED PARKING SPACE”
- R-21-317 Introduce Ord. #2895
AN ORDINANCE TO AMEND CHAPTER 161 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “GARAGE SALES” TO ALLOW EACH INDIVIDUAL TO CONDUCT UP TO 4 GARAGE SALES IN A CALENDAR YEAR
- R-21-318 Introduce Ord. #2896
AN ORDINANCE TO REPEAL CHAPTER 41 “PARKING AUTHORITY” OF THE CITY CODE OF THE CITY OF GARFIELD
- R-21-319 Introduce Ord. #2897
AN ORDINANCE TO AMEND AND REVISE ORDINANCE NUMBER 1268 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED ‘AN ORDINANCE TO REGULATE TRAFFIC AND PARKING,’ MORE PARTICULARLY THE SECTION DESIGNATING STOP SIGN INTERSECTIONS

R-21-320 Introduce Ord. #2898
**AN ORDINANCE TO FIX THE SALARY, WAGES, AND
COMPENSATION OF CERTAIN OFFICERS AND
EMPLOYEES OF THE CITY OF GARFIELD, BERGEN
COUNTY, NEW JERSEY**

7. CONSENT AGENDA:

- R-21-321 Approval of Bills List
- R-21-322 Authorizing Tri Season Landscaping to Perform the Installation of Two Gooseneck Basketball Hoops at Malcolm Avenue Playground in the City of Garfield for a Total Cost of \$4,300.00.
- R-21-323 Awarding Construction Contract for the 2021 Road Program Project
- R-21-324 Approving Refund of Street Opening Bond
- R-21-325 Approving Refund of Street Opening Bond
- R-21-326 Approving Refund of Street Opening Bond
- R-21-327 Authorizing Montana Construction to Perform a Repair of the Sewer Line Channel at the Intersection of Midland Avenue and Outwater Lane in the City of Garfield for a Total Cost of \$13,500.00.
- R-21-328 Authorizing the Issuance of a Purchase Order for the Purchase of a Granular Activated Carbon Treatment System for The Elmwood Park Wellfield
- R-21-329 Authorizing Boswell Engineering to Prepare an Environmental Study (Preliminary Assessment) of 165 Palisade Avenue (Block 54, Lot 34.01)
- R-21-330 Authorizing Boswell Engineering to Prepare Bid Documents for the Water Meter Replacement Project Phase 2
- R-21-331 Authorizing Payment to John Garcia Construction for Emergency Fire Hydrant Repairs at Van Bussum Avenue and Spring Street in Garfield
- R-21-332 Authorizing Payment to D.S Meyer Enterprises LLC for an Emergency Fire Hydrant Repair at Jewell Street in Garfield
- R-21-333 Authorize Refund Due to Overpayment
- R-21-334 Authorize Refund Due to Overpayment
- R-21-335 Authorizing Sale of Municipal Liens
- R-21-336 Approving Regular Active Member – Fire Department
- R-21-337 Approving Handicap Parking Space
- R-21-338 Approving Handicap Parking Space
- R-21-339 Approving Handicap Parking Space
- R-21-340 Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40A:4-87
- R-21-341 Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40A:4-87
- R-21-342 Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40A:4-87
- R-21-343 Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40A:4-87
- R-21-344 Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40A:4-87
- R-21-345 Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40A:4-87
- R-21-346 Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40A:4-87

R-21-347	Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40A:4-87
R-21-348	Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40A:4-87
R-21-349	Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40A:4-87
R-21-350	Resolution Requesting Approval of Items of Revenue and Appropriation NJS 40A:4-87
R-21-351	Endorsing Bergen County Ordinance No. 21-07
R-21-352	Recognizing the Month of September as Hunger Action Month
R-21-353	Approve Annual Municipal Audit Report for the Year 2020
R-21-354	Adopt Corrective Action Plan for the 2020 Municipal Audit
R-21-355	Appoint Special Legal Counsel
R-21-356	Approve and Award Quote to Angels Landscape & Suburban Sidewalks for River Walk Phase I Paver Work
R-21-357	Appoint Francisco Sanchez as Alternate #1 to the Zoning Board of Adjustment
R-21-358	Authorizing the Issuance of a Purchase Order to PSE&G and Execution of a Lighting Agreement to Provide and Install 9 Low Level Streetlights on Passaic Street
R-21-359	Appoint Rafael Gomez to the Garfield Housing Authority
R-21-360	Awarding Proposal for Feasibility Study
R-21-361	Resolution to Approve the Consent Agenda

8. PUBLIC HEARING:

9. COUNCIL REPORTS:

10. EXECUTIVE SESSION:

11. ADJOURNMENT:

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-309**

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

**INTRODUCE ORDINANCE #2900
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

AN ORDINANCE TO AMEND AND REVISE ORDINANCE NUMBER CHAPTER 150 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “FOOD HANDLERS, MOBILE”

be passed and adopted on first reading; and

BE IT RESOLVED, that a final hearing on said ordinance will be heard in City Hall on Tuesday, October 26, 2021 at 6:00PM or as soon thereafter as same can be heard, at which time any persons interested in said ordinance can be heard;

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: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2900**

AN ORDINANCE TO AMEND AND REVISE ORDINANCE NUMBER CHAPTER 150 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “FOOD HANDLERS, MOBILE”

WHEREAS the Mayor and Council finds that Chapter 150 of the City Code should be revised and adopted as follows; and

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Garfield that the revised Ordinances of the City of Garfield Shall be Amended and Supplemented as follows:

Chapter 150 This Chapter shall be entitled: “Mobile Food Vendors.”

§ 150-1. Purpose.

The purposes of this chapter are to properly control mobile food vendors to prevent and discourage undesirable business practices; to help protect the public from fraud; and to promote the health, safety, and welfare of the residents of the City of Garfield

§ 150-2. Definitions.

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

MOBILE FOOD VENDOR - For purposes of this article, a “mobile food vendor” is anyone who sells non -prepackaged and prepackaged food or beverages and prepackaged food or beverages from a non-permanent location to the public-at-large, whether such food or beverages are prepared on site or purchased at approved locations and transported to the site of the sale This includes, but is not limited to, anyone who sells such food or beverages from a vehicle, whether motorized or nonmotorized, such as a truck, van, trailer, or pushcart.

FOOD VENDING VEHICLE — Includes all vehicles and carts from which food, foodstuffs, and/or beverages are offered for retail sale or delivery to buyers, consumers or other persons on the public sidewalks, streets, and highways.

MOBILE RETAIL FOOD ESTABLISHMENTS — Any movable restaurant mobile truck, van, trailer, cart, bicycle or other movable unit, including hand carried portable containers in or on which food or beverage is transported, stored or prepared for retail sale or given away at temporary locations. "Mobile retail food establishments" does not include trucks, vans, trailers, carts, bicycles or other movable units used solely to deliver food from a stationary location and vehicles that are in a fixed position and subject to the restaurant ordinance.

MOTOR VEHICLE — As defined under New Jersey Motor Vehicle Laws, any vehicle propelled or drawn by mechanical or electrical equipment, such as, but not limited to, passenger cars, trucks, truck-trailers, semitrailers, campers, motorcycles, minibikes, go-carts, snowmobiles, amphibious craft on land, dune buggies or racing vehicles.

PERSON — An individual, partnership, corporation, trust, joint venture, association, society, church, congregation or other organization.

SALE — The act of selling, holding out for sale, exchange, transfer, advertising or delivery.

§150-3 Licensed Required; number limited.

- A. No activity, as defined in this chapter, shall be conducted in the City of Garfield except in compliance with the provisions of this chapter. It shall be unlawful for any person of whatever nature to conduct the activities defined herein unless he/she has been issued a

license pursuant to this chapter. The number of licenses that may be issued and in effect during any twelve-month period shall not exceed five.

- B. The City Manager is granted wide discretion in approving licenses with the goal of insuring diversity of product in their distribution. Preference shall be given to Garfield residents. The City Manager shall have absolute discretion in approving applications.

§ 150-4. Application for license.

- A. Application for such license shall be made in writing on a form to be provided by the City of Garfield. It shall require that the applicant and every employee shall provide two photographs taken within 30 days of the application of a size approximately 2 1/2 inches by 2 1/2 inches on thin paper having a light background clearly showing a frontal view of the applicant's face and his employee's face, one of which is to be attached or posted to the application.
- B. Such application for license shall require that the applicant give the following information concerning himself or itself:
 - (1) Name.
 - (2) Specific address for the past five years.
 - (3) Date and place of birth and citizenship.
 - (4) Arrests or convictions at any time of any crime, or for disorderly conduct, or of violations of any municipal ordinance or regulation.
 - (5) Names and addresses of employers for the last five years and respective date of employment.
 - (6) Proposed location or locations for which such license is sought.
 - (7) Description of all items to be sold.

§ 150-5. Reapplication and recertification.

Each applicant and licensee shall prior to each year, between October 31 and January 1, reapply for the license by personally appearing at the City Health Department to recertify to the information contained in such person's application. Where an applicant fails to appear and recertify, such person's name shall be removed from the lists of pending applications. No new fee shall be collected for a recertification where the applicant is pending licensure.

All mobile food vendors are required to obtain an annual mobile food vendor license from the Department of Health, along with any other approvals required by this Chapter, or any other provision of the City Code, before commencing the sale of any food or beverage with the City of Garfield. Annual Health Department Licenses expire on December 31 of each year.

§ 150-6. Investigation.

Applications shall be made to, and licenses issued by the City Manager of the City of Garfield or his/her designee shall be made after investigation by the City of Garfield Police Department and any other enforcement agency designated by the City Manager.

- A. Applicants and any additional drivers shall be fingerprinted at their own expense.
- B. Applicants shall supply their social security number and a certified motor vehicle abstract.
- C. Applicant shall provide a certified certificate of disposition for any criminal or quasi-criminal matters that an applicant may have.
- D. Each applicant shall present proof that he or she is a citizen of the United States or a legal resident eligible to hold gainful employment in the United States.
- E. Both the applicant and any additional driver/operator must have a valid food handler/food manager certificate prior to the issuance of a license pursuant to this chapter.

- F. A description of the vehicle to be used, if a motor vehicle or vehicular trailer is to be used, including:
- (1) The name and address of the owner of the vehicle as registered with the Director of the Division of Motor Vehicles;
 - (2) A description of the vehicle, giving the name of the manufacturer, serial number and any other insignia appearing thereon;
 - (3) Proof of liability insurance for the vehicle in the amount of \$100,000 or greater.

§ 150-7. Contents, display and transfer of license.

- A. Each license issued by the City Manager or his/her designee shall set forth the specific food and beverage authorized to be sold, the location or locations for the same, the name of each employee or agent and the expiration date of the license.
- B. No person shall engage in any activity, except those permitted under the license and at the locations specified therein. Upon granting of the license hereinabove mentioned, each licensee shall be required to prominently display said license on the vehicle employed to transact his business, in addition to a sign, in letters of at least two inches in length, printed clearly and distinctly with the name of the licensee.
- C. No license may be transferred from one person or entity to another, and each person or entity must be licensed individually and separately.

§ 150-8. Prohibited acts; certificate of occupancy.

Every licensee shall be subject to the supervision of the City of Garfield and its designated agencies in all provisions of this chapter, as well as the

- A. No licensee shall:
- (1) Engage in a business outside the following hours:
 - (a) Fridays from 5pm to 8pm
 - (b) Saturdays and Sundays from 12pm until 30 minutes after sunset
 - (c) All Federal Holidays from 12pm until 30 minutes after sunset
 - (2) Conduct business outside the areas of the City of Garfield that are specifically designated by the City Manager
- B. The granting of this license by the City of Garfield does not relieve a licensee from obtaining a requisite certificate of occupancy where the City of Garfield Zoning Officer and Construction Code Official determine that the same is necessary.
- C. All mobile food trucks shall be properly labeled with required commercial lettering.

§ 150-9. Use of public roads, designated locations for use.

- A. No licensee shall park a vehicle overnight on any location within the City of Garfield. If the licensee parks a vehicle overnight on private property for the purpose of continuing the business each day at the same location, then such licensee shall comply with all regulations, rules, statutes, and ordinances pertaining to permanent retail food establishments.
- B. No licensee shall have a permanent location within or upon a public road or right-of-way by reason of prior use.
- C. The City Manager shall designate and assign the parking location from which the mobile food vending service will be conducted for each licensee.

§ 150-10. Enforcement.

Every licensee shall be subject to the supervision of the City of Garfield and its designated agencies in all provisions of this chapter, as well as the rules and regulations promulgated hereby, and all orders and regulations promulgated by the City shall be enforced by such person or persons as the City, by resolution or ordinance, may designate from time to time or who, by New Jersey statute, may have the duty to so regulate.

§ 150-11. General regulations.

In addition to requirements herein set forth, the following regulations must be complied with by all mobile food vendors:

- A. Due to the nature, location and variety of conditions surrounding the operation of such establishments, it is frequently not possible to provide certain physical facilities required for permanent establishments. In order to assure adequate protection of food served by temporary establishments, mobile establishments and agricultural markets which are unable to meet fully the requirements of these regulations, it may be necessary to restrict the types of food sold or the methods by which served, to modify some requirements for procedures and facilities and to impose additional requirements.
- B. The preparation of potentially hazardous foods, such as cream-filled pastries, custards and similar products and meat, poultry and fish in the form of salads or sandwiches, shall be prohibited, provided that this prohibition shall not apply to hamburgers, frankfurters and other food which, prior to service, requires only limited preparation, such as seasoning and cooking; and provided, however, that potentially hazardous food which is obtained in individual servings is stored in approved facilities which maintain such food at safe temperatures, below 41° F. and/or above 135° F., and is served directly in the individual, original container in which it was packaged at an approved food-processing establishment, may be distributed or sold.
- C. Ice which will be consumed, or which will come into contact with food shall be contained from a source, meeting standards approved by law in chipped, crushed or cubed form. Such ice shall be obtained in single service, closed, protected containers satisfactory to the Department or health authority and shall be held therein until used.
- D. Wet storage of packed food and beverages shall be prohibited, provided that wet storage of pressurized containers of beverages may be permitted when:
 - (1) The water contains at least 50 parts per million of available chlorine or equivalent; and
 - (2) The iced water is changed frequently enough to keep both the water and container clean.
- E. Food contact surfaces of food preparation equipment such as grills, stoves and worktables shall be protected from contamination by dust, customers, insects or any other source. Where necessary, effective shields shall be provided.
- F. Equipment shall be installed in such a manner that the establishment can be kept clean and food will not become contaminated.
- G. An adequate supply of water for cleaning and handwashing shall be maintained in the establishment, and auxiliary heating facilities, capable of producing an ample supply of hot water for such purposes, shall be provided.
- H. Liquid waste which is not discharged into a sewerage system shall be disposed of in such a manner as not to create a public health hazard or

nuisance condition.

- I. Adequate facilities shall be provided for employee handwashing. Such facilities may consist of a pan, sink, water, soap and individual paper towels. Handwashing facilities shall be provided for employee handwashing for mobile retail food service establishments where food products are directly handled and fabricated, but need not be provided for mobile units serving prepackaged foods, milk, cold sealed beverages and tea, coffee, hot chocolate or other hot drinks at temperatures about 140° F.
- J. Floors shall be of tight sealed wood or other cleanable material, provided that the Department or health authority may accept dirt or gravel-covered floors, when graded to preclude the accumulation of liquids and covered with removable, cleanable, wooden platforms or duckboards.
- K. Walls and ceilings shall be so constructed as to minimize the entrance of flies and dust. Temporary construction may be accepted. Ceilings may be of sealed wood, canvas or other materials which protect the interior of the establishment from the elements, and walls may be of such materials or of sixteen-mesh screening or equivalent. When flies are prevalent, counter-service openings shall either be equipped with self-closing, fly-tight doors or the opening shall be so limited that the fans employed will effectively prevent the entrance of flies.
- L. Any other requirement deemed necessary by the Department or health authority to protect the public health in view of the particular nature of the food service operation shall be met.

§ 150-12. Violations and penalties.

- A. Any person, firm, corporation, partnership or other entity violating any provisions of this Chapter or any rules and regulations promulgated by the City pursuant hereto 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, in the discretion of the judge before whom such conviction shall be heard. Each and every violation and nonconformance with this chapter on each day that any provision of this chapter shall have been violated shall be construed as a separate and distinct violation hereof.
- B. If an unsanitary condition exists or if the Health Official has reasonable cause to suspect that any food truck or any employee thereof is or may be a source of foodborne infection, the Health Official is authorized to require the immediate closure of the food establishment until the unsanitary condition has been eliminated and/or cause the immediate exclusion of the employee from the food establishment until the employee no longer poses a threat of foodborne infection.
- C. In addition to the penalties set forth herein, if any person operating a food vending vehicle violates any provisions of this chapter, or the applicable provisions of Title 8, Chapter 24, of the New Jersey State Administrative Code, the vehicle shall be deemed a public safety hazard. Accordingly, in the instance of such violation, the vehicle in question may be impounded (and, in the instance of an unlicensed operator, shall be impounded) by either the Garfield Police Department or the Garfield Board of Health with police assistance. In the event that any such vehicle is impounded, the vehicle or truck may be redeemed by the licensed person upon payment of the cost of impounding and the storage charges established by the City of Garfield. The said storage charge and cost of impounding shall be the same as are established for the impounding of motor vehicles.

§ 150-13. Transfer of license prohibited.

No license issued under this chapter shall be transferable from one person to another.

§ 150-14. Annual fee.

The annual fee for the license for food vending vehicles dealing only with prepackaged (or wrapped) foods, such as but not limited to soft drinks, snacks, ice cream, excluding soft-serve and scooped, etc., which are packaged (wrapped), manufactured or processed at an approved licensed facility (outside of such establishments), shall be increased annually by resolution, payable to the City of Garfield before the issuance of a license. The City shall issue five licenses per year for licensees authorized to transact business per this chapter. The fee per license shall be \$1,000 per year.

§ 150-15. Rights conferred by license; transferability; term.

- A. The license issued shall not authorize any person, except the person designated therein, to engage in business thereunder. The license shall not be transferable from person to person. A separate background investigation shall be conducted for each food handler and every agent or representative working for the licensee.
- B. Licenses issued under this chapter shall be valid only for the term of one year beginning on the first day of January in each year and terminating on December 31 of the year of issuance.

§ 150-16. Compliance with food laws.

All products offered for sale must comply with regulations under N.J.A.C. Title 8, Chapter 24.

§ 150-17. Suspension or revocation of license; hearing.

- A. In addition to the penalty prescribed herein, any license issued under this chapter may be revoked by the Council for the violation of any provision hereof upon notice and hearing. A license may be suspended for a period of two weeks pending hearing. No part of the license fee shall be returned upon revocation or suspension of the license.
- B. Any licensee who fails to operate for three consecutive weekends may be subject to the revocation of its license.

SECTION 2. All applications for the 2022 year shall be due by November 30, 2021, and shall be valid from their issuance date through December 31, 2022. Subsequent license applications must be filed prior to October 31 of the year preceding the year for which the application is made and shall be valid from January 1 through December 31 of that year.

SECTION 3. All ordinances of the City of Garfield, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

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

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

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

APPROVED: _____

Richard Rigoglioso, Mayor

Introduced: September 28, 2021

Adopted:

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-310**

RESOLUTION BY: COUNCILMAN MASLAG

SECONDED BY: COUNCILMAN HERRERA

INTRODUCE ORDINANCE #2901

FIRST READING

BE IT RESOLVED, that an ordinance entitled:

AN ORDINANCE TO AMEND CHAPTER 23 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “FIRE DEPARTMENT” MORE PARTICULARLY BY ADDING §23-15 THEREOF, ENTITLED “VOLUNTEER EMERGENCY STANDY GUIDELINES”

be passed and adopted on first reading; and

BE IT RESOLVED, that a final hearing on said ordinance will be heard in City Hall on Tuesday, October 26, 2021 at 6:00PM or as soon thereafter as same can be heard, at which time any persons interested in said ordinance can be heard;

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: September 28, 2021

Richard Rigoglioso, Mayor

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2901**

AN ORDINANCE TO AMEND CHAPTER 23 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “FIRE DEPARTMENT” MORE PARTICULARLY BY ADDING §23-15 THEREOF, ENTITLED “VOLUNTEER EMERGENCY STANDBY GUIDELINES”

WHEREAS, the Governing Body of the City of Garfield believes it is in the best interest of the City of Garfield to Amend Chapter 23 of the City Code, more particularly by adding §23-15 of the City Code of the City of Garfield;

BE IT ORDAINED by the Mayor and City Council of Garfield, County of Bergen, State of New Jersey, that there is hereby added to the Garfield City Code § **23-15** as follows:

§ 23-15 VOLUNTEER EMERGENCY STANDBY GUIDELINES: Only in the event of a declared state of emergency, the following volunteer standby guidelines shall apply:

- a. The Office of Emergency Management Coordinator is responsible for notifying the City Manager and Fire Department of circumstances which indicate a potential need for volunteer standby personnel. Said notification shall be made as soon as possible in order to provide the maximum time for response.
- b. The Chief of the Fire Department shall request approval of all standby time for monetary compensation from the City Manager. Any request for standby time shall include both a specific start time as well as a specific end time if known. If the extent of the requested standby time is not known when the request is made, a request for the specific number of hours of standby time shall be requested. If any request pursuant to this section is denied by the City Manager or the City Manager is not available, the Mayor shall have the authority to approve standby time.
- c. Standby time must be approved by the City Manager as set forth in Subsection b above in order for it to be compensable by the City. The City shall compensate volunteers at a rate of \$25 per hour for all approved time which is actually used.
- d. After taking action on any request for standby time, the Emergency Management Coordinator shall notify the City Manager and Volunteer Fire Department Chief that standby duty has been approved and the hours that have been approved.
- e. Unless otherwise determined by the City Manager or Mayor, as set forth in Subsection b above, standby time approval shall normally include a maximum of 5 firefighters from each fire company, for a total maximum of 25 firefighters.
- f. Any increase in standby personnel must be approved in advance by the City Manager as set forth in Subsection b above.
- g. In the event that the City Manager, as set forth in Subsection b above, approves standby time without a specific ending time, the Volunteer Fire Department Chief shall keep the City Manager, Emergency Management Coordinator informed of the conditions that created the need for standby time and will, as soon as possible, advise them of when standby time can be terminated.
- h. Upon determining that standby time will no longer be necessary, the City Manager or Emergency Management Coordinator, as set forth in Subsection b above, shall notify the Volunteer Fire Department Chief of the specific time that standby service shall be terminated. The City Manager shall also inform the Mayor and Emergency Management Coordinator of the termination of standby time.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: September 28, 2021

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-311**

RESOLUTION BY: COUNCILMAN MASLAG

SECONDED BY: COUNCILMAN HERRERA

INTRODUCE ORDINANCE #2902

FIRST READING

BE IT RESOLVED, that an ordinance entitled:

AN ORDINANCE TO REPEAL AND AMEND ARTICLE III §73 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “ALCOHOLIC BEVERAGES,” MORE PARTICULARLY §73-28 THEREOF, ENTITLED “CONSUMPTION IN UNLICENSED PREMISES PROHIBITED, BYOB EXCEPTION,”

be passed and adopted on first reading; and

BE IT RESOLVED, that a final hearing on said ordinance will be heard in City Hall on Tuesday, October 26, 2021 at 6:00PM or as soon thereafter as same can be heard, at which time any persons interested in said ordinance can be heard;

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: September 28, 2021

Richard Rigoglioso, Mayor

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2902**

AN ORDINANCE TO REPEAL AND AMEND ARTICLE III §73 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “ALCOHOLIC BEVERAGES,” MORE PARTICULARLY §73-28 THEREOF, ENTITLED “CONSUMPTION IN UNLICENSED PREMISES PROHIBITED, BYOB EXCEPTION”

WHEREAS, the Governing Body of Garfield believes it is in the best interest of the City of Garfield to Repeal and Amend Article III §73-28 of the City 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. Article III §73 of the City Code of the City of Garfield, entitled ‘Alcoholic Beverages,’ more particularly §73-28 thereof, entitled “**CONSUMPTION IN UNLICENSED PREMISES PROHIBITED, BYOB EXCEPTION**” is hereby repealed and amended as follows:

§ 73-28. Consumption in unlicensed public premises prohibited; BYOB exception.

A. No person shall drink or otherwise consume or offer to another person for the purpose of consumption, in any public place or any commercial establishment where persons congregate for any purposes whatsoever, any alcoholic beverage.; provided, however, that the provisions of this subsection shall not apply to any place or establishment for which a valid alcoholic beverage consumption license has been issued by the City or by the New Jersey Division of Alcoholic Beverage Control. No person owning or operating any commercial establishment, whether or not food or beverages are sold or served on the premises, shall permit or allow the consumption of alcoholic beverages on the premises whether or not said alcoholic beverages are brought onto the premises by the owner or operator of the establishment or by any member of the general public.

B. The prohibitions contained in §73-28-A shall not apply in the case of a restaurant patron that complies with the following rules and regulations:

(1) Premises that permit BYOB privileges on its premises must comply with all applicable state, federal and municipal rules, regulations, statutes and ordinances pertaining to the consumption of wine or malt alcoholic beverages on a premise that is not licensed or permitted to sell or serve alcoholic beverages.

(2) The consumption of alcoholic beverages, other than wine or malt alcoholic beverages, shall not be permitted.

(3) There shall be no consumption of wine or malt alcoholic beverages by employees of the premises, but only by patrons who are seated for meal service at a table. No person waiting to be seated for service may consume or possess an open container of an alcoholic beverage while waiting to be seated for service.

(4) The consumption of alcoholic beverages by patrons shall only be permitted in a fully enclosed indoor dining areas of the premises. Outdoor consumption of alcoholic beverages by patrons may be permitted, provided:

(a) The outdoor area is fully enclosed by a permanent structure or fence.

(b) Ingress and egress shall be through the main facility.

(c) If ingress and egress cannot be accommodated through the main facility, then an employee, at least 21 years of age, must be stationed at the outdoor entrance.

(5) The consumption of wine or malt alcoholic beverages shall be permitted only during the hours of 4:00 p.m. prevailing time to 11:00 p.m. prevailing time.

(6) No restaurant shall charge any admission fee or cover, corkage or service charge.

(8) No restaurant owner or employee shall be permitted to serve, handle, pour or distribute alcoholic beverages on the premises.

(9) No restaurant owner or employee shall allow, permit or suffer any alcoholic beverages to be consumed by any intoxicated person or by any person under the age of 21 years.

(10) A restaurant shall immediately report to the Police Department any incident of underage drinking or the presentation of false identification by an underage person and any incident involving the excessive consumption of alcohol by a patron.

C. For the purposes of this section, the word "restaurant" shall mean "Any establishment, however designated, at which food and drink is sold primarily for consumption on a premise in which no other business, except such as is

D. For purposes of this section, the term "BYOB" shall refer to a restaurant patron's ability to consume wine or malt alcoholic beverages in a restaurant.

E. **Penalty.** For a violation of any provision of this section, the maximum penalty upon conviction shall be as set forth in this Code.

SECTION 2. All ordinances of the City of Garfield, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

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.

Section 4. All other provisions of §73 of the Code of the City of Garfield are not further amended and remain in full force and effect.

The ordinance shall take effect immediately upon final passage.

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

APPROVED: _____

Richard Rigoglioso, Mayor

Introduced: September 28, 2021

Adopted:

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-312**

**RESOLUTION BY: COUNCILWOMAN BANCH
SECONDED BY: COUNCILMAN HERRERA**

**INTRODUCE ORDINANCE #2903
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

AN ORDINANCE TO AMEND CHAPTER 73 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED "ALCOHOLIC BEVERAGES" TO INCREASE LICENSE FEES

be passed and adopted on first reading; and

BE IT RESOLVED, that a final hearing on said ordinance will be heard in City Hall on Tuesday, October 26, 2021 at 6:00PM or as soon thereafter as same can be heard, at which time any persons interested in said ordinance can be heard;

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: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2903**

AN ORDINANCE TO AMEND CHAPTER 73 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “ALCOHOLIC BEVERAGES” TO INCREASE LICENSE FEES

WHEREAS the Governing Body of Garfield believes it is in the best interest of the City of Garfield to increase certain fees for liquor license applications for liquor licenses and renewals.

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

SECTION 1. Chapter 73 of the City Code of the City of Garfield, entitled ‘Alcoholic Beverages’ is hereby amended to read as follows:

§73-2 Fee for plenary retail consumption license.

The annual fee for a plenary retail consumption license shall be in the sum of \$1,080.00.

§73-3 Fee for plenary retail distribution license.

The annual fee for a plenary retail distribution license shall be in the sum of \$1,080.00.

SECTION 2. All ordinances of the City of Garfield, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

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.

Section 4. All other provisions of Chapter 73 of the Code of the City of Garfield are not further amended and remain in full force and effect.

The ordinance shall take effect immediately upon final passage.

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

APPROVED: _____

Richard Rigoglioso, Mayor

Introduced: September 28, 2021

Adopted:

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-313**

**RESOLUTION BY: COUNCILWOMAN BANCH
SECONDED BY: COUNCILMAN MASLAG**

**INTRODUCE ORDINANCE #2904
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

SICK LEAVE DOCUMENTATION ORDINANCE

be passed and adopted on first reading; and

BE IT RESOLVED, that a final hearing on said ordinance will be heard in City Hall on Tuesday, October 26, 2021 at 6:00PM or as soon thereafter as same can be heard, at which time any persons interested in said ordinance can be heard;

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: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2904**

SICK LEAVE DOCUMENTATION ORDINANCE

WHEREAS, the City of Garfield (“City”) is concerned about a lack of transparency associated with use of sick leave by employees; and

WHEREAS, the City is concerned that there have been occasions in which employees have used sick leave for improper purposes; and

WHEREAS, the City is concerned that prolonged absences from work by employees that use sick leave inappropriately are harmful to the morale of the City workforce and harmful to the City’s ability to properly fulfill its governmental function; and

WHEREAS, the City desires to substantiate and confirm that the use of sick leave is not being abused by employees; and

WHEREAS, the City wishes to continue to allow employees to use sick leave whenever necessary and in accordance with the law and the well-being of such employees; and

WHEREAS, the City wishes to comply in all respects with the New Jersey Earned Sick Leave Law.

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

SECTION 1. Short Title.

This Ordinance may be referred to as the Sick Leave Documentation Ordinance.

SECTION 2. Definitions.

"Certified Domestic Violence Specialist" means a person who has fulfilled the requirements of certification as a Domestic Violence Specialist established by the New Jersey Association of Domestic Violence Professionals.

"Child" means a biological, adopted, or foster child, stepchild or legal ward of an employee, child of a domestic partner or civil union partner of the employee.

"Designated domestic violence agency" means a county-wide organization with a primary purpose to provide services to victims of domestic violence, and which provides services that conform to the core domestic violence services profile as defined by the Division of Child Protection and Permanency in the Department of Children and Families and is under contract with the division for the express purpose of providing the services.

“Domestic or sexual violence” means stalking, any sexually violent offense, as defined in section 3 of P.L.1998, c.71 (C.30:4-27.26), or domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19) and section 1 of P.L.2003, c.41 (C.17:29B-16).

“Domestic partner” means a domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3).

“Family member” means a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

“Health care professional” means any person licensed under federal, State, or local law, or the laws of a foreign nation, to provide health care services, or any other person who has been authorized to provide health care by a licensed health care professional, including but not limited to doctors, nurses and emergency room personnel.

“Parent” means a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or of the employee’s spouse, domestic partner, or civil union partner, or a person who stood in loco parentis of the employee or the employee’s spouse, domestic partner, or civil union partner when the employee, spouse or partner was a minor child.

“Sibling” means a biological, foster, or adopted sibling of an employee.

“Spouse” means a husband or wife.

SECTION 3. Documentation Required

In connection with sick leave used by an employee in the amount of three (3) or more consecutive days, the employee’s supervisor shall require, and the employee shall provide upon request, documentation substantiating the need for the use of sick time in accordance with the following:

<u>Reason for Leave</u>	<u>Documentation Required</u>
<p>1. Time needed for diagnosis, care, or treatment of, or recovery from, an employee’s mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee; or</p> <p>2. Time needed for the employee to aid or care for a family member of the employee during diagnosis, care, or treatment of, or recovery from, the family member’s mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member</p>	<p>Documentation signed by a health care professional who is treating the employee or the family member of the employee indicating the need for the leave and, if possible, number of days of leave.</p>
<p>Absence necessary due to circumstances resulting from the employee, or a family member of the employee, being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member: medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence; services from a designated domestic violence agency or other victim services organization; psychological or other counseling; relocation; or legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence.</p>	<p>1. Medical documentation; or</p> <p>2. A law enforcement agency record or report; or</p> <p>3. A court order; or</p> <p>4. Documentation that the perpetrator of the domestic or sexual violence has been convicted of a domestic or sexual violence offense; or</p> <p>5. Certification from a certified Domestic Violence Specialist or a representative of a designated domestic violence agency or other victim services organization; or</p> <p>6. Other documentation or certification provided by a social worker, counselor, member of the clergy, shelter worker, health care professional, attorney, or other professional who has assisted the employee or family member in dealing with the domestic or sexual violence.</p>
<p>Time during which the employee is not able to work because of a closure of the employee’s workplace, or the school or place</p>	<p>A copy of the order of the public official or the determination by the health authority.</p>

<p>of care of a child of the employee, by order of a public official due to an epidemic or other public health emergency, or because of the issuance by a public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others.</p>	
<p>Time needed by the employee in connection with a child of the employee to attend a school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.</p>	<p>Tangible proof of the school-related conference, meeting, function, or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the education of the employee's child; or tangible proof of the meeting regarding care provided to the child of the employee in connection with the child's health conditions or disability</p>

Should an employee fail, upon request from the employee's supervisor in accordance herewith, to provide the required documentation set forth in this Section in connection with a period of sick leave spanning three (3) or more consecutive days, the employee shall be subject to discipline in the discretion of the City.

Section 4. Confidentiality

Any information the City comes to possess regarding the health of an employee or any family member of the employee or domestic or sexual violence affecting an employee or employee's family member shall be treated as confidential and not disclosed except to the affected employee or with the written permission of the affected employee.

Section 5. Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 6. Effective Date

This Ordinance shall take effect immediately upon final passage.

Section 7. Effect on Collective Bargaining Agreement

Nothing in this Ordinance shall operate to amend, deny, or alter any provision of an applicable collective bargaining agreement.

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

APPROVED: _____

Richard Rigoglioso, Mayor

Introduced: September 28, 2021

Adopted:

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-314**

RESOLUTION BY: COUNCILMAN MASLAG

SECONDED BY: COUNCILMAN HERRERA

RE-INTRODUCE ORDINANCE #2905

FIRST READING

BE IT RESOLVED, that an ordinance entitled:

CHAPTER 284 STORMWATER CONTROL ORDINANCE

be passed and adopted on first reading; and

BE IT RESOLVED, that a final hearing on said ordinance will be heard in City Hall on Tuesday, October 26, 2021 at 6:00PM or as soon thereafter as same can be heard, at which time any persons interested in said ordinance can be heard;

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: September 28, 2021

Richard Rigoglioso, Mayor

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2905**

CHAPTER 284 STORMWATER CONTROL ORDINANCE

Section 284-1. Scope and Purpose:

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section 284-2.

C. Applicability

1. This ordinance shall be applicable to the following major developments:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by the City of Garfield.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

Section 284-2. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include

the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“CAFRA Centers, Cores or Nodes” means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

“CAFRA Planning Map” means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

“Community basin” means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

“Compaction” means the increase in soil bulk density.

“Contributory drainage area” means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County review agency” means an agency designated by the County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or
2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” means the Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee

(SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 et seq.

“Disturbance” means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally constrained area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

“Empowerment Neighborhoods” means neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Lead planning agency” means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;

2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

“Motor vehicle” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

“Motor vehicle surface” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

“Municipality” means any city, borough, town, township, or village.

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section 284-4.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, City of Garfield, or political subdivision of this State and any state, interstate or Federal agency subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance

(except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Regulated impervious surface” means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

“Regulated motor vehicle surface” means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or
quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities or conveyed by snow removal equipment.

“Stormwater management BMP” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management planning agency” means a public body authorized by legislation to prepare stormwater management plans.

“Stormwater management planning area” means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

“Tidal Flood Hazard Area” means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Section 284-3. Design and Performance Standards for Stormwater Management Measures

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 - 1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 - 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

Section 284-4. Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 284-10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 284-4.P, Q and R:
 - 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 284-4.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
 - 1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section 284-4.O, P, Q and R to the maximum extent practicable;

3. The applicant demonstrates that, in order to meet the requirements of Section 284-4.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under 284-4.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section 284-4.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management

Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section 284-4.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

https://njstormwater.org/bmp_manual2.htm.

- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e) 1 ^(f)
Green Roof	0	Yes	No	--
Manufactured Treatment Device ^{(a) (g)}	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

(Notes corresponding to annotations ^(a) through ^(g) are found under Table 3)

**Table 2
Green Infrastructure BMPs for Stormwater Runoff Quantity
(or for Groundwater Recharge and/or Stormwater Runoff Quality
with a Waiver or Variance from N.J.A.C. 7:8-5.3)**

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

(Notes corresponding to annotations ^(b) through ^(d) are found under Table 3)

Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section 284-4.O.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at Section 2;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section 2.

- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section 284-6.B. Alternative stormwater management measures may be used to satisfy the requirements at Section 284-4.O only if the measures meet the definition of green infrastructure at Section 284-2. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 284-4.D is granted from Section 284-4.O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high-water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high-water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have

parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 284-8.C;

3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section 284-8; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section 284-2 may be used only under the circumstances described at Section 284-4.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section 284-2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections 284-4.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 284-4.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Bergen County Clerk. A form of deed notice shall be submitted to the City of Garfield for approval prior to filing.

The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 284-4.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section 284-10.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded

document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section 284-4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Bergen County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section 284-4.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 284-4.F. and/or an alternative stormwater management measure approved in accordance with Section 284-4.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

3. To satisfy the stormwater runoff quantity standards at Section 284-4.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section 284-4.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 284-4.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section 284-4.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 284-4.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government

agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section 284-4.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section 284-4.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 284-5, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.

- ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section 284-4.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 284-5, complete one of the following:
 - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The

percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

- iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

Section 284-5. Calculation of Stormwater Runoff and Groundwater Recharge:

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:

- i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

- ii. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

<http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Section 5.A.1.i and the Rational and Modified Rational Methods at Section 5.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer

verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

Section 284-6. Sources for Technical Guidance:

A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
2. Additional maintenance guidance is available on the Department's website at:

https://www.njstormwater.org/maintenance_guidance.htm.

B. Submissions required for review by the Department should be mailed to:

The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

C. Additional Technical Guidance for stormwater management measures can be obtained from the following:

- a. The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540 or the Bergen County Soil Conservation District, 700 Kinderkamack Road, Suite 106, Oradell, NJ 07649, (201)261-4407; and
- b. The Rutgers Cooperative Extension Service, 732-932-9306; and

Section 284-7. Solids and Floatable Materials Control Standards:

A. Site design features identified under Section 284-4.F above, or alternative designs in accordance with Section 284-4.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 284-7.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in A.1. above does not apply:

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
 - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility,

manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

- a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
- b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

Section 284-8. Safety Standards for Stormwater Management Basins:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section 8.C.1, 8.C.2, and 8.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
 2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

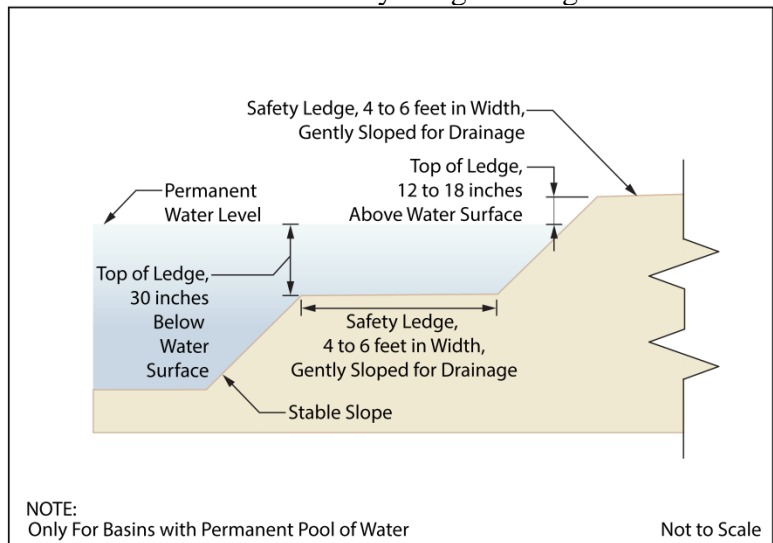
- i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
 - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
3. Stormwater management BMPs shall include escape provisions as follows:
- i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to 8.C, a free-standing outlet structure may be exempted from this requirement;
 - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
 - iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



Section 284-9. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

- 1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 284-9.C below as part of the submission of the application for approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit four copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 284-9.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 284-3 through 284-5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 4 of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high-water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 284-10.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the city's review engineer, waive submission of any of the requirements in Section 9.C.1 through 9.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

Section 284-10. Maintenance and Repair:

A. Applicability

Projects subject to review as in Section 1.C of this ordinance shall comply with the requirements of Section 10.B and 10.C.

B. General Maintenance

- 1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
- 2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in the City of Garfield Municipal Stormwater Management Plan, City of Garfield Stormwater Pollution Prevention Plan, and Chapter 8 of the NJ BMP

Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

- 3) If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
- 4) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
- 5) If the party responsible for maintenance identified under Section 10.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section 10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- 6) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
- 7) The party responsible for maintenance identified under Section X.B.3 above shall perform all of the following requirements:
 - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section 10.B.6 and 10.B.7 above.
- 8) The requirements of Section 10.B.3 and 10.B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.
- 9) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the City of Garfield shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the City engineer or his designee. The City, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the City of Garfield or Bergen County may immediately proceed to do so and shall either bill the cost thereof to the responsible person, enforce penalties and/or liens as determined by the City and described below.

- 10) Authorized representatives of the City of Garfield, including, but not limited to, the City Engineer, Director of the Department of Public Works and Building Department Official may enter the site as needed in order to conduct onsite inspections as discussed in Section 10.D. The inspections shall be required to review and confirm that the information filed in the required reports as stated in Section 10.B.6 are correct. Additional inspections and reviews may be made as deemed appropriate by the City.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.
- D. The maintenance plan shall specifically provide a specific municipal right of access, which may include stormwater easements or covenants. The maintenance access shall be provided by the property owner(s) for access regarding facility inspections and maintenance, as required. Easements and covenants shall be recorded with the City of Garfield and at the Clerk's Office in Bergen County prior to issuance of a permit.
- E. Any alteration in maintenance responsibility or alterations to maintenance plans and agreements must be reviewed and approved by the City of Garfield Board that reviewed the application under this ordinance in consultation with the City Engineer, Director of the Department of Public Works and Building Department Official.
- F. All maintenance information and alterations to maintenance agreements shall be recorded with the office of the City of Garfield Building Department Official as described in Section 10.B.8. Copies of all maintenance agreements and alterations to maintenance agreements shall be included in the Applicant's stormwater management plans and documents. Recording of the maintenance agreements in accordance with this ordinance shall be the responsibility of the owner.

Section 284-11. Penalties:

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this chapter shall be subject to the following penalties: A fine not to exceed \$500 per day for the first offense and a fine not to exceed \$1,000 per day with the possibility of imprisonment for the second and subsequent offenses.

Section 284-12. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section 284-13. Effective Date:

This chapter shall take effect immediately upon the approval by the county review agency, or 60 days from the receipt of the ordinance by the county review agency if the county review agency should fail to act.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

APPROVED: _____

Richard Rigoglioso, Mayor

Introduced: August 17, 2021

Re-introduced: September 28, 2021

Adopted:

Mayor Rigoglioso opened the floor for public comment being that the ordinance was duly advertised for a public hearing to be held. No one wished to speak.

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-315**

TABLED BY: COUNCILWOMAN BANCH

SECONDED BY: COUNCILMAN MASLAG

**INTRODUCE ORDINANCE #2893
SECOND READING**

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

AN ORDINANCE TO AMEND AND REVISE §310 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “TOW TRUCKS”

was introduced and passed at a meeting held on Tuesday, August 17, 2021 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: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote to Table

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was tabled by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2893**

AN ORDINANCE TO AMEND AND REVISE §310 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “TOW TRUCKS”

WHEREAS, the Chief of Police and City Manager have directed the review of the current Towing Ordinance Chapter 310, et seq.; and

WHEREAS, a comprehensive review of the Ordinance by the Chief of Police and City Manager have concluded that it would be in the best interest of the municipality to enact a new comprehensive Towing Ordinance; and

WHEREAS, after due deliberation and discussion, the Council agrees and accepts the recommendations of the Chief of Police and City Manager.

THEREFORE, BE IT ORDAINED, that Chapter 310 entitled, “Tow Trucks” is hereby amended to read as follows;

§ 310-1 Definitions.

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

Abandoned Vehicle

Any motor vehicle or vessel partially dismantled or not readily capable of operation under its own power or not currently licensed or wrecked or junked. It shall also mean any vehicle whose owner has terminated the use and care of the vehicle and has either indicated by his words or actions an intent to leave it and no longer claim ownership of it or left it without making arrangements for the storage with the owner, occupant or person in control of the premises on which it is located. It shall also mean any agency-initiated tow that has not been claimed within 30 business days.

Authorized Abandoned/Unclaimed Service Provider (AAUSP)

Authorized company that provides contracted administrative services for unclaimed and abandoned vehicles on behalf of the municipal police agency for tows initiated by the agency and in the possession of the agency or tow vendors for the agency.

CITY

Refers to the City of Garfield.

FLATBED TOWING

Towing with use of flatbed at the request of vehicle owner or when necessary due to condition or location of vehicle.

LIGHT-DUTY TOWING

The towing of any vehicle with a gross vehicle weight of less than 10,000 lbs.

MEDIUM-DUTY TOWING

The towing of any vehicle with a gross vehicle weight of greater than or equal to 10,000 lbs. and less than 16,000 lbs.

HEAVY-DUTY TOWING

The towing of any vehicle with a gross vehicle weight of greater than or equal to 16,001 lbs. and up to 80,000 lbs.

POLICE FREQUENCY RADIO RECEIVER SET

A radio receiving any communication sent out by any police, fire or ambulance communication system.

STORAGE

"Storage charges for a twenty-four-hour period" means the maximum allowable amount to be charged by a storage facility for a twenty-four-hour period or fraction thereof, beginning when the vehicle is placed in the storage facility.

TOWING SERVICE

The towing, transporting, conveying and/or removal of damaged, disabled and abandoned motor vehicles from the streets or highways within the City.

TOW TRUCK

A vehicle employed for the purpose of towing, transporting, conveying and removing any damaged, disabled abandoned motor vehicles from the streets or highways within the City at the request of the owner or the Police Department.

WRECKER

A public vehicle employed for the purpose of towing, transporting and/or conveying or removing vehicles which are unable to be and/or are not operating under their own power, and for which a service charge or fee is exacted.

§ 310-2 License required.

No person who wishes to engage in municipal towing shall engage in the business of operating wreckers or tow trucks for the aforementioned purpose within the City without first obtaining a license therefor.

§ 310-3 Application for license.

A. Every applicant for a license under this chapter shall complete, sign and verify a written application on the forms furnished by the City Clerk. At the time of submission of said application, a fee in the amount of \$500 shall be paid which fee shall be nonrefundable and shall be used to defray the costs incurred by the City in connection with the investigation of and action on the application submitted.

B. The application shall state:

- (1) The name and address of the applicant.
- (2) The serial numbers and registrations of each wrecker and flatbed to be operated by the applicant.
- (3) The exact location of storage areas for the equipment, such as wreckers, flatbeds, cars and other vehicles, and the amount of available space for the storage of vehicles towed.
- (4) A plot plan, to scale on an eight-and-one-half-by-eleven-inch paper depicting the storage area and the available spaces for impounded vehicles.
- (5) The name, address and policy number for all insurance required by this chapter.
- (6) Consent to appoint the City Clerk attorney-in-fact for acknowledging service of process in connection with the ordinance licensure.
- (7) Consent by the applicant and each of its officers, agents and employees employed by the licensee to a check of their background, including but not limited to criminal and motor vehicle records with the local, state and federal authorities. Further, the licensee shall, after the issuance of the license, notify the City Clerk and the Police Chief in writing, within two days after the employment of any new employees or change in officers or agent, at which time the licensee shall comply with the requirements set forth in this **§ 310-3B(7)**.
- (8) An agreement to be available for service or on call 24 hours a day; two telephone numbers for the applicant, including one emergency number where the applicant can be contacted.

§ 310-4 Filing of application; time for filing application; investigation; minimum towing experience.

A. The applicant shall file the completed application forms in duplicate with the City Police Department and the City Clerk annually after November 1 and before November 30 of each year. Applications presented for filing after the November 30 date shall not be considered and shall be regarded as failure to meet the filing date requirement.

- B. The Chief of Police shall cause to be conducted an investigation of the applicant and each of the employees of the applicant and shall thereafter make recommendations to the City Manager and City Council describing:
 - (1) The applicant's equipment, facilities and storage areas and the condition of each.
 - (2) The applicant's background and experience and the background of each of the applicant's employees.
 - (3) Whether the applicant has violated or is in violation of any ordinances of the City and county or laws of the state or federal government.
 - (4) The number and origin of any towing licenses held by the applicant in the last three years.
 - (5) The comments, if any, of the other licensing jurisdiction.
 - (6) Complaints, if any, registered by the public or others concerning the applicant's performance under the towing license in any other municipality.
 - (7) Any other comment or fact the Chief of Police deems pertinent to the grant or denial of the license.
- C. Upon written notification to the applicant of the existences of any deficiencies in the application, the applicant shall have 10 days from the date of notification to cure such deficiencies and submit same to the City Clerk and the Police Chief for review. In the event that the applicant fails to properly cure any deficiencies in the notice within the ten-day period, the application shall be regarded as incomplete and will not be considered for licensing.
- D. All applicants for licensing shall have been in the business of towing within the City of Garfield for a minimum term of two consecutive years immediately prior to filing for licensing. Any applicant failing to comply with this requirement shall not be eligible for licensing under this chapter until such time that the two-year requirement set forth in this subsection is complied with.
- E. The City Council shall on its regularly scheduled meeting in the month of January consider all applications filed for consideration, together with all investigations and recommendation, and approve or deny such applications for licensing in accordance to this chapter and thereby authorize the City Clerk to issue said licenses.

§ 310-5 Issuance of license; contents; expiration; filing; fee.

- A. The City Clerk shall promptly notify the applicant of the approval of its application by the City Council and shall issue the license.
- B. The license shall contain the following:
 - (1) The name and address of the licensee.
 - (2) The number of the license and the amount of fee paid.
 - (3) The date of issuance of the license and the expiration date.
 - (4) The signature of the City Clerk and the Seal of the City.
- C. All licenses shall expire yearly on the annual anniversary date which shall coincide with the filing of the application. See § 310-4A of this chapter as amended.
- D. The City Clerk shall send a copy of the license to the Police Department for filing and shall keep a permanent record of all licenses issued.
- E. The license fee for the license issued under this chapter shall be \$500.00.

§ 310-6 License nontransferable; display of license.

- A. A license issued under this chapter shall not be transferable.
- B. Each licensee shall produce his license whenever called upon to do so.

§ 310-7. Fees for towing, storage, and service of vehicles.

- A. Fees: Towing Fees and other charges shall conform to the schedule of fees as adopted by New Jersey State Police / GSTA rates published and updated on an annual basis. Fees under "Towing-Basic" within the schedule shall apply for all impounds. All vehicles towed or impounded to a towing facility or city facility are *not* subject to "On-

Hook Mileage” fees. Storage fees will begin *after* the first 24 hours of tow. After the first hour, all hourly billable rates will be charged in half hour increments. Service for a flat tire with spare will be a flat rate of the minimum hourly “Manual Laborers” rate under the “Labor” schedule.

B. City vehicles. Notwithstanding the foregoing fee or rate, each tower licensed under this chapter shall provide towing service for City-owned vehicles at no charge at the request of the City Manager, Chief of Police or his designee.

C. Vehicle release:

(1) Hours for release of vehicles from towing yards shall be business hours only. Monday through Friday 9:00 a.m. to 5:00 p.m., Saturday from 9:00 a.m. to 1:00 p.m., closed on Sunday and holidays. During the week, the tower is the on-duty tower; such access shall be provided Monday thru Friday until 8:00pm, and Saturday 5:00pm. The tower is not required to release a vehicle after business hours stated herein. In the event the tower is available to release a towed vehicle after normal operating business hours, then the tower shall be entitled to an after-hours vehicle release fee in accordance with the schedule of fees as adopted by the NJ State Police / GSTA Fee Schedule.

(2) The owner or operator of a vehicle shall have the right to select a tower of his or her own choice. Including towers with a place of business outside the City of Garfield, if the disabled vehicle is not then interfering with the flow of vehicular or pedestrian traffic and that the vehicle does not present a danger to others (to be determined by the Police Department). Response time: 15 minutes.

(3) If the owner of a towed vehicle has not contacted the tow vendor within 7 days to discuss its intent regarding the vehicle in the tow company’s possession, the towing vendor shall request title and lien information from the City’s authorized service company, and if no such company is contracted, directly from the City’s Police Department. Tow vendor shall notify the owner and any lienholder via certified mail immediately upon receipt of title and lien information. If notification is required to owner and/or lien holder, a notification documentation fee in accordance with the schedule of fees as adopted by the NJ State Police / GSTA Fee Schedule may be applied. The notice shall be sent certified mail and contain the following:

- (a) the name and address of the owner of record and the holder of any security interest
- (b) the location where the vehicle is being stored
- (c) Schedule of costs imposed for storing the vehicle and instructions explaining how owner of record or the security interest holder may claim the stored vehicle
- (d) A statement that a sale or disposal of the motor vehicle, will occur in accordance with N.J.S.A. 39:10A-1 through N.J.S.A. 39:10A-7 if the vehicle is not claimed within 30 days.
- (e) The address of the owner and lienholder as shown on the records of the New Jersey Motor Vehicle Commission, or any other states equivalent agency, shall be deemed sufficient for the purpose of this chapter.

E. City of Garfield administrative fee.

(1) In addition to the charges described above, there shall be a fee, payable by the vehicle owner or operator, in the amount of \$25 per vehicle towed. This fee is required to be itemized separately on all invoices. This fee shall be used to defray the expenses of the City of Garfield in connection with the towing program. It shall be the responsibility of the towing company to collect this fee and each towing company shall, on a quarterly basis, forward a statement as to the number of vehicles towed, along with the copies of tow receipts, together with a check in payment of all administrative fees collected to the finance office.

- (2) No towing license shall be renewed by the City of Garfield for any towing company with unpaid administrative fees.

F. Notice of fees.

Tow company shall at all times have a copy of the fee schedule set forth by this chapter displayed in visible sight for public inspection at its place of business. All tow trucks shall have a copy of schedule of fees available, if a vehicle owner should request. Any charges to a vehicle owner where the copy of the fee schedule set forth by this chapter was not on display or readily available by tow truck operator when requested by vehicle owner shall be considered a violation of this chapter and shall preclude the tower from charging the vehicle owner for the services rendered. Failure to provide said notice shall also be considered a violation of this chapter and shall subject the tower to fines set forth by this chapter and a loss of license.

§ 310-8 Insurance requirements; indemnification of City.

- A. No license shall be issued to an applicant until the applicant shall have deposited with the Chief of Police the following insurance policies, which policies shall require that the City be given at least 20 days' notice of cancellation or material change:
 - (1) A garage keeper's liability policy covering fire, theft, explosion and other hazards in a minimum amount of \$500,000 with a deductible of not more than \$1,000.
 - (2) Automobile liability for personal injury in a minimum amount of \$500,000 per person and \$1,000,000 per occurrence.
 - (3) Automobile liability for property damage in a minimum amount of \$100,000.
 - (4) General comprehensive liability covering the operation of the applicant's business and equipment in a minimum amount of \$1,000,000.
- B. The insurance required under this chapter shall be a policy endorsed to include the City of Garfield as a named insured with a standard severability of interest provision. The policy shall be issued for a period of 18 months or renewable for an additional six months, to insure claims after the original license may expire.
- C. The licensee, in addition to the required insurance, shall indemnify and save harmless the City from any claims and/or damages and liability which might arise or claim to have arisen by reason of any action or omission of the licensee, the licensee's agent, employees or servants connected with the furnishing of services and labor required by the license and this chapter.

§ 310-9 Minimum Standards of Performance

- A. No license shall be issued to an applicant hereunder unless he or his employees shall be available or on call on a twenty-four-hour basis to tow disabled vehicles pursuant to the terms and specifications of this chapter.
- B. Licensees will provide a fifteen (15) minute response time from the time a call is received from the Garfield Police Communications Center to the time of arrival at the tow request location.
- C. Licensees shall notify the Police Department if they are unable to meet the fifteen (15) minute response time of an accepted call. Failure to do so will result in suspension of the vendor.
- D. Vendor is to accept payment by cash and must accept at least two major credit cards (i.e., MasterCard or Visa).

§ 310-10 Storage areas.

- A. All licensees must have sufficient storage areas on premises owned by them or leased directly to them under a written lease. The written lease shall be submitted annually with the application and shall contain an endorsement, by the owner, indicating that the leasehold remains in effect and that said written lease shall contain a restriction that the leased premises shall be solely occupied by the tenant/licensee, and said premises shall be occupied by no other person or entity, and any subleasing shall not be permitted. The lease shall be for a term of at least 18 months and shall provide a notification provision to the City Clerk if termination occurs while a license under this chapter is outstanding. The storage area shall be at least 5,000 square feet and capable of accommodating 25 vehicles. Attached to the lease shall be scaled drawing on eight-and-one-half-by-eleven-inch paper, of the area which shall include any structure or improvement and each point of ingress and egress for vehicles. The area and a place for the public to transact business must be available between the hours of 9:00 a.m. and

5:00 p.m., Monday through Friday, and Saturdays from 9:00 a.m. and 12:00 p.m., for the release of vehicles to the owners.

- B.** Storage areas must comply with all applicable City ordinances, state and federal laws which may be applicable and all aspects of Chapter **341**, Zoning, unless a valid nonconforming use or variance is obtained. The applicant shall be required to annually submit proof, evidenced by a letter from the Zoning Official, that the applicant complies with this section.
- C.** Licensees shall have available and must provide for a protected area for storage of impounded vehicles to be used in criminal cases. Protected areas shall include inside storage or fenced in storage to preclude access by unauthorized persons.

§ 310-11 Supervision and enforcement.

- A.** The governing body hereby designates the Police Department generally and the Chief of Police or his designee in particular as its agent to supervise the enforcement and provisions of this chapter and the rules and regulations adopted hereunder.
- B.** No individual, owner or operator of a wrecker shall respond to the scene of an auto accident except upon notification by the officer in charge of police department or upon the request of the driver or owner of the vehicle involved.
- C.** The officer investigating accidents which require a wrecker shall get authorization from the drivers or the owners of cars as to who is to do the towing. However, in the event of an emergency or clearing a roadway from blocking traffic flow, the officer investigating the accident scene may authorize the licensed City tower to tow said cars without prior authorization of the drivers or owners.
- D.** To amplify and expedite the enforcement of the provisions of this chapter, the Chief of Police or his designee shall establish a system in the assignment of wreckers where the owner or the driver declines to indicate any specific choice of a wrecker to remove the disabled vehicle. Said system may be altered by a licensed tower with another licensed tower, provided that said change is approved in advance by the Chief of Police. In the application of the system, the Chief of Police or his designee shall not discriminate against a licensee and shall apply such system fairly to ensure equal access, taking into account the capability, equipment and availability of each licensee.
- E.** The licensee shall take every necessary precaution to prevent interference with traffic and shall obey all rules and regulations of the Traffic Bureau of the Police Department of the City and the Motor Vehicle Department of the State of New Jersey.
- F.** Where the Police Department directs a custodian to store a vehicle, such custodian shall notify the Police Department of all such vehicles that are in the custodian's possession for at least 30 days. Such notification shall be submitted to the Police Department on the 31st day from the period of initial custody.

§ 310-12 Vehicle restrictions and requirements.

- A.** No licensee shall maintain a police frequency radio receiving set for the purpose of intercepting police calls in regard to disabled vehicles except if authorized by the City Chief of Police in writing.
- B.** No licensee shall possess or exhibit flashing lights except as provided under N.J.S.A. 39:1-1 et seq.
- C.** All licensees shall maintain and have available to render service under this chapter a minimum of two light-duty wreckers, with a wheel lift capable of towing a passenger vehicle, two eighteen-foot flatbeds and one heavy duty wrecker GVW 33,000. All vehicles shall be registered and insured by the licensee and shall have a passenger seat to transport the driver of the vehicle, under appropriate circumstances, to another location within the City at no additional cost to the driver or the owner.

§ 310-13 Equipment requirements.

The vehicles described in § **310-12** shall be equipped with the following items:

- A.** A minimum of two flashing yellow lights pointed to the rear and so mounted as not to be obstructed by any motor vehicle being towed by the licensee.

- B. A minimum of two flashing yellow lights spaced at least four feet apart and so constructed as to be mountable on the rear of any vehicle being towed by the licensee.
- C. A minimum of 10 flares or similar warning devices for placement at the scene of an accident or behind a disabled motor vehicle.
- D. One shovel and one broom for use in removing debris from roadways.
- E. One twenty-pound dry chemical fire extinguisher.
- F. Speedy dry or other absorbent material

§ 310-14 Cleanup requirements.

In the event that a licensee is requested by the City to render services in accordance with this chapter at the scene of a motor vehicle accident, the licensee shall remove from the street all broken glass, metal and other debris resulting from said accident and shall place at the scene of the accident flares and such other safety devices as may be necessary and directed by the Police Department.

§ 310-15 Preservation of evidence.

Licensees shall take all reasonable precautions required by the Police Department to avoid damage to any evidence, such as fingerprints, when rendering services in accordance with this chapter. All motor vehicles which contain or involve evidence necessary to the Police Department of the City and stored by the licensee in accordance with this chapter shall be stored pursuant to § 310-10C of this chapter.

§ 310-16 Revocation of license; notice of hearing.

- A. Licenses issued under the provisions of this chapter may be 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.

§ 310-17 Operation by non-City wreckers.

This chapter shall not prevent the occasional operation at the scene of an accident, upon the request of an owner or driver of a vehicle, of a wrecker or tow truck which is owned by a person not regularly engaged in the business of operating wreckers or tow trucks within the City of Garfield.

§ 310-18 Limited licenses issued.

- A. The City of Garfield shall limit the issuance of towing licenses to no more than three licenses per year. The City Clerk shall maintain a list of applicants on a first-come-first-served basis to be contacted in the event that an existing license becomes available for issuance, at which time an application may be filed in accordance to this chapter.
- B. All licenses issued and existing at the date of adoption of the amendment to this chapter shall continue to be in full force and effect and shall be considered as having priority for renewal and reissuance as long as there has been no violation of this chapter by the licensee which would cause a forfeiture of the existing license, and all requirements of this chapter as amended shall be complied with by the licensee for reissuance of said license.
- C. Should any existing licenses be forfeited or not renewed by the City Council as a result of abandonment, forfeiture or noncompliance with this chapter as amended, then such licenses that exceed the number specified in § 310-18A shall be retired and not be reissued by way of attrition so as to comply with the limitation of issuance of licenses as set forth in this chapter.

§ 310-19 Violations and penalties.

Any person, firm, corporation who shall be guilty of a violation of any provision of this chapter shall, upon conviction, be liable to:

- A.** In case of a first offense, a fine of not more than \$250 and suspension of privileges under this chapter for up to 30 days, or both.
- B.** In case of a second offense occurring within five years of the first, a fine of not more than \$500 and a suspension of privileges under this chapter up to 60 days, or both.
- C.** In case of a third offense occurring within five years of the first offense, a fine of not more than \$1,000 and the permanent revocation and forfeiture of the license.
- D.** Violations under this chapter may be enforced by the Police Department. Violations regarding storage areas or business offices may also be enforced by the Zoning Department.
- E.** By operation of this chapter, power and authority to enforce any provision contained hereunder is conferred to the Municipal Court.

§ 310-20. Sale or junk title issuance of unclaimed/abandoned impounded vehicles.

- A.** If after 30 days from the date of towing the vehicle remains unclaimed, then it shall be deemed abandoned and the Municipality shall be entitled to take such action as is permitted under N.J.S.A. 39:10A-1 through 39:10A-7.
- B.** The tow vendor shall notify the Municipal Authorized Service Provider, and if no such company is contracted, notify the Municipal Police Department at the end of the 30 days of the date of towing, that the vehicle has not been claimed. Upon notification, a determination whether the vehicle can be certified as junk will be made. If a certification of junk cannot be made, the vehicle will be sold at public auction in accordance with N.J.S.A. 39:10A-1 through 39:10A-7.
- C.** Storage charges shall accumulate as per Section 310-7 until the disposition of the vehicle. Notwithstanding the foregoing, storage and towing fees shall be capped at \$2,500 no matter the duration of storage. In addition, any proceeds in excess of the accumulated fees or the capped \$2,500 shall be retained by the Municipality as per N.J.S.A. 39:10A-5. A tow vendor shall be authorized to bid on a vehicle at auction above the capped fees and in the event the tow vendor is the winning bidder, tow vendor shall remit any proceeds above \$2,500 to the municipality. In the event the proceeds from such auction or a junk title transferred to tow vendor shall be insufficient to pay the accrued towing and storage charges, the Municipality shall not be liable. The licensed tow vendor shall accept such limited proceeds as full payment. Notwithstanding the foregoing, the tow vendor shall have the right to seek any legal actions available against the registered owner, to recoup the balance of accrued fees as per section 310-7 herein. The sale of abandoned vehicles will be governed by the standards set forth in N.J.S.A. 39:10A-1 to 7 and guidelines developed within by the Municipality and its Police Department.
- D.** Tow contractors agree that all service fees and expenses incurred for the services of an AAUSP in §310-21 and for expenses incurred for the issuance of Junk titles and auction/title services are the responsibility of the tow vendor and can be added to the minimum bid of auctioned vehicles. These fees shall be in addition to the capped fees herein. The City will not be liable for any towing or storage fees for any unclaimed/abandoned vehicles.

§310-21. Authorized Abandoned/Unclaimed Service Provider (AAUSP)

- A.** The Municipality may engage an Authorized Abandoned/Unclaimed Service Provider to assist in the handling of Abandoned and Unclaimed vehicles that were towed by the municipal police department in accordance with this ordinance and to assist the Police Chief with the administration of this ordinance as may be required. The AAUSP must be an entity authorized to do business in the State of New Jersey with an office in the State and have a minimum of 5 years' experience in the processing of Abandoned and Unclaimed vehicles.
- B.** The AAUSP must provide online access via an online portal for the Municipal agency representatives to access all abandoned/unclaimed vehicles in the agency's possession.
- C.** The AAUSP must submit the following to the Municipality:
 - (1) A "Certificate of Good Standing" issued by the Secretary of State of New Jersey

(2) A listing of all previous public entities and or Police Departments served by the business entity indicating the dates of services and position held.

§ 310-22. Processing of Documents

The AAUSP shall be authorized to execute any documents necessary to ensure compliance with local ordinances and State Statutes in order to facilitate the disposition of unclaimed vehicles as set forth in N.J.S.A. 39:10A-1 through 7.

§ 310-23. Auction of Vehicles:

At the Municipality's request the AAUSP may be authorized to conduct public auction of any vehicle covered by this ordinance.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

APPROVED: _____

Richard Rigoglioso, Mayor

Introduced: August 17, 2021

Tabled: September 28, 2021

Adopted:

Mayor Rigoglioso opened the floor for public comment. No one wished to be heard.

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-316**

**RESOLUTION BY: COUNCILWOMAN BANCH
SECONDED BY: COUNCILMAN MASLAG**

**INTRODUCE ORDINANCE #2894
SECOND READING**

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

AN ORDINANCE TO AMEND ARTICLE II OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “PARKING FOR HANDICAPPED PERSONS,” SPECIFICALLY § 226-5 THEREIN, ENTITLED “APPLICATION FOR HANDICAPPED PARKING SPACE”

was introduced and passed at a meeting held on Tuesday, September 14, 2021 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: September 28, 2021

Richard Rigoglioso, Mayor

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2894**

AN ORDINANCE TO AMEND ARTICLE II OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “PARKING FOR HANDICAPPED PERSONS,” SPECIFICALLY § 226-5 THEREIN, ENTITLED “APPLICATION FOR HANDICAPPED PARKING SPACE”

WHEREAS the Governing Body of Garfield believes it is in the best interest of the City of Garfield to Amend Article II §226 of the City Code of the City of Garfield, entitled “PARKING FOR HANDICAPPED PERSONS,” specifically § 226-5 therein, entitled “APPLICATION FOR HANDICAPPED PARKING SPACE,”

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

SECTION 1. Article II §226 of the City Code of the City of Garfield, entitled “PARKING FOR HANDICAPPED PERSONS” specifically §226-5(A) therein, entitled “APPLICATION FOR HANDICAPPED PARKING SPACE” is hereby amended as follows:

§ 226-5 Application for handicapped parking space.

Any resident of the City of Garfield possessing a valid New Jersey driver's license who has qualified for a handicapped parking permit from the State of New Jersey, or is the caretaker living in the residence of the said resident, may apply to the City of Garfield for a handicapped parking space located near their residence. The application shall be submitted to the Garfield **Police Department** with a current copy of the applicant's handicapped parking permit, valid driver's license issued by the State of New Jersey and registration information regarding the designated vehicle.

SECTION 2. All ordinances of the City of Garfield, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

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.

The ordinance shall take effect immediately upon final passage.

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

APPROVED: _____

Richard Rigoglioso, Mayor

Introduced: September 14, 2021

Adopted: September 28, 2021

Mayor Rigoglioso opened the floor for public comment. No one wished to be heard.

Mayor Rigoglioso opened the floor for public comment. No one wished to be heard.

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-317**

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

**INTRODUCE ORDINANCE #2895
SECOND READING**

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

**AN ORDINANCE TO AMEND CHAPTER 161 OF THE CITY CODE OF THE CITY OF
GARFIELD, ENTITLED “GARAGE SALES” TO ALLOW EACH INDIVIDUAL TO
CONDUCT UP TO 4 GARAGE SALES IN A CALENDAR YEAR**

was introduced and passed at a meeting held on Tuesday, September 14, 2021 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: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2895**

AN ORDINANCE TO AMEND CHAPTER 161 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED “GARAGE SALES” TO ALLOW EACH INDIVIDUAL TO CONDUCT UP TO 4 GARAGE SALES IN A CALENDAR YEAR

WHEREAS the Governing Body of Garfield believes it is in the best interest of the City of Garfield to allow individuals to conduct up to 4 garage sales in a calendar year;

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

SECTION 1. Chapter 161 of the City Code of the City of Garfield, entitled ‘Garage Sales,’ is hereby amended to read as follows:

§ 161-3. Sale conduct regulations.

The following regulations shall limit the conduct of garage sales within the City of Garfield:

- A. No garage sale, as defined by this chapter, shall be conducted without obtaining a permit for such sale as set forth in this chapter.
- B. No person shall conduct a garage sale more than **four** ~~two~~ times in a calendar year.
- C. No location or address shall serve as a site of any garage sale more than **four** ~~two~~ times in a calendar year.
- D. All sales shall be limited to the hours between 10:00 a.m. and 6:00 p.m. on any given day.
- E. All signs are regulated by the City of Garfield Code, Chapter 341, Zoning, Article X.

SECTION 2. All ordinances of the City of Garfield, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

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.

SECTION 4. All other provisions of §161 of the Code of the City of Garfield are not further amended and remain in full force and effect.

The ordinance shall take effect immediately upon final passage.

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

APPROVED: _____

Richard Rigoglioso, Mayor

Introduced: September 14, 2021

Adopted: September 28, 2021

Mayor Rigoglioso opened the floor for public comment. No one wished to be heard.

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-318**

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

**INTRODUCE ORDINANCE #2896
SECOND READING**

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

AN ORDINANCE TO REPEAL CHAPTER 41 “PARKING AUTHORITY” OF THE CITY CODE OF THE CITY OF GARFIELD

was introduced and passed at a meeting held on Tuesday, September 14, 2021 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: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2896**

AN ORDINANCE TO REPEAL CHAPTER 41 “PARKING AUTHORITY” OF THE CITY CODE 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 Chapter 41 “Parking Authority” of the City 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. Chapter 41 “Parking Authority” of the City Code of the City of Garfield is hereby repealed.

SECTION 2. All ordinances of the City of Garfield, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

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.

The ordinance shall take effect immediately upon final passage.

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

APPROVED: _____

Richard Rigoglioso, Mayor

Introduced: September 14, 2021

Adopted: September 28, 2021

Mayor Rigoglioso opened the floor for public comment. No one wished to be heard.

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-319**

**RESOLUTION BY: COUNCILWOMAN BANCH
SECONDED BY: COUNCILMAN HERRERA**

**INTRODUCE ORDINANCE #2897
SECOND READING**

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

AN ORDINANCE TO AMEND AND REVISE ORDINANCE NUMBER 1268 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED ‘AN ORDINANCE TO REGULATE TRAFFIC AND PARKING,’ MORE PARTICULARLY THE SECTION DESIGNATING STOP SIGN INTERSECTIONS

was introduced and passed at a meeting held on Tuesday, September 14, 2021 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: September 28, 2021

Richard Rigoglioso, Mayor

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2897**

AN ORDINANCE TO AMEND AND REVISE ORDINANCE NUMBER 1268 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED ‘AN ORDINANCE TO REGULATE TRAFFIC AND PARKING,’ MORE PARTICULARLY THE SECTION DESIGNATING STOP SIGN INTERSECTIONS

WHEREAS, the Governing Body of Garfield believes it is in the best interest of the City of Garfield to Amend and Revise Ordinance Number 1268 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. Ordinance Number 1268 of the City Code of the City of Garfield, hereby amended and revised as follows:

The intersection of Harrison Avenue and Frederick Street is hereby changed from a Two Way Stop Intersection to a Four Way Stop Intersection.

SECTION 2. Ordinance Number 1268 of the City Code of the City of Garfield, hereby amended and revised as follows:

The intersection of Gaston Avenue and Arnot Street is hereby changed from a Two Way Stop Intersection to a Three Way Stop Intersection.

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.

SECTION 4. All other provisions of Ordinance Number 1268 of the Code of the City of Garfield are not further amended and remain in full force and effect.

The ordinance shall take effect immediately upon final passage.

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

APPROVED: _____

Richard Rigoglioso, Mayor

Introduced: September 14, 2021

Adopted: September 28, 2021

Mayor Rigoglioso opened the floor for public comment. No one wished to be heard.

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-320**

**RESOLUTION BY: COUNCILMAN HERRERA
SECONDED BY: COUNCILMAN MASLAG**

**INTRODUCE ORDINANCE #2898
SECOND READING**

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

AN ORDINANCE TO FIX THE SALARY, WAGES, AND COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY

was introduced and passed at a meeting held on Tuesday, September 14, 2021 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: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2898**

AN ORDINANCE TO FIX THE SALARY, WAGES, AND COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY

WHEREAS, pursuant to N.J.S.A. 40A:9-165, the City must set salaries and state all compensation and benefits for non-contractual officers and employees, statutory employees and elected officials not directly subject to duly adopted collective bargaining agreements by separate ordinance; and

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

SECTION 1. The salary, wages, and compensation to be paid the following officers and employees of the City of Garfield, be and the same are hereby established as set forth as Exhibit A attached hereto.

SECTION 2. Longevity.

A. In addition to the foregoing compensation, all full-time officers and employees of the City of Garfield identified in this Ordinance, except for the Chief of Police, Sewer Water Facilities Manager, Assist. Water Supervisor, Assist. Water Superintendent, Superintendent/ Streets and Public Works, Supervisor of Streets and Public Works, Recreation Director, Assist. Municipal Parks Superintendent, hired on or before July 1, 1999 shall be entitled to longevity and compensation in the amount of:

- 4% of base salary for employment of not less than five (5) years through the end of the ninth (9th) year;
- 5% of base salary for employment beginning on the tenth (10th) year through the end of the fifteenth (15th) year;
- 6 % of base salary for employment beginning with the sixteenth (16th) year through the end of the nineteenth (19th) year;
- 7% base salary for employment beginning with the twentieth (20th) year and annually thereafter.

Employees identified in this Ordinance hired on or after July 1, 1999 shall not be eligible for longevity compensation.

SECTION 3. Fringe and Healthcare Benefits.

All full-time officers and employees of the City of Garfield identified in this Ordinance, except for the Chief of Police, Sewer Water Facilities Manager, Assist. Water Supervisor, Assist. Water Superintendent, Superintendent/Streets and Public Works, Supervisor of Streets and Public Works, Recreation Director, Assist. Municipal Parks Superintendent, shall be entitled to the same fringe benefits as set forth in the then-in-effect Collective Bargaining Agreement By and Between The City of Garfield and United Public Service Employees Union, including but not limited to the accrual of vacation and sick time.

The same health benefits shall also be provided subject to the contribution requirements set forth in the then-in-effect Collective Bargaining Agreement By and Between The City of Garfield and United Public Service Employees Union.

SECTION 4. Chief of Police Fringe Benefits.

Any person appointed and serving under the title of Chief of Police shall be entitled to and receive the same fringe benefits as set forth in the Collective Bargaining Agreement between Policemen's Benevolent Association, Local No. 46 and the City of Garfield effective January 1, 2018 through December 31, 2022, including but not limited to the accrual of vacation and sick time, but shall have no entitlement to overtime or compensatory time as Chief of Police; however, the Chief of Police shall retain any compensation of overtime he/she may have accrued as a police officer prior to their appointment as the Chief of Police. The same health benefits shall also be provided subject to the contribution requirements set forth in the Collective Bargaining Agreement between Policemen's Benevolent Association, Local No. 46 and the City of Garfield effective January 1, 2018 through December 31, 2022.

SECTION 5. Sewer Water Facilities Manager, Assist. Water Supervisor, Assist. Water Superintendent, Superintendent/ Streets and Public Works, Supervisor of Streets and Public Works, Recreation Director, Assist. Municipal Parks Superintendent Fringe Benefits.

Any person employed and serving as Facilities Manager, Assist, Water Supervisor, Assist. Water Superintendent, Superintendent/Street and Public Works, Recreation Director, Assist. Municipal Parks Superintendent shall be entitled to the same fringe benefits as set forth in the then-in-effect Collective Bargaining Agreement By and Between The City of (Garfield Bergen County, N.J. and Teamsters Local Union No. 469, an Affiliate of the International Brotherhood of Teamsters, including but not limited to the accrual of vacation and sick time; excluding clothing allowance and any additional pay for endorsements, including but not limited to CDL and tanker endorsements. The same health benefits shall also be provided subject to the contribution requirements set forth in the then-in-effect Collective Bargaining Agreement By and Between The City of Garfield Bergen County, N.J. and Teamsters Local Union No. 469.

SECTION 6. Repealer.

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

SECTION 7. Effective Date.

This Ordinance shall take effect twenty (20) days after the final passage, provided notice of same has been duly published all as required by law. This Ordinance shall have a retroactive effect to January 1, 2021 to the extent necessary.

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

APPROVED: _____

Richard Rigoglioso, Mayor

Introduced: September 14, 2021

Adopted:

	2021		2022		2023	
	Min	Max	Min	Max	Min	Max
Statutory						
Municipal Clerk	\$100,000	\$132,019	\$100,000	\$134,659	\$100,000	\$137,353
Chief Finance Officer	\$49,000	\$64,073	\$49,000	\$65,355	\$49,000	\$66,662
Chief Assessor	\$40,000	\$45,000	\$40,000	\$45,900	\$40,000	\$46,818
Municipal Tax Collector	\$65,000	\$91,134	\$65,000	\$92,957	\$65,000	\$94,816
Governing Body						
Council Member	\$7,531	\$8,152	\$7,531	\$8,315	\$7,531	\$8,481
City Manager's Office						
City Manager	\$92,000	\$221,804	\$92,000	\$226,240	\$92,000	\$230,765
Assistant City Manager	\$5,000	\$20,000	\$5,000	\$20,000	\$5,000	\$20,400
Assistant Affirmative Action EOO	\$1,200	\$1,463	\$1,200	\$1,492	\$1,200	\$1,522
Flood Plan Manager	\$3,000	\$7,000	\$3,000	\$7,140	\$3,000	\$7,283
Executive Secretary (Exec/ Confidential)	\$33,000	\$67,437	\$33,000	\$68,786	\$33,000	\$70,162
Others						
Attorney - BD of Adjustment	\$5,490	\$5,943	\$5,490	\$6,061	\$5,490	\$6,183
Secretary/Clerk - BD of Adjustment (effective 10/4/21)	\$6,000	\$8,019	\$6,000	\$8,180	\$6,000	\$8,343
Secretary – BD of Adjustment (effective until 10/1/21)	\$7,862	\$8,019	N/A	N/A	N/A	N/A
Clerk – BD of Adjustment (effective until 10/1/21)	\$2,336	\$2,383	N/A	N/A	N/A	N/A
City Engineer	\$29,374	\$155,00	\$29,374	\$158,100	\$29,374	\$161,262
City Attorney	\$71,000	\$76,853	\$71,000	\$78,390	\$71,000	\$79,958
Special Counsel - Labor	\$91,600	\$97,207	\$91,600	\$99,151	\$91,600	\$101,134
Attorney -Planning Board	\$6,774	\$7,913	\$6,774	\$8,071	\$6,774	\$8,223
Secretary/Clerk - Planning Board (effective 10/4/21)	\$6,000	\$6,000	\$6,000	\$6,120	\$6,000	\$6,242
Secretary – Planning Board (effective until 10/1/21)	\$2,721	\$2,776	N/A	N/A	N/A	N/A
Clerk – Planning Board (effective until 10/1/21)	\$7,189	\$7,333	N/A	N/A	N/A	N/A
Veterans Officer	\$3,821	\$4,136	\$3,821	\$4,219	\$3,821	\$4,303
Emergency Management Coordinator	\$5,000	\$5,000	\$5,000	\$5,100	\$5,000	\$5,202
Deputy Emergency Management Coordinator(s)	\$1,000	\$1,000	\$1,000	\$1,020	\$1,000	\$1,040
P/T Fire Inspectors	\$29.10	\$31.50	\$29.10	\$32.13	\$29.10	\$32.77
P/T Recreation Counselors	\$12.00	\$12.00	\$14.00	\$14.50	\$15.00	\$15.50

P/T Lunch Program Monitor	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00
P/T Recreation Teachers	\$22.53	\$23.00	\$22.53	\$23.46	\$21.23	\$23.93
Summer Teacher /Supervisor	\$22.53	\$22.53	\$25.00	\$25.00	\$25.00	\$25.50
Information Tech. Specialist	\$30,000	\$80,000	\$30,000	\$80,000	\$30,000	\$80,000
Finance Department						
Municipal Treasurer	\$14,159	\$17,491	\$14,159	\$17,841	\$14,159	\$18,198
QPA	\$10,000	\$11,951	\$10,000	\$12,190	\$10,000	\$12,434
Accounting Assistant	\$33,000	\$65,000	\$33,000	\$65,000	\$33,000	\$65,000
Confidential Finance Assistant	\$33,000	\$65,000	\$33,000	\$65,000	\$33,000	\$65,000
Building Department						
Bldg. Inspector/Code Enforcement Official	\$20,000	\$28,717	\$25,000	\$29,291	\$25,000	\$29,877
Bldg. Inspector / Zoning Officer – Garfield Code 341-59	\$15,000	\$17,230	\$15,000	\$17,574	\$15,000	\$17,926
P/T Construction Official	\$39.41	\$42.66	\$39.41	\$43.51	\$39.41	\$44.38
Building Sub-Code Official	\$15,000	\$17,230	\$15,000	\$17,574	\$15,000	\$17,926
P/T Plumbing Sub-Code Official	\$6,000	\$6,000	\$6,000	\$6,120	\$6,000	\$6,242
Plumbing Inspector	\$12,000	\$12,000	\$12,000	\$12,240	\$12,000	\$12,485
Elect. Sub-Code Official	\$15,000	\$17,230	\$15,000	\$17,574	\$15,000	\$17,926
Fire Protection Sub-Code Official	\$13,114	\$14,195	\$13,114	\$14,479	\$13,114	\$14,769
Fire Safety Official – Garfield Code 39-78-39-81	\$65,000	\$81,826	\$65,000	\$83,463	\$65,000	\$85,132
Municipal Court						
Municipal Magistrate	\$57,239	\$70,617	\$57,239	\$72,029	\$57,239	\$73,470
Muni. Court Administrator	\$65,000	\$105,221	\$65,000	\$107,326	\$65,000	\$109,472
Municipal Prosecutor	\$32,000	\$40,326	\$32,000	\$41,132	\$32,000	\$41,955
Public Defender	\$4,176	\$5,603	\$4,176	\$5,715	\$4,176	\$5,829
Alternate Municipal Prosecutor	\$275 per diem	\$275 per diem	\$275 per diem	\$275 per diem	\$275 per diem	\$275 per diem
Assistant Prosecutor	\$15,000	\$15,918	N/A	N/A	N/A	N/A
P/T Constable	\$27.06	\$31.98	\$27.06	\$32.62	\$27.06	\$33.27
Alternate Public Defender	\$50 per diem	\$50 per diem	\$60 per diem	\$60 per diem	\$65 per diem	\$65 per diem
Shared Service Court Administrator	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
Department of Health						
Health Physician	\$10,000	\$20,000	\$10,000	\$20,400	\$10,000	\$20,808
Registrar	\$40,000	\$71,214	\$40,000	\$50,000	\$40,000	\$50,000
Police Personnel						
Crossing Guards	\$20.11	\$21.77	\$20.11	\$22.21	\$20.11	\$22.65

Police Chief	\$170,357	\$197,500	\$170,357	\$201,450	\$170,357	\$205,479
Water Dept.						
Sewer/Water Facilities Manager	\$100,000	\$120,000	\$100,000	\$122,400	\$100,000	\$124,848
Assist Water Supervisor	\$65,000	\$81,001	\$65,000	\$65,000	\$65,000	\$65,000
Assist Water Superintendent	\$70,000	\$91,754	\$70,000	\$93,589	\$70,000	\$95,461
Water Collector	\$9,000	\$9,805	\$9,000	\$10,001	\$9,000	\$10,201
DPW						
Superintendent/ Streets and Public Works	\$90,000	\$130,000	\$90,000	\$132,600	\$90,000	\$135,252
Supervisor of Streets and Public Works	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$71,400
Recreation						
Recreation Director	\$66,500	\$73,962	\$66,500	\$75,442	\$66,500	\$76,951
Assist Municipal Parks Superintendent	\$75,000	\$85,000	\$75,000	\$85,000	\$75,000	\$86,700
Unclassified						
Tax Assessing Aide	\$33,000	\$69,378	\$33,000	\$70,765	\$33,000	\$72,181
Part-time Employees	\$12.00	\$60.00	\$14.00	\$60.00	\$15.00	\$60.00
Deputy Clerk	\$70,000	\$70,000	\$70,000	\$71,400	\$70,000	\$72,828

EXHIBIT A

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-321**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

APPROVAL OF BILLS AND CLAIMS

BE IT RESOLVED by the City Council of the City of Garfield that the following Bills No. 2284 and 2288 covering Trust Other and Community Policing Trust Fund totaling \$72,515.25 and the Current Fund Reserve totaling \$227.66 and Current Fund totaling \$358,384.90 and Water Fund totaling \$10,883.50 and the General Capital Fund totaling \$688,715.46 and the Water Capital Fund totaling \$447.02 and Trust Other totaling \$66,336.55 per attached Computer Lists, dated August 13, 2021, be ordered paid and the proper officers are hereby authorized to issue checks for same provided there are funds in the respective appropriations; and

BE IT FURTHER RESOLVED that the action of the Mayor, City Clerk and City Treasurer in issuing checks in payment on the Ratification List, which includes seventy-four (74) items prior to the meeting be ratified.

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

Roy Riggitano, Interim Chief Financial Officer

September 27, 2021
Dated

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-322**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

**AUTHORIZING TRI SEASON LANDSCAPING TO PERFORM THE INSTALLATION
OF TWO GOOSENECK BASKETBALL HOOPS AT MALCOLM AVENUE
PLAYGROUND IN THE CITY OF GARFIELD FOR A TOTAL COST OF \$4,300.00.**

WHEREAS, the City of Garfield received quotes to perform the installation of two gooseneck basketball hoops at the Malcolm Avenue Playground in the City of Garfield as summarized in the letter prepared by Colliers Engineering & Design dated September 23, 2021, as on file in the Clerk's Office; and

WHEREAS, the City of Garfield desires to award the quote to the lowest responsible quoter, Tri Season Landscaping and to enter into an agreement for the Work in the amount of \$4,300.00 to be paid out of the Recreation Department regular budget; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Tri Season Landscaping, 2560 U.S. Highway 22, #345, Scotch Plains, NJ 07076 is hereby authorized to perform the installation of the two basketball hoops at the Malcolm Avenue Playground subject to the conditions included in the proposal dated September 23, 2021, as on file in the Clerk's Office.

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

Roy Riggitano, Interim Chief Financial Officer

September 27, 2021
Dated

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-323**

CONSENT AGENDA

RESOLUTION BY: COUNCILMAN MASLAG

SECONDED BY: COUNCILMAN HERRERA

**AWARDING CONSTRUCTION CONTRACT FOR THE 2021 ROAD PROGRAM
PROJECT**

WHEREAS, on Thursday September 23, 2021 at 10 AM, bids were opened in the presence of the City Engineer and City Manager/City Clerk; and

WHEREAS, there were seven (7) bids received with the lowest bidder for the project being Smith-Sondy Asphalt Construction Co., Inc., 150 Anderson Avenue, Wallington, NJ 07057 with a Base Bid Amount of \$973,623.44 and Alternate Bid 'A' Amount of \$177,008.79 for a Total Bid Amount of \$1,114,623.23; and

WHEREAS, the City Engineer and the other appropriate City Officials have reviewed the bids and recommend award of contract for the Base Bid and Alternate Bid 'A'; and

WHEREAS, the Chief Financial Officer reviewed the available funding for the improvements and has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose by way of a bond ordinance that is to be introduced at the October Regular meeting of the Mayor and Council; and

WHEREAS, this project is in the best interest of the health, safety and welfare of the general public in the City of Garfield;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Garfield does hereby approve the authorization of the City Manager, Erin Delaney, to award the 2021 Road Program to Smith-Sondy Asphalt Construction Co., Inc., 1510 Anderson Avenue, Wallington, NJ 07057 the 2021 Road Program in the amount of \$1,114,623.23.

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

Roy Riggitano, Interim Chief Financial Officer

September 27, 2021
Dated

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-324**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

APPROVING REFUND OF STREET OPENING BOND

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

WHEREAS, a deposit has been received from Ramon Sanchez, for 49 Plauderville Avenue, Block 166.01 Lot 15 in the City of Garfield, Bergen County, New Jersey, in the amount of \$2,500.00 for said Street Opening Bond on May 28, 2020 said funds are being held in the Trust Other Fund; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield that these monies be refunded to the above-named claimant.

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

Roy Riggitano, Interim Chief Financial Officer

September 27, 2021
Dated

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-325**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

APPROVING REFUND OF STREET OPENING BOND

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

WHEREAS, a deposit has been received from Sub Zero Heating and Cooling LLC. for 259 Malcolm Avenue, Block 126 Lot 19/22 in the City of Garfield, Bergen County, New Jersey, in the amount of \$2,500.00 for said Street Opening Bond on April 17, 2020 said funds are being held in the Trust Other Fund; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield that these monies be refunded to the above-named claimant.

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

Roy Riggitano, Interim Chief Financial Officer

September 27, 2021
Dated

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-326**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

APPROVING REFUND OF STREET OPENING BOND

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

WHEREAS, a deposit has been received from Kareem and Grace Bosede, for 49 Westminster Place, Block 20.01 Lot 17 in the City of Garfield, Bergen County, New Jersey, in the amount of \$2,500.00 for said Street Opening Bond on August 31, 2020 said funds are being held in the Trust Other Fund, and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield that these monies be refunded to the above-named claimant.

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

Roy Riggitano, Interim Chief Financial Officer

September 27, 2021
Dated

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-327**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

**AUTHORIZING MONTANA CONSTRUCTION TO PERFORM A REPAIR OF THE
SEWER LINE CHANNEL AT THE INTERSECTION OF MIDLAND AVENUE AND
OUTWATER LANE IN THE CITY OF GARFIELD FOR A TOTAL COST OF
\$13,500.00.**

WHEREAS, the City of Garfield received quotes to perform repair of the sewer line channel at the intersection of Midland Avenue and Outwater Lane in the City of Garfield as summarized in the letter prepared by Colliers Engineering & Design dated September 15, 2021, as on file in the Clerk's Office; and

WHEREAS, the City of Garfield desires to award the quote to the sole responsible and responsive quoter, Montana Construction and to enter into an agreement for the work in the amount of \$13,500.00 from Bond Ordinance 2824C; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, Bergen County, New Jersey that Montana Construction, 80 Contant Avenue, Lodi, New Jersey 07644 is hereby authorized to conduct the repair of the sewer line channel at the intersection of Midland Avenue and Outwater Lane subject to the following conditions:

1. Montana Construction shall hold the City harmless from any actions concerning their operation and appropriate permits are secured.
2. Montana Construction will contact the Garfield Police Department to arrange traffic control.
3. Montana Construction shall be responsible for the maintenance of these locations until proper closure is completed.

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

Roy Riggitano, Interim Chief Financial Officer

September 27, 2021
Dated

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-328**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

**AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER FOR THE PURCHASE
OF A GRANULAR ACTIVATED CARBON TREATMENT SYSTEM FOR THE
ELMWOOD PARK WELLFIELD**

WHEREAS, the City of Garfield is required to install a water treatment system at the Elmwood Park Wellfield in order to meet recently enacted drinking water regulations; and

WHEREAS, the water treatment system includes Granular Activated Carbon (GAC) filters, which are a specialty item and are provided by a company known as Calgon Corporation, with offices at PO Box 717, Pittsburgh, PA 15230; and

WHEREAS, the recently enacted regulations require an operational treatment system be installed pursuant to certain deadlines; and

WHEREAS, the number of water systems requiring these treatment systems are expected to result in significant delays in procuring the GAC filter; and

WHEREAS, Boswell Engineering has recommended the City procure the GAC filters directly from the supplier at this time in order to allow the delivery of the units to be scheduled to coincide with the schedule to install the complete system (which will be publicly bid); and

WHEREAS, Calgon Carbon Corporation has provided a proposal dated September 17, 2021 to supply said GAC units;

NOW, THEREFORE, BE IT RESOLVED the City of Garfield hereby authorizes the issuance of a Purchase Order to Calgon Carbon Corporation for the GAC filter units pursuant to the terms of their proposal in the quoted amount of \$1,365,885 to be paid out from the American Rescue Program grant funds.

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

Roy Riggitano, Interim Chief Financial Officer

September 27, 2021
Dated

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-329**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

**AUTHORIZING BOSWELL ENGINEERING TO PREPARE AN ENVIRONMENTAL
STUDY (PRELIMINARY ASSESSMENT) OF 165 PALISADE AVENUE (BLOCK 54,
LOT 34.01)**

WHEREAS, the City of Garfield is currently considering the acquisition of Block 54, Lot 34.01;
and

WHEREAS, it is in the best interest of the City to conduct an environmental Preliminary
Assessment to determine if there are any Areas of Environmental Concern (AOCs) and, if so,
what considerations must be accounted for prior to taking title to this property; and

WHEREAS, Boswell Engineering submitted a proposal dated September 8, 2021 to perform the
necessary Preliminary Assessment;

NOW, THEREFORE, BE IT RESOLVED Boswell Engineering is hereby authorized to
perform a Preliminary Assessment for this property in accordance with the terms of their
proposal dated September 8, 2021 for a fee not to exceed \$4,800.

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

Roy Riggitano, Interim Chief Financial Officer

September 27, 2021
Dated

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special
meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-330**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

**AUTHORIZING BOSWELL ENGINEERING TO PREPARE BID DOCUMENTS FOR
THE WATER METER REPLACEMENT PROJECT PHASE 2**

WHEREAS, the City of Garfield is currently in the construction phase of the Water Meter Replacement Project Phase 1; and

WHEREAS, the State of New Jersey recently enacted new legislation relating to the identification and replacement of lead water services for all public drinking water systems, and;

WHEREAS, the water meter replacement program provides an effective means to both replace water meters that have served longer than their useful service life and identify and inventory lead water services throughout the City; and

WHEREAS, early identification of lead services will allow the City to implement an efficient long-term plan to replace both these lead water services; and

WHEREAS, Boswell Engineering has provided a proposal dated September 8, 2021 to prepare bid documents to replace the remaining water meter not addressed in the first phase of this project;

NOW, THEREFORE, BE IT RESOLVED Boswell Engineering is hereby authorized to prepare the bid documents and provide construction phase assistance as summarized in their proposal dated September 8, 2021 for a fee not-to-exceed \$56,000 to be paid out of a supplemental water capital ordinance to be introduced at the October Regular meeting of the Mayor and Council.

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

Roy Riggitano, Interim Chief Financial Officer

September 27, 2021
Dated

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-331**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

**AUTHORIZING PAYMENT TO JOHN GARCIA CONSTRUCTION FOR
EMERGENCY FIRE HYDRANT REPAIRS AT VAN BUSSUM AVENUE AND SPRING
STREET IN GARFIELD**

WHEREAS, emergency services are required to repair fire hydrants at Van Bussum Avenue and Spring Street; and

WHEREAS, John Garcia Construction will provide emergency repair services at Van Bussum Avenue for a fee of \$18,770.00 and at Spring Street for a fee of \$16,920.00;

NOW, THEREFORE, BE IT RESOLVED payment is hereby authorized to John Garcia Construction in the total of amount of \$35,690.00 for both emergency repairs to be paid out of Water Capital Bond Ordinance #2868.

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

Roy Riggitano, Interim Chief Financial Officer

September 27, 2021
Dated

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-332**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

**AUTHORIZING PAYMENT TO D.S MEYER ENTERPRISES LLC FOR AN
EMERGENCY FIRE HYDRANT REPAIR AT JEWELL STREET IN GARFIELD**

WHEREAS, emergency services are required to repair a fire hydrant at Jewell Street; and

WHEREAS, D.S Meyer Enterprises LLC will provide emergency repair services at Jewell Street for a fee of \$20,400.00 and;

NOW, THEREFORE, BE IT RESOLVED payment is hereby authorized to D.S Meyer Enterprises LLC in the of amount of \$20,400.00 for the emergency repairs to be paid out of Water Capital Bond Ordinance #2868.

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

Roy Riggitano, Interim Chief Financial Officer

September 27, 2021
Dated

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-333**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

AUTHORIZE REFUND DUE TO OVERPAYMENT

WHEREAS the Receiver of Taxes reports that she has received a request from the following property owner for a refund due to overpayment for the year 2021;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, that the proper offices are hereby authorized to issue a check refunding this over payment and forward same to the Receiver of Taxes for the purpose of noting her records and for mailing to the property owner.

BLOCK	LOT	Q	OWNER	REASON	AMOUNT
85	44		Gaba, Kujtim & Halime	O/P	\$2,570.00

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

Roy Riggitano, Interim Chief Financial Officer

September 27, 2021
Dated

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-334**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

APPROVING REFUND DUE TO OVERPAYMENT

WHEREAS, the Receiver of Sewer reports that she has received a request from the following property owner for a refund due to sewer over payment for the year 2021;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, that the proper offices are hereby authorized to issue a check refunding this over payment and forward same to the Receiver of Sewer for the purpose of noting her records and for mailing to the property owner.

SEWER ACCT #	OWNER	REASON	AMOUNT
2-5-7	NEWHOUSE, DONALD & TERRI	O/P SEWER	\$162.50

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

Roy Riggitano, Interim Chief Financial Officer

September 27, 2021
Dated

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-335**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

AUTHORIZING SALE OF MUNICIPAL LIENS

WHEREAS, the governing body of the City of Garfield, County of Bergen, State of New Jersey, desires to collect all taxes, assessments, and other Municipal charges that are now delinquent; and

WHEREAS, the Tax Collector is directed to sell all municipal delinquencies through December 31, 2020 in a manner prescribed by N.J.S.A. 54-5-19, and as amended by Chapter 99, Public Laws of 1997;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Garfield, that the Tax Collector is hereby authorized and directed to sell all Municipal liens in accordance with New Jersey Law, and as stated above on October 7, 2021 at 9:00 AM.

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-336**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

APPROVING REGULAR ACTIVE MEMBER – FIRE DEPARTMENT

WHEREAS, Fire Company No. 5 has advised that they have accepted Robert Marcoux of 400 Midland Avenue, Garfield, New Jersey, as a regular active member, effective July 6, 2021;

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

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-337**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

APPROVING HANDICAP PARKING SPACE

WHEREAS, Ericka Castelan, 22 Hobart Place, who is the holder of a Disabled Person I.D. Card No. P2313724, has filed application for a handicapped parking sign to be placed at her address; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicapped Parking”, located on the south curb line of Hobart Place commencing 154 feet west of the intersection of Hobart Place and Bogart Avenue and continue an additional 20 feet west from that point; and

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

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-338**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

APPROVING HANDICAP PARKING SPACE

WHEREAS, Juana Rodriguez, 15 John Street, on behalf of Froilan Rodriguez, who is the holder of a Disabled Person I.D. Card No. P2371656, has filed application for a handicapped parking sign to be placed at her address; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicapped Parking”, located on the west curb line of John Street commencing 128 feet south of the intersection of John Street and Banta Avenue and continue an additional 20 feet south from that point; and

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

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-339**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

APPROVING HANDICAP PARKING SPACE

WHEREAS, Joseph DeVita, 89 Main Street, who is the holder of a Disabled Person I.D. Card No. P2311985, has filed application for a handicapped parking sign to be placed at his address; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicapped Parking”, located on the west curb line of Main Street commencing 134 feet north of the intersection of Main Street and Plauderville Avenue and continue an additional 20 feet north from that point; and

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

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-340**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

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

WHEREAS, NJS 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Garfield in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Service to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$10,000.00 which is now available from The Russell Berrie Foundation; and

BE IT FURTHER RESOLVED, that the sum of \$10,000.00 is hereby appropriated under the caption The Russell Berrie Foundation Grant; and

BE IT FURTHER RESOLVED, that the above is the result of funds from The Russell Berrie Foundation Grant, in the amount of \$10,000.00.

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-341**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

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

WHEREAS, NJS 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Garfield in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Service to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$9,000.00 which is now available from State of New Jersey DWI-Click It or Ticket Grant; and

BE IT FURTHER RESOLVED, that the sum of \$9,000.00 is hereby appropriated under the caption State of New Jersey -Distracted Driving Grant; and

BE IT FURTHER RESOLVED, that the above is the result of funds from State of New Jersey -Distracted Driving Grant, in the amount of \$9,000.00.

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-342**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

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

WHEREAS, NJS 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Garfield in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Service to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$17,284.42 which is now available from The State of New Jersey Neighborhood Preservation Program Grant; and

BE IT FURTHER RESOLVED, that the sum of \$17,284.42 is hereby appropriated under the caption The State of New Jersey Neighborhood Preservation Program Grant; and

BE IT FURTHER RESOLVED, that the above is the result of funds from The State of New Jersey Neighborhood Preservation Program Grant, in the amount of \$17,284.42.

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-343**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

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

WHEREAS, NJS 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Garfield in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Service to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$4,000.00 which is now available from Mid-Bergen Regional Health Commission Covid-19 Grant; and

BE IT FURTHER RESOLVED, that the sum of \$4,000.00 is hereby appropriated under the caption Mid-Bergen Regional Health Commission Covid-19 Grant; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the Mid-Bergen Regional Health Commission Covid-19 Grant, in the amount of \$4,000.00.

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-344**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

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

WHEREAS, NJS 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Garfield in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Service to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$4,305.73 which is now available from State of New Jersey Body Armor Grant; and

BE IT FURTHER RESOLVED, that the sum of \$4,305.73 is hereby appropriated under the caption State of New Jersey Body Armor Grant; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the State of New Jersey Body Armor Grant, in the amount of \$4,305.73.

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-345**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

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

WHEREAS, NJS 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

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

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Garfield in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Service to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$48,335.98 which is now available from State of New Jersey Clean Communities Grant; and

BE IT FURTHER RESOLVED, that the sum of \$48,335.98 is hereby appropriated under the caption State of New Jersey Clean Communities Grant; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the State of New Jersey Clean Communities Grant, in the amount of \$48,335.98.

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-346**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

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

WHEREAS, NJS 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

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

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Garfield in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Service to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$2,044.79 which is now available from State of New Jersey Alcohol Education and Rehab (DWI) Grant; and

BE IT FURTHER RESOLVED, that the sum of \$2,044.79 is hereby appropriated under the caption State of New Jersey Alcohol Education and Rehab (DWI) Grant; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the State of New Jersey Alcohol Education and Rehab (DWI) Grant, in the amount of \$2,044.79.

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-347**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

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

WHEREAS, NJS 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Garfield in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Service to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$975.00 which is now available from County of Bergen NJHC History Re-Grant award; and

BE IT FURTHER RESOLVED, that the sum of \$975.00 is hereby appropriated under the caption County of Bergen NJHC History Re-Grant award; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the County of Bergen NJHC History Re-Grant award, in the amount of \$975.00.

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-348**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

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

WHEREAS, NJS 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Garfield in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Service to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$40,973.19 which is now available from State of New Jersey Recycling Tonnage Grant; and

BE IT FURTHER RESOLVED, that the sum of \$40,973.19 is hereby appropriated under the caption State of New Jersey Recycling Tonnage Grant; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the State of New Jersey Recycling Tonnage Grant, in the amount of \$40,973.19.

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-349**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

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

WHEREAS, NJS 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

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

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Garfield in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Service to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$1,664,334.68 which is now available from State of New Jersey American Rescue Program; and

BE IT FURTHER RESOLVED, that the sum of \$1,664,334.68 is hereby appropriated under the caption State of New Jersey American Rescue Program; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the State of New Jersey American Rescue Program, in the amount of \$1,664,334.68.

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-350**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

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

WHEREAS, NJS 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Garfield in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Service to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$88,000.00 which is now available from FEMA-SAFER Firefighter Stipend Grant; and

BE IT FURTHER RESOLVED, that the sum of \$88,000.00 is hereby appropriated under the caption FEMA-SAFER Firefighter Stipend Grant; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the FEMA-SAFER Firefighter Stipend Grant, in the amount of \$88,000.00.

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-351**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

ENDORING BERGEN COUNTY ORDINANCE NO. 21-07

WHEREAS on 6/2/21 the Commissioners of the County of Bergen passed Ordinance No. 21-07; and

WHEREAS Ordinance No. 21-07 reads as follows “There shall be No Left Turn established from southbound on Midland Avenue into the driveway for the Ardalin Foods site located approximately 100 feet south of the railroad grade crossing and approximately 120 feet north of President Street”; and

WHEREAS the Mayor and Council of City of Garfield believe it is in the best interest of the City of Garfield to endorse Ordinance No. 21-07 and

NOW, THEREFORE, BE IT RESOLVED that on the 28th day of September 2021, the Mayor and Council of the City of Garfield fully endorse Ordinance No. 21-07, passed by the Commissioners of the County of Bergen on 6/2/21.

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-352**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

RECOGNIZING THE MONTH OF SEPTEMBER AS HUNGER ACTION MONTH

WHEREAS hunger and food insecurity are a reality for far too many of our neighbors; and

WHEREAS those who are food insecure are without reliable access to adequate amount of affordable, nutritious food. Food insecurity can affect anyone, whether they are recently unemployed, underemployed, or supporting a large family; and

WHEREAS food insecurity is a symptom of broader challenges, such as unemployment, disability, retirement or unforeseen financial challenges; and

WHEREAS, those who do not have their basic needs met are further hampered in their path toward self-sufficiency; and

WHEREAS the ongoing health crisis has increased food insecurity amongst individuals and families throughout Bergen County and across the country; and

WHEREAS in 2020, it was estimated that the County of Bergen experienced a 71% increase in food insecurity, thus overwhelming many local food pantries in short supply; and

WHEREAS there are residents in every municipality in Bergen County, including Garfield, who receive SNAP benefits, illustrating that this is an issue impacting residents all across Bergen County; and

WHEREAS the economic coattails of the pandemic are long, and despite levels of “reopening”, tremendous need still exists within our community; and

WHEREAS the Bergen County Food Security Task Force has been established to support food pantries in Bergen County by increasing the supply of healthy food options, connecting those in need to vital services, and investing in long term infrastructure to build a more resilient pantry network to ensure no one in Bergen County goes hungry; and

NOW, THEREFORE, BE IT RESOLVED that the City of Garfield does hereby recognize the month of September 2021 as “Hunger Action Month” in the County of Bergen, New Jersey, and encourages all Garfield and Bergen County residents to support their local food pantries; and

BE IT FURTHER RESOLVED that this Governing Body is committed to ending hunger in Garfield and will spread awareness and increase engagement in our community to solve this problem.

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-353**

CONSENT AGENDA

RESOLUTION BY: COUNCILMAN MASLAG

SECONDED BY: COUNCILMAN HERRERA

**APPROVE ANNUAL MUNICIPAL AUDIT REPORT
FOR THE YEAR 2020**

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local Fiscal as per R.S. 52:2788-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the section of the annual audit entitled:

GENERAL COMMENTS
RECOMMENDATIONS

and;

WHEREAS, the members of the Governing Body have personally reviewed as a minimum the Annual Audit, and specifically and sections of the annual audit entitled:

GENERAL COMMENTS
RECOMMENDATIONS

as evidenced by the group affidavit form to the Governing Body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least the minimum requirements of the Local Finance Board of the State of New Jersey, as state aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:2788-52 - to with:

R.S. 52:278852 - "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under provisions of this Article, shall be guilty of a misdemeanor and, upon conviction may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both in addition in addition shall forfeit his office;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Garfield, hereby states that it has complied with the promulgations of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-354**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

**ADOPT CORRECTIVE ACTION PLAN FOR THE
2020 MUNICIPAL AUDIT**

WHEREAS, it is a requirement of the Local Fiscal Affairs Law, N.J.S.A. 40A:5 et seq., that the Governing Body approves the Corrective Action Plan produced by the Chief Financial Officer within 60 days of receipt of the Municipal Audit;

WHEREAS, the Borough's 2020 Municipal Audit included certain recommendations, which require the creation and adoptions of a Corrective Action Plan;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Garfield, County of Bergen that the Corrective Action Plan submitted by the Chief Financial Officer be approved and a certified copy of this Resolution be sent, along with the Corrective Action Plan, to the Director of Local Government Services.

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-355**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

APPOINT SPECIAL LEGAL COUNSEL

WHEREAS, a need has arisen for a special investigation to take place within the Police Department; and

WHEREAS, the Mayor and Council of the City of Garfield, along with the City Manager and City attorneys, deem it be in the best interest of the City to hire special legal counsel to perform said investigation; and

WHEREAS, the City Manager has received proposals and qualifications from law firms willing to conduct said investigation; and

WHEREAS, the City Manager has recommended the firm of Apruzzese, McDermott, Mastro, & Murphy P.C.;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Garfield do hereby appoint and approve of Apruzzese, McDermott, Mastro, & Murphy P.C. to conduct the necessary investigation at a not to exceed amount of \$10,000.00.

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

Roy Riggitano, Interim Chief Financial Officer

September 27, 2021
Dated

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-356**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

**APPROVE AND AWARD QUOTE TO ANGELS LANDSCAPE & SUBURBAN
SIDEWALKS FOR RIVER WALK PHASE I PAVER WORK**

WHEREAS, the City had previously completed the redevelopment of River Walk Phase I on River Drive; and

WHEREAS, since the completion of said work, the pavers have been uplifted due to tree roots installed along the walkway; and

WHEREAS, the Superintendent of Public Works has solicited quotes for the pavers to be excavated and reset once the tree roots have been inspected by the City's arborist; and

WHEREAS, the City Manager has recommended that both Angels Landscape & Suburban Sidewalks and the City's arborist address this matter to protect the safety and public welfare of the residents of the City of Garfield;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Garfield do hereby approve of the City's arborist to work in tandem with Angels Landscape & Suburban Sidewalks, whose quote submitted included a not to exceed amount of \$15,100.00; and

BE IT FURTHER RESOLVED that the City Manager is hereby directed to execute the agreement.

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

Roy Riggitano, Interim Chief Financial Officer

September 27, 2021
Dated

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-357**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

**APPOINT FRANCISCO SANCHEZ AS ALTERNATE #1 TO THE ZONING BOARD OF
ADJUSTMENT**

BE IT RESOLVED, by the Mayor and Council of the City of Garfield that Francisco Sanchez be and is hereby re-appointed as Alternate #1 to the Garfield Zoning Board of Adjustment for a term backdating to January 1, 2020 and ending on December 31, 2021.

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-358**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

**AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO PSE&G AND
EXECUTION OF A LIGHTING AGREEMENT TO PROVIDE AND INSTALL 9 LOW
LEVEL STREETLIGHTS ON PASSAIC STREET**

WHEREAS, PSE&G has provided a quotation to supply and install 9 low-level lighting fixtures in a quote dated June 21, 2021 on Passaic Street in the vicinity of Calvary Baptist Church; and

WHEREAS, said lights are to be a continuation of previously installed lights on Passaic Street and are needed to protect the safety and welfare of the City's residents;

NOW, THEREFORE, BE IT RESOLVED that the City of Garfield does hereby authorize the execution of an agreement and issuance of a Purchase Order in the amount of \$55,604.40 pursuant to the terms of the quotation dated June 21, 2021 to be paid from Bond Ordinance #2885.

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

Roy Riggitano, Interim Chief Financial Officer

September 27, 2021

Dated

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-359**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

APPOINT RAFAEL GOMEZ TO THE GARFIELD HOUSING AUTHORITY

BE IT RESOLVED, by the Mayor and Council of the City of Garfield that Rafael Gomez of 125 Shaw Street, Garfield, NJ 07026, be and is hereby appointed to the Garfield Housing Authority, to succeed Mr. Noel Quiles' expiring term, effective October 19, 2021; and

BE IT FURTHER RESOLVED, that Mr. Gomez shall serve a full, five-year term expiring on October 18, 2026.

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-360**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

AWARDING PROPOSAL FOR FEASIBILITY STUDY

WHEREAS, the City had previously appointed Architects for the year 2021 through an RFQ process; and

WHEREAS, H2M Architects & Engineers was appointed as one of the City’s architects under said process; and

WHEREAS, there is a need to conduct a feasibility study due to flooding and damage that has occurred at the Department of Public Works; and

WHEREAS, the Mayor and Council deem it be in the best interest, public safety, and welfare of the City’s employees to proceed with said study; and

WHEREAS, H2M Architects & Engineers submitted a proposal on September 10, 2021 for their services in the amount of \$37,000.00

NOW, THEREFORE, BE IT RESOLVED that the City of Garfield does hereby authorize the execution of an agreement with H2M Architects & Engineers for a total amount no to exceed \$37,000.00, unless otherwise approved via resolution, pursuant to the terms of the proposal to be paid from Bond Ordinance #2844.

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

Roy Riggitano, Interim Chief Financial Officer

September 27, 2021
Dated

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-21-361**

CONSENT AGENDA

**RESOLUTION BY: COUNCILMAN MASLAG
SECONDED BY: COUNCILMAN HERRERA**

RESOLUTION TO APPROVE THE CONSENT AGENDA

BE IT RESOLVED, by the Mayor and Council of the City of Garfield that the actions noted in the Consent Agenda, Resolutions R-21-321 through R-21-361 be and are hereby approved and the proper officers are directed to take necessary action on same.

APPROVED: September 28, 2021

Richard Rigoglioso, Mayor

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

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Maslag	X			
Herrera	X			
Banch	X			
Delaney	X			
Rigoglioso	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a special meeting held on the 28th day of September 2021. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

PUBLIC COMMENT

Mayor Rigoglioso opened the floor for public comment. No one wished to be heard.

MAYOR & COUNCIL COMMENTS

Councilman Maslag had nothing to report.

Councilwoman Banch had nothing to report.

Councilman Herrera expressed his enthusiasm seeing members of Hispanic heritage appointed to boards.

Deputy Mayor Delaney had nothing to report.

Mayor Rigoglioso spoke about the successfulness of the Volunteer Firefighter's dinner, Pulaski Committee dinner, Roger Hetel Scholarship dinner, and Street Fair.

EXECUTIVE SESSION

A motion was made by Councilwoman Banch and seconded by Councilman Maslag to enter into Executive Session. Motion carried unanimously

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss:

Personnel **Litigation/Legal Reports** **Purchase, Lease, or Acquisition of Real Property with Public Funds**

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW, THEREFORE BE, IT RESOLVED that the public be excluded from this meeting.

A motion was made by Mayor Rigoglioso and seconded by Councilwoman Banch to return to the public portion.

ADJOURNMENT

A motion was made by Councilman Herrera and seconded by Councilman Maslag to adjourn. Motion carried unanimously.

Respectfully submitted,

Erin Delaney, MPA, RMC
City Manager/City Clerk

These meeting minutes were approved at the October 26, 2021 Regular meeting of the Mayor & Council.