

**REGULAR MEETING
OF THE
GARFIELD MAYOR AND COUNCIL
MARCH 22, 2022
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, March 22, 2022 at 6:22PM in the Council Chambers of the Municipal Building, 111 Outwater Lane, Garfield, New Jersey. On Roll Call present members were: Councilmembers Maslag, Herrera, & Banch, Deputy Mayor Delaney and Mayor Rigoglioso. Also present were City Manager/City Clerk Delaney, City Engineer Kevin Boyer, and City Attorney Daniel Lagana.

2. ROLL CALL:

3. FLAG SALUTE

4. STATEMENT OF COMPLIANCE:

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

Now, Therefore Be Advised, that the meeting requirements for this meeting have been met by publishing an annual meeting notice in The Record and Herald News and by posting such notice in the office of the City Clerk as well as in a public place within the Municipal Building, and by notifying interested citizens. Said notice was posted on January 10, 2022 and published on January 13, 2022.

5. APPROVAL OF MINUTES:

A motion was made by Councilwoman Banch and seconded by Councilman Maslag to approve the February 8, 2022 Work Session & Executive Session and February 22, 2022 Regular Meeting minutes. The motions carried unanimously.

6. PROCLAMATION:

Honoring and Thanking Juan Carlos Lizarzaburu, Congressman of Peru

7. RESOLUTIONS:

R-127-22 Approving Liquor License Transfer – Person to Person and Place to Place – 0221-33-001-004

R-128-22 Approving Liquor License Transfer – Person to Person and Place to Place – 0221-33-008-009

8. ORDINANCES: FIRST READING

R-129-22 Introduce Ord. #2927

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

R-130-22 Introduce Ord. #2925

**BOND ORDINANCE TO AUTHORIZE THE 2022 ROAD
IMPROVEMENT PROGRAM IN, BY AND FOR THE CITY
OF GARFIELD, IN THE COUNTY OF BERGEN, STATE**

OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

R-131-22 Introduce Ord. #2926
BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

9. CONSENT AGENDA:

- R-132-22 Approval of Bills and Claims
- R-133-22 Approving Certain Professional Appointments Pursuant to the New Jersey Local Unit Pay to Play Law
- R-134-22 Authorizing Change Order #1 and Final to Fieldturf for the Replacement of the Turf Field at the Belmont Oval Sports Field
- R-135-22 Approval of Tax Overpayment Credit/Refund
- R-136-22 Authorizing the City Manager to Enter into a Contract with UltraPro
- R-137-22 Authorizing Dan Dressel Architect to Provide Professional Services in Connection with Fire Company #2 Improvements
- R-138-22 Temporary Capital Budget Amendment
- R-139-22 Requesting Permission for the Dedication by Rider for Animal Control Fees Required by DLGS
- R-140-22 Approving Handicap Parking Space
- R-141-22 Approving Handicap Parking Space
- R-142-22 Approving Loading Zone
- R-143-22 Authorizing the Planning Board to Conduct a Review of Ordinance 2927, an Ordinance to Amend Part II, General Legislation, Chapter 100, Cannabis, of the Revised General Ordinances of the City of Garfield
- R-144-22 Authorizing the Application to the NJ Clean Energy Program Community Energy Planning Grant Program
- R-145-22 Approving Regular Active Member – Fire Department
- R-146-22 Approving Resignation of Active Member – Fire Department
- R-147-22 Approving Resignation of Active Member – Fire Department
- R-148-22 Approving Expulsion of Active Member – Fire Department

R-149-22	Endorsing Resolution for Bergen County Community Development Block Grant (CDBG) Project
R-150-22	Resolution to Accept Consent Agenda

10. PUBLIC HEARING:

11. MAYOR AND COUNCIL COMMENTS:

12. ADJOURNMENT:

Deputy Mayor Delaney inquired about his concerns related to parking on Passaic Street where the business is to be located.

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-127-22**

RESOLUTION BY: COUNCILWOMAN BANCH

SECONDED BY: COUNCILMAN HERRERA

**APPROVING LIQUOR LICENSE TRANSFER
PERSON TO PERSON AND PLACE TO PLACE
0221-33-001-004**

WHEREAS, an application has been filed for a Place to Place and Person to Person Transfer Application of Plenary Retail Consumption License No. 0221-33-001-004, from J&S Fregata, LLC, t/a The Fregata, 67 Scudder Street (Greg Stanislawczyk, 45 Shaw Street, Garfield, New Jersey 07026 who owns 50% of the shares of the Corporation and Josef Stanislawczyk, 45 Shaw Street who owns 50% of the shares of the Corporation) to Monumental Liquor LLC, 62 Passaic Street, (Nadiyah Romney, 23 Wisteria Lane, Garfield, New Jersey 07026, – who will own 100% of the shares of the Corporation), located at 62 Passaic Street, Garfield, New Jersey 07026; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid , and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the Police Department has conducted a background investigation and the applicant and premises are suitable for licensing; and

WHEREAS, a “Tax Clearance - Transfer Certificate” has been issued and has been received as required pursuant to regulations promulgated by the State of New Jersey Division of Taxation;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Garfield, Bergen County, New Jersey, does hereby approve, effective March 23, 2022, the transfer of the aforesaid Plenary Retail Consumption License No. 0221-33-001-004 to Monumental Liquor LLC, 62 Passaic Street, (Nadiyah Romney, 23 Wisteria Lane, Garfield, New Jersey 07026, – who will own 100% of the shares of the Corporation), located at 62 Passaic Street, Garfield, New Jersey 07026 and does hereby direct the City Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to Monumental Liquor LLC, located at 62 Passaic Street, Garfield, NJ 07026, effective March 23, 2022”; and

BE IT FURTHER RESOLVED that this license is transferred on the condition that no Go-Go, live entertainment or discotheque be used in connection with this license; (A fee of \$200.00 was collected for the State of New Jersey in connection with the person to person and place to place license transfer, and a fee of \$180.00 was collected for the City of Garfield in connection with the person to person and place to place license transfer).

APPROVED: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-128-22**

RESOLUTION BY: COUNCILMAN HERRERA

SECONDED BY: COUNCILMAN MASLAG

APPROVING LIQUOR LICENSE TRANSFER

PERSON TO PERSON

0221-33-008-009

WHEREAS, an application has been filed for a Person to Person Transfer Application of Plenary Retail Consumption License No. 0221-33-008-009, from La Sicilia, Inc., t/a La Sicilia, 149 Van Winkle Avenue (Marvin Henriquez, 31 East 38th Street, Bayonne, New Jersey 07002, who owns 100% of the shares of the Corporation) to MD Group LLC, t/a Donia Mediterranean Restaurant, 149 Van Winkle Avenue, (Dejan Micakowski, 67 Franklin Avenue Garfield, New Jersey 07026, – who will own 50% of the shares of the Corporation and Jannette Nadler, 67 Franklin Avenue, Garfield, New Jersey 07026, who will own 50% of the shares of the Corporation), located at 149 Van Winkle Avenue, Garfield, New Jersey 07026; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the Police Department has conducted a background investigation and the applicant and premises are suitable for licensing; and

WHEREAS, a “Tax Clearance - Transfer Certificate” has been issued and has been received as required pursuant to regulations promulgated by the State of New Jersey Division of Taxation;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Garfield, Bergen County, New Jersey, does hereby approve, effective March 23, 2022, the transfer of the aforesaid Plenary Retail Consumption License No. 0221-33-008-009 to MD Group LLC, t/a Donia Mediterranean Restaurant, 149 Van Winkle Avenue, (Dejan Micakowski, 67 Franklin Avenue Garfield, New Jersey 07026, – who will own 50% of the shares of the Corporation and Jannette Nadler, 67 Franklin Avenue, Garfield, New Jersey 07026, who will own 50% of the shares of the Corporation), located at 149 Van Winkle Avenue, Garfield, New Jersey 07026 and does hereby direct the City Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to MD Group LLC, t/a Donia Mediterranean Restaurant, 149 Van Winkle Avenue, Garfield, NJ 07026, effective March 23, 2022”; and

BE IT FURTHER RESOLVED that this license is transferred on the condition that no Go-Go, live entertainment or discotheque be used in connection with this license; (A fee of \$200.00 was collected for the State of New Jersey in connection with the person to person and place to place license transfer, and a fee of \$90.00 was collected for the City of Garfield in connection with the person to person and place to place license transfer).

APPROVED: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-129-22**

**RESOLUTION BY: COUNCILWOMAN BANCH
SECONDED BY: MAYOR RIGOGLIOSO**

**INTRODUCE ORDINANCE #2927
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

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

be passed and adopted on first reading; and

BE IT RESOLVED, that a final hearing on said ordinance will be heard in City Hall on Tuesday, April 12, 2022 at 6:00PM or as soon thereafter as same can be heard, at which time any persons interested in said ordinance can be heard;

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: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2927**

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

WHEREAS, *N.J.S.A. 40:48I-1* permits a municipality to adopt an ordinance imposing a transfer tax on the sale of cannabis or cannabis items by a cannabis establishment that is located in the municipality.

WHEREAS, at the discretion of the municipality, the tax may be imposed on: receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment; receipts from the retail sales of cannabis items by a cannabis retailer to retail consumers who are 21 years of age or older; or any combination thereof.

WHEREAS, each municipality shall set its own rate or rates, but in no case shall a rate exceed: two percent of the receipts from each sale by a cannabis cultivator; two percent of the receipts from each sale by a cannabis manufacturer; one percent of the receipts from each sale by a cannabis wholesaler; and two percent of the receipts from each sale by a cannabis retailer.

WHEREAS, A local tax ordinance adopted pursuant to *N.J.S.A. 40:48I-1* shall also include provisions for imposing a user tax, at the equivalent transfer tax rates, on any concurrent license holder, as permitted by section 33 of P.L.2021, c.16 (C.24:6I-46), operating more than one cannabis establishment.

WHEREAS, A transfer tax or user tax imposed pursuant to this section shall be in addition to any other tax imposed by law.

WHEREAS, every cannabis establishment required to collect a transfer tax or user tax imposed by ordinance pursuant to this section shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section.

WHEREAS, all revenues collected from a transfer tax or user tax imposed by ordinance pursuant to this section shall be remitted to the chief financial officer of the municipality in a manner prescribed by the municipality.

WHEREAS, the municipality shall enforce the payment of delinquent taxes or transfer fees imposed by ordinance pursuant to this section in the same manner as provided for municipal real property taxes.

WHEREAS, in the event that the transfer tax or user tax imposed by ordinance pursuant to this section is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid municipal taxes, fees, or other charges.

WHEREAS, Section 31a of the "Act" also authorizes municipalities to adopt by ordinance regulations governing the local licensing endorsement, location, manner and times of operation of Medicinal Cannabis Dispensaries and establish civil penalties for the violation of any such regulations;

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

Section 1. The current text of City Ordinance, Part II, General Legislation, Chapter 100, Cannabis, is hereby repealed and replaced as follows:

- A. §100-1 Permitted and prohibited licenses, is repealed and replaced with, §100-1 Definitions;
- B. §100-1 Permitted and prohibited licenses, is repealed and replaced with, §100-2 Permitted and prohibited licenses;
- C. §100-2 Zoning, is repealed and replaced with, §100-3 Zoning;
- D. §100-3 Creation and imposition of a municipal tax, is repealed and replaced with, §100-4 Creation and imposition of a municipal tax;
- E. §100-4 Penalties, is repealed and replaced with, §100-5 Penalties;
- F. §100-5 Hours of Operation, is repealed and replaced with, §100-6 Hours of Operation;
- G. §100-6 Limitations on the number of licenses, is repealed and replaced with, §100-7 Limitations on the number of licenses;
- H. §100-7 On-site cannabis consumption, is repealed and replaced with, §100-8 On-site cannabis consumption;
- I. §100-8 Security, is repealed and replaced with, §100-9 Security; and
- J. §100-9 Water and energy consumption, is repealed and replaced with, §100-10 Water and energy consumption.

Section 2. The current text of City Ordinance, Part II, General Legislation, Chapter 100, Cannabis, Subsection 100-1 Permitted and prohibited licenses, is hereby repealed and replaced as follows:

§ 100-1 Definitions:

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

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

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

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

“Cannabis establishment” means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

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

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

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

Section 3. The current text of City Ordinance, Part II, General Legislation, Chapter 100, Cannabis, Section 100-3, Zoning, Paragraph D (4) is hereby amended to read as follows: the following:

a. No structure housing a business with a Class 5 license shall be closer than 750 feet from a parcel housing a pre-existing public, non-public, or charter school identified in the New Jersey Department of Education's School Directory within Garfield. The distance of 750 feet shall be measured in a straight line from every edge of the parcel housing the pre-existing public, non-public, or charter school to the nearest point of the structure housing the business with a Class 5 license. Should any new school be constructed within this 750-foot distance after a business with a Class 5 license commences operation, the business shall be grandfathered in as a conditionally permitted use.

b. No structure housing a business with a Class 5 license shall be closer than 750 feet from a parcel housing a park or recreational facility including, but not limited to, those parks or recreation facilities identified in the Recreation Element of the City of Garfield's 2002 Master Plan. The distance of 750 feet shall be measured in a straight line from every edge of the parcel housing the park or recreation facility to the nearest point of the structure housing the business with a Class 5 license. Should any new park or recreation facility be constructed within this 750-foot distance after a business with a Class 5 license commences operation, the business shall be grandfathered in as a conditionally permitted use.

Section 4. The current text of City Ordinance, Part II, General Legislation, Chapter 100, Cannabis, Subsection 100-4, Creation and imposition of a municipal tax, is hereby repealed and replaced as follows:

§100-4 Creation and imposition of a municipal tax:

a. Transfer Tax and User Tax Imposed.

1. There is hereby imposed a transfer tax of two percent (2%) on receipts from the sale of all Cannabis from a Cannabis Cultivator, a Cannabis Manufacturer, and a Cannabis Retailer.
2. There is hereby imposed a transfer tax of one percent (1%) on receipts from the sale of Cannabis from a Cannabis Wholesaler.
3. There is hereby imposed a user tax equivalent to the transfer tax rate established in Section 100-4A.1 and 2, on any concurrent license holder, as permitted by section 33 of P.L.2021, c.16 (C.24:6I-46), operating more than one cannabis establishment. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax, from the license holder's establishment that is located in the municipality to any of the other license holder's establishments, whether located in the municipality or another municipality.

4. Such transfer tax shall be collected or paid and remitted to the municipality by the Cannabis Establishment from the cannabis establishment purchasing or receiving the cannabis or cannabis item, or from the consumer at the point of sale, on behalf of the municipality by the cannabis retailer selling the cannabis item to that consumer.
5. The transfer tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item. No Cannabis Establishment required to collect a transfer tax imposed hereunder shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer, or that the transfer tax will be refunded to the Cannabis Establishment or the consumer.

b. Tax Liability.

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

c. Collection of Taxes and Lien.

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

d. Administration of Transfer Tax and User Tax.

1. The City of Garfield Chief Financial Officer is charged with the administration and enforcement of the provisions of this chapter, and is empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this chapter, including provisions for the

reexamination and corrections of declarations and returns, and of payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and to prescribe forms necessary for the administration of this chapter.

2. Should a Cannabis Establishment fail or refuse to provide adequate information to the Chief Financial Officer to determine the amount of tax due, the Chief Financial Officer may use information provided to the Chief Financial Officer from other sources (i.e., the Commission or Department of Treasury) to determine the amount of tax liability.

- a. Every Medicinal Cannabis Dispensary is hereby directed and required to give to the Chief Financial Officer, or to any agent designated by him/her, the means, facilities and opportunity for such examinations and investigations, as are hereby authorized.

- b. The Chief Financial Officer is hereby authorized to examine the books, papers and records of the Cannabis Establishment to verify the accuracy of any declaration or return, or if no declaration or return was filed, to ascertain the tax due.

- c. It shall be the duty of the Chief Financial Officer to collect and receive the taxes, fines, and penalties imposed by this chapter. It shall also be the duty of the Chief Financial Officer to keep a record showing the date of such receipt. The Chief Financial Officer is authorized to enter into agreements with the State of New Jersey to obtain information to facilitate administration of the tax. The Chief Financial Officer is authorized to issue a ruling upon written request of a taxpayer or upon its own volition.

e. Recordkeeping.

1. A Cannabis Establishment liable for the transfer tax or user tax shall be required to keep such records as will enable the filing of true and accurate returns of the tax and such records shall be preserved for a period of not less than three (3) years from the filing date or due date, whichever is later, in order to enable the Chief Financial Officer or any agent designated to verify the correctness of the declarations or returns filed.

2. If records are not available in the municipality to support the returns which were filed or which should have been filed, the Cannabis Establishment will be required to make them available to the Chief Financial Officer either by producing them at a location in the municipality or by paying for the expenses incurred by the Chief Financial Officer or his agent in traveling to the place where the records are regularly kept.

f. Returns.

1. All Cannabis Establishments operating in the municipality are required to file a tax return with the Chief Financial Officer to report their sales during each calendar quarter and the amount of tax in accordance with the provisions of this chapter. Returns shall be filed and payments of tax imposed for the preceding calendar quarter shall be made on or before the last day of April, July, October, and January, respectively.

2. A Cannabis Establishment that has overpaid the transfer tax, or who believes it is not liable for the tax, may file a written request on an amended tax return with the Chief Financial Officer for a refund or a credit of the tax. For amounts paid as a result of a notice asserting or informing a taxpayer of an underpayment, a written request for a refund shall be filed with the Chief Financial Officer within two (2) years of the date of the payment.

g. Confidentiality.

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

h. Audit and Assessment.

1. The City's Chief Financial Officer may initiate an audit by means of an audit notice to be served on any agent at the Cannabis Establishment's principal place of business. If, as a result of an examination conducted by the Chief Financial.
2. In the event a return a return is found to be incorrect and transfer or user taxes are owed, the Chief Financial Officer is authorized to assess and collect any tax due and owing. Deficiency assessments (i.e., where a Cannabis Establishment filed a return but is found to owe additional tax) shall include taxes for up to three (3) years to the date when the deficiency is assessed.
3. If no return has been filed and tax is found to be due, the tax actually due may be assessed and collected with or without the formality of obtaining a return from the taxpayer. Where no return was filed, there shall be no limit to the period of assessment.
4. All expenses incurred by the City associated with the audit and the collection of the outstanding taxes shall be paid by the delinquent Cannabis Establishment.
5. Upon proposing an assessment, the Chief Financial Officer shall send the Cannabis Establishment an interim notice by certified mail, return receipt requested, or by electronic means approved by the Cannabis Establishment, advising the taxpayer of additional taxes that are due. Should the taxpayer wish to dispute the assessment administratively by requesting a hearing with the Chief Financial Officer, it must do so within thirty (30) days of the date of such interim notice. If, after the Chief Financial Officer sends an interim notice, a taxpayer fails to timely request a hearing with the Chief Financial Officer or requests a hearing and after conducting a hearing, the Chief Financial Officer determines that the taxes are due, the Chief Financial Officer shall send the Cannabis Establishment by certified mail, return receipt requested, or by electronic means approved by the Cannabis Establishment, a final notice. Should the Cannabis Establishment wish to dispute the assessment set forth in the final notice, the Medicinal Cannabis Dispensary must initiate an appeal in the New Jersey Tax Court within ninety (90) days after the mailing of any final notice regarding a decision, order, finding, assessment, or action hereunder.

i. Time Limitations.

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

1. When a return has been filed but no tax paid, any suit brought to recover the tax due and unpaid shall be filed within two (2) years after the return was due or filed, whichever is later;

2. Where no return was filed or a fraudulent return was filed, there shall be no limits to file suit for the collection of taxes;
3. Where, before the expiration of the time prescribed in this section for the filing a lawsuit against the taxpayer, both the Chief Financial Officer and the taxpayer have consented in writing to its extension after such time, the suit may be filed at any time prior to the expiration of the period agreed upon; and
4. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

j. Hearings.

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

k. Appeals.

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

l. Definitions and Repealer.

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

m. Interpretation and Savings Provision.

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

n. Violations and penalties.

Any person or business who violates any provision of this chapter shall, upon conviction, be subject to the penalties provided by § 100-5 of this Code.

Section 5. The current text of City Ordinance, Part II, General Legislation, Chapter 100, Cannabis, is hereby amended to include the following:

§ 100-11 License required:

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

- A. License fees; renewal; late fees.

1. A Cannabis Establishment permitted to operate in the City shall pay to the City an annual License fee \$20,000.00
2. The licenses issued shall be effective for the calendar year, expiring on the 31st day of December of the year of issue, and may be renewable for succeeding calendar years thereafter. The fee for license renewals shall be due and payable on or before the first day of February in the year of renewal.
3. Late fees. A late fee of \$100 shall be charged for renewal licenses which are not paid on/or before February 1 of the license year. An additional \$75 shall be charged for each thirty-day period that the license fee is not paid after February 1 of the license year.

B. Application for license.

1. Any person or persons, corporation or corporations desiring to conduct, maintain or operate any of the aforementioned businesses within the City of Garfield shall complete the designated application form.
2. Applications shall be submitted to the City Clerk and will be deemed complete upon submittal of all documentation and information described in herein to the satisfaction of the Township Clerk;
3. Subject to the provisions set forth below, licensing for a Cannabis Establishment will be on a reserve basis based on the order a fully completed application form is received. A licensee's failure to submit a fully completed Cannabis Establishment Application after a period of ninety (30) days from the original date of submittal shall constitute a basis to deem the application expired and subject the licensee to a loss of the reserve space; and
4. No Applications will be reserved when occupancy permits have reached the maximum permitted by Ordinance.
5. The following documentation and information shall be provided in conjunction with the Cannabis Establishment Application:
 - a. A copy of the current State-approved license. If State license is pending, a affidavit setting forth the State license status with supporting documentation;
 - b. A site plan, including identifying any matters requiring variance or waiver relief;
 - c. The proposed days and hours of operation;
 - d. A proposed signage plan;
 - e. A plan describing the mitigation measures and ventilation system that will be used to prevent any odor of Cannabis off the premises;
 - f. The name(s) and location(s) of the offsite cultivation facilities associated with a dispensary; and
 - g. Such other information or documentation as determined to be necessary to assess compliance with the requirements set forth or referenced herein;

C. Inspection.

1. Every Cannabis Establishment licensed to operate in the City shall be subject inspection by City officials or agents, during reasonable hours, without prior notice. Failure or refusal on the part of the licensed Cannabis Establishment or

his agents or servants to permit such inspection, maybe subject to suspension or revocation of the license.

2. Should an inspection result in a documented violation in the form of a Complaint, the Cannabis Establishment must rectify the violation according to the Complaint or be subject to a suspension or revocation of the license.

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

1. Any license issued under the terms and provisions of this chapter may be suspended or revoked by the Governing Body of this municipality for the violation by the licensee of any provision of this chapter or the City Code or upon proof that the business is being operated for a purpose foreign to that for which the license was issued.
2. A license issued under the terms and provisions of this chapter shall not be revoked, canceled or suspended until a hearing thereon shall have been had by the Mayor and Council. Written notice of the time and place of such hearing shall be served upon the Cannabis Establishment at least three days prior to the date set for such hearing. Such notice shall also contain a brief statement of the grounds to be relied upon for revoking, canceling or suspending such license. Notice may be given either by personal delivery thereof to the person to be notified or by Certified Mail, returned receipt to the business address appearing upon said license. Upon due consideration and deliberation, the complaint may be dismissed, or if the governing body concludes that the charges have been sustained and substantiated, it may revoke, cancel or suspend the license held;
3. If any such license shall have been revoked, neither the holder thereof nor any person acting for him/her, directly or indirectly, shall be entitled to another license to carry on the same business within the City, unless the application for such license shall be approved by the Governing Body.

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

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

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: March 22, 2022

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-130-22**

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

**INTRODUCE ORDINANCE #2925
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

BOND ORDINANCE TO AUTHORIZE THE 2022 ROAD IMPROVEMENT PROGRAM IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

be passed and adopted on first reading; and

BE IT RESOLVED, that a final hearing on said ordinance will be heard in City Hall on Tuesday, April 12, 2022 at 6:00PM or as soon thereafter as same can be heard, at which time any persons interested in said ordinance can be heard;

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: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2925**

BOND ORDINANCE TO AUTHORIZE THE 2022 ROAD IMPROVEMENT PROGRAM IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

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

Section 1. The City of Garfield, in the County of Bergen, State of New Jersey (the "City"), is hereby authorized to undertake the 2022 Road Improvement Program in, by and for the City. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor, and shall be undertaken in accordance with plans and specifications prepared or to be prepared by the City Engineer and hereby approved and incorporated herein by this reference thereto. Such plans and specifications are on file or shall be placed on file with the City Clerk and made available for public inspection during regular business hours. It is hereby determined and stated that the roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

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

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of the City, and (2) it is necessary to finance said purpose by the issuance of obligations of the City pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$1,000,000, and (4) \$48,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$952,000, and (6) the cost of said purpose, as hereinbefore stated, includes the

aggregate amount of \$175,000, which is estimated to be necessary to finance the cost of said purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$48,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for the City, are now available to finance said purpose. The sum of \$48,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of the City of an aggregate principal amount not exceeding \$952,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of the City of an aggregate principal amount not exceeding \$952,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance, shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law, and may be renewed from time to time pursuant to and within the limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of the City and attested by the City Clerk or Deputy City Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Chief

Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

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

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the City Clerk of the City, and that such statement so filed shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$952,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

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

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

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

Section 13. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the City, and the City shall levy ad valorem

taxes upon all the taxable real property within the City for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

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

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: March 22, 2022

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

Deputy Mayor Delaney inquired about the purpose of the requested bucket truck from the DPW. Mayor Rigoglioso questioned whether or not an inventory of data is kept by the mechanic at the DPW in relation to what work is done on what vehicles.

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-131-22**

**RESOLUTION BY: DEPUTY MAYOR DELANEY
SECONDED BY: COUNCILWOMAN BANCH**

**INTRODUCE ORDINANCE #2926
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

be passed and adopted on first reading; and

BE IT RESOLVED, that a final hearing on said ordinance will be heard in City Hall on Tuesday, April 12, 2022 at 6:00PM or as soon thereafter as same can be heard, at which time any persons interested in said ordinance can be heard;

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: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2926**

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,000,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS

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

Section 1. The City of Garfield, in the County of Bergen, State of New Jersey (the "City") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new communication and signal systems equipment, new information technology equipment and new automotive vehicles, including original apparatus and equipment, in, by and for said City, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said City.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of

usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. (i) Undertaking of traffic signal upgrades at various locations and (ii) acquisition of new additional or replacement equipment and machinery and new communication and signal systems equipment for the use of the Police Department consisting of (a) license plate readers and (b) portable radios.

Appropriation and Estimated Cost	\$ 190,000
Down Payment Appropriated	\$ 9,050
Bonds and Notes Authorized	\$ 180,950
Period of Usefulness	10 years

B. Acquisition of new automotive vehicles, including original apparatus and equipment, consisting of SUVs for the use of the Police Department.

Appropriation and Estimated Cost	\$ 285,000
Down Payment Appropriated	\$ 13,600
Bonds and Notes Authorized	\$ 271,400
Period of Usefulness	5 years

C. Acquisition of new automotive vehicles, including original apparatus and equipment, for the use of the Department of Public Works consisting of (i) a pickup truck, (ii) a dump truck, (iii) a bucket truck and (iv) an SUV.

Appropriation and Estimated Cost	\$ 420,000
Down Payment Appropriated	\$ 20,340
Bonds and Notes Authorized	\$ 399,660
Period of Usefulness	5 years

D. Undertaking of lighting improvements at 20th Century Field.

Appropriation and Estimated Cost	\$ 35,000
Down Payment Appropriated	\$ 1,670
Bonds and Notes Authorized	\$ 33,330
Period of Usefulness	15 years

E. Acquisition of new information technology equipment for the use of the Tax and Finance Departments consisting of (i) a computer server and (ii) a finance computer system.

Appropriation and Estimated Cost	\$ 35,000
Down Payment Appropriated	\$ 1,670
Bonds and Notes Authorized	\$ 33,330
Period of Usefulness	7 years

F. Acquisition of new communication and signal systems equipment and new information technology equipment for the use of the Fire Prevention Bureau consisting of (i) portable radios and (ii) a computer system and equipment.

Appropriation and Estimated Cost	\$ 35,000	
Down Payment Appropriated	\$ 1,670	
Bonds and Notes Authorized	\$ 33,330	
Period of Usefulness		7 years

Aggregate Appropriation and Estimated Cost	\$1,000,000
Aggregate Down Payment Appropriated	\$ 48,000
Aggregate Amount of Bonds and Notes Authorized	\$ 952,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$25,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 6. It is hereby determined and stated that moneys exceeding \$48,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said City, are now available to finance said purposes. The sum of \$48,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said City of an aggregate principal amount not exceeding \$952,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said City of an aggregate principal amount not exceeding \$952,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are

issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said City and attested by the City Clerk or Deputy City Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 6.44 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the City Clerk of said City, and that such statement so filed shows that the gross debt of said City, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$952,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond

anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The City intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the City incurs such costs prior to the issuance of the bonds or notes, the City hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

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

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the City Clerk and is available for public inspection.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: March 22, 2022

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-132-22**

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. 2318 to 2322 covering Community Policing, Dedicated Penalty Trust Fire Department, Dog Trust and Trust Other totaling \$123,315.32 and the Current Fund Reserve totaling \$5,018.21 and the Current Fund totaling \$340,322.65 and the Water Fund totaling \$7,426.60 and the General Capital Fund totaling \$381,003.08 and the Water Capital Fund totaling \$128,500.20 per attached Computer Lists, dated March 18, 2022, 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 forty (40) items prior to the meeting be ratified.

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

Anders Hasseler, Chief Financial Officer

March 21, 2022
Dated

APPROVED: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-133-22**

CONSENT AGENDA

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

**APPROVING CERTAIN PROFESSIONAL APPOINTMENTS PURSUANT TO THE
NEW JERSEY LOCAL UNIT PAY TO PLAY LAW**

WHEREAS, pursuant to the a previously adopted resolution, the qualified evaluation committee has determined that it would be in the best interests of the City to make certain professional appointments pursuant to a “Fair and Open Process” pursuant to the provisions of the new Jersey Local Pay to Play Law; and

WHEREAS, a legal notice and statement of criteria for a second submission of qualifications were prepared and issued by the City which solicited submissions for an additional municipal grant writer no later than March 2, 2022; and

WHEREAS, pursuant to the aforesaid notice statements of professional qualifications were, in fact submitted; and

WHEREAS, contracts with these professional may be entered into by the City of Garfield without the necessity of competitive bidding since these contracts are professional services which are exempt from competitive bidding pursuant to N.J.S.A. 40A-11-5(1);

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Garfield, Bergen County, New Jersey that GLD Associates is hereby appointed as a Municipal Grant Writer for the City of Garfield with compensation in the amount not to exceed \$10,000.00; and

BE IT FURTHER RESOLVED that the appointments shall be for a period of one (1) year, from January 1, 2022 through December 31, 2022, and each appointment is subject to confirmation by the Chief Financial Officer that sufficient funds exist for the purposes.

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

Anders Hasseler, Chief Financial Officer

March 21, 2022
Dated

APPROVED: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-134-22**

CONSENT AGENDA

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

**AUTHORIZING CHANGE ORDER #1 AND FINAL TO FIELD TURF FOR THE
REPLACEMENT OF THE TURF FIELD AT THE BELMONT OVAL SPORTS FIELD**

WHEREAS, the City of Garfield approved Resolution No. 21-141 which authorized the replacement of the turf field at the Belmont Oval Sports Field; and

WHEREAS, the project has been successfully completed; and

WHEREAS, the Final-As Built quantities reflect a reduction in the Final Contract Amount of \$7,300;

NOW, THEREFORE, BE IT RESOLVED Change Order #1 and Final is hereby approved to amend the Final Contract Amount of \$392,700.00.

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

Anders Hasseler, Chief Financial Officer

March 21, 2022
Dated

APPROVED: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-135-22**

CONSENT AGENDA

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

APPROVAL OF TAX OVERPAYMENT CREDIT/REFUND

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 2022.

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 payee for the property owner.

BLOCK	LOT	Q	PAYEE FOR OWNER	REASON	AMOUNT
59	21	C0002	States Title	O/P	\$2,188.00

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

Anders Hasseler, Chief Financial Officer

March 21, 2022
Dated

APPROVED: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-136-22**

CONSENT AGENDA

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

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH
ULTRAPRO**

WHEREAS, the City of Garfield desires to employ a company for extermination services for various City buildings; and

WHEREAS, quotes were solicited and walk-throughs were conducted for any interested parties; and

WHEREAS, three companies submitting quotes as follows:

Ace Walco	\$1,508.86 per quarter
UltraPro	\$1,225.00 per quarter
BugginOut LLC.	\$1,415.00 per quarter

NOW, THEREFORE, BE IT RESOLVED that the City Council wishes to appoint UltraPro and that the City Manager/City Clerk be and is hereby authorized to enter into a contract with UltraPro beginning April 1, 2022 and ending December 31, 2022 for a total of three quarters of the year 2022.

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

Anders Hasseler, Chief Financial Officer

March 21, 2022
Dated

APPROVED: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-137-22**

CONSENT AGENDA

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

**AUTHORIZING DAN DRESSEL ARCHITECT TO PROVIDE PROFESSIONAL
SERVICES IN CONNECTION WITH FIRE COMPANY #2 IMPROVEMENTS**

WHEREAS, the City of Garfield is in need to make façade and roof improvements to Fire Company #2; and

WHEREAS, Dan Dressel, submitted a proposal dated April 12, 2021 to perform the required design and inspection services to publicly bid and oversee the construction of this renovation;

NOW, THEREFORE, BE IT RESOLVED the City of Garfield hereby authorizes Dan Dressel, Architect to perform the required design, bidding, and inspection services for this project in accordance with the terms of their proposal dated April 12, 2021 under a non-fair and open contract for a fee not to exceed \$36,000.00 with a portion to be paid out of General Capital account for Improvements to Firehouses #C-04-55-999-000-956 and the remaining balance to be paid out of Bond Ordinance #2844 Various Improvements to Public Buildings and Facilities.

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

Anders Hasseler, Chief Financial Officer

March 21, 2022

Dated

APPROVED: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-138-22**

CONSENT AGENDA

RESOLUTION BY: COUNCILMAN MASLAG

SECONDED BY: COUNCILMAN HERRERA

TEMPORARY CAPITAL BUDGET AMENDMENT

CITY OF GARFIELD
TEMPORARY CAPITAL BUDGET

Whereas, the local capital budget for the year 2022 has not been adopted.
Whereas, it is desired to Approve Bond Ordinances.
Now, Therefore Be It Resolved, by the Governing Body of the City of Garfield, County of Bergen
that the following temporary capital budget amendment of 2022 be made:

RECORDED VOTE	((((
(Insert last names)	AYES (NAYS (ABSTAIN (ABSENT (
	((((

CAPITAL BUDGET (Current Year Action)
2022

PROJECT	PROJECT NUMBER	ESTIMATED TOTAL COST	AMOUNTS RESERVED IN PRIOR YEARS	PLANNED FUNDING SERVICES FOR CURRENT YEAR 2022					TO BE FUNDED IN FUTURE YEARS
				5a 2022 Budget Appropriations	5b Improvement Fund	5c Capital Surplus	5d Grants in Aid and Other Funds	5e Debt Authorized	
2022 Road Improvement Program	1	\$ 1,000,000		\$ 48,000				\$ 952,000	
Various Improvements and Acquisitions		1,000,000			48,000			952,000	
TOTALS ALL PROJECTS		\$ 2,000,000		\$ 96,000			\$ -	\$ 1,904,000	

6 YEAR CAPITAL PROGRAM 2022 - 2027
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS

PROJECT NUMBER	ESTIMATED TOTAL COST	ESTIMATED COMPLETION TIME	5 FUNDING AMOUNTS PER YEAR						
			Budget Year 2022	2023	2024	2025	2026	2027	
2022 Road Improvement Program	\$ 1,000,000		\$ 1,000,000						
Various Improvements and Acquisitions	1,000,000								
TOTALS ALL PROJECTS			\$ 2,000,000						

6 YEAR CAPITAL PROGRAM 2022 - 2027

SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 PROJECT	2 Estimated TOTAL COST	3 Budget Appropriations		4 Capital Improvement Fund	5 Capital Surplus	6 Grants in Aid And Other Funds	7 BONDS AND NOTES			
		Current Year 2022	Future Years				General	Sale Liquidating	Assessment	School
2022 Road Improvement Program	\$ 1,000,000			\$ 48,000			\$ 952,000			
Various Improvements and Acquisitions	1,000,000			48,000			952,000			
TOTAL ALL PROJECTS	\$ 2,000,000			\$ 96,000		\$ -	\$ 1,904,000			

It is hereby certified that this is a true copy of a resolution creating the temporary capital budget section adopted by the governing body on the 22nd day of March, 2022.

Certified by me

(DATE)

MUNICIPAL CLERK

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

Anders Hasseler, Chief Financial Officer

March 21, 2022

Dated

APPROVED: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-139-22**

CONSENT AGENDA

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

**REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR ANIMAL
CONTROL FEES REQUIRED BY DLGS**

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

WHEREAS, the City of Garfield provides for receipt of Animal Control Fees by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Animal Control Fees are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

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

APPROVED: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-140-22**

CONSENT AGENDA

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

APPROVING HANDICAP PARKING SPACE

WHEREAS, Ykania Santelises, 98 Palisade Avenue, who is the holder of a Disabled Person I.D. Card No. P2047170, has filed an application for a handicap parking sign to be placed at her address; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicap Parking”, located on the north curb line of Hepworth Place commencing 39 feet east of the intersection of Hepworth Place and Palisade Avenue and continue an additional 20 feet east from that point; and

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

APPROVED: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-141-22**

CONSENT AGENDA

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

APPROVING HANDICAP PARKING SPACE

WHEREAS, Ellis Dezarea, 101 Palisade Avenue, who is the holder of a Disabled Person I.D. Card No. P2580228, has filed an application for a handicap parking sign to be placed at her address; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicap Parking”, located on the south curb line of Hepworth Place commencing 52 feet west of the intersection of Hepworth Place and Palisade 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: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-142-22**

CONSENT AGENDA

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

APPROVING LOADING ZONE

WHEREAS, Paul Ciotola, Senior Pastor at Living Faith Christian Assembly, 105 MacArthur Avenue, has filed an application for a loading zone to be placed at his business; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that a loading zone be designated in front of Living Faith Christian Assembly, located on the west curb line of MacArthur Avenue commencing 61 feet north of the intersection of MacArthur Avenue and Grand Street and run an additional 24 feet north from that point; and

BE IT FURTHER RESOLVED that a loading zone is hereby authorized to be in effect Sunday 10:00am – 10:00pm; and Wednesday 7:00pm – 10:00pm; and

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

APPROVED: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-143-22**

CONSENT AGENDA

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

**AUTHORIZING THE PLANNING BOARD TO CONDUCT A REVIEW OF ORDINANCE
2927, AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 100,
CANNABIS, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD**

WHEREAS, N.J.S. 40:55D-26 provides that prior to adoption of any development regulation by the governing body the governing body must transmit same to the planning board for its report and recommendations thereon; and

WHEREAS, the planning board has 35 days after the referral to submit a report and if it fails to do so, then the governing body may proceed to adopt the proposed development regulations or amendment; and

WHEREAS, if the planning board does make a recommendation to the governing body with respect to such ordinance or amendment, the governing body must consider the report and may approve or change any such recommendation by a vote of the majority of its full authorized membership and shall record in the minutes the reasons for its not following such recommendations; and

WHEREAS, on March 22, 2022 the governing body of the City of Garfield introduced Ordinance 2927, an ordinance to amend Part II, General Legislation, Chapter 100, Cannabis, of the revised general ordinances of the City of Garfield; and

WHEREAS, the governing body of the City of Garfield seeks planning board review and comment of the proposed amendments introduced pursuant to Ordinance 2927;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield hereby directs the City of Garfield Planning Board to conduct a review and issue a report for the proposed amendments to Part II, General Legislation, Chapter 429, Zoning, of the revised general ordinances of the City of Garfield.

APPROVED: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-144-22**

CONSENT AGENDA

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

**AUTHORIZING THE APPLICATION TO THE NJ CLEAN ENERGY PROGRAM
COMMUNITY ENERGY PLANNING GRANT PROGRAM**

WHEREAS, a sustainable community seeks to ensure that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the City of Garfield strives to assure clean land, air and water for current and future generations; and

WHEREAS, New Jersey’s Energy Master Plan: Pathway to 2050 (“EMP”) established that community-level action is necessary to achieve the state’s goal of 100% clean energy by 2050; and

WHEREAS, the New Jersey Board of Public Utilities has created a Community Energy Plan Grant program for municipalities to develop a community energy plan to meet the goals of the state’s Energy Master Plan; and

WHEREAS, the City of Garfield is invested in developing a community energy plan to help the state achieve the goal of 100% clean energy by 2050; and

WHEREAS, the Community Energy Plan Grant program will help the City of Garfield to plan for and invest in renewable energy and to work towards a better environment for all residents by using the state’s Energy Master Plan (EMP) as a guide to develop sustainable strategies that increase clean energy production, reduce energy use, and cut emissions;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Garfield has determined that the City should apply for the aforementioned Community Energy Plan Grant program; and

BE IT FURTHER RESOLVED that the City of Garfield will commit to providing staff support for the duration of the Community Energy Planning process, including for gathering of relevant data and for convening at least two public meetings; and

BE IT FURTHER RESOLVED that the Mayor and Council of the City of Garfield, State of New Jersey, authorizes the submission of the aforementioned application to the NJBPU Community Energy Plan Grant program.

APPROVED: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-145-22**

CONSENT AGENDA

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

APPROVING REGULAR ACTIVE MEMBER – FIRE DEPARTMENT

WHEREAS, Fire Company No. 2 has advised that they have accepted Cesar Reyes of 271 Hope Avenue, Passaic, New Jersey 07055, as a regular active member, effective February 3, 2022;

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

APPROVED: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-146-22**

CONSENT AGENDA

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

APPROVING OF RESIGNATION ACTIVE MEMBER – FIRE DEPARTMENT

WHEREAS, Fire Company No. 1 has advised that they have accepted the resignation of Imanol E. Perez of 94 Midland Avenue, Garfield, New Jersey as an active member, effective February 24, 2022;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that the action taken by Fire Company No. 1 with respect to the above matter, is hereby approved.

APPROVED: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-147-22**

CONSENT AGENDA

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

APPROVING OF RESIGNATION ACTIVE MEMBER – FIRE DEPARTMENT

WHEREAS, Fire Company No. 2 has advised that they have accepted the resignation of Gerald Francis of 64 Belmont Avenue, Garfield, New Jersey as an active member, effective February 3, 2022;

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

APPROVED: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-148-22**

CONSENT AGENDA

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

APPROVING EXPULSION ACTIVE MEMBER – FIRE DEPARTMENT

WHEREAS, Fire Company No. 3 has advised that they have expelled Zachary Burns of 51 Krakow Street, as an active member effective March 7, 2022;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield that the action taken by Fire Company No. 3 with respect to the above matter, is hereby accepted.

APPROVED: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-149-22**

RESOLUTION BY: DEPUTY MAYOR DELANEY

SECONDED BY: COUNCILMAN MASLAG

**ENDORISING RESOLUTION FOR BERGEN COUNTY COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) PROJECT**

WHEREAS, a Bergen County Community Development Block Grant totaling \$76,500.00 has been proposed by the Board of Trustees of the Boys & Girls Club of Garfield for Mental Health & Wellness Initiative in the municipality of Garfield; and

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

WHEREAS, aforesaid project is in the best interest of the Board of Trustees of the Boys & Girls Club of Garfield and The City of Garfield; and

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

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

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

APPROVED: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-150-22**

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-132-22 through R-148-22 and R-150-22 be and are hereby approved and the proper officers are directed to take necessary action on same.

APPROVED: March 22, 2022

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 the Regular Meeting held on the 22nd day of March 2022. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

PUBLIC COMMENT

Mayor Rigoglioso opened the floor for public comment.

Navdeep Bhasin, Teaneck Road, Teaneck, NJ, addressed the Mayor and Council in regard to the supporting resolution for Neighborhood Greens. He addressed more of the organization's initiatives as well.

MAYOR & COUNCIL COMMENTS

Councilman Herrera stated that Deputy Mayor did a great job as Councilman Pascrell's MC for his Saint Patrick's Day event.

Mayor Rigoglioso addressed a recent post on social media in which there was a comment stating that the Governing Body is in the pocket of a developer on Midland Avenue. He stated that the comment was an outright lie and disgusting. Mayor Rigoglioso noted that the Mayor and Council cannot tell an owner of a property what to do with their property and tenants. Additionally, he noted that there is currently no project proposed and as far as he understands the property will remain a factory. Lastly, Mayor Rigoglioso said that he had no knowledge of the new owner/developer of the property attending a meeting with the tenant in question.

ADJOURNMENT

A motion was made by Councilman Herrera and seconded by Councilman Maslag to adjourn. The motions carried unanimously.

Respectfully submitted,

Erin Delaney, MPA, RMC
City Manager/City Clerk

These meeting minutes were approved at the April 26, 2022 Regular meeting of the Mayor & Council.