

**WORK SESSION MEETING  
OF THE  
GARFIELD MAYOR AND COUNCIL  
DECEMBER 13, 2022  
5:00P.M.**

The Work Session Meeting of the Garfield Mayor and Council for December 13, 2022 was called to order by City Manager/City Clerk Erin Delaney at 5:14PM. The Statement of Compliance was read.

Councilmembers Maslag, Herrera, & Banch and Mayor Rigoglioso were present. Also present were City Manager/City Clerk Erin Delaney, City Attorneys Daniel Lagana and John Lavin, City Engineer Kevin Boyer, City Special Engineer Kevin Boswell, and City CFO Anders Hasseler.

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.

Now, therefore be advised, that the meeting requirements for this meeting have been met by publishing an annual notice in The Record and Herald News of Woodland Park 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. Notice was posted on January 10, 2022 and published on January 13, 2022. A notice of time change was posted on November 27, 2022 and published on November 30, 2022.

**Work Meeting Agenda Items:**

**Action Items:**

**1. APPROVAL OF MINUTES:**

A motion was made by Councilwoman Banch and seconded by Councilman Herrera to approve the October 11, 2022 Work Session Meeting minutes. The motions carried unanimously by those present.

**2. ORDINANCES:      FIRST READING**

R-560-22

Re-Introduce Ord. #2967

**AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 226, PARKING, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD**

R-561-22

Introduce Ord. #2970

**AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 109, CHRISTMAS TREE SALES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD**

R-562-22

Introduce Ord. #2971

**AN ORDINANCE TO REPEAL AND REPLACE PART II, GENERAL LEGISLATION, CHAPTER 142, FIRE PREVENTION, OF THE REVISED GENERAL ORDINANCE OF THE CITY OF GARFIELD**

R-563-22

Introduce Ord. #2972

**AMENDING ORDINANCE 2929, AN ORDINANCE TO FIX THE SALARY, WAGES, AND COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY**

R-564-22 Introduce Ord. #2973

**AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 310, TOW TRUCKS, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD**

**SECOND READING**

R-565-22 Introduce Ord. #2968

**BOND ORDINANCE TO AUTHORIZE THE UPGRADING OF COMMUNICATIONS SYSTEMS AND EQUIPMENT FOR THE POLICE DEPARTMENT, FIRE DEPARTMENT AND DEPARTMENT OF PUBLIC WORKS IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,550,000 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-566-22 Introduce Ord. #2969

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

**3. CONSENT AGENDA:**

- R-567-22 Approval of Bills and Claims
- R-568-22 Authorizing Execution of a Shared Services Agreement with Bergen County – Animal Control Services
- R-569-22 Authorizing Execution of a Green Acres Agreement
- R-570-22 Approving Refund of Street Opening
- R-571-22 Approving Refund of Street Opening
- R-572-22 Approving Tax Overpayment/Credit Refund
- R-573-22 Authorizing a Purchase Order to PSE&G for a New Gas Service to the Elmwood Park Booster Station to Service a New Generator for the Pump Station and Facility
- R-574-22 Authorizing Payment to Montana Construction for an Emergency Sanitary Sewer Repair at 13 Krakow Street in Garfield
- R-575-22 Approving Expulsion of Active Member – Fire Department
- R-576-22 Approving Resignation of Active Member – Fire Department
- R-577-22 Authorizing Resolution to Accept Consent Agenda

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-560-22**

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

**RE-INTRODUCE ORDINANCE #2967  
FIRST READING**

**BE IT RESOLVED**, that an ordinance entitled:

**AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 226,  
PARKING, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF  
GARFIELD**

be passed and adopted on first reading; and

**BE IT RESOLVED**, that a final hearing on said ordinance will be heard at a meeting held on Tuesday, December 27, 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; and

**BE IT FURTHER RESOLVED**, that the City Clerk be and she is hereby authorized to advertise in a legal newspaper a notice of introduction and final hearing as required by law.

APPROVED: December 13, 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 Work Session Meeting held on the 13th day of December 2022. Signed and sealed before me.

\_\_\_\_\_  
Erin Delaney, MPA, RMC  
City Manager/City Clerk

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO.: 2967**

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**AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 226,  
PARKING, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF  
GARFIELD**

**WHEREAS**, to protect the health, safety, and welfare of the residents of the City of Garfield, the Governing Body seeks to limit the parking of larger vehicles from parking overnight on City streets

**BE IT ORDAINED**, by the Governing Body of the City of Garfield, that Part II, General Legislation, Chapter 226, Parking, is hereby amended as follows:

Section 1. The current text of City Ordinance, Part II, General Legislation, Chapter 226, Parking, Article VIII, Overnight Parking, Subsection 224-40 No parking certain hours on public streets, is hereby amended as follows:

**§ 226-40 Prohibition on parking on public property and City Streets.**

- A. No person and/or business entity shall park a vehicle between the hours of 3:00 a.m. and 6:00 a.m. on public or municipally owned property and City Streets. Violations of this section shall be considered a motor vehicle parking violation and shall be subject to the penalties as those set forth in § 226-41 of the City Code of the City of Garfield.
  
- B. No van, truck or recreational vehicle that exceeds twenty-two (22) feet in length and eight (8) feet in width shall be permitted to park on any street in the City of Garfield between the hours of 10:00 p.m. and 6:00 a.m.
  - i. The temporary standing of the aforementioned prohibited vehicle shall be permitted for the loading and unloading of passengers or property not to exceed 15 minutes

Section 2. The remainder of Chapter 226 is hereby ratified and remains in full force and effect.

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

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

ATTEST: \_\_\_\_\_

Erin Delaney, MPA, RMC  
City Manager/City Clerk

Introduced: November 22, 2022

Re-Introduced: December 13, 2022

Adopted:

APPROVED: \_\_\_\_\_

Richard Rigoglioso, Mayor

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-561-22**

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

**INTRODUCE ORDINANCE #2970  
FIRST READING**

**BE IT RESOLVED**, that an ordinance entitled:

**AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 109, CHRISTMAS TREE SALES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD**

be passed and adopted on first reading; and

**BE IT RESOLVED**, that a final hearing on said ordinance will be heard at a meeting held on Tuesday, December 27, 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; and

**BE IT FURTHER RESOLVED**, that the City Clerk be and she is hereby authorized to advertise in a legal newspaper a notice of introduction and final hearing as required by law.

APPROVED: December 13, 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 Work Session Meeting held on the 13th day of December 2022. Signed and sealed before me.

\_\_\_\_\_  
Erin Delaney, MPA, RMC  
City Manager/City Clerk

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO.: 2970**

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**AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 109, CHRISTMAS TREE SALES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD**

**WHEREAS**, the Governing Body of Garfield believes it is in the best interest of the City of Garfield to Amend Part II General Legislation, Chapter 109, Christmas Tree Sales, of the Code of the City of Garfield;

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

Section 1. Part II General Legislation, Chapter 109, Christmas Tree Sales, Subsection 109-4, Investigation and issuance, of the Code of the City of Garfield is hereby amended as follows:

B. The City Clerk may deny an application where the investigation or inquiry demonstrate that:

- 1) The information set forth in the application is fraudulent or misleading;
- 2) The applicant or any person conducting the business has been convicted of a crime or disorderly person offense which has not been expunged pursuant to N.J.S.A. 2C:52-1 et seq., or pardoned and which offense relates adversely to the business for which the license is sought, in this regard the City Clerk shall be guided by N.J.S.A. 2A:168A-2;
- 3) The proposed location is not a proper area and will cause obstruction of the public right-of-way or sidewalks or create a neighborhood disturbance;
- 4) The real estate property taxes or assessments for the proposed location are delinquent for more than six months;
- 5) The roadways adjacent to the location, its ingress and egress are inadequately designed for safe traffic or pedestrian circulation;
- 6) The proposed hours of business or nature of the business will coincide or overlap other business or activities currently permitted at the location; or
- 7) The proposed means of advertising, marketing, display or exhibition is contrary to the zoning or building codes, or other ordinances of the City of Garfield.

Section 2. Part II General Legislation, Chapter 109, Christmas Tree Sales, Subsection 109-8, Fees, of the Code of the City of Garfield is hereby amended as follows:

**§109-8 Fees.**

Licensees shall pay the City an annual fee of \$100.00

Section 3. Part II General Legislation, Chapter 109, Christmas Tree Sales, Subsection 109-10, Maintenance and clean-up, of the Code of the City of Garfield is hereby amended as follows:

**§ 109-10 Maintenance and clean up.**

A. Each licensee shall maintain the license area in compliance with this chapter and in a manner so as not to interfere with the operations of Police, Fire Department and EMS or with pedestrian and vehicular traffic; and

B. Upon completion of the license term, each licensee shall restore the licensed area to the original condition and clean the licensed area to be free of all debris, trash and litter.

Section 4. All other provisions of Chapter 109 is hereby ratified and remains in full force and effect;

Section 5. Any other chapter of the City Code that conflicts with this amendment is hereby repealed to the extent of the conflict;

Section 6. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

ATTEST: \_\_\_\_\_

Erin Delaney, MPA, RMC  
City Manager/City Clerk

Introduced: December 13, 2022

Adopted:

APPROVED: \_\_\_\_\_

Richard Rigoglioso, Mayor

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-562-22**

**RESOLUTION BY: MAYOR RIGOGLIOSO  
SECONDED BY: COUNCILMAN HERRERA**

**INTRODUCE ORDINANCE #2971  
FIRST READING**

**BE IT RESOLVED**, that an ordinance entitled:

**AN ORDINANCE TO REPEAL AND REPLACE PART II, GENERAL LEGISLATION, CHAPTER 142, FIRE PREVENTION, OF THE REVISED GENERAL ORDINANCE OF THE CITY OF GARFIELD**

be passed and adopted on first reading; and

**BE IT RESOLVED**, that a final hearing on said ordinance will be heard at a meeting held on Tuesday, December 27, 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; and

**BE IT FURTHER RESOLVED**, that the City Clerk be and she is hereby authorized to advertise in a legal newspaper a notice of introduction and final hearing as required by law.

APPROVED: December 13, 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 Work Session Meeting held on the 13th day of December 2022. Signed and sealed before me.

\_\_\_\_\_  
Erin Delaney, MPA, RMC  
City Manager/City Clerk

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO.: 2971**

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**AN ORDINANCE TO REPEAL AND REPLACE PART II, GENERAL LEGISLATION, CHAPTER 142, FIRE PREVENTION, OF THE REVISED GENERAL ORDINANCE OF THE CITY OF GARFIELD**

**BE IT ORDAINED**, by the Governing Body of the City of Garfield that Part II, General Legislation, Chapter 142 Fire Prevention, is hereby repealed and replaced with the following:

Section 1. The current text of City Ordinance, Part II, General Legislation, Chapter 142, Fire Prevention, is hereby repealed and replaced with the following:

**Article I: UNIFORM FIRE CODE**

**§ 142-1 UNIFORM FIRE SAFTEY ACT ENFORCING AGENCY**

**§ 142-1.1 Statutory Authority**

The Uniform Fire Safety Act (P.L. 1983, c.383) was enacted for the purposed of establishing a system for the enforcement of minimum fire safety standards throughout the State of New Jersey. The New Jersey Department of Community Affairs has promogulated minimum fire safety standards which have been made a part of the Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) The Uniforms Fire Safety Act authorizes municipalities to provide for local enforcement of these standards and to establish local enforcement agencies for that purpose. It is in the best interest of the City of Garfield to have the Uniform Fire Code enforced locally. The local fire service has agreed to the plan, which is set forth herein, for the administration and enforcement of the Uniform Fire Code.

**§ 142-1.2 Local Enforcement Agency**

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983 c.383), the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) shall be locally enforced in the City of Garfield. The local enforcing agency shall be the Garfield Fire Prevention Bureau in coordination with the Garfield Fire Department.

**§ 142-1.3 Agency Designation**

- A.** The local enforcing agency, under the direction and control of the Fire Official, shall enforce the Uniform Fire Code in all buildings, structures, and premises within the established boundaries of the City of Garfield, other than one (1) or two (2) family-owner occupied buildings used exclusively for dwelling purposes and any buildings, structures, and premises owned or operated by the Federal Government, Interstate Agencies, or the State of New Jersey. The Fire official shall be appointed by the Garfield City Manager upon recommendation of the Mayor and Council. The Fire Official shall report to and be subject to supervision and control of the Garfield City Manager.
- B.** The local enforcing agency, under control and direction of the Garfield Fire Official, shall faithfully comply with all of the terms and conditions of the Uniform Fire Safety Act and the Uniform Fire Code. The Fire Official shall be the authorized person to oversee the Garfield Fire Prevention Bureau.

**§ 142-1.4 Duties of the Fire Official**

The Fire Official shall enforce the Uniform Fire Code in all buildings, structures, and premises within the established boundaries of the City of Garfield other than one (1) and two (2) unit owner-

occupied dwellings used exclusively for dwelling purposes and any building, structures, and premises owned or operated by the Federal Government, Interstate Agencies, or the State of New Jersey.

The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Safety Act and the Uniform Fire Code.

The Fire Official must maintain a separate, running total for Uniform Fire Code Revenues.

The Fire Official shall comply with all duties and responsibilities as listed in N.J.A.C. 5:71-3.3(a) and (b).

#### **§ 142-1.4A Duties of the Fire Inspector**

- A. The Fire Inspector shall work under the Fire Official and shall carry out any additional duties and tasks asked of him or her by the Fire Official.
- B. The Fire Inspector shall comply with all duties and responsibilities as listed in N.J.A.C. 5:71-3.3(c).

#### **§ 142-1.5 Organization**

- A. The Bureau of Fire Prevention, as the local enforcing agency, established by subsection 142-1.3 shall be a separate agency from the Garfield Fire Department, under the direct supervision and control of the Fire Official, who shall directly report to the Garfield City Manager.
- B. The City Manager shall set the hours of operation of the Bureau of Fire Prevention with recommendation from the Fire Official.
- C. The Bureau of Fire Prevention shall have at a minimum seven (7) paid part-time inspector(s).
- D. The Bureau of Fire Prevention shall have at a minimum one (1) full time secretary.
- E. The local enforcing agency shall be operated by the Fire Official, subject to paragraphs (A) and (B) above.

#### **§ 142-1.6 Appointment, Qualifications, Term of Office, Removal**

- A. *Appointment and Qualifications of Fire Official.* The Garfield Fire Official shall be certified in the State of New Jersey and appointed by the Governing Body as required by the New Jersey Civil Service Commission. The Fire Official shall submit to a Garfield Police Department investigation of background character, results of which shall be made to the appointing authority prior to appointment. (Article XII 39-78 and 39-79)
- B. *Appointment and Qualifications of Inspectors and Other Employees.* Inspectors and other employees of the enforcing agency shall be appointed by the Governing Body upon the recommendation of the Fire Official. All life hazard use inspectors shall be certified by the State of New Jersey.
- C. *Term of Office.* The Fire Official shall serve pursuant to city ordinance and the rules established by the New Jersey Civil Service Commission.
- D. *Removal from Office.* The Fire Official, fire inspectors and other employees of the agency shall be subject to removal by the Governing Body for just cause, including, inefficiency, misconduct, or violation of state or city ordinances or statutes. Before removal from office, all persons shall be afforded an opportunity to be heard by the Governing Body or a hearing officer designated by the same and as required by the New Jersey Civil Service Commission.

#### **§ 142-1.7 Life Hazard Uses**

The Bureau of Fire Prevention established by subsection 142-1.3 shall carry out the periodic inspections of life hazard uses as required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.

**§ 142-1.8 Non-Life Hazard Use Inspection Fees**

**A.** In addition to the registrations required by the Uniform Fire Code, the following non-life hazard uses shall register with the Bureau of Fire Prevention. These uses shall be inspected once per year and shall pay an annual fee as set forth below:

**(1) Fees for all non-life hazard business establishments**

- (a) Any building, structure, or premise under two-thousand five-hundred (2,500) square feet in gross area – Seventy-five dollars (\$75.00) per year;
- (b) Any building, structure, or premises from two-thousand five-hundred-one (2,501) square feet up to twelve-thousand (12,000) square feet in gross area – One-hundred and fifty dollars (\$150.00) per year;
- (c) Any building, structure, or premises over twelve-thousand (12,000) square feet in gross area – Two-hundred and twenty-five dollars (\$225.00) per year;

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

- (a) Residential two (2) to ten (10) units per building – Eighty-five dollars (\$85.00) per year;
- (b) Residential eleven (11) to twenty (20) units per building – One-hundred dollars (\$100.00) per year;
- (c) Residential twenty-one (21) to thirty (30) units per building – One-hundred and twenty dollars (\$120.00) per year;
- (d) Residential thirty-one (31) to forty (40) units per building – One-hundred and forty dollars (\$140.00) per year;
- (e) Residential forty-one (41) to fifty (50) units per building – One-hundred and sixty dollars (\$160.00) per year;
- (f) Residential fifty-one (51) units and up, per building – One-hundred and eighty dollars (\$180.00) per year.

**(3) Fees for following uses and activities**

- (a) Propane for tow motor fuel, storage of:
  - (1) Up to 150 pounds: \$125.00
  - (2) 150 to 300 pounds: \$175.00
  - (3) Over 300 pounds: \$300.00
- (b) Affidavit for Smoke Detector Inspection Fee shall be in compliance with N.J.A.C. 5:70-2.9(d).
- (c) Production, use, storage, and handling of plastics:
  - (1) In excess of 1,000 pounds but less than 10,000 pounds: \$125.00 per year;
  - (2) In excess of 10,000 pounds: \$225.00 per year
- (d) Violation of Fire Zone: \$50.00.
- (e) Lumber Storage: more than 25,000 board-feet, except in life use: \$125.00 per year.
- (f) Small Arms Ammunition sale or storage for resale: \$50.00 per year.

**B.** One or two-family owner-occupied dwellings shall be inspected and charged a fee only upon sale or change of tenants(s).

- C. Uses not classified above that are subject to the Uniform Fire Code will be classified as business uses.
- D. Uses required to register with the State of New Jersey as life hazard uses shall not be required to register under this section.
- E. In the discretion of the Fire Official vacant buildings will be charged and inspected according to the previous uses of the building.
- F. All residential uses shall be inspected to comply with the Uniform Fire Code.
- G. Any and all residential uses that are registered with fire prevention and be inspected on a regular basis. These uses shall be classified and registered as an R-SU use and pay an annual registration fee of seventy-five dollars (\$75.00).

**§ 142-1.9 Permits and Certificate of Fire Code Status**

The application fees for the permits listed in N.J.A.C. 5:70-1 et seq. shall be as follows:

Type 1	\$55.00
Type 2	\$214.00
Type 3	\$427.00
Type 4	\$641.00
Type 5	Reserved

**§ 142-1.10 Technical Amendments**

**A. Smoke Detector and Carbon Monoxide Detector and Portable Fire Extinguisher**

**(1) Residential Smoke Detectors Required**

- (a) Smoke Detectors are required upon sale, or transfer of a one (1) or two (2) family dwelling unit. Smoke detectors shall be installed in each dwelling unit, as defined in N.J.A.C. 5:70-4.19 and maintained in accordance with NFPA 72, upon the sale, rental, transfer, or lease of any dwelling unit in the City of Garfield. As of January 1, 2019, ten-year sealed battery-powered single station smoke alarms shall be installed and shall be listed in accordance with ANSI/IL 217, incorporated herein by reference. However, AC powered single or multiple-station smoke alarms installed as part of the original construction or any rehabilitation project shall **not** be replaced with battery-powered smoke alarms.
- (b) The installation of an AC powered smoke detectors system shall be processed as required for new work under the Garfield Building Code
- (c) Each dwelling unit sold, rented, leased, or transferred shall have a minimum of one (1) smoke detector on each level. A floor area separated by three (3) or more risers from another floor shall be considered a separate level. Where a basement exists, a smoke detector shall be installed on the basement ceiling. Smoke detectors may not be required in an unoccupied attic.
- (d) To achieve compliance with this act, smoke detectors are required to be approved by the Underwriter’s Laboratories, Factory Mutual Research Corp., or other approving agency.
- (e) Alarm signal from the smoke detectors shall be clearly audible in all the rooms on the level on which the smoke detector is installed when all intervening doors are closed.
- (f) Smoke detectors may be powered by either ten-year sealed battery or AC electricity. The installation of the smoke detectors shall be governed by the applicable sections of the National Fire Protection Association (NFPA) Standards No. 72E or 74.
- (g) Carbon monoxide alarms shall be installed in all dwelling units except for units in buildings that do not contain a fuel-burning device or have an attached garage, as follows:

- (1) Single station carbon monoxide alarms shall be installed and maintained in the immediate vicinity of any sleeping area(s).
- (2) Carbon monoxide alarms may be battery-operated, hard-wired, or of the plugin type and shall be listed and labeled in accordance with UL-2034 and shall be installed in accordance with the requirements of this section and NFPA-720.
- (h) Portable fire extinguishers shall be installed and maintained in accordance with N.J.A.C. 5:70-1 et seq.

**(2) Maintenance Responsibility**

- (a) Sellers or transferors of any and all dwelling units subject to this chapter shall be responsible for the correct installation and maintenance of smoke detectors and carbon monoxide detectors and portable fire extinguishers.
- (b) The owner of a rental unit property shall, at the time of installation of the smoke detector, carbon monoxide detector, and portable fire extinguisher, and thereafter at the commencement of each new tenancy, provide to the tenant at least one (1) copy of written instruction on the operation, maintenance, and testing of the smoke detector(s) and carbon monoxide detector(s), including the replacement of batteries in battery operated units.
- (c) The owner of each rental property shall be responsible for the proper maintenance of the smoke detectors, carbon monoxide detectors, including the replacement of batteries, repair, or replacement of the unit in accordance with the standards herein above set forth.

**(3) Inspection Records**

Upon the sale or transfer of a one or two-family residence, the seller, landlord, or transferor is required to obtain from the Garfield Fire Prevention Bureau, a smoke detector and carbon monoxide detector and portable fire extinguisher Certificate of Inspection, certifying that the smoke detectors and carbon monoxide detectors and fire extinguishers are in compliance with the provisions of the New Jersey Uniform Code.

**(4) Fees**

- (a) Applications for the smoke detector and carbon monoxide detector and portable fire extinguisher certificate of inspections shall be made whenever a sale or transfer of ownership occurs. Payment shall be made to the Garfield Fire Prevention Bureau, 111 Outwater Lane, Garfield, New Jersey 07026, with the application fee prepaid after the receipt of said application, the Fire Official shall have the premises inspected to determine whether the same complies with the terms of the New Jersey Uniform Fire Code. If it complies, a certificate will be issued.
- (b) Apartment units, cooperative units, condominiums, and one-family homes inspection fee: \$50.00 per unit.
- (c) Two-family residential sale inspection fee: \$100.00
- (d) Three-family residential sale inspection fee: \$125.00
- (e) Four-family residential sale inspection fee: \$150.00
- (f) Five-family residential sale inspection fee: \$175.00
- (g) Six-family or above residential sale inspection fee: \$200.00 plus \$25.00 for each additional unit
- (h) Should the inspection reveal a failure five (5) days shall be given to correct the violations and a reinspection fee of sixty dollars (\$60.00) shall be imposed and the fee shall be paid for each reinspection performed.

- (i) Should no one be at the residence to allow the inspector in for inspection a no-show fee of sixty dollars (\$60.00) shall be imposed and paid before a new inspection date is given.

#### **(5) Tampering with Fire Detection System**

It is illegal for any person to disable or vandalize any fire detection device or system (N.J.A.C. 5:70-1 et seq.), and that person shall be subject to a penalty of up to one thousand dollars (\$1,000.00) per occurrence.

- (a) A Penalty may be imposed under N.J.S.A. 52:27D-198.3 Fines for Noncompliance.

Up to five-hundred dollars (\$500.00) for Smoke and or CO noncompliance.

Up to one-hundred dollars (\$100.00) for fire extinguisher noncompliance.

#### **C. Posting of Truss Buildings**

(1) **Truss Structures**. When the Fire Prevention bureau shall identify a structure as being of truss-type construction, they shall notify the owner of the building, in writing, of the requirements of this article and in accordance with the New Jersey Uniform Fire Code, 5:70-1 et seq.

(2) **Truss Emblem**. Upon receipt of such notification, the owner shall be required to permanently affix to said building a truss emblem.

(a) Truss Emblems shall be affixed near the front entrance on all newly constructed residential structures prior to obtaining certificate of occupancy.

(b) The emblem shall be of a bright and reflective color or made of reflective material. The shape of the emblem shall be an isosceles triangle and the size shall be twelve (12) inches horizontally by six (6) inches vertically. The following letters, of a size and color to make them conspicuous, shall be printed on the emblem: "F" to signify a floor with truss construction: "R" to signify to a roof with truss construction: or "F/R" to signify both a floor and roof with truss construction.

#### **D. Residential Outdoor Fires**

Outdoor fires are permitted within the City of Garfield but only within the following guidelines.

- (1) No outdoor fire may be set on residential property within fifteen (15) feet of any main structure or accessory structure on the property, including, but not limited to, any dwelling, garage, or shed.
- (2) Outdoor fires utilized for cooking must be contained in a manufactured metal grill or other similar manufactured device intended for such use and must be utilized strictly in accordance with the manufacturer's requirements.
- (3) Outdoor fire utilized for any other recreational purpose must either be contained in a manufactured device designed for such purposes and utilized strictly in accordance with the manufacturer's requirements or, alternatively, in a proper noncombustible stone, cement, brick, tile, or metal fire pit of no more than three feet in diameter, built and intended for such purpose. No new fire pits may be constructed without the proper building permits and inspections. For all existing fire pits within the City of Garfield, should the Fire Official or his designee determine the fire pit is unsafe, he may order that said fire pit not to be used until he or his designee deem the fire pit safe.
- (4) A fully functional fire extinguisher or garden hose that is properly connected to and supplied by an unlimited water source must be available for fire extinguishment purposes when a fire pit is being used.

- (5) No garbage, rubber, plastics, green wood, yard waste including grass and leaves, softwood including pine and cedar which causes excessive smoke, may be burned outdoors at any time. Smoke or odors from any outdoor fire must be kept minimal.
- (6) Flames may not exceed two feet at any time, and should the prevailing winds cause the smoke from said fire to blow into a neighboring dwelling or property, said fire must be extinguished immediately. The Garfield Health Officer is authorized to require any residential outdoor fire be immediately extinguished if smoke emissions are found to be offensive to occupants of surrounding properties. The Fire Official or Fire Chief is authorized to require any residential outdoor fire be immediately extinguished if said fire constitutes a hazardous condition.
- (7) Residential outdoor fires must always be attended by a property owner or legal adult resident of the property from the time said fire is commenced through the time said fire is completely extinguished.
- (8) The Fire Official or Fire Chief may prohibit all outdoor fires within the City of Garfield when weather conditions or other local circumstances make such fire hazardous to the safety and welfare of the community.

### **Enforcement**

This article shall be enforceable by the Fire Official, representatives of the Garfield Fire Prevention Bureau, the Garfield Health Dept., Garfield Building Department, and the Garfield Police Dept.

### **Violations and Penalties**

Any person violating any provision of this article shall be punished by one or more of the following: a fine not exceeding two-thousand dollars (\$2,000); imprisonment for a term not exceeding ninety (90) days, in discretion of the judge before whom such person shall be convicted.

Any permitted burning must comply with "Control and Prohibition of Open Burning: by the New Jersey Department of Environmental Protection New Jersey Air Pollution-Control Code, effective October 11, 1971, and all subsequent revisions thereof. Proper permits shall be obtained from the Fire Official.

### **E. Exterior Exits and Fire Escapes**

#### **(1) Obstructions**

No person shall at any time place an encumbrance of any kind upon any fire escape, balcony, or ladder intended as a means of escape from fire, nor shall any person place or maintain any obstruction or leave standing or park any automobile or other vehicle in any driveway or alleyways which is liable to interfere with the operation of any Fire Department equipment or egress of occupants in case of fire. Any vehicle parked or left standing in violation hereof shall be deemed a nuisance and a menace to safety, and the Fire Official, any Fire Inspector, or Police Officer of the City of Garfield may remove, and store or cause said vehicle to be removed and stored, and the owner of said vehicle shall pay the reasonable costs for the removal and storage which may result before regaining possession of the vehicle. In addition to the foregoing, the person who parked or left such vehicle standing in violation hereof shall upon complaint being made and upon conviction be subject to the penalties provided in N.J.A.C. 5:70-1 et seq.

#### **(2) Maintenance**

All exterior stairways and fire escapes shall be kept free of snow and ice. They shall always be properly painted and maintained in a safe condition. The owners or lessees of any property upon which there is a driveway or alleyway that is or may be used for parking of vehicles which is liable to interfere with the operation of the Fire Department or egress of occupants in case of fire shall, within fifteen (15) days after notice is given to them by the Fire Official, procure and install appropriate signage approved by the Fire Official giving notice of the prohibitions of parking vehicles or placing or maintaining any obstruction in any such driveway or alleyway. In addition to any signage installed in accordance herewith, the owners and lessees of said property, when further required by the chief inspector, shall also cause word markings, colored yellow, to be

placed on the pavement within said driveway or alley containing the following text, “Fire Zone No Parking”.

#### **F. Automatic Alarm Systems**

To control false alarms and insure proper maintenance of automatic fire reporting systems.

- (1) **Emergency Contacts**. Any person or organization using an automatic detection or fire alarm system to report fire in the City of Garfield shall provide the Garfield Fire Prevention bureau with a list of three emergency contact names and telephone numbers of people who can be reached twenty-four (24) hours a day, seven (7) days a week, in case the alarm is activated, within three (3) months following final passage of this chapter. In the absence of this list, or not being able to contact the person on the list, the Garfield Fire Department and the Garfield Police Department will be empowered to use forcible entry equipment to enter the building to investigate the cause of alarm.
- (2) **Building Complex Indicator**. Any location having more than one (1) building in a complex but reporting the fire location as the main building location, shall have an indicating panel showing the location of the building or area where the fire alarm was activated. This indicating panel shall be visible from the outside of the building.
- (3) **Fire Bell Marking**. Any fire detector system with an outside bell or other audible indicator, shall be RED in color and marked “Fire Alarm, when sounding call 911” to indicate it is a part of the Fire Alarm System.
- (4) **False Fire Alarms**. Any repeated false fire alarms caused by a malfunctioning detection system shall be deemed a violation of the Code and subject to the penalties provided. In case of a false alarm, any person having knowledge thereof shall immediately notify the Fire Official. In case of false alarms, the Garfield Fire Prevention Bureau shall cause an investigation to be made and keep an annual record of said alarms on file for each given year. For each false alarm, the following penalties are described: for the first false alarm, a verbal warning shall be issued; for the second false alarm a written warning shall be issued by the Fire Official; for the third false alarm, a fine of one-hundred and fifty dollars (\$150.00) shall be issued by the Fire Official; for the fourth false alarm, a fine of two-hundred dollars (\$200.00); for the fifth and subsequent false alarms, a fine of two hundred and fifty dollars (\$250.00) per occurrence shall be paid to the City of Garfield Fire Prevention Bureau. A successive false alarm shall be defined as an alarm indicated on the same system not caused by an actual alarm of fire. (Replaces Section 69-9(B), Previously Amended 04-12-2010 Ord. No. 2579, Section 79-9, Previously Amended 03-18-1993 Ord. No. 2111)
- (5) **Sprinkler Alarm Systems**. It is recommended that each separate sprinkler system (automatic fire suppression system) have a separate location code sent to a central station and have an external indicating alarm. It is required that a maximum of three sprinkler systems may use the same location code to a central station. A floor plan of the building area showing the riser locations and the area protected by each riser must be provided to the Garfield Fire Department.

#### **G. Access to Fire Hydrants**

- (1) To ensure access to fire hydrants in the City of Garfield for the safety and welfare of the public, a clear area of five (5) feet must be maintained in all directions from the fire hydrant as well as meeting the road side parking requirements.
- (2) The owner or lessee of any property within five (5) feet of a fire hydrant shall be responsible to see that a five (5) foot clear space is provided in all directions from the fire hydrant. The requirements of this paragraph shall be completed by the responsible party no later than twenty-four (24) hours after any natural obstruction such as snow shall prevent access to the fire hydrant and within twelve (12) hours of any other type of obstruction.

- (3) Upon the failure of any person in maintaining the open space for all fire hydrants in accordance with this paragraph, they shall be deemed in violation of the Fire Safety Code, shall be required to appear in the City of Garfield Municipal Court, and shall be fined up to one-hundred and fifty dollars (\$150.00) at the discretion of the Judge of the City of Garfield.

## **H. Key Lock Box**

(Article II Chapter 142, Previously Amended 09-11-2007 Ord. No. 2509 and 11-07-2007 Ord. No. 2516)

- (1) The following structures shall be equipped with a master key Knox Box at or near the main entrance or such location required by the Fire Official.
  - (a) All Commercial or industrial structures protected by an automatic alarm system or automatic suppression system or such structures that are secured in a manner that restricts access during an emergency.
  - (b) Multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living units.
  - (c) Governmental Structures.
  - (d) Nursing care facilities.
  - (e) Educational facilities.
  - (f) All newly constructed commercial or industrial occupancies shall be equipped with a master key Knox Box prior to issuance of an occupancy permit.
- (2) **Buildings with Elevators.** All buildings equipped with elevators shall be provided with a master key Knox Box as in B(5)(a). The building owner/manager shall provide:
  - (a) Two (2) sets of keys for entry to the building and all portions of premises.
  - (b) Two (2) sets of elevator control keys if elevators are equipped with Fire Department bypass switches.
  - (c) The owner or operator of a structure required to have a key lock box shall, at all times keep a key in the lock box that will allow for access to the structure.
- (3) The Fire chief shall be authorized to implement rules and regulations for the use of the lock box system.
- (4) The minimum fine for conviction for a violation of this Section shall be one-hundred and fifty dollars (\$150.00) for any person who owns or operates a structure subject to penalties for any violation of Section 1-3 of this Code.

## **I. Fire Zones/Fire Lanes.**

The purpose of Fire Zones, or Fire Lanes shall be enforced jointly by the Garfield Police Dept. under Part II General Legislation, Chapter 226 Parking, Article II, Fire Zones, Subsection 226-16 (04-26-2022 Ord. No. 2928) and the Garfield Fire Prevention Bureau.

- (1) **Enforcement.** This Chapter shall be enforced by the Garfield Police Department and the Garfield Fire Prevention Bureau.
  - (a) The Fire Official shall designate fire zones on both private and public property in the City of Garfield as deemed necessary for public safety.

- (b) Whenever a determination has been made for the fire lane designation, pursuant to one (1) above, the Fire Official shall notify the owner of the property in writing by certified mail, or by hand delivering such notice, specifically describing the area designated and the reason for making the designation.
- (c) The marking of fire lanes shall be the responsibility of, and at the expense of, the property owner and shall be accomplished within thirty (30) days of the receipt of the notification.
- (d) The property owner shall thereafter properly maintain the fire zones so as not to reduce their effectiveness.
- (e) Suitable signage and/or markings bearing the words, “No Parking Fire Zone” shall be posted and marked and striped in accordance with standards established by the Manual on uniform Traffic Control Devices for Streets and Highways, as periodically updated by the U.S. Department of Transportation.
- (f) It shall be a violation of this Code for any person to park a motor vehicle in or otherwise to obstruct a fire lane.

## **J. Mobile Food Truck/Trailer Safety**

### **(1) Definitions.** As used in this subsection:

- (a) Food Cart shall mean a cart or other moveable device used on the public sidewalks or in public places or roadways, which uses propane or similar fuel for its operation, and is not licensed as a food truck or food trailer.
- (b) Food Trailer shall mean a non-motorized vehicle designed to be towed by a motorized vehicle registered and able to be operated on the public roadways of the State of New Jersey, in which ready to eat food is cooked, wrapped, packaged, processed, or portioned for sale or distribution.
- (c) Food Truck shall mean a motorized vehicle registered and able to be operated on the public roadways of the State of New Jersey, in which ready to eat food is cooked, wrapped, packaged, processed, or portioned for sale or distribution.
- (d) Food Vehicle shall mean a food truck, food trailer, or food cart.
- (e) Food Vendor shall mean the owner, owner’s agent or representative, or operator of a food vehicle.
- (f) Special Event shall mean a private or public sporting, cultural, business, charitable, or other type of unique activity, including but not limited to, a party, celebration, fair, festival, fundraiser, promotion, show, concert, presentation, entertainment, or film production, which is occurring for a limited or fixed duration.

### **(2) Inspection Required**

- (a) No Food Vehicle shall be operated within the City of Garfield without first having filed an application for a Fire Safety Permit and payment for permit has been received by the Garfield Fire Prevention Bureau.
- (b) The Garfield Fire Prevention Bureau shall issue the applicant a checklist containing the specific requirements for approval of an application for an inspection. The checklist shall be made available to the public.
- (c) Nothing contained in this subsection shall limit the authority of the Garfield Fire Prevention Bureau to inspect a Food Vehicle at any time to determine if it meets the specific requirements contained in the checklist.

### **(3) Application for Inspection and Fire Safety Permit**

- (a) A Food Vendor shall apply to the Garfield Fire Prevention Bureau for an inspection.

- (b) A Food Vehicle shall not be operated within the City of Garfield unless an application for an inspection has been filed with the accompanying application fee no later than five (5) business days before the date of an event and a Fire Safety Permit has been issued for the date of the event
- (c) The fee for Fire Safety Permits shall be fifty-five dollars (\$55.00). Payment of the fee shall be made at the time of the application is filed.
- (d) A Fire Safety permit shall be issued only to vendors whose application for an inspection has been approved by the Garfield Fire Prevention Bureau, and a satisfactory inspection has been completed by the Fire Official or his designee.
- (e) A Fire Safety Permit shall be displayed prominently in or on the Food Vehicle during all events.

**(4) Checklist Requirements for Food Vehicle Inspection**

A vendor shall satisfy the following inspection requirements which shall appear on a checklist issued by the Garfield Fire Prevention Bureau:

- (a) Fire Extinguisher
  - (1) The fire extinguisher required to be mounted in a food vehicle shall be an ABC type dry chemical, minimum of one five (5) lb. extinguisher.
  - (2) A class “K” type of fire extinguisher shall be required and mounted in the food vehicle if the vendor is using any cooking oils or anything that could cause a grease vapor.
- (b) Hood Suppression System
  - (1) A hood suppression system that meets or exceeds National Fire Protection Association standards for ventilation control and fire prevention (NFPA 96) shall be required for any food vehicle that creates or emits grease vapors.
- (c) Propane Storage and Appliances
  - (1) Propane hoses shall be free of leaks.
  - (2) Propane cylinders mounted on the outside of a food vehicle shall be properly secured to prevent them from tipping over.
  - (3) A “no smoking” sign shall be prominently displayed in the area of the propane cylinders.
- (d) Generator
  - (1) A generator shall be free of leaks or sparks meaning from the exhaust system.
  - (2) A generator shall discharge exhaust in a satisfactory manner.
  - (3) Exhausts shall not back up into the Food Vehicle.
- (e) Smoke Detectors in Food Trucks
  - (1) Smoke detectors shall be placed between the cooking area and the driver’s cab.
  - (2) Smoke detectors shall be in operation while the food truck is in motion.
- (f) Carbon Monoxide (CO) detectors in Food Trucks and Food Trailers
  - (1) Food Truck: The CO detectors shall be mounted in the area where the generator is located.
  - (2) Food Trailer: The CO detector shall be mounted in the area where the generator is located.
  - (3) The CO detector shall be in operation at all times when a generator is running.

Nothing contained in this subsection shall limit the authority of the Garfield Fire Prevention Bureau to supplement the checklist requirements in a particular case in the interest of public safety.

#### **K. Solar Panel Emblem Posting**

- (1) Identifying emblems shall be permanently affixed to the front of structures hosting or being powered by photovoltaic electrical power either on the roof or adjacent to the building.
  - (a) The solar emblem shall be a Maltese cross shape, constructed of durable material, with white reflective background with red letters. Numerals and letters shall be Roman, or Latin as required.,
    - (1) The sign shall be six inches by six inches (152mm by 152mm).
    - (2) The height or width of each Maltese cross wing area shall be one and one-eighth inch (29mm) and have a stroke width of one-half inch (13mm).
    - (3) All letters and numerals shall be one and one-quarter inch (32mm) in height and have a stroke width of one-quarter inch (6mm)
    - (4) The letters PV shall be located in the center circle of the Maltese cross to identify the presence of solar photovoltaic systems. The Wording “ROOF MOUNTED” and/or “ADJACENT” shall be located immediately, beneath the Maltese cross identifying where the solar panels are located.
  - (b) The emblem shall be permanently affixed to the left of the main entrance door at a height between four and six feet above the ground and shall be installed and maintained by the owner of the building.
    - (1) Premises already equipped with a truss construction sign may install the solar sign immediately above the truss sign.
    - (2) Detached one and two-family residential structures shall be exempt from the signage provisions.
  - (c) The owner of any residential structure or nonresidential structure who installed a roof mounted solar photovoltaic system on or after January 17, 2014, or has installed or provided for the installation of a roof mounted solar photovoltaic system prior to January 17, 2014, shall provide a written notification to the local Fire Official, which shall include, but need not be limited to:
    - (1) The name of the property owner or owners, as well as the address of the residential structure or nonresidential structure upon which the solar photovoltaic system has been installed, and the name of the owner or owners and addresses of any other adjacent structure served by the solar photovoltaic system; and
    - (2) The year that the roof mounted solar photovoltaic system was installed on the residential structure or nonresidential structure.
  - (d) A copy of a permit filed pursuant to N.J.S.A. 52:27D-198.17(c) or written notification issued pursuant to N.J.S.A. 52:27D-198.17(d) shall be kept on file by the chief of the local fire department
    - (1) The address of the residential structure or nonresidential structure, the address of any other adjacent structure served by the solar photovoltaic system, and any additional information regarding the solar photovoltaic system shall be maintained in a registry by the fire department.
    - (2) The information contained in the registry shall serve to alert firefighters, when responding to an emergency, that a residential structure or nonresidential structure is equipped with, or is served by, a roof mounted solar photovoltaic

system and that reasonable precautions may be necessary when responding to the emergency.

## **L. Fire Watch**

### **(1) Request or Order for Fire Watch**

- (a) A request for a fire watch shall be made in writing to the Fire Official at least ten (10) days prior to an event where practicable, unless an emergent situation is present.
- (b) The Fire Official shall have the authority to order a fire watch for an emergent situation or for an event in which the Fire Official determines a fire watch is necessary.

### **(2) Conditions of Employment of Fire Watch Personnel**

All fire prevention inspectors or certified firefighters of the City of Garfield may serve as fire watch personnel and shall be treated as employees of the City provided, however, wages earned for such employment shall not be applied towards the pension benefits of regular full-time City employees. Hours worked serving as fire watch personnel shall not be compensable as overtime.

### **(3) Assignment of Fire Watch Personnel**

The Fire Official shall determine the number of personnel necessary for each event or emergent situation for which a fire watch is required.

- (a) The fire watch personnel shall be selected from employees serving in the Garfield Fire Prevention Bureau, or members of the Garfield Volunteer Fire Department.
- (b) Any member serving as fire watch personnel shall be Firefighter One certified and possess a Firefighter One certificate issued by the New Jersey Division of Fire Safety.
- (c) Businesses may elect to provide their own fire watch personnel. Should they choose to do this, documentation of ability to perform the duties and responsibilities shall be supplied to the Fire Official
  - (1) If documentation cannot be supplied, a training class given by the Fire Prevention Bureau shall be supplied at a cost of one-hundred and fifty dollars (\$150.00) per ten (10) students. This course shall cover basic fire behavior, emergency communications, and fire extinguisher training.
  - (2) This fee shall be paid directly to the Garfield Fire Prevention Bureau.
  - (3) Documentation of fire watch inspections with signatures of persons inspecting shall be submitted to the fire prevention bureau for the file.

### **(4) Payment for Fire Watch Services by Property Owners**

Payment for a fire watch on private property shall be made by the property owner or tenant in accordance with the following:

- (a) Compensation for each City employee assigned to the fire watch is seventy-five dollars (\$75.00) per hour, paid to the Garfield Fire Prevention Bureau.
- (b) Administrative fee: thirty-five dollars (\$35.00) per hour shall be deducted from the one-hundred dollars (\$100.00) and paid to the Fire Prevention Bureau.
- (c) Personnel Payment: Forty dollars (\$40.00) per hour shall be paid to the individual performing the fire watch.
- (d) Payments for a non-emergent fire watch shall be made in advance in accordance with a statement issued by the City. The statement shall include the administrative fee and estimate of compensation to be paid to employees. If the actual amount of compensation to employees exceeds the estimate, a supplemental statement shall

be issued by the City. If the estimate exceeds the actual amount of compensation to employees, the property owner shall be reimbursed for the overpayment.

- (e) Payments to fire watch personnel shall be made to the person or persons by the City.
- (f) The Fire Official shall have the discretion to waive payment for a fire watch in appropriate circumstances.

#### **§142-1.11 Board of Appeals**

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any action of the location enforcing agency shall have the right to appeal to the local construction Board of Appeals.

#### **§142-1.12 Enforcement, Violations, and Penalties**

Enforcement, violations, and penalties shall be managed in conformity with the Uniform Fire Safety Act, the Uniform Fire Code, and all other laws of the State of New Jersey.

### **§142-2 Regulation and Disposal of Flammable Materials**

#### **§142-2.1 Bonfires**

- A.** No person shall burn or cause to be burned any trash, lumber, leaves, straw, or any other combustible material in any street, alley, or vacant lot, without a permit from the Fire Official, except when such burning shall be done in screened metallic receptacles approved by him and under such proper safeguards as he may direct.
- B.** On any lot containing a building, no person shall burn, or caused to be burned, any materials, other than dry firewood, and then only in an approved device, such as a chiminea or patio fireplace. This provision shall be enforced by the Garfield Fire Official or his or her designee.

#### **§142-2.2 Hot Ashes and Other Dangerous Materials**

Ashes, smoldering coals, or embers, greasy or oily substances and other matter liable to spontaneous ignition, shall not be deposited or allowed to remain within ten (10) feet of any combustible materials, except in metal or other noncombustible receptacles. Such receptacles shall be placed on noncombustible stands, unless resting on a noncombustible floor or on the ground outside the building and shall be kept at least two (2) feet away from any combustible wall or partition.

#### **§142-3 Flammable Decorations**

- A.** Cotton batting, straw, dry vines, leaves, trees, celluloid, or other flammable materials shall not be used for decorative purposes in show windows or in stores without a permit from the Fire Official.
- B.** Paper and other readily flammable materials shall not be used for decorative purposes in any place of public assembly unless such materials have first been treated to render them flameproof to the satisfaction of the Fire Official.

#### **§142-3.1 Violations and Penalties**

- A.** A person who shall violate a provision of this section or fail to comply therewith, or who shall violate or fail to comply with any order or regulation made thereunder, or who shall build in violation of a detailed statement or plan submitted and approved thereunder, or of a permit issued thereunder, shall severally for each and every such violation and noncompliance be liable to the penalty stated in Chapter I, Section 1-5. The imposition of a penalty for a violation of this section shall not excuse the violation or permit it to continue, and such violation shall be remedied within a reasonable time; and each ten (1) days that such violation is permitted to exist shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**§142-4.1 Parking in Fire Lane or Fire Zone**

The purpose of this section is to control the parking of motor vehicles in certain areas and locations designated as fire zones, pursuant to the provisions of and in accordance with the authority of N.J.S.A. 40:48-2.46.

**§142-4.2 Parking in Fire Lane Prohibited**

No person shall park or locate a motor vehicle in any area containing more than a three (3) family dwelling unit between the buildings, or between the buildings and any street, road, or driveway which has been designated by the as a fire lane.

**§142-4.3 Signs Required**

Said fire lanes and/or fire zones shall be appropriately signed in the following style or designation, "Fire Lane - No Parking - Violators subject to a fine and towing at owners' expense."

**§142-4.4 Violations and Penalty**

Any person who shall violate the terms and provisions of this section shall be subject to a fine of fifty-five dollars (\$55.00) plus costs of court for the first offense, and for second offense, a fine of one-hundred and fifty dollars (\$150.00) plus costs of court and for a third and subsequent offense a fine of two-hundred (\$200.00) dollars plus costs of court.

Second and subsequent offenses shall also subject vehicle to be towed at the cost and expense of the owner thereof.

Section 4. 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 5. 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: December 13, 2022

Adopted:

APPROVED: \_\_\_\_\_

Richard Rigoglioso, Mayor

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-563-22**

**RESOLUTION BY: COUNCILMAN MASLAG**

**SECONDED BY: COUNCILMAN HERRERA**

**INTRODUCE ORDINANCE #2972**

**FIRST READING**

**BE IT RESOLVED**, that an ordinance entitled:

**AMENDING ORDINANCE 2929, AN ORDINANCE TO FIX THE SALARY, WAGES,  
AND COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE CITY  
OF GARFIELD, BERGEN COUNTY, NEW JERSEY**

be passed and adopted on first reading; and

**BE IT RESOLVED**, that a final hearing on said ordinance will be heard at a meeting held on Tuesday, December 27, 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; and

**BE IT FURTHER RESOLVED**, that the City Clerk be and she is hereby authorized to advertise in a legal newspaper a notice of introduction and final hearing as required by law.

APPROVED: December 13, 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 Work Session Meeting held on the 13th day of December 2022. Signed and sealed before me.

\_\_\_\_\_  
Erin Delaney, MPA, RMC  
City Manager/City Clerk

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO.: 2972**

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**AMENDING ORDINANCE 2929, AN ORDINANCE TO FIX THE SALARY, WAGES,  
AND COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE CITY  
OF GARFIELD, BERGEN COUNTY, NEW JERSEY**

**WHEREAS**, pursuant to N.J.S.A. 40A:9-1 65, the City must set salaries and state all compensation and benefits for non-contractual officers and employees, statutory employees and elected officials not directly subject to duly adopted collective bargaining agreements by separate ordinance; and

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

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

**SECTION 2.** Repealer. All ordinances and parts of Ordinance in conflict with or inconsistent with this ordinance be and the same are hereby repealed but to the extent of such conflict or inconsistency.

**SECTION 3.** Effective Date This Ordinance shall take effect immediately upon the final passage, provided notice of same has been duly published as required by law. This Ordinance shall have a retroactive effect to January 1, 2023 to the extent necessary upon approval of the City Manager.

ATTEST: \_\_\_\_\_

Erin Delaney, MPA, RMC  
City Manager/City Clerk

Introduced: December 13, 2022

Adopted:

APPROVED: \_\_\_\_\_

Richard Rigoglioso, Mayor

**EXHIBIT A**

	2023		2024		2025	
	Min	Max	Min	Max	Min	Max
<b>Statutory</b>						
Municipal Clerk	100,000	200,060	100,000	206,062	100,000	212,244
Chief Finance Officer* (*Chief Finance Officer/QPA/ Treasurer)	49,000	133,900	49,000	137,917	49,000	142,055
Chief Assessor	40,000	47,277	40,000	48,695	40,000	50,156
Municipal Tax Collector	65,000	87,550	65,000	90,177	65,000	92,882
<b>Governing Body</b>						
Council Member	7,531	8,564	7,531	8,821	7,531	9,086
Mayor	7,531	13,817	7,531	14,232	7,531	14,658
<b>City Manager's Office</b>						
City Manager	20,000	41,638	20,000	42,887	20,000	44,174
Assistant Affirmative Action EOO	1,200	1,273	1,200	1,273	1,200	1,273
Executive Secretary (Exec/ Confidential)	33,000	65,137	33,000	67,091	33,000	69,104
<b>Others</b>						
Attorney - BD of Adjustment	5,490	6,061	5,490	6,061	5,490	6,061
Secretary/Clerk - BD of Adjustment (effective 10/4/21)	6,000	6,000	6,000	6,000	6,000	6,000
Attorney -Planning Board	6,774	6,774	6,774	6,774	6,774	6,774
Secretary/Clerk - Planning Board (effective 10/4/21)	6,000	6,000	6,000	6,000	6,000	6,000
Veterans Officer	3,821	4,055	3,821	4,055	3,821	4,055
Emergency Management Coordinator	5,000	5,253	5,000	5,411	5,000	5,573
Deputy Emergency Management Coordinator(s)	1,000	1,050	1,000	1,082	1,000	1,114
P/T Fire Inspectors	\$29.10 per hour	\$32.77 per hour	\$29.10 per hour	\$32.77 per hour	\$29.10 per hour	\$32.77 per hour
P/T Recreation Counselors	\$15.00 per hour	\$15.00 per hour	\$15.00 per hour	\$15.00 per hour	\$15.00 per hour	\$15.00 per hour
P/T Lunch Program Monitor	\$15.00 per hour	\$15.00 per hour	\$15.00 per hour	\$15.00 per hour	\$15.00 per hour	\$15.00 per hour
P/T Recreation Teachers	\$21.23 per hour	\$23.93 per hour	\$21.23 per hour	\$23.93 per hour	\$21.23 per hour	\$23.93 per hour
Summer Teacher /Supervisor	\$25.00 per hour	\$25.00 per hour	\$25.00 per hour	\$25.00 per hour	\$25.00 per hour	\$25.00 per hour
<b>Finance Department</b>						
Confidential Finance Assistant	33,000	60,000	33,000	61,800	33,000	63,654
<b>Building Department</b>						
Bldg. Inspector/Code Enforcement Official	25,000	30,170	25,000	31,075	25,000	32,007

Bldg. Inspector / Zoning Officer – Garfield Code 341-59	10,000	18,102	10,000	18,645	10,000	19,204
F/T Construction Official/Plumbing Sub-code Official/Flood Plain Manager/Multi-Dwelling Inspector	50,000	80,340	50,000	82,750	50,000	85,233
Building Sub-Code Official	10,000	18,101	10,000	18,644	10,000	19,203
Plumbing Inspector	10,000	12,607	10,000	12,985	10,000	13,375
Elect. Sub-Code Official	10,000	18,101	10,000	18,644	10,000	19,203
Fire Protection Sub-Code Official	8,000	10,300	8,000	10,609	8,000	10,927
Fire Safety Official – Garfield Code 39-78-39-81 (Part-time effective 1/1/2022)	35,000	42,000	35,000	43,260	35,000	44,558
<b>Municipal Court</b>						
Municipal Magistrate	57,239	72,029	57,239	72,029	57,239	72,029
Muni. Court Administrator	65,000	110,545	65,000	113,861	65,000	117,277
Municipal Prosecutor	32,000	41,132	32,000	41,132	32,000	41,132
Public Defender	4,176	5,715	4,176	5,715	4,176	5,715
Alternate Municipal Prosecutor	10,000	10,000	10,000	10,000	10,000	10,000
P/T Constable	\$25.00 per hour	\$27.00 per hour	\$25.00 per hour	\$27.00 per hour	\$25.00 per hour	\$27.00 per hour
Alternate Public Defender	\$65 per diem	\$65 per diem	\$65 per diem	\$65 per diem	\$65 per diem	\$65 per diem
Shared Service Court Administrator	10,000	10,000	10,000	10,000	10,000	10,000
<b>Department of Health</b>						
Health Physician	10,000	17,777	10,000	17,777	10,000	17,777
Registrar	40,000	43,260	40,000	44,558	40,000	45,895
Social Worker	\$35 per hour	\$35 per hour	\$35 per hour	\$35 per hour	\$35 per hour	\$35 per hour
<b>Police Personnel</b>						
Crossing Guards	\$20.11 per hour	\$22.65 per hour	\$20.11 per hour	\$22.65 per hour	\$20.11 per hour	\$22.65 per hour
Police Chief	170,357	207,494	170,357	213,719	170,357	220,130
<b>Water Dept.</b>						
Sewer/Water Facilities Manager	100,000	126,072	100,000	129,854	100,000	133,750
Assist Water Supervisor	65,000	65,000	65,000	65,000	65,000	65,000
Assist Water Superintendent	70,000	96,397	70,000	99,289	70,000	102,268
Water Collector	3,000	5,150	3,000	5,305	3,000	5,464
<b>DPW</b>						
Superintendent/ Streets and Public Works	90,000	140,715	90,000	144,936	90,000	149,285

Supervisor of Streets and Public Works	70,000	80,000	70,000	80,000	70,000	80,000
<b>Recreation</b>						
Recreation Director	66,500	93,840	66,500	95,700	66,500	97,600
Assist Municipal Parks Superintendent	75,000	89,301	75,000	91,980	75,000	94,739
<b>Unclassified</b>						
Tax Assessing Aide	33,000	72,888	33,000	75,075	33,000	77,327
Part-time Employees	\$15 per hour	\$60 per hour	\$15 per hour	\$60 per hour	\$15 per hour	\$60 per hour

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-564-22**

**RESOLUTION BY: MAYOR RIGOGLIOSO  
SECONDED BY: COUNCILMAN HERRERA**

**INTRODUCE ORDINANCE #2973  
FIRST READING**

**BE IT RESOLVED**, that an ordinance entitled:

**AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 310,  
TOW TRUCKS, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF  
GARFIELD**

be passed and adopted on first reading; and

**BE IT RESOLVED**, that a final hearing on said ordinance will be heard at a meeting held on Tuesday, December 27, 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; and

**BE IT FURTHER RESOLVED**, that the City Clerk be and she is hereby authorized to advertise in a legal newspaper a notice of introduction and final hearing as required by law.

APPROVED: December 13, 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 Work Session Meeting held on the 13th day of December 2022. Signed and sealed before me.

\_\_\_\_\_  
Erin Delaney, MPA, RMC  
City Manager/City Clerk

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO.: 2973**

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**AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 310, TOW TRUCKS, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD**

**BE IT ORDAINED**, by the Governing Body of the City of Garfield, that Part II, General Legislation, Chapter 310, Tow Trucks, hereby amended as follows:

Section 1. The current text of City Ordinance, Part II, General Legislation, Chapter 310, Tow Trucks, Section 310-7, Fees for towing, storage, and service of vehicles, is hereby amended as follows:

- A. All charges for non-consensual towing services shall be limited to those set forth in this chapter.
  
- B. Towing fees and other charges shall conform to the schedule of fees as adopted by New Jersey State Police/GSTA rates published and updated on an annual basis. Fees under "towing-basic" within the schedule shall apply for all impounds up to a cap of \$2,500.00. All hourly billable rates will be charged in half hour increments.
  - 1) All vehicles towed or impounded to a towing facility or City facility are not subject to "on-hook mileage" fees.
  - 2) Service for a flat tire with spare will be a flat rate of the minimum hourly "manual laborers" rate under the "labor" schedule.
  
- C. Storage Fees: Storage fees will begin after the first 24 hours of tow. Inside storage shall be at two-times the rate noted below. The figures noted below shall apply to the storage of vehicles as follows:
  - 1) Private Passenger Automobiles           \$50 per day with a cap of \$2,500.00
  - 2) Commercial Vehicles/Trucks  
   (Dual Wheels) Single Axle               \$125.00 per day with a cap of \$5,000.00
  - 3) Tractor/Dump Truck/Tractor and  
   Trailer combo/Trailers                 \$125.00 per unit per day with no cap
  - 4) Buses   \$150.00 per day with no cap
  - 5) Roll-Off                                     \$125.00 per day for each
  - 6) Cargo/Accident Debris/  
   Load Storage/Vehicle Components  
   10' x 20' Space                             \$50.00 per space used per day
  
- D. City vehicles. Notwithstanding the foregoing fee or rate, each tower licensed under this chapter shall provide towing service for light duty City-owned vehicles, towed within the City of Garfield, at no charge at the request of the City Manager, Chief of Police, or his designee. A licensed tower may charge the City of Garfield for the towing of light duty vehicles towed outside the City of Garfield, medium-duty vehicles, and heavy-duty vehicles at a rate of 50% of the schedule of fees as adopted by New Jersey State Police/GSTA rates published and updated on an annual basis. The licensed tower must submit an itemized invoice prior to receiving payment for the tow of any City-owned vehicles.

E. Vehicle release:

1. Hours for release of vehicles from towing yards shall be business hours only. Monday through Friday 9:00 a.m. to 5:00 p.m., Saturday from 9:00 a.m. to 1:00 p.m., closed on Sunday and holidays. The tower is not required to release a vehicle after business hours stated herein. In the event the tower is available to release a towed vehicle after normal operating business hours, then the tower shall be entitled to an after-hours vehicle release fee in accordance with the schedule of fees as adopted by the NJ State Police/GSTA Fee Schedule.
2. The owner or operator of a vehicle shall have the right to select a tower of his or her own choice. Including towers with a place of business outside the City of Garfield, if the disabled vehicle is not then interfering with the flow of vehicular or pedestrian traffic and that the vehicle does not present a danger to others (to be determined by the Police Department). Response time: 15 minutes.
3. If the owner of a towed vehicle has not contacted the tow vendor within seven days to discuss its intent regarding the vehicle in the tow company's possession, the towing vendor shall request title and lien information from the City's authorized service company, and if no such company is contracted, directly from the City's Police Department. Tow vendor shall notify the owner and any lienholder via certified mail immediately upon receipt of title and lien information. If notification is required to owner and/or lien holder, a notification documentation fee in accordance with the schedule of fees as adopted by the NJ State Police/GSTA Fee Schedule may be applied. The notice shall be sent certified mail and contain the following:
  - a. The name and address of the owner of record and the holder of any security interest.
  - b. The location where the vehicle is being stored.
  - c. Schedule of costs imposed for storing the vehicle and instructions explaining how owner of record or the security interest holder may claim the stored vehicle.
  - d. A statement that a sale or disposal of the motor vehicle, will occur in accordance with N.J.S.A. 39:10A-1 through N.J.S.A. 39:10A-7 if the vehicle is not claimed within 30 days.
  - e. The address of the owner and lienholder as shown on the records of the New Jersey Motor Vehicle Commission, or any other states equivalent agency, shall be deemed sufficient for the purpose of this chapter.

F. City of Garfield administrative fee.

1. In addition to the charges described above, there shall be a per tow fee, payable by the vehicle owner or operator, in the amount of \$25 for the nonconsensual towing of a vehicle from public property. This fee is required to be itemized separately on all invoices. This fee shall be used to defray the expenses of the City of Garfield in connection with the towing program. It shall be the responsibility of the towing company to collect this fee and each towing company shall, on a quarterly basis, forward a statement as to the number of vehicles towed, along with the copies of tow receipts, together with a check in payment of all administrative fees collected to the finance office.
2. No towing license shall be renewed by the City of Garfield for any towing company with unpaid administrative fees.
3. The towing company shall not be responsible to pay the administrative fee unless actually collected from the vehicle owner or operator.

G. Notice of fees. Tow company shall at all times have a copy of the fee schedule set forth by this chapter displayed in visible sight for public inspection at its place of business. All tow trucks shall have a copy of schedule of fees available, if a vehicle owner should

request. Any charges to a vehicle owner where the copy of the fee schedule set forth by this chapter was not on display or readily available by tow truck operator when requested by vehicle owner shall be considered a violation of this chapter and shall preclude the tower from charging the vehicle owner for the services rendered. Failure to provide said notice shall also be considered a violation of this chapter and shall subject the tower to fines set forth by this chapter and a loss of license.

Section 2. The current text of City Ordinance, Part II, General Legislation, Chapter 310, Tow Trucks, Section 310-9, Minimum standards of performance, Subsection D, is hereby amended as follows:

- D. For services rendered, or to redeem a motor vehicle from storage, the operator shall accept in payment either cash, a check issued by an insurance company, as well as, a valid debit card, valid major credit card or charge card, except that the operator may request additional identification to support the charge card, as determined by the Director of the Division of Consumer Affairs, before proceeding with repairs or towing. Unless the owner is unable to produce such identification, or the operator has a bona fide reason to believe the card or other identification is fictitious, altered, stolen, expired or revoked or not valid for any other cause or is clearly offered with intent to defraud the operator, the debit card, charge card or credit card shall be deemed an acceptable form of payment in lieu of cash if the operator ordinarily accepts the card at his place of business. Nothing in this section shall preclude payment by a motorist in the form of check or money order, if this form of payment is acceptable to the operator.

Section 3. The current text of City Ordinance, Part II, General Legislation, Chapter 310, Tow Trucks, Section 310-20, Sale or junk title issuance of unclaimed/abandoned impounded vehicles, Subsection C, is hereby amended as follows:

- B. The tow vendor shall notify the Municipal Authorized Service Provider, and if no such company is contracted, notify the Municipal Police Department at the end of the 30 days of the date of towing, that the vehicle has not been claimed. Upon notification, the vehicle will be sold at public auction in accordance with N.J.S.A. 39:10A-1 through 39:10A-7.
- C. Storage and towing charges shall accumulate until the disposition of the vehicle, subject to the requirements of § **310-7**. A tow vendor shall be authorized to bid on a vehicle at an AAUSP auction to recover any unpaid fees. The tow vendor shall have the right to seek any legal actions for unpaid bills against the registered owner or security interest holder of the vehicle as per N.J.S.A. 39:10A-1, et. seq. In the event the proceeds from such auction or a junk title transferred shall be insufficient to pay the accrued towing and storage charges, the City shall not be liable to the tow vendor for any additional balance. Any proceeds of auction shall be distributed by the municipality as per N.J.S.A. 39:10A-5.
- D. Tow contractors agree that all service fees and expenses incurred for the services of an AAUSP in § **310-21** and for expenses incurred for the issuance of junk titles and auction/title services are the responsibility of the tow vendor if the successful bidder and can be added to the minimum bid of auctioned vehicles. These fees shall be in addition to the capped fees herein. The City will not be liable for any towing or storage fees for any unclaimed/abandoned vehicles.

Section 4. 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 5. 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: December 13, 2022

Adopted:

APPROVED: \_\_\_\_\_

Richard Rigoglioso, Mayor

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

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-565-22**

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

**INTRODUCE ORDINANCE #2968  
SECOND READING**

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

**BOND ORDINANCE TO AUTHORIZE THE UPGRADING OF COMMUNICATIONS SYSTEMS AND EQUIPMENT FOR THE POLICE DEPARTMENT, FIRE DEPARTMENT AND DEPARTMENT OF PUBLIC WORKS IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,550,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

was introduced and passed at a meeting held on Tuesday, November 22, 2022 and that further consideration of this ordinance would be taken up at this meeting; and

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

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

APPROVED: December 13, 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 Work Session Meeting held on the 13th day of December 2022. Signed and sealed before me.

\_\_\_\_\_  
Erin Delaney, MPA, RMC  
City Manager/City Clerk

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO.: 2968**

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**BOND ORDINANCE TO AUTHORIZE THE UPGRADING OF COMMUNICATIONS SYSTEMS AND EQUIPMENT FOR THE POLICE DEPARTMENT, FIRE DEPARTMENT AND DEPARTMENT OF PUBLIC WORKS IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,550,000 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 upgrade communications systems and equipment for the Police Department, Fire Department and Department of Public Works in, by and for the City in connection with the conversion to the County of Bergen (the "County") Communications System, pursuant to a shared services agreement between the City and the County. Said improvements shall include all equipment, building improvements, work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$1,550,000 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 (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$1,550,000, and (4) \$74,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$1,476,000, and (6) the cost of said purpose, as hereinbefore stated, includes the aggregate amount of \$23,500, 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 \$74,000, 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 \$74,000 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 \$1,476,000 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 \$1,476,000 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 \$1,476,000 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: November 22, 2022

Adopted: December 13, 2022

APPROVED: \_\_\_\_\_

Richard Rigoglioso, Mayor

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

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-566-22**

**RESOLUTION BY: MAYOR RIGOGLIOSO  
SECONDED BY: COUNCILMAN HERRERA**

**INTRODUCE ORDINANCE #2969  
SECOND READING**

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

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

was introduced and passed at a meeting held on Tuesday, November 22, 2022 and that further consideration of this ordinance would be taken up at this meeting; and

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

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

APPROVED: December 13, 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 Work Session Meeting held on the 13th day of December 2022. Signed and sealed before me.

\_\_\_\_\_  
Erin Delaney, MPA, RMC  
City Manager/City Clerk

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO.: 2969**

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

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

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

**Section 100-5. Zoning**

C. All Cannabis Establishments operating in the City of Garfield shall be permitted as a Condition Use, subject to the following conditions:

- (9) No Class 5 Cannabis Retail Establishment shall be located within 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 or shall be within 750 feet of a park or recreational facility including, but not limited to, those parks or recreation facilities identified in the Recreation Element of the City of Garfield's 2002 Master Plan.
- a. Distances shall be measured in a straight line from the center of the entrance of the Cannabis Establishment to the closest point of the property line.
  - b. Emergency/fire exits, maintenance access, and doors to gain access to non-public areas are not used in the measurement. If the entrance is set back from the sidewalk by a walkway or doorway, the measurement is taken from the center of the line where the walkway/doorway meets the sidewalk or curb.
  - c. For an establishment in a multi-story building, the building entrance at street level is to be used to guide the measurement.

Section 2. Any article, chapter, section, paragraph, subsection, clause, or other provision of the Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 3. In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

ATTEST: \_\_\_\_\_

Erin Delaney, MPA, RMC  
City Manager/City Clerk

Introduced: November 22, 2022

Adopted: December 13, 2022

APPROVED: \_\_\_\_\_

Richard Rigoglioso, Mayor

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-567-22**

**CONSENT AGENDA**

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

**APPROVAL OF BILLS AND CLAIMS**

**BE IT RESOLVED** by the City Council of the City of Garfield that the Current Year Reserve Totaling \$2,235.00 and the Current Fund totaling \$3,254,068.65 and the Water Fund totaling \$12,423.56 and the General Capital Fund totaling \$291,670.47 and the Water Capital Fund totaling \$164,640.37 and the Trust Account totaling \$5,492.83 and the Developer's Escrow totaling \$20,464.13 and Unemployment Fund totaling \$31,361.26 per attached Computer Lists, dated December 8, 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 seventeen (17) 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

December 12, 2022  
Dated

APPROVED: December 13, 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 Work Session Meeting held on the 13th day of December 2022. Signed and sealed before me.

\_\_\_\_\_  
Erin Delaney, MPA, RMC  
City Manager/City Clerk

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-568-22**

**RESOLUTION BY: COUNCILWOMAN BANCH**

**SECONDED BY: COUNCILMAN MASLAG**

**AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT WITH  
BERGEN COUNTY – ANIMAL CONTROL SERVICES**

**WHEREAS**, the Uniform Shared Services Consolidation Act (NJSA 40A:65-1 et seq.,) promotes the broad use of Shared Services to reduce local expenses funded by property tax payers; and

**WHEREAS**, the Bergen County Department of Health Services (hereinafter, referred to as “BCDHS”) coordinates and assure the preservation, protection, and promotion of essential public health services and seeks to assist municipalities with their public health obligations for services; and

**WHEREAS**, the City of Garfield desires to contract with the County for furnishing of health services, specifically animal control services, of a technical and professional nature by the BCDHS pursuant to the Local Health Services Act (NJSA 26:3A2-1 et seq.), and as further specified herein; and

**WHEREAS**, the City of Garfield adopts this resolution authorizing Erin Nora Delaney, City Manager/City Clerk to enter into this agreement with the BCDHS for the services setforth herein;

**NOW, THEREFORE, BE IT RESOLVED** in consideration of the promises, covenants, terms and conditions hereinafter set forth, the Parties agree that the County will provide the municipality with public health services specified in the execute agreement and that the municipality will pay to the County for the specified public health services during the term of this agreement.

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

December 12, 2022

Dated

APPROVED: December 13, 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 Work Session Meeting held on the 13th day of December 2022. Signed and sealed before me.

\_\_\_\_\_  
Erin Delaney, MPA, RMC  
City Manager/City Clerk

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-569-22**

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

**AUTHORIZING EXECUTION OF A GREEN ACRES AGREEMENT**

**WHEREAS**, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the City of Garfield desires to further the public interest by obtaining a Green Acres grant of \$1,200,000 from the State to fund the following project(s):

**#0221-21-075 Columbus Park Improvements**

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Garfield that Erin Nora Delaney the successor to the office of the City Manager is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required,
- (c) act as the authorized correspondent of the above-named applicant; and

**WHEREAS**, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

**WHEREAS**, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above-named project;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Garfield that:

1. The City Manager of the above-named body is hereby authorized to execute an agreement and any amendment thereto with the State known as Columbus Park Improvements, and; [Note: Please authorize only one official to sign the project agreement on behalf of the local government or nonprofit.]
2. The applicant has its matching share of the project, if a match is required, in the amount of \$400,000.
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. This resolution shall take effect immediately.

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

December 12, 2022

Dated

APPROVED: December 13, 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 Work Session Meeting held on the 13th day of December 2022. Signed and sealed before me.

\_\_\_\_\_  
Erin Delaney, MPA, RMC  
City Manager/City Clerk

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-570-22**

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

**APPROVING REFUND OF STREET OPENING**

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

**WHEREAS**, a deposit has been received from Jorge Branco for 28 Irving Place, Block 92 Lot 9 in the City of Garfield, Bergen County, New Jersey, in the amount of \$2,500.00 for said Street Opening Bond on November 7, 2018 and said funds are being held in the Trust Other Fund; and

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

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

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

\_\_\_\_\_  
Anders Hasseler, Chief Financial Officer

December 12, 2022  
Dated

APPROVED: December 13, 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 Work Session Meeting held on the 13th day of December 2022. Signed and sealed before me.

\_\_\_\_\_  
Erin Delaney, MPA, RMC  
City Manager/City Clerk

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-571-22**

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

**APPROVING REFUND OF STREET OPENING**

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

**WHEREAS**, a deposit has been received from Jorge Branco for 26 Irving Place, Block 92 Lot 10 in the City of Garfield, Bergen County, New Jersey, in the amount of \$2,500.00 for said Street Opening Bond on November 7, 2018 and said funds are being held in the Trust Other Fund; and

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

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

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

\_\_\_\_\_  
Anders Hasseler, Chief Financial Officer

December 12, 2022  
Dated

APPROVED: December 13, 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 Work Session Meeting held on the 13th day of December 2022. Signed and sealed before me.

\_\_\_\_\_  
Erin Delaney, MPA, RMC  
City Manager/City Clerk

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-572-22**

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

**APPROVING 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 to be paid out of account 2-01-17-001-004 and forward same to the Receiver of Taxes for the purpose of noting her records and for mailing to the property owner.

BLOCK	LOT	OWNER	REASON	AMOUNT
176	31	JOSE A. OSARIO	O/P	\$1,780.30

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

December 12, 2022  
Dated

APPROVED: December 13, 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 Work Session Meeting held on the 13th day of December 2022. Signed and sealed before me.

\_\_\_\_\_  
Erin Delaney, MPA, RMC  
City Manager/City Clerk

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-573-22**

**RESOLUTION BY: COUNCILWOMAN BANCH**

**SECONDED BY: COUNCILMAN MASLAG**

**AUTHORIZING A PURCHASE ORDER TO PSE&G FOR A NEW GAS SERVICE TO  
THE ELMWOOD PARK BOOSTER STATION TO SERVICE A NEW GENERATOR  
FOR THE PUMP STATION AND FACILITY**

**WHEREAS**, the City of Garfield is required to install a generator to power the Elmwood Park Booster Station as a condition of the NJDEP permit for the GAC filter system to increase resiliency of this critical infrastructure; and

**WHEREAS**, a study of the existing gas service determined the existing service line is undersized to provide adequate gas service to the new generator; and

**WHEREAS**, PSE&G has advised a new service requires a purchase order in the amount of \$56,425.99 to allow PSE&G crews to install the new gas service necessary to service the new generator;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Garfield does hereby authorize the issuance of a purchase order to PSE&G in the amount of \$56,425.99 for the purpose stated above to be paid out of C-06-55-222-946-001 and C-06-55-598-000-909.

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

December 12, 2022

Dated

APPROVED: December 13, 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 Work Session Meeting held on the 13th day of December 2022. Signed and sealed before me.

\_\_\_\_\_  
Erin Delaney, MPA, RMC  
City Manager/City Clerk

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-574-22**

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

**AUTHORIZING PAYMENT TO MONTANA CONSTRUCTION FOR AN  
EMERGENCY SANITARY SEWER REPAIR AT 13 KRAKOW STREET IN  
GARFIELD**

**WHEREAS**, emergency services were required to repair an 8” Sanitary Sewer Lateral at 13 Krakow Street as determined by the City Engineer; and

**WHEREAS**, Montana Construction provided emergency repair services at 13 Krakow Street for a fee of \$10,130.56; and

**WHEREAS**, said emergency services were successfully completed;

**NOW, THEREFORE, BE IT RESOLVED** payment is hereby authorized to Montana Construction for \$10,130.56 to be paid out of C-04-55-999-000-970.

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

\_\_\_\_\_  
Anders Hasseler, Chief Financial Officer

December 12, 2022  
Dated

APPROVED: December 13, 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 Work Session Meeting held on the 13th day of December 2022. Signed and sealed before me.

\_\_\_\_\_  
Erin Delaney, MPA, RMC  
City Manager/City Clerk

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-575-22**

**RESOLUTION BY: COUNCILWOMAN BANCH**

**SECONDED BY: COUNCILMAN MASLAG**

**APPROVING EXPULSION OF ACTIVE MEMBER – FIRE DEPARTMENT**

**WHEREAS**, Fire Company No. 5 has advised that they have expelled Peter Lopez of 151 Dewey Street, Garfield, New Jersey 07026 as an active member, effective October 4, 2022;

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

APPROVED: December 13, 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 Work Session Meeting held on the 13th day of December 2022. Signed and sealed before me.

\_\_\_\_\_  
Erin Delaney, MPA, RMC  
City Manager/City Clerk

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-576-22**

**RESOLUTION BY: COUNCILWOMAN BANCH**

**SECONDED BY: COUNCILMAN MASLAG**

**APPROVING RESIGNATION OF ACTIVE MEMBER – FIRE DEPARTMENT**

**WHEREAS**, Fire Company No. 4 has advised that they have accepted the resignation of Richard Sturla of 240 Summer Street, Clifton, New Jersey 07011 as an active member, effective December 2, 2022;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Garfield that the action taken by Fire Company No. 4 with respect to the above matter, is hereby approved.

APPROVED: December 13, 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 Work Session Meeting held on the 13th day of December 2022. Signed and sealed before me.

\_\_\_\_\_  
Erin Delaney, MPA, RMC  
City Manager/City Clerk

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-577-22**

**CONSENT AGENDA**

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

**RESOLUTION TO ACCEPT THE CONSENT AGENDA**

**BE IT RESOLVED**, by the Mayor and Council of the City of Garfield that the actions noted in the Consent Agenda, Resolutions R-567-22 through R-577-22 be and are hereby approved and the proper officers are directed to take necessary action on same.

APPROVED: December 13, 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 Work Session Meeting held on the 13th day of December 2022. Signed and sealed before me.

\_\_\_\_\_  
Erin Delaney, MPA, RMC  
City Manager/City Clerk

\_\_\_\_\_  
Dated

### **DMR Architects – Fran Reiner – 94-104 Passaic Street:**

Mr. Reiner presented to the Mayor and Council the redevelopment plan that was updated for 94-104 Passaic Street which included 1.4 spots per unit and commercial. He noted that a shade and traffic study would be completed. Councilman Maslag inquired about affordable housing of which Mr. Reiner advised could be negotiated in the redevelopment agreement.

### **Reports of the Cabinet and City Council:**

#### *Boswell Engineering:*

Mr. Boswell shared that the City revised the bid specs for River Drive as a result of only receiving 2 bids back in October, which were significantly over the budget. He stated that the bid was broken down and the City would be saving approximately \$800,000.00 with the award to take place at the next meeting, after the bid opening. Mr. Boswell noted that the project schedule for the Elmwood Park Wellfield is on target and the units are on site with the only delay being the delivery of the generator. He went on to say that the striping on Semel Avenue is the only remaining item on that job and that his office is preparing the specs for the Prospect Street project. Lastly, Mr. Boswell spoke about a report regarding flooding occurring at the DPW site.

#### *Colliers Engineering:*

Mr. Boyer reviewed their monthly status memo with the Mayor and Council. He advised that there were some changes to the Columbus Park design as a result of the Well installed there and will adjust the rendering based on the concept meeting that was held. In regard to the Semel Avenue CDBG drainage project, Mr. Boyer stated that the goal would be to award at the January 24<sup>th</sup>, 2023 meeting as the deadline is in April for the City's first round of funding. Lastly, he shared that the items on the 2022 Road Program punch list and Hobart Park resurfacing construction will take place in early Spring of 2023.

#### *City Attorney:*

Mr. Lagana reviewed his memo about new state guidelines for lead paint inspections. Discussion ensued regarding the fine and how frequent inspections would need to be done. He then went over his memo regarding vehicles for sale. Mr. Lagana noted that the parking of vehicles on the street and right of ways are prohibited and that this would be an enforcement issue. He advised the Governing Body that they can add regulations that would require the lots to be paved and for there to be barriers installed to separate the right of ways.

### **Report of the City Manager:**

#### Resolutions:

1. **River to Rail NPP** – City Manager/City Clerk Delaney reviewed the resolution that is needed on behalf of Greater Bergen Community Action to continue the Neighborhood Preservation Program in Year 3.
2. **Banta Avenue Culvert** – City Manager/City Clerk Delaney reviewed the proposal obtained by Colliers Engineering for temporary repairs to the Banta Avenue culvert which was deemed a Priority 1 repair.

#### Discussion:

1. **Sustainable NJ - Recertification** – City Manager/City Clerk shared that the City has successfully submitted their recertification for a Bronze Level with Sustainable New Jersey.
2. **Newsletter Q4** – City Manager/City Clerk reviewed the Q4 Newsletter draft submitted by the Recreation Director. She noted that there was a lot of wasted space and, considering the cost of the newsletter to the City, she made some edits/additions to get more information out to residents. The Governing Body was in support of her recommendations. Additionally, they requested that the name dedication for Jewell Street Park be included.

3. **Cannabis Presentations** – City Manager/City Clerk advised that she has received inquiries from organizations seeking municipal resolutions of support. The Governing Body agreed to hold presentations at the January 10, 2023 Work Session meeting.

Departmental Reports:

1. **Building Department – November 2022** – No discussion ensued.
2. **Clerk’s Office – November 2022** – No discussion ensued.
3. **Millennium Strategies through November 2022** – No discussion ensued.
4. **Court Department through November 2022** – No discussion ensued.

**Executive Session:**

A motion was made by Councilwoman Banch and seconded by Councilman Herrera to enter into Executive Session. The motions carried unanimously by those present.

**WHEREAS**, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist; and  
**WHEREAS**, the Governing Body wishes to discuss:

**Personnel**  
**Contract Negotiations**

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public;

**NOW, THEREFORE, BE IT RESOLVED** that the public be excluded from this meeting.

A motion was made by Councilwoman Banch and seconded by Councilman Maslag to return to the public portion. Motion carried by the members present.

**Adjournment:**

A motion was made by Mayor Rigoglioso and seconded by Councilman Herrera to adjourn. Motion carried by the members present.

Respectfully submitted,

---

Erin Delaney, MPA, RMC  
City Manager/City Clerk

*These meeting minutes were approved at the January 24, 2023 Regular Meeting of the Mayor & Council.*