

**SPECIAL MEETING
OF THE
GARFIELD MAYOR AND COUNCIL
MARCH 17, 2023
12:30P.M.**

1. CALL TO ORDER:

The Special Meeting of the Mayor and Council of the City of Garfield was called to order on Friday, March 17, 2023 at 12:32PM via teleconference. On Roll Call present members were: Councilmembers Maslag, Herrera, & Banch* and Deputy Mayor Delaney. Also present were City Manager/City Clerk Delaney, City Attorney Daniel Lagana, and City Special Engineer Kevin Boyer.

**Councilwoman Banch arrived at 12:33PM.*

2. ROLL CALL:

3. STATEMENT OF COMPLIANCE:

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

Now, Therefore Be Advised, that the meeting requirements for this meeting have been met by publishing a special meeting notice in The Record and Herald News and by posting such notice in the office of the City Clerk as well as in a public place within the Municipal Building, and by notifying interested citizens. Said notice was posted on March 10, 2023 and published on March 14, 2023, with an updated notice posted and transmitted on March 15, 2023.

4. ORDINANCES: FIRST READING

R-125-23

Introduce Ord. #2988

**AN ORDINANCE TO REPEAL AND REPLACE PART II,
GENERAL LEGISLATION, CHAPTER 333, WATER,
ARTICLE I, RATES, OF THE REVISED GENERAL
ORDINANCES OF THE CITY OF GARFIELD**

5. RESOLUTION:

R-126-23

Awarding Construction Contract/Bid for the Semel Avenue
Drainage Improvements Project and Authorizing Execution of
Contract

6. PUBLIC HEARING:

7. MAYOR AND COUNCIL COMMENTS:

8. ADJOURNMENT:

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-125-23**

**RESOLUTION BY: DEPUTY MAYOR DELANEY
SECONDED BY: COUNCILMAN HERRERA**

**INTRODUCE ORDINANCE #2988
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

AN ORDINANCE TO REPEAL AND REPLACE PART II, GENERAL LEGISLATION, CHAPTER 333, WATER, ARTICLE I, RATES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

be passed and adopted on first reading; and

BE IT RESOLVED, that a final hearing on said ordinance will be heard at a meeting held on Tuesday, March 28, 2023 at 6:00PM or as soon thereafter as same can be heard, at which time any persons interested in said ordinance can be heard; and

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

APPROVED: March 17, 2023

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 Special Meeting held on the 17th day of March 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 2988**

AN ORDINANCE TO REPEAL AND REPLACE PART II, GENERAL LEGISLATION, CHAPTER 333, WATER, ARTICLE I, RATES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

WHEREAS, Chapter 333, Water, Article I, Rates, establishes the rates for water usage in the City of Garfield; and

WHEREAS, the City of Garfield desires to increase the rates for all water services by 6.5%; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Garfield, that Part II, General Legislation, Chapter 333, Water, Article I, Rates, is hereby repealed and replaced as follows:

Section 1. The current text of City Ordinance, Part II, General Legislation, Chapter 333, Water, Article I, Rates, is hereby amended to read as follows:

§ 333-1. Private dwellings.

A. The water rates for private dwelling houses per quarter shall hereinafter be as follows:

1. One-family dwelling: \$22.48 per quarter for 10 CCF or less.
 - a. For water consumed in excess of the stated amount per quarter, the following excess usage rate shall apply:
 - i. \$3.003 up to 60 CCF.
 - ii. \$3.067 over 60 CCF but less than 80 CCF.
 - iii. \$3.120 over 80 CCF but less than 100 CCF.
 - iv. \$3.184 over 100 CCF.
2. Two-family dwelling: \$52.48 per quarter for 20 CCF or less.
 - a. For water consumed in excess of the stated amount per quarter, the following excess usage rate shall apply:
 - i. \$3.003 up to 60 CCF.
 - ii. \$3.067 over 60 CCF but less than 80 CCF.
 - iii. \$3.120 over 80 CCF but less than 100 CCF.
 - iv. \$3.184 over 100 CCF.
3. Three-family dwelling: \$82.47 per quarter for 30 CCF or less.
 - a. For water consumed in excess of the stated amount per quarter, the following excess usage rate shall apply:
 - i. \$3.003 up to 60 CCF.
 - ii. \$3.067 over 60 CCF but less than 80 CCF.
 - iii. \$3.120 over 80 CCF but less than 100 CCF.
 - iv. \$3.184 over 100 CCF.
4. Four-family dwelling: \$112.45 per quarter for 40 CCF or less.
 - a. For water consumed in excess of the stated amount per quarter, the following excess usage rate shall apply:
 - i. \$3.003 up to 60 CCF.
 - ii. \$3.067 over 60 CCF but less than 80 CCF.
 - iii. \$3.120 over 80 CCF but less than 100 CCF.
 - iv. \$3.184 over 100 CCF.

B. For each family in one house exceeding four families, add \$27.51 per quarter and 10 CCF or less for each additional family.

C. Special rates for senior citizens. For all properties owned by senior citizens and which qualify for a senior citizen tax deduction pursuant to the provisions of N.J.S.A. 54:4-8.40 et seq., the rates shall be as follows:

1. One-family dwelling: \$12.61 per quarter for 10 CCF or less.
2. All other rate provisions, including excess usage rate, shall be as set forth above.

§ 333-2. Factories and small businesses.

A. The minimum rate for factories, restaurants, taverns and other small businesses shall be \$29.99 per quarter for 5 CCF.

B. For all water consumed in excess of the stated amount per quarter the excess usage rate be:

1. \$3.003 up to 60 CCF.
2. \$3.067 over 60 CCF but less than 80 CCF.
3. \$3.120 over 80 CCF but less than 100 CCF.
4. \$3.184 over 100 CCF

§ 333-3. Churches and parochial schools.

A. The water rates for all churches and schools shall be \$29.99 per quarter.

B. For all water consumed in excess of the stated amount per quarter the excess usage rate be:

1. \$3.003 up to 60 CCF.
2. \$3.067 over 60 CCF but less than 80 CCF.
3. \$3.120 over 80 CCF but less than 100 CCF.
4. \$3.184 over 100 CCF

§ 333-4. Schools.

The water rates for schools shall be as follows:

School	Fire	Water
No. 3	\$102.62	\$221.17
No. 4	\$102.62	\$221.17
No. 5	\$102.62	\$221.17
No. 6	\$102.62	\$221.17
No. 7	\$102.62	\$221.17
No. 8	\$102.62	\$221.17
No. 9	\$102.62	\$221.17
No. 10	\$102.62	\$221.17
High school	\$205.24	\$772.23

§ 333-5. Municipal and public buildings.

The water rates for all municipal and public buildings shall be a flat quarterly rate of:

<u>Building:</u>	<u>Rate:</u>
All City Owned Buildings	\$0.00
All Firehouses	\$0.00
Public Library	\$71.97

§ 333-6. Buildings under construction.

The water rates for buildings under construction shall be \$221.17.

§ 333-7. Unusual buildings over three stories.

For mills, factories, school buildings or any dwelling or other building of unusual type or over three stories high, the following rate shall apply: \$202.91.

§ 333-8. Standby charges for businesses.

Standby charges for businesses shall be \$437.91 per quarter. Standby charges for businesses located outside the City of Garfield shall be \$505.55 per quarter.

§ 333-9. Special rates for buildings outside City.

- A. For water consumed and furnished to buildings located outside the City limits of the City of Garfield, the rate shall be \$60.843 per 10 CCF.
- B. For all water consumed in excess of the stated amount per quarter the excess usage rate be: \$6.081

§ 333-10. Fire service connections; detector check valve.

- A. There are hereby established the following rates for fire service connections to the municipal water system of the City of Garfield installed for the use of private persons, firms, corporations or other entities. The rates for each quarter in every year shall be paid by the owner of any house, tenement, building, structure or lot when the utility is available for use at said house, tenement, building, structure or lot.

Size of Connection (inches):	Quarterly Charge:
2	\$132.45
2 1/2	\$197.43
3	\$329.87
4	\$397.35
6	\$1,058.36
8	\$1,212.05
10	\$1,980.53
12	\$2,635.38

- B. Any private person, corporation or other entity which maintains a fire service connection to the municipal water system of the City of Garfield shall be required to install a detector check valve at the location of the connection. This detector check valve shall be installed at the cost and expense of the person, firm, corporation or other entity. The City of Garfield Water Department shall have the right at any reasonable time, to inspect said detector check valve in order to ensure that it is operating properly.

§ 333-11. Quarterly service charges.

- A. There are hereby established the following quarterly service charges for all service connections:
 - 1. Service connections less than or equal to one inch: \$12.61 per quarter.
 - 2. Service connections in excess of one inch: \$25.22 per quarter.

- B. The Water Department shall charge the owner or water consumer a service fee as set forth herein in addition to the normal charges for consumption of water. These service charges are to be paid by the owner of any house, tenement, building, structure or lot where said water utility is available for use at the house, tenement, building, structure or lot.
- C. The quarterly service charge shall entitle the water consumer or property owner to have a service connection from delivery main to curb box repaired and maintained by the Garfield Water Department, provided that said curb box is not located on the private property of the owner or consumer. Repair and maintenance by the Garfield Water Department shall include the cost of relaying any service main where required at the discretion of the Water Department, and the breaking and replacement of any pavement where necessary. The responsibility of the Garfield Water Department shall include the repair of any leaks occurring between the delivery main and the curb box.
- D. The responsibility of service connections from the curb box into the metered premises shall be determined by the location of the curb box:
 - 1. If the curb box is located within the curb line and on the private property of the owner or consumer, it shall be the responsibility of the owner or consumer. However, water meters for service connections less than or equal to one inch shall be the responsibility of the Garfield Water Department.
 - 2. If the curb box is located on property other than that of the owner or consumer, it shall be the responsibility of the Garfield Water Department.
- E. The owner of the property or consumer at the premises where a meter has been installed by the Garfield Water Department shall protect from freezing, abuse and neglect or other injury, water meters, service pipes and sundry equipment. Where replacement, repair or adjustment of any meter becomes necessary due to an act of repeated neglect of or intentional damage by the owner or consumer at any premises, such expense to the Water Department based on the Garfield Water Department's time and materials shall be charged to and collected from the owner or consumer at said premises.
- F. Defective materials installed by the Garfield Water Department, where there has been no neglect, abuse or other damage caused by the owner or consumer, shall be the responsibility of the Garfield Water Department.

§ 333-12. Billing periods; lien for charges.

- A. Quarters.
 - 1. Charges for use of water and service shall be quarterly and the quarters of each year shall be divided into specific periods as follows:
 - a. January, February and March.
 - b. April, May and June.
 - c. July, August and September.
 - d. October, November and December.
 - 2. If an application is made to connect or disconnect within any of the quarters, a full quarterly rate shall be charged, with no prorating by reason of the commencement of use or ending of use at a time which shortens the full quarter.
- B. The Water Department shall render quarterly bills within 10 days after the end of each quarter for the various services covered under this chapter, and the persons liable for the payment thereof shall make payment to the Water Collector of the City of Garfield before the expiration of 30 days after the end of the quarter. Failure to pay upon the due date shall render the owner liable to a penalty in the sum of 10% per annum upon the amount due.

- C. The owner of any house, tenement, building, structure or lot, when said utilities herein mentioned are available for the use of said house, tenement, building, structure or lot, shall be liable for the payment of the charges fixed herein, and the charges shall be a lien upon said house, tenement, building, structure or lot until paid and satisfied

- D. In the event that payment for water charges is in arrears for two billing quarters, the City of Garfield shall send to the owner, occupier, user or responsible party (that person, firm or corporation to whom water charges are being billed), a notice by certified mail, return receipt requested, and also by regular mail. Said notice shall advise the responsible party, as described above, that water service will be terminated 30 days from the date of the notice if full payment, including all accrued interest, is not made. In the event that full payment is not received within that thirty-day period, the water service shall be discontinued until payment in full has been made as aforesaid. In the event that service is discontinued, in addition to the payment of all outstanding charges and interest, there shall be an additional charge of \$150.06 for reconnection. This fee must be paid in full prior to reconnection of service.

- E. If any charge remains in arrears for six months, the Water Department shall notify the Tax Collector of the details thereof, and the Tax Collector shall draw a statement showing such arrearages and file the same in his office, whereupon said charge shall be a lien upon the real estate to which the utility was furnished and in connection with which the charges were incurred to the same extent as taxes are a lien upon real estate in the municipality and shall be collected and enforced by the same officers and in the same manner as liens for taxes.

§ 333-13. Right to enter into separate contracts.

The City reserves the right to enter into separate contracts with any person, firm or corporation provided for within the terms of this chapter for the use of water and water service.

§ 333-14. Exclusive right to connect to City water main.

The City of Garfield shall have the exclusive right to connect and tap in a service to water mains owned and maintained by the City of Garfield. The following rates shall prevail for connecting such service and/or tapping the City of Garfield water mains:

Size of Connection (inches)	Connection Fee Per Service or Tap
3/4	\$1,102.28
1	\$1,653.41
2	\$2,204.55
4	\$3,306.83
6	\$4,960.24
8	\$8,267.06

§ 333-15. Bypass meters.

There are hereby established the following rates for bypass meters used in connection with the municipal water system of the City of Garfield. The following rates for each quarter in every year are to be paid by the owner of any house, tenement, building, structure or lot when said utility is available for the use of same:

Size (inches)	Quarterly Rate
1 1/2 to 2	\$437.34

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: March 17, 2023

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-126-23**

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

**AWARDING CONSTRUCTION CONTRACT/BID FOR THE SEMEL AVENUE
DRAINAGE IMPROVEMENTS PROJECT AND AUTHORIZING EXECUTION
OF CONTRACT**

WHEREAS, on Thursday, March 16, 2023, at 10:00AM bids were opened in the presence of the City CFO/QPA and DPW Superintendent; and

WHEREAS, there were thirteen (13) bids received with the lowest bidder for the project being Zuccaro Inc., 64 Commerce Street, Garfield, NJ 07026 for a Base Bid in the amount of \$1,144,871.00; and

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

WHEREAS, the Chief Financial Officer reviewed the available funding for the improvements and has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose to be paid out of account C-04-55-232-974-001; and

WHEREAS, this Project is funded by way of a capital improvement bond ordinance as provided by City of Garfield; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Garfield hereby approves the authorization of the City Manager, Erin Delaney, to award the Semel Avenue Drainage Improvements Project to Zuccaro Inc., 64 Commerce St Garfield, NJ 07026 for Base Bid in the amount of \$1,144,871.00 and execute said contract.

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

Anders Hasseler, Chief Financial Officer

March 16, 2023
Dated

APPROVED: March 17, 2023

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 Special Meeting held on the 17th day of March 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

PUBLIC COMMENT

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

MAYOR & COUNCIL COMMENTS

There were no Mayor & Council comments.

ADJOURNMENT

A motion was made by Councilman Maslag and seconded by Councilwoman Banch to adjourn. The motions carried unanimously by those present.

Respectfully submitted,

Erin Delaney, MPA, RMC
City Manager/City Clerk

These meeting minutes were approved at the April 25, 2023 Regular meeting of the Mayor & Council.