

**WORK SESSION MEETING
OF THE
GARFIELD MAYOR AND COUNCIL
SEPTEMBER 12, 2023
6:00P.M.**

The Work Session Meeting of the Garfield Mayor and Council for September 12, 2023 was called to order by City Manager/City Clerk Erin Delaney at 6:09PM. The Statement of Compliance was read.

Councilmembers Maslag, Herrera*, & Banch and Deputy Mayor Delaney were present. Also present were City Manager/City Clerk Erin Delaney, City Attorneys John Tuntevski & John Lavin, City CFO Anders Hasseler, and City Engineer Kevin Boswell.

**Councilman Herrera arrived at 6:18PM.*

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 January 3, 2023 and published on January 5, 2023.

Work Meeting Agenda Items:

Action Items:

- 1. ORDINANCES:** **FIRST READING**
R-382-23 Introduce Ord. #3011
**AN ORDINANCE TO ESTABLISH ALTERNATE SIDE OF
THE STREET PARKING AS TO PALISADE AVENUE
FROM VAN WINKLE AVENUE TO MONROE STREET**
- R-383-23 Introduce Ord. #3012
**AN ORDINANCE AMENDING PART II, GENERAL
LEGISLATION, CHAPTER 265, SEWERS, ARTICLE I,
SEWER USE, OF THE REVISED GENERAL ORDINANCES
OF THE CITY OF GARFIELD**
- SECOND READING**
R-384-23 Introduce Ord. #3003
**AN ORDINANCE ESTABLISHING REQUIREMENTS FOR
THE PLACEMENT AND STORAGE OF GARBAGE,
RUBBISH, AND REFUSE, AND AMENDING PART II,
GENERAL LEGISLATION, CHAPTER 164, GARBAGE,
RUBBISH AND REFUSE, OF THE REVISED GENERAL
ORDINANCES OF THE CITY OF GARFIELD**
- R-385-23 Introduce Ord. #3004
**AN ORDINANCE TO REPEAL AND REPLACE PART II,
GENERAL LEGISLATION, CHAPTER 243, VACANT AND
ABANDONED PROPERTIES REGISTRATION, OF THE
REVISED GENERAL ORDINANCES OF THE CITY OF
GARFIELD**

- R-386-23 Introduce Ord. #3005
AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 330, VEHICLE REPAIR AND AUTO BODY REPAIR FACILITIES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD
- R-387-23 Introduce Ord. #3006
AN ORDINANCE TO REPEAL AND REPLACE PART II, GENERAL LEGISLATION, CHAPTER 221, NUISANCES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD
- R-388-23 Introduce Ord. #3007
AN ORDINANCE TO REPEAL AND REPLACE PART II, GENERAL LEGISLATION, CHAPTER 226, OVERNIGHT PARKING, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD
- R-389-23 Introduce Ord. #3008
AN ORDINANCE TO REPEAL AND REPLACE PART II, GENERAL LEGISLATION, CHAPTER 128, DWELLING CERTIFICATES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD
- R-390-23 Introduce Ord. #3009
AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 260, SANITATION, TO INCLUDE ARTICLE IX, FEEDING OF BIRDS, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD
- R-391-23 Introduce Ord. #3010
AN ORDINANCE TO FIX THE SALARY, WAGES, AND COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY

2. CONSENT AGENDA:

- R-392-23 Approval of Bills and Claims
- R-393-23 Authorizing the City Engineer to Design Streetscape and Water Improvements on Prospect Street Between Lanza Avenue and Semel Avenue
- R-394-23 Approving Tax Overpayment Credit/Refund
- R-395-23 Approve Release of Contract Retainage and Performance Bond for the 2021 Road Program
- R-396-23 Authorizing the City Manager to Execute the TWA Application Approval on Behalf of the Governing Body for the Construction of a Sanitary Sewer Extension at 69 Hepworth Place Garfield, NJ
- R-397-23 Approving Regular Active Member – Fire Department
- R-398-23 Recognizing the Month of September as Hunger Action Month
- R-399-23 Municipal Endorsing Resolution for Bergen County Community Development Block Grant (CDBG) Project – Exterior Rehabilitation to the Garfield Recreation Center

- R-400-23 Municipal Endorsing Resolution for Bergen County Community Development Block Grant (CDBG) Project – Boys & Girls Club of Garfield
- R-401-23 Resolution to Accept Consent Agenda

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-382-23**

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

**INTRODUCE ORDINANCE #3011
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

**AN ORDINANCE TO ESTABLISH ALTERNATE SIDE OF THE STREET PARKING
AS TO PALISADE AVENUE FROM VAN WINKLE AVENUE TO MONROE STREET**

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, September 26, 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: September 12, 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 Work Session Meeting held on the 12th day of September 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 3011**

AN ORDINANCE TO ESTABLISH ALTERNATE SIDE OF THE STREET PARKING AS TO PALISADE AVENUE FROM VAN WINKLE AVENUE TO MONROE STREET

WHEREAS the Police Department of the City of Garfield has recommended to the Governing Body that certain modifications be made in the scheduled alternate side parking within the City; and

WHEREAS the Governing Body of Garfield, after consideration of these recommendations has concurred with same and believes it is in the best interest 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. Parking is hereby prohibited on the following streets in the City of Garfield on the days and between the hours as noted herein:

NO PARKING – MONDAY, BETWEEN 11AM AND 12:00 NOON

Palisade Avenue (East Side) Between Van Winkle Avenue and Monroe Street

NO PARKING – TUESDAY, BETWEEN 12 NOON AND 1PM

Palisade Avenue (West Side) Between Van Winkle Avenue and Monroe Street

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

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

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

The ordinance shall take effect immediately upon final passage.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: September 12, 2023

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-383-23**

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

**INTRODUCE ORDINANCE #3012
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

AN ORDINANCE AMENDING PART II, GENERAL LEGISLATION, CHAPTER 265, SEWERS, ARTICLE I, SEWER USE, 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, September 26, 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: September 12, 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 Work Session Meeting held on the 12th day of September 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 3012**

AN ORDINANCE AMENDING PART II, GENERAL LEGISLATION, CHAPTER 265, SEWERS, ARTICLE I, SEWER USE, 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 265, Sewers, Article I, Sewer Use, Subsection 265-37, is hereby amended as follows:

Section 1. The current text of City Ordinance, Part II, General Legislation, Chapter 265, Sewers, Article I, Sewer Use, Subsection 265-37, is hereby amended as follows:

§ 265-37 Determination of charges; appeals.

A. User fees. User fees are established as follows:

(1) Residential, annual charge:

- (a) Single-family residential property: \$70.
- (b) Two-family residential property: \$200.
- (c) Three-family residential property: \$400.
- (d) Four-family residential property: \$580.

(2) Apartments and condominiums:

- (a) Condominiums: \$70/unit.
- (b) Multifamily apartment buildings (four residential units): \$170/unit.
- (c) Garfield Housing Authority property: \$100/unit.

(3) Commercial users (classification of commercial property shall be based upon gallons used as determined by the Water and Sewer Facilities Manager):

- (a) C1: \$350.
- (b) C2: \$550.
- (c) C3: \$750.
- (d) C4: \$950.
- (e) C5: \$1,150.
- (f) C6: \$1,350.

(4) Governmental: All governmental users shall be exempt from charge.

(5) Not-for-profit:

- (a) Annual charge: \$200/unit.

(6) Significant industrial user:

- (a) Annual charge: based upon PVSC standard utility method.

B. Late payments. Users will be subject to the payment of interest and penalties for payments received after the due date. Users will be assessed penalties in the manner established by the City for payment on late property tax payments.

C. Appeals. Users who believe that their classification has been improperly determined may appeal by submitting written documentation to the City Engineer.

Section 2. The remainder of Chapter 265, Article 1 are ratified and remain unchanged as a result of this Ordinance amendment.

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: September 12, 2023

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

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

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-384-23**

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

**INTRODUCE ORDINANCE #3003
SECOND READING**

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

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR THE PLACEMENT AND STORAGE OF GARBAGE, RUBBISH, AND REFUSE, AND AMENDING PART II, GENERAL LEGISLATION, CHAPTER 164, GARBAGE, RUBBISH AND REFUSE, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

was introduced and passed at a meeting held on Tuesday, August 22, 2023 and that further consideration of this ordinance would be taken up at this meeting; and

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

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

APPROVED: September 12, 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 Work Session Meeting held on the 12th day of September 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 3003**

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR THE PLACEMENT AND STORAGE OF GARBAGE, RUBBISH, AND REFUSE, AND AMENDING PART II, GENERAL LEGISLATION, CHAPTER 164, GARBAGE, RUBBISH AND REFUSE, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

WHEREAS, improved sanitation storage standards is vital to the revitalization of the City of Garfield and the improvement of the quality of life of its residents; and

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 164, 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. Purpose.

An ordinance to improve requirements for the placement and storage of garbage, rubbish and refuse and penalties for noncompliance in the City of Garfield to protect the environment, public health, safety and welfare.

Section 2. Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" means the requirement is always mandatory and not merely directory.

- A. "Ashes" means the residue from the burning of wood, coal or other combustible material.
- B. "Container" means any portable device or receptacle in which garbage, rubbish or refuse is stored, transported, treated, disposed of, or otherwise handled.
- C. "Food waste" means food processing by-products (food processing vegetative wastes and/or food processing residuals generated from food processing and packaging operations or similar industries that process food products), vegetative waste (produce trimmings and over-ripe produce generated by supermarkets, produce brokers and produce distributors), off-spec food products, food product over-runs, and similar food waste materials.
- D. "Fully enclosed structure" means an area where one or more containers are located for temporary storage of garbage, rubbish or refuse while awaiting periodic removal pursuant to the City code, such as, but not limited to, a fenced in area or storage bin. A fully enclosed structure should be of appropriate make and size so as to obscure receptacles from public view and the height of which should not exceed 5 inches above the height approved for the type of receptacles required by City code.
- E. "Garbage" means putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods. It shall not include food-processing wastes from canneries, packing plants or similar industries nor large quantities of condemned food products.
- F. "Receptacle" means container.
- G. "Refuse" means all putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, dismantled automobiles and parts thereof, scrap metal, junk, machinery and solid market and industrial wastes.
- H. "Rubbish" means non-putrescible solid wastes, consisting of both combustible and noncombustible wastes, such as papers, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, building materials and similar materials.

- I. "Recyclable materials" means materials which would otherwise become nonhazardous solid waste which can be separated, collected and processed and returned to the economic mainstream in the form of raw materials or products

Section 3. Regulated Activities.

§ 164-1 Hours for placing at curb; residential properties.

The property owner shall be responsible for any garbage, refuse, solid waste, recyclables or any other materials placed at the curb/sidewalk area in front of and/or on the side of his/her/their properties for disposal or pickup prior to 4:00 p.m. of the day before said pickup is scheduled. Each individual property owner who violates this section shall be punished as follows:

- A.** First offense: A \$150 fine, payable by mail or in person or online. Court appearance is not required.
- B.** Second offense within a twelve-month period: A \$250 fine, payable by mail or in person or online. Court appearance is not required.
- C.** Third offense within a twelve-month period: A fine of \$500 and a mandatory court appearance. The City Municipal Judge shall have the authority to sentence the offending party to not less than eight hours and no more than 30 hours of community service.
- D.** Fourth offense and each offense thereafter, within a twelve-month period: A \$2,000 maximum fine and a mandatory court appearance. The City Municipal Judge shall have the authority to sentence the offending party to not less than 50 hours and no more than 100 hours of community service.

§ 164-2 Hours for placing at curb; commercial properties.

The property owner shall be responsible for any garbage, refuse, solid waste, recyclables or any other materials placed for disposal or pickup at the curb for pickup prior to 4:00 p.m. of the day before said pickup is scheduled. Each property owner who violates this section shall be punished as follows:

- A.** First offense: A \$500 fine, payable by mail or in person or online. Court appearance is not required.
- B.** Second offense within a twelve-month period: A \$750 fine, payable by mail or in person or online. Court appearance is not required.
- C.** Third offense within a twelve-month period: A fine of \$1,000 payable by mail or in person or online. Court appearance is not required.
- D.** Fourth offense and each offense thereafter, within a twelve-month period: A fine of not less \$1,000 and not greater than \$2,000 and a mandatory court appearance. The City Municipal Judge shall have the authority to sentence the offending party to not less than 100 hours and no more than 200 hours of community service.

§ 164-3 Storage and placement.

- A.** Storage. Garbage, refuse, solid waste, recyclables or any other materials awaiting collection shall be deposited in a covered container(s) or receptacles in accordance with Chapter 201 of the City code, which shall be kept in an upright position and regularly disinfected.
- B.** Placement. Refuse receptacles shall not be stored in front or on side of buildings or houses between collections, except in a fully enclosed structure; or kept in such place or places so as not to become a nuisance to the occupants of any dwelling.

§ 164-4 Exceptions to prohibited conduct.

Nothing in this chapter shall be construed to nullify or replace any of the provisions of Chapter 201, Littering; or any otherwise approved activity in accordance with the zoning requirements of the City of Garfield.

Section 5. Enforcement.

This ordinance shall be enforced by the Construction Code Officer, the Police Department, Sanitation Officer and Property Maintenance Officer are hereby empowered and authorized to exercise such powers as may be necessary or convenient to carry and effectuate the purposes and provisions of this chapter.

Section 7. Severability.

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

Section 8. Effective Date.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: August 22, 2023

Adopted: September 12, 2023

APPROVED: _____

Richard Rigoglioso, Mayor

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

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-385-23**

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

**INTRODUCE ORDINANCE #3004
SECOND READING**

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

AN ORDINANCE TO REPEAL AND REPLACE PART II, GENERAL LEGISLATION, CHAPTER 243, VACANT AND ABANDONED PROPERTIES REGISTRATION, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

was introduced and passed at a meeting held on Tuesday, August 22, 2023 and that further consideration of this ordinance would be taken up at this meeting; and

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

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

APPROVED: September 12, 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 Work Session Meeting held on the 12th day of September 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 3004**

**AN ORDINANCE TO REPEAL AND REPLACE PART II, GENERAL LEGISLATION,
CHAPTER 243, VACANT AND ABANDONED PROPERTIES REGISTRATION, OF
THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD**

WHEREAS, vacant and abandoned properties pose a danger to the public and residents of the City of Garfield; and

WHEREAS, vacant and abandoned properties impact the revitalization of the City of Garfield and the quality of life of its residents; and

WHEREAS, the Governing Body of Garfield believes it is in the best interest of the City of Garfield to repeal and replace Part II, General Legislation, Chapter 243, 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, Part II, General Legislation, Chapter 243 is repealed and replaced as follows:

Section 1. Part II, General Legislation, Chapter 243 is repealed and replaced as follows:

Chapter 243 Vacant and Abandoned Properties Registration

§ 243-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated. Any terms not defined herein shall be given the meaning ascribed in Chapter 242.

OWNER

Any title holder, any agent of the title holder having authority to act with respect to a vacant property, a foreclosing entity subject to the provisions of N.J.S.A. 46:10B-51 (P.L. 2008, c. 127, Sec. 17, as amended by P.L. 2009, c. 296), or any other entity determined by a court of competent jurisdiction the City of Garfield to have authority to act with respect to the property.

VACANT PROPERTY

Any vacant land, or any building used or to be used as a business or residence that is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including, but not limited to, any property meeting the definition of "abandoned property" in N.J.S.A. 55:19-81; provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this article.

§ 243-2 Registration requirements.

The owner of any vacant property as defined herein shall, within 60 calendar days after the building becomes vacant property or within 30 calendar days after assuming ownership of the vacant property, whichever is later; or within 10 calendar days of receipt of notice by the City, file a registration statement for such vacant property with the Zoning Officer, Assistant Zoning Officer or designee assigned by the City Manager to administer this Chapter ("public officer"), utilizing forms provided by the City for such purposes. Failure to receive notice from the municipality shall not constitute grounds for failing to register the property. Notwithstanding the foregoing, the owner of any property meeting the definition of vacant property as of the effective date of this ordinance, shall be required to submit an initial registration statement for that property on or before January 1, 2024.

- A. Each party having a separate block and lot number as designated in the City's official records shall be registered separately.
- B. Registration statement.
 - (1) The registration statement shall include:
 - (a) The name, street address, telephone number, and email address (if applicable) of a person 21 years or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code; and
 - (b) The name, street address, telephone number, and email address (if applicable) of the person or entity responsible for maintaining the property, who shall be available by telephone or in person on a twenty-four-hour-per-day, seven-day-per-week basis. If an entity is designated to maintain the property, the actual name(s) of the entity's individual principal(s) shall be disclosed in the registration statement.
 - (2) The authorized agent and the party responsible for maintaining the property may be the same. However, both the authorized agent and the party responsible for maintaining the property must either maintain an office in the state of New Jersey or reside within the state of New Jersey.
- C. The registration shall remain valid for one year from the date of registration except for the initial registration, which shall expire on December 31 of the year the property is initially registered. The owner shall be required to renew the registration annually as long as the building remains a vacant property and shall pay a registration or renewal fee, in the amount prescribed in § 243-5, for each vacant property registered.
- D. The annual renewal shall be completed by December 31st for the subsequent year. The initial registration fee shall be prorated for registration statements received on or after March 1.
- E. The owner shall notify the public officer within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the public officer for such purpose.
- F. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the building.

§ 243-3 Access to vacant properties.

The owner of any vacant property registered under this section shall provide access to the City to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 a.m. through 4:00 p.m. or such other time as may be mutually agreed upon between the owner and the City.

§ 243-4 Responsible owner or agent.

- A. An owner who meets the requirements of the section with respect to the location of his or her residence or workplace in the State of New Jersey may designate himself or herself as agent or as the individual responsible for maintaining the property.
- B. By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the City of Garfield, by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

§ 243-5 Fee Schedule.

The initial registration of the property shall be \$250. Upon renewal of the registration for the second year, the registration fee shall be \$500; renewal for the third year shall be \$1,000; renewal for the fourth year shall be \$2,000; and for every year thereafter said registration fee shall be \$4,000.

§ 243-6 Requirements of owners of vacant property.

The owner of any building that has become vacant property, and any person maintaining or operating or collecting rent for any such building that has become vacant shall, within 30 days thereof:

- A. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the City Code, or as set forth in the rules and regulations supplementing those codes until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and
- B. Ensure that the exterior grounds of the structure, including yards, fences, swimming pools, sidewalks, walkways, rights-of-way, alleys, retaining walls, attached or unattached accessory structures and driveways, are well-maintained and free from trash, debris, loose litter, and grass and weed growth.

§ 243-7 Rights of the City.

- A. If the owner is in violation of any terms and conditions of this article, the City shall send notice to the owner, via certified and regular mail, as identified on the registration, that such violation must be remedied within 30 days. If such violation is not remedied within 30 days of such notice, the City shall cause a summons to be issued.
- B. In addition to such summons, the City shall have the right to expend public funds in order to abate the nuisance, correct or remedy the violation, or secure the premises against unauthorized entry, and such costs shall be paid by the property owner and/or registered agent.
- C. For the purposes of obnoxious weeds or growth, the cutting of the grass, or removal of snow and ice, the notice provided to the owner pursuant to § 243-6A, above, shall include such notice that unless the owner shall object, a regular schedule shall be established between the contractor and the City to trim said obnoxious weeds or growth, to cut the grass, or remove the snow and ice on the property. Said regular schedule of work shall be no more than twice a month.

§ 243-8 Violations and penalties.

- A. Any person who violates any provision of this article or of the rules and regulations issued hereunder shall be fined not less than \$100 and not more than \$2,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this subsection shall be recoverable from the owner and shall be a lien on the property; and

- B.** For purposes of this article, failure to file a registration statement within 30 calendar days after a building becomes vacant property or within 30 calendar days after assuming ownership of a vacant property, whichever is later, or within 10 calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this article.

§ 243-9 Additional legal requirements.

The provisions of this article are intended to supplement, and not replace, any other legal requirements regulating vacant and abandoned properties which have established by New Jersey law or regulation, or the City Code, including, but not limited to, §§ **242-1** through **242-15** of the City Code. Nothing in this article shall be read to limit in any way the City from taking action against buildings found to be unfit for human habitation or structurally unsafe as authorized by New Jersey law or regulation or City Code provision. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve an owner from its obligations under this article.

§ 243-10 Administration.

The City Manager may issue rules and regulations for the administration of the provisions of this article. Such rules and regulations, as approved by the City Attorney, shall be maintained on file by the Office of the Tax Collector of the City of Garfield.

Section 2. Any other chapter of the City Code that conflicts with this amendment is hereby repealed to the extent of the conflict;

Section 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: August 22, 2023

Adopted: September 12, 2023

APPROVED: _____

Richard Rigoglioso, Mayor

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

City Attorney John Tuntevski noted for the record that general correspondence was received from an attorney contesting two pieces of the ordinance that related to parking restrictions within a certain distance to schools/parks as well as operating hours.

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-386-23**

RESOLUTION BY: COUNCILWOMAN BANCH

SECONDED BY: COUNCILMAN MASLAG

**INTRODUCE ORDINANCE #3005
SECOND READING**

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

**AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 330,
VEHICLE REPAIR AND AUTO BODY REPAIR FACILITIES, OF THE REVISED
GENERAL ORDINANCES OF THE CITY OF GARFIELD**

was introduced and passed at a meeting held on Tuesday, August 22, 2023 and that further consideration of this ordinance would be taken up at this meeting; and

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

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

APPROVED: September 12, 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 Work Session Meeting held on the 12th day of September 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 3005**

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 330, VEHICLE REPAIR AND AUTO BODY REPAIR FACILITIES, 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 330 is hereby repealed and replaced as follows:

Section 1. The current text of City Ordinance, Part II, General Legislation, Chapter 330, is hereby repealed and replaced as follows:

Chapter 330 Vehicle Repair and Auto Body Repair Facilities

§ 330-1 Purpose.

This chapter is deemed necessary and proper for the protection of persons and property, for the preservation of the public safety of the municipality and to reduce traffic congestion and hazards in the public streets and along the county and state highways in the City.

§ 330-2 Regulations made applicable by reference; definitions.

- A. N.J.A.C. 13:45A-26C et seq. pertaining to regulation of automotive repair shops, which statutes and regulations are attached hereto and made a part hereof, are applicable within the City of Garfield, subject to the limitations, qualifications and expansion set forth in this article.
- B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

AUTO BODY REPAIR FACILITY

Includes a business or person who, for compensation, engages in the business of repairing, removing or installing integral component parts of an engine, power train, chassis or body of an automobile damaged as a result of a collision. For the purpose of this article, the following are not deemed to be "auto body repair facilities":

- (1) An employee of an auto body repair facility who engages in the business of repairing automobiles solely by reason of his employment.
- (2) Any person who is solely engaged in the business of repairing automobiles owned or leased by a single commercial or industrial establishment.
- (3) Any person or business whose activities consist solely of fueling; changing oil, water, batteries or tires; replacing fan belts, air filters or oil filters; installing windshield wiper blades, light bulbs, communications equipment; or such other minor repair and servicing functions.
- (4) A person or business which solely examines automobiles to determine the cause or location of malfunctions where no repairs as a result of collision take place.
- (5) Any person or business that solely performs four-wheel alignment, air-conditioning services, window glazing, mechanical repairs and/or structural (frame machine) repairs pursuant to a subcontracting agreement with a properly licensed, full- or limited-service auto body facility. All such subcontracting agreements must be filed with the New Jersey Motor Vehicle Commission.
- (6) Any person or business that solely performs restoration services for motor vehicles that have not otherwise been damaged as a result of a collision.

MAINTENANCE, DIAGNOSIS OR REPAIR SERVICES ON A MOTOR VEHICLE

All maintenance, diagnosis and repair of motor vehicles performed by an automotive repair dealer, excluding any person or business whose activities consist solely of fueling, installing windshield wiper blades, or such other minor repair or servicing function as deemed by the Administrator Officer.

VEHICLE REPAIR FACILITY

Any location which, for compensation, engages in the business of performing or employing persons who perform maintenance, diagnosis or repair services on a motor vehicle or the replacement of parts other than body parts, but excluding those persons who engage in the business of repairing motor vehicles of commercial or industrial establishments or government agencies, under contract or otherwise, but only with respect to such accounts.

§ 330-3 License required.

It shall be unlawful for any person to use any land, building or premises to engage in the business of performing maintenance, diagnosis or repair services on a motor vehicle or the replacement of parts, or the repair, removal or installation of integral component parts of an engine, power train, chassis or body of an automobile without first obtaining a license therefor from the City. A license shall be required whenever more than one motor vehicle is stored for repair on any such land, building or premises. A separate license shall be required for each separate place or location of business.

§ 330-4 Application for license.

- A.** Any person desiring a license under this chapter shall file with the City Clerk an original and four copies of an application, under oath, in writing, on a form furnished by the City Clerk.
- B.** The application shall set forth the following information:
 - (1)** The applicant's name, business name and business address.
 - (2)** Whether the applicant is an individual, a partnership, a corporation or another entity, and if another entity, a full explanation and description thereof.
 - (3)** If the applicant is an individual, the applicant's residence address and date and place of birth.
 - (4)** If the applicant is a partnership, the full name, residence address, date and place of birth of each partner.
 - (5)** If the applicant is a corporation or other entity, in the case of a corporation the full name, residence address, date and place of birth of each major officer and each stockholder, and the name and address of the registered agent and the address of the principal office (the term "stockholder" as used herein means and includes any person owning or having an interest, either legal or equitable in 10% or more of the stock issued and outstanding of the applicant corporation); in the case of another entity, the full name, residence address, date and place of birth of each person owning or having any interest, either legal or equitable, aggregating in value 10% or more of the total capital of the said entity, and the name and address of the registered agent, if any, and the address of the principal office.
 - (6)** Whether the applicant or any partners, officers or stockholders thereof have ever been arrested or convicted of a crime, and, if so, the name of the person arrested or convicted, the date of arrest, the crime or charge involved and the disposition thereof (the term "officers" as used herein means and includes the president, vice presidents, secretary and treasurer of a corporate applicant).

- (7) The business addresses of the manager or the person in charge of the licensed premises during the five-year period preceding the date of application.
- (8) A description in metes and bounds of the place where the business is to be located and carried on.
- (9) A survey or scale drawing of the plot showing structures and open areas to be used in the business, approved existing or proposed entrances to and from the place where the business is to be conducted, the location and place of said business, the location and size of all structures and fences thereon and the setback thereof from street lines.
- (10) If the applicant is not the owner of the site where the said business is to be conducted, the owner's consent to the conduct of said business shall be endorsed on the application.

§ 330-5 Licensing and regulation.

The procedure for licensing and regulation, as well as the penalties for noncompliance with this article, as set forth in N.J.S.A. 39:13-1 through 8 and N.J.A.C. 13:21-21.1 et seq., are applicable in the City of Garfield, subject to the following provisions:

- A. Wherever the term "Commissioner" or "Commissioner of Motor Vehicles" appears in the foregoing regulations such provisions shall refer to the City Clerk of the City of Garfield.
- B. The fees for licenses set forth in N.J.A.C. 11:14-2.2(b)[1] shall not mean that auto body repair facilities in the City of Garfield must pay said fees to the City of Garfield. Instead, such facilities shall pay the following fees to the City Clerk of the City of Garfield at the time of initial application for a license and at the time of the renewal thereof:
 - (1) Initial application fee: \$100.00
 - (2) Renewal application fee: \$25.00
- C. An additional fee will be charged for any licensed business having more than one location, which location is not adjoining or contiguous thereof.
- D. All licenses shall run for a period of one year commencing January 1 and ending December 31 of the year of its issuance.
- E. All existing licenses and those issued hereafter may, upon payment of the prescribed license fee and compliance with the terms of this chapter, be renewed annually. Renewals of an expiring license shall be made upon payment of the annual fee and the filing of a short-form application, supplied by the City Clerk, stating that no changes have been made in any of the facts or information stated in the original application or to the licensed premises during the preceding license period.
- F. The license shall authorize the licensee to conduct business only on the premises specified in the license. Without the consent of the Council, the license shall not be transferable to any other premises nor assignable or transferable in any manner or to any other person.
- G. All licenses under this chapter shall at all times be subject to such reasonable rules as may be made from time to time by the Council for the proper operation and regulation of the places of business named in such licenses.

§ 330-6 Suspension or revocation of license.

A. Licenses issued under the provisions of this chapter may be suspended or revoked by the City Council after notice and hearing for any of the following causes:

1. Fraud, misrepresentation or false statement contained in the application for license.
2. Any violation of this chapter.
3. Conviction of any crime involving moral turpitude.

B. Notice of the hearing for revocation of a license shall be given to the licensee, in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed by registered or certified mail, return receipt requested, addressed to the licensee at his last known address, at least five days prior to the date set for the hearing.

§ 330-8 Parking restrictions.

No motor vehicle awaiting repair shall be exhibited, stored, parked or located on the licensed premises within 50 feet of any building occupied solely for residence purposes nor 200 feet of a school, church or other place of assembly.

§ 330-9 Use of sidewalks, streets or front yards restricted.

The licensee shall not place any vehicle on the sidewalk, street or the front yard between the street and the setback line applicable thereto. The licensee shall not use or permit the use of the sidewalk, street or front yard areas aforesaid for the storage, display or repair of motor vehicles or for the parking of any other vehicles on any of said areas.

§ 330-10 Maintenance of premises.

- A. The licensee shall not create or allow undue noise on the premises so as to constitute a public or private nuisance.
- B. The licensee shall not permit smoke, dust or any noxious odors to escape from the premises so as to constitute a public or private nuisance.
- C. The licensee shall maintain all surface parking areas and driveways with concrete or asphalt paving.
- D. All licensees whose business has a parking lot that abuts a sidewalk shall maintain a guardrail, concrete curb stop, or similar structure along that portion of the parking lot abutting the sidewalk to prevent motor vehicles from intruding on to the sidewalk. All licensees whose business has a parking lot that abuts a street where no sidewalk exists shall maintain a guardrail, concrete curb stop, or similar structure along that portion of the parking lot abutting the street at a minimum distance of five (5) feet measured from the end of the street or an existing curb.

§ 330-11 Hours of Operation, open to the public.

No business licensed under this section shall be open to the public between the hours of 8:00 p.m. and 7:00 a.m. the following day.

§ 330-12 Enforcement.

Every business licensed for vehicle sales shall at all times comply with the requirements of this chapter and with all authorities having jurisdiction in the licensed premises. Any violation of the terms of this chapter or any nuisances or hazard to health or safety which may exist or develop in or in consequence of or in connection with any such premises shall forthwith be abated and removed by the licensee upon receipt of a notice to that effect from the Construction Official,

Police Department or other authority having jurisdiction in the licensed premises. The Construction Official's office and the Police Department shall be responsible for the enforcement of this chapter.

§330-13 Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by one or more of the following: a fine not exceeding \$2,000; imprisonment for a term not exceeding 90 days; and/or a period of community service not exceeding 90 days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

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: August 22, 2023

Adopted: September 12, 2023

APPROVED: _____

Richard Rigoglioso, Mayor

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

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-387-23**

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

**INTRODUCE ORDINANCE #3006
SECOND READING**

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

AN ORDINANCE TO REPEAL AND REPLACE PART II, GENERAL LEGISLATION, CHAPTER 221, NUISANCES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

was introduced and passed at a meeting held on Tuesday, August 22, 2023 and that further consideration of this ordinance would be taken up at this meeting; and

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

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

APPROVED: September 12, 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 Work Session Meeting held on the 12th day of September 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 3006**

AN ORDINANCE TO REPEAL AND REPLACE PART II, GENERAL LEGISLATION, CHAPTER 221, NUISANCES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

WHEREAS, the Governing Body of Garfield has concern as to the quality of life in the City and believes it is in the best interest of the City of Garfield to repeal and replace Part II, General Legislation, Chapter 221, Nuisances, 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, Part II, General Legislation, Chapter 221 is repealed and replaced as follows:

Section 1. Part II, General Legislation, Chapter 221 is repealed and replaced as follows:

Article I

Chapter 221 Nuisances

§ 221-1 Word usage.

The word "person," as used herein, shall include the singular and plural and shall also mean and include any person, firm, partnership, limited-liability company, corporation, association, club, society or any other form of association or organization.

§ 221-2 Prohibited conduct.

It shall be unlawful for any person to make, cause, suffer or permit to be made or to be continued any loud noise, unnecessary noise, unusual noise or any noise or act which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any other person within the corporate limits of the City of Garfield. Such conduct shall be considered a "nuisance."

§ 221-3 Nuisance acts.

The following acts, among others, are declared to be a nuisance in violation of this chapter, when the noise emanating from such acts is clearly audible from at least 100 feet from the actor, source or device; provided, however, that this enumeration shall not be deemed to be exclusive:

- A.** Radios, stereos, etc. The playing of any radio, television, stereo, musical instrument or other machine or device for the production or reproduction of sound in such a manner or in such volume as to unreasonably annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence, or to disturb the peace, quiet and comfort of neighboring inhabitants, or to play or operate the same with louder volume than is necessary for convenient hearing of the person or persons who are in the room, chamber or venue in which said machine or device is operated and who are voluntary listeners to such sound.
- B.** Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on public streets or yelling, shouting, hooting, whistling or singing at any other place, whether public or private, in such a manner and in such volume and intensity to disturb the peace and quiet of the neighborhood, or to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or any other place of residence, or of any persons in the vicinity.
- C.** Peddlers, hawkers and vendors. The shouting of peddlers, hawkers and vendors, in such a manner and in such volume and intensity to disturb the peace and quiet of the neighborhood, so as to annoy or disturb the quiet, comfort or repose of

persons in any dwelling, hotel or any other type of residence, or of any persons in the vicinity.

- D.** Loudspeakers and amplifiers for advertising. The use, operation or permitting the playing, use or operation of any radio, television, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the production or reproduction of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building, structure, store or establishment.
- E.** Construction. The operation of any equipment used in commercial construction, repair, alteration or demolition work on buildings, structures, streets or appurtenances thereto in residential or commercial land use zones on weekdays between the hours of 6:00 p.m. and 8:00 a.m. the following day, or between 6:00 p.m. Saturday night and 8:00 a.m. Monday morning, and on legal holidays, except in the case of urgent necessity in the interest of public health and safety, and then only with permission from the City Council.
- F.** Landscaping equipment. The operation of power mowers and power tools used in landscaping outdoors between the hours of 8:00 p.m. and 8:00 a.m. the following day.
- G.** Loading operations. Loading, unloading, opening or otherwise handling boxes, crates, containers, garbage cans or similar objects between the hours of 6:00 p.m. and 6:00 a.m. the following day, in such a manner as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or any other type of residence, or of any persons in the vicinity.
- H.** Refuse-compacting vehicles. Operating or permitting the operation of any motor vehicle which can compact refuse, and which creates, during the compacting cycle, a disturbing noise between 6:00 p.m. and 6:00 a.m. the following day in residential land use zones.
- I.** Vehicle repairs or testing. Repairing, rebuilding, modifying or testing any motor vehicle, off-road vehicle or motorboat in or near a residential land use zone in such a manner as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or any other type of residence, or of any persons in the vicinity.
- J.** Standing motor vehicles. Operating or permitting the operation of a motor vehicle whose gross vehicle weight is in excess of 10,000 pounds, or any attached auxiliary equipment, for a period longer than three minutes in any hour while such vehicle is stationary on a public right-of-way in a residential land use zone, or is on private property in a residential or commercial land use zone, and is not within a completely enclosed structure.
- K.** Bells and alarms. The sounding or permitting the sounding of any exterior building alarm on any building or motor vehicle, unless such burglar alarm system or similar device shall terminate its operation within 15 minutes after being activated.

- L. Horns, signal devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, bus or any other vehicle on any street or public place, except as a danger warning; the creation by means of any horn or signaling device of any unreasonably loud or harsh sound; the sounding of any said horn or signaling device for any unnecessary and unreasonable period of time; the use of said horn or signaling device when traffic is for any reason held up; or the use of any horn, whistle or device operated by engine exhaust.
- M. The keeping of any animal or bird which shall emit frequent or long-continued noises.

§ 221-4 Light trespass in residential areas.

The following acts, among others, are declared to be a nuisance in violation of this chapter:

- A. Placing or maintaining spotlights or other types of artificial lighting that provide a concentrated beam of light extending beyond any property lines.
- B. Placing or maintaining spotlights or other types of artificial lighting extending beyond the vertical plane of the face of any building or structure that causes a beam of light to be reflected upon any adjoining property or public street.

§ 221-5 Prevailing time.

The hours referred to in this chapter shall be prevailing time, i.e., either Eastern standard time or Eastern daylight-saving time.

§ 221-6 Applicability.

This chapter is intended to apply and to bind the owners, tenants, occupants, guests and all other persons within the corporate limits of the City of Garfield. This chapter shall not apply to representatives and employees of the City of Garfield performing tasks on official business of the City of Garfield or for specific activities authorized by the City Council.

§ 221-7 Enforcement; complaints.

- A. It shall be the duty of the Police Department and Code Enforcement Officials of the City of Garfield to determine whether or not this chapter has been and is being complied with and to enforce the provisions of this chapter against any person violating the same.
- B. Any police officer or Code Enforcement Official of the City of Garfield, or any individual person, may file a complaint in Municipal Court of the City of Garfield for any violations of this chapter.

§ 221-8 Violations and penalties.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be subject to the maximum fines and penalties established under N.J.S.A. 40:49-5, and as same shall be amended from time to time. Each and every day a violation of this chapter shall exist shall constitute a separate violation.

Article II

Excessive Consumption of Municipal Services

§ 221-9 Findings and purpose.

- A. The City Council finds and declares that there are properties located in the City where nuisances exist and other activities occur which have resulted in the excessive consumption of municipal services.

- B. The City Council finds and declares that the cost of the excessive consumption of municipal services relating directly to these nuisance properties should be paid by the property owner and, if applicable, the responsible tenant or occupant, and not through general tax revenues.
- C. This article is intended to establish regulations and procedures identifying, and providing for the assessment and timely payment of the cost of excessive consumption of municipal services, associated with these nuisance properties.

§ 221-10 Definitions.

As used in this article, the following terms are defined as set forth herein:

EXCESSIVE MUNICIPAL SERVICES

Any qualifying calls made to a property while that property is on probationary nuisance status.

NUISANCE PROPERTY

Properties on which activities occur that result in qualifying calls for municipal services during any sixty-day period in excess of the number of calls listed on the schedule in § 221-13 are considered nuisance properties and are subject to the penalties and procedures as set forth in this article.

PROBATIONARY NUISANCE STATUS

The designation applied to properties which, as determined by a public officer, have received the requisite number of qualifying calls within a sixty-day period. Probationary nuisance status is effective for a twelve-month period beginning on the date of the public officer's determination. During probationary nuisance status, the property owner and, if applicable, the tenant/occupant, is liable to the Township for user charges from each qualifying call.

QUALIFYING CALLS

Calls resulting from violations of state or local laws, regulations, or ordinances, including, but not limited to, those cited in the following list, and others not so identified, but specifically determined to be qualifying by the hearing officer, but not including calls for permitting, licensing, inspections, or similar administrative functions:

- A. The sale, service, or consumption of alcoholic beverages.
- B. Disorderly conduct, disturbing the peace, littering or excessive noise.
- C. Damage to property or injury to a person.
- D. Improperly parking a vehicle, or any motor vehicle violation, on private property.
- E. Possession of a barking, howling, biting, or dangerous animal.
- F. Possession, distribution, or use of a controlled substance.
- G. Prostitution.
- H. Public urination, defecation, or indecent exposure.
- I. Criminal activity.
- J. City property maintenance, zoning, construction, fire, and health codes.

USER FEE

A fee of \$300 for each additional qualifying call made to the subject property within the twelve-month period following the date a complaint is issued for excessive consumption of municipal services.

§ 221-11 Designation of public officer.

Each City department, division, agency, or authority, providing municipal services to properties shall designate, either on a permanent or as-needed basis, one or more officials to serve as a public officer to administer and enforce this article. Officials that may serve in this capacity include, but are not limited to, code enforcement officers, the Construction Official or his or her designee; the Chief of Police or his designee; an investigating police officer; the Zoning Officer; or the Fire Official.

§ 221-12 Reporting of municipal services use.

A. Each department, division, agency, or authority of the City government providing municipal services to properties must keep and maintain records documenting the following information concerning the properties serviced:

- (1) The exact address and Tax Map designation of the subject property.
- (2) The name and address of property owners and tenants, if known and applicable.
- (3) The dates of the incident.
- (4) A full description of the nature of the incident and the violations.
- (5) The identity of the public employee providing the services.

B. The department providing the excessive municipal services shall coordinate, as needed, with other municipal agencies and the Division of Law to enforce this article.

§ 221-13 Determination of excessive use.

During any sixty-day period, properties that necessitate qualifying calls for municipal services that exceed the amounts set forth in the following schedule are designated nuisance properties and subject to the penalties and procedures established under this article.

A. Residential properties of one through four dwelling units: five qualifying calls.

B. Multifamily dwelling and hotel/motel uses:

- (1) Five through 40 dwelling units: 10 qualifying calls.
- (2) Forty-one through 80 dwelling units: 20 qualifying calls.
- (3) Eighty-one through 200 dwelling units: 30 qualifying calls.
- (4) Over 200 dwelling units: 40 qualifying calls.

C. Convenience, grocery, liquor and retail stores: 10 qualifying calls.

D. Restaurants, bars, and adult entertainment establishments: 30 qualifying calls.

E. All other properties not included in the preceding categories: 10 qualifying calls.

§ 221-14 Notice requirements, complaint procedure.

A. Whenever the public officer determines that any property has become a nuisance property based on excessive consumption of municipal services, he or she shall issue a complaint and summons reciting the location of the property and the allegations supporting a finding of excessive use and a notice of hearing setting for the date and time and place for a hearing on the matter.

B. The complaint shall also provide notice:

- (1) That the property is on probationary nuisance status for the 12 months following the date of the complaint.

- (2) That during the probationary nuisance status period, each additional qualifying call to the property will be subject to a user fee of \$300 per call.
 - (3) Listing the dates and the nature of the qualifying calls made to the subject property that gave rise to the determination of excessive use.
 - (4) Directing that the offending activities be immediately abated.
- C. The complaint and notice of hearing shall be served on the property owner and on the tenant or occupant, if applicable. Service shall be made by regular mail and either certified mail return receipt requested, or overnight delivery service to the last known address of the recipient as it appears in City records.
- D. If the whereabouts of the property owner or the tenant/occupant are unknown and cannot be ascertained by reasonable diligence, service of the complaint and notice of hearing shall be effectuated as follows:
 - (1) One-time publication of the complaint and notice of hearing in one of the City's official newspapers.
 - (2) Conspicuous posting of the complaint and notice of hearing on a building or structure located on the subject property.
- E. Whenever an individual dwelling unit within a multifamily dwelling has received five qualifying calls within a sixty-day period, the public officer shall notify the property owner and tenant/occupant as provided hereunder so that the property owner can take action to abate the nuisance. This notice shall be issued notwithstanding that the multifamily dwelling did not receive the required number of qualifying calls that would trigger a notice of violation.
- F. Should the number of qualifying calls to any property meet or exceed 50% of the number specified in § 221-13, the public officer may, but is not required to, so notify the owner, tenant, or occupant thereof.

§ 221-15 Hearing procedure, costs to be assessed; violations and penalties.

- A. A hearing shall be held on the allegations recited in the complaint. The public officer or officers involved shall present evidence and testify at the hearing and may produce witnesses in support of the allegations recited in the complaint. The property owner and any interested party shall have the right to appear at the hearing and testify, produce witnesses, and be represented by an attorney.
- B. One of the City Attorneys in the Division of Law shall serve as hearing officer. The hearing officer is charged with determining whether, in a sixty-day period, the subject property received qualifying calls in excess of those permitted under § 368-13. If so, the hearing officer shall confirm that the property was on probationary nuisance status from the date of the complaint. If the hearing officer also determines that qualifying calls were made to the subject property during the probationary period, that fact shall be so noted in the hearing officer's findings. Based on these findings, the hearing officer shall enter an order against the property owner or, as applicable, the tenant/occupant, or both.

- C. The following shall be memorialized in the hearing officer's order:
- (1) A finding that the subject property was on probationary nuisance status.
 - (2) A determination that an excessive number of qualifying calls were made to the subject property during the probationary nuisance status period.
 - (3) An assessment of the reasonable costs of litigation, including, but not limited to, the costs of a court reporter and transcript, and an administrative fee of \$100.
 - (4) An assessment of a user fee of \$300 per call for each qualifying call in excess of the permitted number. If the qualifying calls involve the same tenant or occupant, this fee may be apportioned between the owner and the tenant/occupant.
- D. Additional qualifying calls to the subject property following the hearing and within a one-year period from the date of the complaint constitute a further violation of this article and are subject to a user fee of \$300 per call. A summons and complaint shall be filed in the Garfield Municipal Court for each subsequent qualifying call, each being a separate violation, with the \$300 per call user fee the penalty to be imposed upon a guilty plea or conviction. Notice of this provision shall be incorporated in the hearing officer's order.
- E. The hearing officer's order shall be served upon the appropriate parties in the same manner as service of the complaint and notice of hearing; except that, in the event the whereabouts of the property owner, tenant, or occupant cannot be ascertained, then the order shall also be recorded in the Bergen County Clerk's office.

§ 221-16 Assessment of lien.

- A. Any fees, costs, or penalties that remain unpaid 60 days from the date of an order issued pursuant to this article shall be assessed as a lien against the subject property, enforceable and collectible in the same manner as liens for delinquent real property taxes and municipal service charges.
- C. Pursuant to N.J.S.A. 40:52-1.2, municipal licenses, permits, and certificates of occupancy applied for or issued to the subject property may be revoked, suspended, withheld, or denied renewal for failure to comply with and satisfy any payment obligations under an order imposed pursuant to this article.

Section 2. Any other chapter of the City Code that conflicts with this amendment is hereby repealed to the extent of the conflict;

Section 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

APPROVED: _____

Richard Rigoglioso, Mayor

Introduced: August 22, 2023

Adopted: September 12, 2023

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

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-388-23**

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

**INTRODUCE ORDINANCE #3007
SECOND READING**

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

**AN ORDINANCE TO REPEAL AND REPLACE PART II, GENERAL LEGISLATION,
CHAPTER 226, OVERNIGHT PARKING, OF THE REVISED GENERAL
ORDINANCES OF THE CITY OF GARFIELD**

was introduced and passed at a meeting held on Tuesday, August 22, 2023 and that further consideration of this ordinance would be taken up at this meeting; and

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

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

APPROVED: September 12, 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 Work Session Meeting held on the 12th day of September 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 3007**

AN ORDINANCE TO REPEAL AND REPLACE PART II, GENERAL LEGISLATION, CHAPTER 226, OVERNIGHT 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; and

BE IT ORDAINED by the Mayor and City Council of Garfield, County of Bergen, State of New Jersey, the current text of City Ordinance, Part II, General Legislation, Chapter 226, Parking, Article VIII, Overnight Parking, is hereby repealed and replaced as follows:

Section 1. Part II, General Legislation, Chapter 226 is repealed and replaced as follows:

§ 226-40 Prohibition on parking on public 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 § 226-42 of the City Code of the City of Garfield.
- B.** No van, truck or recreational vehicle that exceeds 22 feet in length and eight 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.
 - (1)** 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.
- C.** Vehicles over the registered gross weight designated in § 226-41 of the City Code of the City of Garfield are hereby excluded from the streets or parts of streets described therein, except for the pickup and delivery of materials on such streets.
- D.** No person shall park a truck, tractor, trailer, semi-trailer or omnibus having a vehicle registered gross weight or combination of vehicles having registered gross weights in excess of 5,500 pounds upon any street between the hours specified as described in § 226-41A.

§ 226-41 Vehicles over designated weight.

In accordance with the provisions of subsection § 226-40C, vehicles over designated weights indicated below are excluded from the following described streets or parts of streets, except for pickup and delivery of material on such streets.

- A.** In accordance with the provisions of § 226-40D, no person shall park a truck, tractor, semi-tractor or omnibus having a vehicle weight or combination of weights in excess of 5,500 pounds upon any street between the hours specified.

Name of Street	Side	Hours
All streets	Both	10:00 p.m. to 6:00 a.m.
Passaic Street, from River Drive to Frederick Street	Both	Anytime
Hobart Place, from Passaic Street to Marsellus Place	Both	Anytime
Marsellus Place, from Passaic Street to Hobart Place	Both	Anytime

§ 226-42 Violations and penalties.

Any person violating any of the provisions of this article shall be punished by one or more of the following: a fine not exceeding \$2,000; imprisonment for a term not exceeding 90 days; and/or a period of community service not exceeding 90 days, in the discretion of the Judge before whom such person shall be convicted.

§ 226-43 Enforcement.

Enforcement of this article and further rules and regulations as may be promulgated from time to time shall be under the jurisdiction of either the Police Department of the City of Garfield and/or the Chief of Police of the City of Garfield as determined by the City Manager of the City of Garfield.

Section 2. Any other chapter of the City Code that conflicts with this amendment is hereby repealed to the extent of the conflict;

Section 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

Introduced: August 22, 2023

Adopted: September 12, 2023

APPROVED: _____

Richard Rigoglioso, Mayor

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

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-389-23**

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

**INTRODUCE ORDINANCE #3008
SECOND READING**

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

**AN ORDINANCE TO REPEAL AND REPLACE PART II, GENERAL LEGISLATION,
CHAPTER 128, DWELLING CERTIFICATES, OF THE REVISED GENERAL
ORDINANCES OF THE CITY OF GARFIELD**

was introduced and passed at a meeting held on Tuesday, August 22, 2023 and that further consideration of this ordinance would be taken up at this meeting; and

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

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

APPROVED: September 12, 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 Work Session Meeting held on the 12th day of September 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 3008**

AN ORDINANCE TO REPEAL AND REPLACE PART II, GENERAL LEGISLATION, CHAPTER 128, DWELLING CERTIFICATES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

WHEREAS, due to a rise in the number of unlawful dwellings, the Governing Body of Garfield believes it is in the best interest of the City of Garfield to amend Part II, General Legislation, Chapter 134, Dwellings, Unlawful, Subsection 134-5, Violations and penalties;

BE IT ORDAINED by the Mayor and City Council of Garfield, County of Bergen, State of New Jersey, Part II, General Legislation, Chapter 134, Dwellings, Unlawful, Subsection 134-5, Violations and penalties, is hereby amended as follows:

Section 1. Part II, General Legislation, Chapter 134, Dwellings, Unlawful, Subsection 134-5, Violations and penalties, is hereby amended as follows:

§134-5 Violations and penalties.

For violation hereof, the court shall impose one or more of the following for each violation hereof: a minimum fine of \$2,000; imprisonment for a term not exceeding 90 days; and/or a period of community service not exceeding 90 days. Each day in which the owner violates a provision of this chapter shall be deemed as a separate offense. The minimum fine under this section shall not be applicable to violations under Chapter **105** for failure to obtain a continued certificate of occupancy or violations under Chapter **128** for failure to obtain a dwelling certificate.

Section 2. The remainder of Chapter 128 is ratified and remains in full force and effect;

Section 3. Any other chapter of the City Code that conflicts with this amendment is hereby repealed to the extent of the conflict;

Section 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: August 22, 2023

Adopted: September 12, 2023

APPROVED: _____

Richard Rigoglioso, Mayor

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

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-390-23**

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

**INTRODUCE ORDINANCE #3009
SECOND READING**

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

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 260, SANITATION, TO INCLUDE ARTICLE IX, FEEDING OF BIRDS, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

was introduced and passed at a meeting held on Tuesday, August 22, 2023 and that further consideration of this ordinance would be taken up at this meeting; and

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

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

APPROVED: September 12, 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 Work Session Meeting held on the 12th day of September 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 3009**

AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 260, SANITATION, TO INCLUDE ARTICLE IX, FEEDING OF BIRDS, 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 260, Sanitation, to include Article IX, Feeding of Birds, 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, Part II, General Legislation, Chapter 260, Sanitation as follows:

Section 1. Part II, General Legislation, Chapter 260, Sanitation, is hereby amended to include as follows:

Article IX Feeding of Birds

§ 260-59 Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of the chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

FEED

To place, give, expose, deposit, distribute, or scatter any edible material with the intention of feeding, attracting, or enticing a bird as mentioned above.

PERSON

Any individual, corporation, company, firm, partnership, association, or political subdivision of the state subject to municipal jurisdiction.

§ 260-60 Prohibited conduct on public property.

In the City of Garfield, no person, while in any public park or on any other property owned or operated by the City of Garfield, shall attract or feed or attempt to attract or feed waterfowl, songbirds, pigeons and other backyard birds which are not the person's personal property by placing, throwing, or providing by any means food for said birds.

§ 260-61 Prohibited conduct on private property.

The feeding of waterfowl, songbirds, pigeons and other backyard birds shall be permitted outdoors on private property only if:

- A.** Such feeding does not create an unreasonable disturbance that intrudes on the rights of surrounding property owners and renders others insecure in the use of their property;
- B.** The feeding does not create an accumulation of droppings on the feeder's property or on the neighboring properties;
- C.** The property does not become an attractant for rodents or other wild animals;

D. All birdfeeders are placed at least five feet above the ground; and

E. The birdfeeder's capacity for seed is no more than five pounds.

§ 260-62 Enforcement.

A. Every property owner shall have the duty to remove any named materials placed on the owner's property that is in violation of this article.

B. Failure to remove such materials or to make such modifications within 24 hours after notice from the City shall constitute a violation of this article.

C. The Health Department, animal control officers and all police officers of the City of Garfield are hereby given full power and authority to enforce this article.

§ 260-63 Violations and penalties.

Any person who violates a provision of this article shall be liable to a fine of no less than \$50 and no more than \$500 for the first offense, together with the cost of prosecution. A second offense shall make a person liable for a fine of no less than \$100 and no more than \$1,000. Any subsequent offenses shall make a person liable for a fine of no less than \$250 and no more than \$2,000. A separate offense will be deemed committed on each day or part of each day during which a violation occurs or continues.

Section 2. Any other chapter of the City Code that conflicts with this amendment is hereby repealed to the extent of the conflict;

Section 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance

ATTEST: _____

Erin Delaney, MPA, RMC

City Manager/City Clerk

Introduced: August 22, 2023

Adopted: September 12, 2023

APPROVED: _____

Richard Rigoglioso, Mayor

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

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-391-23**

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

**INTRODUCE ORDINANCE #3010
SECOND READING**

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

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

was introduced and passed at a meeting held on Tuesday, August 22, 2023 and that further consideration of this ordinance would be taken up at this meeting; and

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

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

APPROVED: September 12, 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 Work Session Meeting held on the 12th day of September 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 3010**

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. Longevity.

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

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

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

SECTION 3. Fringe and Healthcare Benefits.

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

The same health benefits shall also be provided subject to the contribution requirements set forth in the 2018-2022 Collective Bargaining Agreement by and between the City of Garfield and United Public Service Employees Union.

SECTION 4. Chief of Police Fringe Benefits.

Any person appointed and serving under the title of Chief of Police shall be entitled to and receive the same fringe benefits as set forth in the Collective Bargaining Agreement between Policemen's Benevolent Association, Local No. 46 and the City of Garfield effective January 1, 2018 through December 31, 2022, including but not limited to the accrual of

vacation and sick time but shall have no entitlement to overtime or compensatory time as Chief of Police; however, the Chief of Police shall retain any compensation of overtime he/she may have accrued as a police officer prior to their appointment as the Chief of Police. The same health benefits shall also be provided subject to the contribution requirements set forth in the Collective Bargaining Agreement between Policemen's Benevolent Association, Local No. 46 and the City of Garfield effective January 1, 2018 through December 31, 2022.

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

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

SECTION 6. Repealer.

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

SECTION 7. Effective Date

This Ordinance shall take effect twenty (20) days after the final passage, provided notice of same has been duly published as required by law. This Ordinance shall have a retroactive effect to July 1, 2023, to the extent necessary, as specified in applicable appointment letters.

ATTEST: _____

Erin Delaney, MPA, RMC
City Manager/City Clerk

Introduced: August 22, 2023

Adopted: September 12, 2023

APPROVED: _____

Richard Rigoglioso, Mayor

EXHIBIT A

	2023		2024		2025	
	Min	Max	Min	Max	Min	Max
Statutory						
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
Governing Body						
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
City Manager's Office						
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
Others						
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
Finance Department						
Confidential Finance Assistant	33,000	60,000	33,000	61,800	33,000	63,654

Building/Fire Prevention Department						
Construction Official/Plumbing Sub-code /Flood Plain Manager/Multi-Dwelling Inspector/Bldg. Inspector/Code Enforcement/Zoning Officer – Garfield Code 341-59/Bldg. Sub-Code/ Plumbing Sub-code/Plumbing Inspector Fire Sub-Code/Elect. Sub-Code (effective 8/1/23)	50,000	157,384	50,000	162,106	50,000	166,969
Fire Safety Official – Garfield Code 39-78-39-81 (Part-time effective 1/1/2022)/Multi-Dwelling Inspector	35,000	50,000	35,000	51,000	35,000	53,045
Municipal Court						
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
Department of Health						
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
Police Personnel						
Crossing Guards (Hired prior to 8/1/2023)	\$20.11 per hour	\$22.65 per hour	\$20.11 per hour	\$22.65 per hour	\$20.11 per hour	\$22.65 per hour
Crossing Guards (Hired after 8/1/2023)	9,000	12,000	9,000	12,000	9,000	12,000
Police Chief	170,357	207,494	170,357	213,719	170,357	220,130
Water Dept.						
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
DPW						
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
Recreation						
Recreation Director (if Full-time)	66,500	75,000	66,500	75,000	66,500	77,250
Recreation Director (if Part-time)	25,000	30,000	25,000	30,000	25,000	30,900
Assist Municipal Parks Superintendent	75,000	89,301	75,000	91,980	75,000	94,739
Unclassified						
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-392-23**

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

APPROVAL OF BILLS AND CLAIMS

BE IT RESOLVED by the City Council of the City of Garfield that the Current Year Reserve totaling \$347.46 and the Current Fund totaling \$3,557,993.39 and the General Capital Fund totaling \$10,334.00 and Grants totaling \$1350.80 and the Trust Accounts totaling \$34.80 and Water Capital totaling \$10,306.17 and Escrow totaling \$1866.90 per attached Computer List, dated September 12, 2023, 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 attached Ratification List totaling \$1,284,696.72 and interfund transfers totaling \$546,000.81 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

September 11, 2023
Dated

APPROVED: September 12, 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 Work Session Meeting held on the 12th day of September 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-393-23**

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

**AUTHORIZING THE CITY ENGINEER TO DESIGN STREETScape AND WATER
IMPROVEMENTS ON PROSPECT STREET BETWEEN LANZA AVENUE AND
SEMEL AVENUE**

WHEREAS, the City of Garfield received a NJDOT grant for streetscape improvements to Prospect Street between Lanza Avenue and Semel Avenue; and

WHEREAS, the City also wishes to replace an existing 6” water main between Lanza Avenue and Semel Avenue with a 12” water main, as well as extend this water main on Semel Avenue to connect with a 12” water main located at the intersection of Semel Avenue and Palisade Avenue; and

WHEREAS, the City also wishes to replace all water service lines (between the main and meter) where the water main is being replaced; and

WHEREAS, the City Engineer verified this work can be performed during 2024 but it is in the best interests of the City to prepare the bid documents and secure all required permits at this time to increase the possibility of procuring additional grant funding;

NOW, THEREFORE, BE IT RESOLVED the City Engineer is hereby authorized to prepare the necessary bid documents, secure the necessary permits, coordinate with the City’s grant consultant to pursue additional grant monies, and perform inspection services for a total fee not to exceed \$220,000 to be paid out of account C-04-55-232-974-001.

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

September 11, 2023
Dated

APPROVED: September 12, 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 Work Session Meeting held on the 12th day of September 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-394-23**

CONSENT AGENDA

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

APPROVING TAX OVERPAYMENT CREDIT/REFUND

WHEREAS the Receiver of Taxes reports that she has received requests from the following property owners for a refund due to Tax Court Judgement 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 checks refunding over payments and forward same to the Receiver of Taxes for the purpose of noting her records and for mailing to the property owner to be paid out of account 3-01-17-001-004.

BLOCK	LOT	OWNER	REASON	AMOUNT
38.05	8	WOLF VESPASIANO LLC	O/P	\$5,430.18

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

September 11, 2023
Dated

APPROVED: September 12, 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 Work Session Meeting held on the 12th day of September 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-395-23**

CONSENT AGENDA

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

**APPROVE RELEASE OF CONTRACT RETAINAGE AND PERFORMANCE BOND
FOR THE 2021 ROAD PROGRAM**

WHEREAS, the Contractor, Smith-Sondy Asphalt Construction Co. Inc., 150 Anderson Avenue, Wallington, NJ 07057 has submitted Maintenance Bond No. 015215993-M in the amount of \$170,170.31 to the City of Garfield in connection with eh 2021 road Program; and

WHEREAS, the City's Consulting Engineering Department has indicated that Smith-Sondy Asphalt Construction Company has completed the project and has met all requirements for final payment and is recommending the return of the Performance Bond No. 015215993 in the amount of \$1,114,623.23 currently on file with the City Clerk of the City of Garfield; and

WHEREAS the City's Consulting Engineering Department recommends the release of contract retainage and final payment in the amount of \$22,689.37 to Smith-Sondy Asphalt Construction Company for the 2021 Road Program;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield that they do hereby approve the authorization of the City Manager, Erin Delaney, to release the Performance Bond and the release on contract retainage to Smith-Sondy, Construction Company Inc., in connection with the 2021 Road Program.

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

September 11, 2023
Dated

APPROVED: September 12, 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 Work Session Meeting held on the 12th day of September 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-396-23**

CONSENT AGENDA

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

**AUTHORIZING THE CITY MANAGER TO EXECUTE THE TWA APPLICATION
APPROVAL ON BEHALF OF THE GOVERNING BODY FOR THE CONSTRUCTION
OF A SANITARY SEWER EXTENSION AT 69 HEPWORTH PLACE GARFIELD, NJ**

WHEREAS, the Developer of the property (Meridia Garfield 69, Urban Renewal, LLC) known as Block 34.02, Lot 28, proposes a sanitary sewer connection from the above referenced property at 69 Hepworth Place to an existing sanitary sewer main located in Atlantic Avenue; and

WHEREAS, the Developer must apply to the State of New Jersey Department of Environmental Protection for a Sanitary Sewer Extension Permit (TWA-1); and

WHEREAS, the Boswell Engineering has reviewed the plans and has determined the project is in conformance with the requirements of all City ordinances and has submitted recommendations to the developer to abide by;

NOW THEREFORE, BE IT RESOLVED by the Mayor and the Council of the City of Garfield that the City Manager is hereby authorized and directed to execute the Statement of Consent Form (WQM-003) on behalf of the Governing Body for the construction of a sanitary sewer connection to an 8-inch clay sewer located within the Atlantic Avenue right-of-way.

APPROVED: September 12, 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 Work Session Meeting held on the 12th day of September 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-397-23**

CONSENT AGENDA

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

APPROVING REGULAR ACTIVE MEMBER – FIRE DEPARTMENT

WHEREAS, Fire Company No. 5 has advised that they have accepted William DeVito, 464 Mt. Prospect Avenue, Clifton, New Jersey 07012, as a regular active member, effective August 1, 2023;

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

APPROVED: September 12, 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 Work Session Meeting held on the 12th day of September 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-398-23**

CONSENT AGENDA

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

RECOGNIZING THE MONTH OF SEPTEMBER AS HUNGER ACTION MONTH

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

WHEREAS, those who are food insecure are without reliable access to an adequate amount of affordable, nutritious food. Food insecurity can affect anyone, whether they are recently unemployed, underemployed, or supporting a large family; and

WHEREAS, food insecurity is a symptom of broader challenges, such as unemployment, disability, retirement or unforeseen financial hardships; and

WHEREAS, those who do not have their basic needs met are further hampered in their path toward self-sufficiency; and

WHEREAS, ongoing economic instability has increased food insecurity amongst individuals and families throughout Bergen County and across the country; and

WHEREAS, food pantries in Bergen County have experienced an approximately 22% increase in need for food assistance compared to last year, and a 40% increase in need from the unprecedented levels seen in 2020 due to the COVID-19 pandemic; and

WHEREAS, there are residents in every municipality in Bergen County who receive SNAP benefits, illustrating that this is an issue impacting residents all across Bergen County; and

WHEREAS, the economic coattails of the pandemic are long, and despite the end of Federal and state emergency declarations, tremendous need still exists within our community; and

WHEREAS, the Bergen County Food Security Task Force was established to support food pantries in Bergen County by increasing the supply of healthy food options, connecting those in need to vital services, and investing in long term infrastructure to build a more resilient pantry network to ensure no one in Bergen County goes hungry; and

WHEREAS, the Bergen County Food Security Task Force has been incorporated into the Department of Human Services as the new Office of Food Security to reaffirm that the county's commitment to fighting hunger continues past the pandemic; and

WHEREAS, the energy, philanthropy, and hands-on efforts of a multitude of volunteers throughout the county make a tremendous impact in combatting hunger in our community, and are vital in meeting the struggles of our neighbors with compassion;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Garfield hereby recognizes the month of September 2023 as "Hunger Action Month" in the City of Garfield and encourages all Bergen County residents to support their local food pantries; and

BE IT FURTHER RESOLVED that the Mayor and Council of the City of Garfield is committed to ending hunger in Bergen County and will spread awareness and increase engagement in our community to solve this problem.

APPROVED: September 12, 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 Work Session Meeting held on the 12th day of September 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-399-23**

CONSENT AGENDA

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

**MUNICIPAL ENDORSING RESOLUTION FOR BERGEN COUNTY COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) PROJECT – EXTERIOR
REHABILITATION TO THE GARFIELD RECREATION CENTER**

WHEREAS, a Bergen County Community Development Block Grant targeted for (CDBG) totaling \$199,000.00 has been proposed by the City of Garfield for exterior renovations at the recreation center in the municipality of Garfield; and

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

WHEREAS, the aforesaid project is in the best interest of the people of Garfield; and

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

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

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

APPROVED: September 12, 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 Work Session Meeting held on the 12th day of September 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-400-23**

CONSENT AGENDA

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

**MUNICIPAL ENDORSING RESOLUTION FOR BERGEN COUNTY COMMUNITY
DEVELOPMENT BLOCK GRANT (CDBG) PROJECT – BOYS & GIRLS CLUB OF
GARFIELD**

WHEREAS, a Bergen County Community Development Block Grant targeted for (CDBG) totaling \$123,746 has been proposed by the Boys & Girls Club of Garfield for bathroom renovations in the municipality of Garfield; and

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

WHEREAS, the aforesaid project is in the best interest of the people of Garfield; and

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

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

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

APPROVED: September 12, 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 Work Session Meeting held on the 12th day of September 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-401-23**

CONSENT AGENDA

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

RESOLUTION TO APPROVE THE CONSENT AGENDA

BE IT RESOLVED, by the Mayor and Council of the City of Garfield that the actions noted in the Consent Agenda, Resolutions R-392-23 through R-401-23 be and are hereby approved and the proper officers are directed to take necessary action on same.

APPROVED: September 12, 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 Work Session Meeting held on the 12th day of September 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

Reports of the Cabinet and City Council:

Boswell Engineering:

Mr. Boswell reported that he is planning on having a meeting with the County to request increasing their portion of contribution towards the River Drive project. He reiterated that the Prospect Street project scope is changing to increase the size of the water main, which will improve the City's water system drastically. Mr. Boswell noted that he recently assisted Colliers Engineering with information needed for Columbus Park improvements related to the wells and that they are currently working on the Little League/Belmont Oval turf field design, which will be done through a co-op. Lastly, he touched base on a sewer repair that had to be complete on Beech Street. City Manager/City Clerk Delaney also reminded Mr. Boswell of the grant for the splash park as there is a significant lead time on the feature replacements.

Council Reports:

Deputy Mayor Delaney inquired about painting the wells at Columbus Park once the project is complete and requested that Mr. Boswell visit our current turf fields to inspect their conditions. To follow-up on requests during a previous meeting, City Manager/City Clerk Delaney advised that a message regarding the PFAS treatment being complete can be placed on the next water bill through Passaic Valley Water Commission. She also noted that Columbus Park will be going out to bid next week. Councilman Maslag requested that Mr. Boswell follow-up with the opportunity to partner with Alexandra's Playground. Ms. Delaney informed him that this was reassigned to the former Recreation Director, however, she will look into assigning this to someone else due to his resignation.

Attorney's Report:

City Attorney Tuntevski advised that Yuma Way has received state approval for adult use. He noted that the City's ordinance for cannabis would now need to be re-amended and that he will make said changes for the next meeting. In regard to the proposal from Munisite, Mr. Tuntevski advised he is still doing his due diligence and will report back in the future.

CFO's Report:

Deputy Mayor Delaney asked that the CFO elaborate on the new tax bills and what percentage the council was responsible for increasing. Mr. Hasseler shared that the approximate increases were as follows: City: 4.5%, Board of Education: 4.5%, County: 11%, and Library: 12-13%. He noted that if a household saw an increase of \$500, the City was responsible for less than half of that (approximately \$200).

Report of the City Manager:

Ordinance:

1. **Field Permits** – City Manager/City Clerk advised that issues related to field permits have recently come to light. She mentioned that the City currently does not charge for-profit organizations permit fees if they are youth-driven programs. She noted that these leagues do not serve only Garfield residents and occupy the fields most frequently. Ms. Delaney suggested that a fee be implemented for such groups. Councilman Maslag requested that the fees from other municipalities be gathered for comparison purposes. Ms. Delaney also recommended that the schedule for adult soccer games match the other adult league fees which is per a time slot of two hours.

Resolution:

1. **CDBG Unappropriated Funds – Recreation Center** – City Manager/City Clerk shared that through her contact at the County Community Development office the City was awarded an opportunity to apply for unappropriated funds. She noted that the City will be applying for exterior rehabilitation at the Recreation Center due to there being current issues/concerns, of which the City was already looking into addressing.

Departmental Reports:

2. **Clerk's Office August 2023** – No discussion ensued.
3. **Building Department August 2023** – No discussion ensued.
4. **Recreation Department August 2023** – No discussion ensued.
5. **Millennium Strategies through August 2023** – 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:

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 Herrera to return to the public portion. The motions carried unanimously.

Alpina Investments Inc.:

Alpina Investments Inc. attended the meeting to discuss a potential contract for professional services with the City related to bonding and grants. Discussion ensued between all parties. It was determined by the attorneys that the discussion should be held in open session. Individuals from said company discussed their services that would result in the City lowering their debt. They advised that they have worked with municipalities in other states and learning institutions to accomplish this. The City CFO, Anders Hasseler, and attorney John Lavin informed them that New Jersey has the strictest regulations when it comes to budgets/finance and, unfortunately, their proposal would not be permissible under New Jersey state laws.

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:

Litigation/Legal Reports
Personnel

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. The motions carried unanimously.

Adjournment:

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

Respectfully submitted,

Erin Delaney, MPA, RMC
City Manager/City Clerk

These meeting minutes were approved at the September 26, 2023 Regular Meeting of the Mayor & Council.