

**WORK SESSION MEETING
OF THE
GARFIELD MAYOR AND COUNCIL
OCTOBER 10, 2023
6:00P.M.**

The Work Session Meeting of the Garfield Mayor and Council for October 10, 2023 was called to order by City Manager/City Clerk Erin Delaney at 6:15PM. The Statement of Compliance was read.

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

**Mayor Rigoglioso arrived at 6:23PM and Councilman Herrera arrived at 6:29PM.*

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-437-23 Introduce Ord. #3013
AN ORDINANCE AMENDING PART II, GENERAL LEGISLATION, CHAPTER 100, CANNABIS, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD
 - R-438-23 Introduce Ord. #3014
AN ORDINANCE REPEALING AND REPLACING PART II, GENERAL LEGISLATION, CHAPTER 284, STORMWATER CONTROL, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD
- 2. CONSENT AGENDA:**
 - R-439-23 Approval of Bills and Claims
 - R-440-23 Accepting the Bid of Reiner Group, Inc. for the Garfield Recreation Building and Fire Company #4 CDBG Covid Funds Grant
 - R-441-23 Adjustment of the Construction Contract Amount for the Semel Avenue Drainage Improvements Project
 - R-442-23 Approving Progress Payment No. 3 for the Semel Avenue Drainage Project to Zuccaro Inc.
 - R-443-23 Establishing a Fund Balance Policy
 - R-444-23 Establishing a Debt Management Policy
 - R-445-23 Entering into a Grant Agreement with the County of Bergen – CDBG FY2023-2024 – Banta Avenue Improvements
 - R-446-23 Rescinding Resolution No. 12-4 as to City’s Self-Funded Life Insurance Policy and Dissolving Life Insurance Program
 - R-447-23 Authorizing the City Manager to Execute A Contract for Prescription Drug Management Services with Benecard Services,

LLC for Participation in the Public Employer Benefit Trust (Pebt)
to Provide Prescription Drug Benefits to Eligible Active and
Retired Employees

R-448-23 Resolution to Accept Consent Agenda

3. RESOLUTIONS:

R-449-23 Combining Several Authorizations of Bonds into A Single Issue
and Prescribing the Details and Bond Form Thereof for \$9,135,000
General Improvement Bonds Dated November 15, 2023

R-450-23 Authorizing the Publication, Printing and Distribution of a Notice
of Sale and the Publication of a Summary Notice of Sale and
Prescribing the Forms Thereof for \$9,135,000 General
Improvement Bonds, Dated November 15, 2023, Approving the
Preparation, Distribution and Execution of a Preliminary and a
Final Official Statement for Such Bonds, Undertaking to Provide
Continuing Disclosure of Financial Information, Covenanting to
Comply With the Internal Revenue Code of 1986, as Amended,
and Authorizing Various Matters in Connection with Electronic
Bidding for the Bonds

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-437-23**

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

**INTRODUCE ORDINANCE #3013
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

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

be passed and adopted on first reading; and

BE IT RESOLVED, that a final hearing on said ordinance will be heard at a meeting held on Tuesday, October 24, 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: October 10, 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 10th day of October 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 3013**

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

WHEREAS, the Mayor and Council finds it is in the best interest of the City to permit the addition of an Adult Use Retail license to allow for the operation of such business in the City;

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

Section 1. The Governing Body of the City of Garfield hereby amends Part II, General Legislation, Chapter 100, Cannabis, Section 100-3, Limitations of number of licenses, as follows:

§100-3. Limitations of number of licenses

The City of Garfield expressly permits 18 total cannabis licenses to operate within the City limits as follows:

- A.** Four Class One Cultivation licenses;
- B.** Four Class Two Manufacturing licenses;
- C.** Four Class Three Wholesaler licenses;
- D.** Four Class Four Distributor licenses;
- E.** Two Class Five Adult-Use Retail license.
- F.** One Alternative Treatment Center License

Section 2. The Governing Body of the City of Garfield hereby amends Part II, General Legislation, Chapter 100, Cannabis, Section 100-5, Zoning, as follows:

- B.** A Cannabis Establishment seeking to operate under a Class 5 retail license or as an Alternative Treatment Center may operate within the B-2 District as a conditional use.

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: October 10, 2023

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-438-23**

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

**INTRODUCE ORDINANCE #3014
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

AN ORDINANCE REPEALING AND REPLACING PART II, GENERAL LEGISLATION, CHAPTER 284, STORMWATER CONTROL, 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, October 24, 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: October 10, 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 10th day of October 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 3014**

AN ORDINANCE REPEALING AND REPLACING PART II, GENERAL LEGISLATION, CHAPTER 284, STORMWATER CONTROL, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF GARFIELD

WHEREAS, improved stormwater control standards are vital to the safety 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 Repeal and Replace Part II General Legislation, Chapter 284, of the Code of the City of Garfield;

BE IT ORDAINED, by the Governing Body of the City of Garfield, that Part II, General Legislation, Chapter 284, Stormwater Control, is hereby repealed and replaced as follows:

Section 1. The current text of City Ordinance, Part II, General Legislation, Chapter 284, Stormwater Control, is hereby amended as follows:

Article I Stormwater Control

§284-1 Scope and purpose.

- A. Policy Statement. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.
- B. Purpose. The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section II.
- C. Applicability.
 - 1. This ordinance shall be applicable to the following major developments:
 - i. Non-residential major developments and redevelopment projects; and
 - ii. Aspects of residential major developments and redevelopment projects that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21 et seq.
 - 2. This ordinance shall also be applicable to all major developments undertaken by City of Garfield.
 - 3. Applicability of this ordinance to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference and minor developments as defined herein.
- D. Compatibility with Other Permit and Ordinance Requirements
Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by

any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

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

§284-2 Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions used in this ordinance shall be the same as the last amended Stormwater Management Rules at N.J.A.C. 7:8-1.2, incorporated herein by reference. The following additional terms are defined for this chapter only.

- a. **EXEMPT DEVELOPMENT** – Shall mean any development that creates less than 1,000 square feet of new impervious area and disturbs less than 2,500 square feet of land. Further, an exempt development shall not meet the definition of "minor development."
- b. **MINOR DEVELOPMENT** – Shall mean any development that results in the creation of 1,000 square feet or more of new impervious area or one that disturbs more than 2,500 square feet of land area. Further, a minor development shall not meet the definition of "major development" in N.J.A.C. 7:8.

§284-3 Design and performance standards for stormwater management measures.

This section establishes design and performance standards for stormwater management measures for major development intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.

- a. Exempt Developments. Any project meeting the definition of "exempt development" shall be exempt from the provisions of this section.
- b. Minor Developments. Minor developments shall be designed to include the following stormwater management measures:
 - 1. Water Quality. Soil erosion and sediment control measures shall be installed in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey.
 - 2. Rate/Volume Control. Seepage pits or other infiltration measures shall be provided with a capacity of three (3") inches of runoff for each square foot of new impervious area. Stone used in the infiltration devices shall be two and one-half (2 1/2") inches clean stone and design void ratio of 33% shall be used. The infiltration measures shall be designed with an overflow to the surface which shall be stabilized and directed to an existing stormwater conveyance system or in a manner to keep the overflow on the developed property to the greatest extent feasible. If the new impervious surface is not roof area, an equivalent area of existing roof may be directed to the infiltration system. This shall be permitted where the existing roof is not already directed to infiltration devices.

§284-4 Solids and floatable materials control standards.

A. Site design features identified under Section 284-3 above, or alternative designs in accordance with Section 284-3 above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 284-4.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

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

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
2. The standard in Section 284-4.A.1. above does not apply:
 - i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
 - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - iii. Where flows from the water quality design storm as specified in the last amended Stormwater Management rules at N.J.A.C. 7:8 et seq. are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

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

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

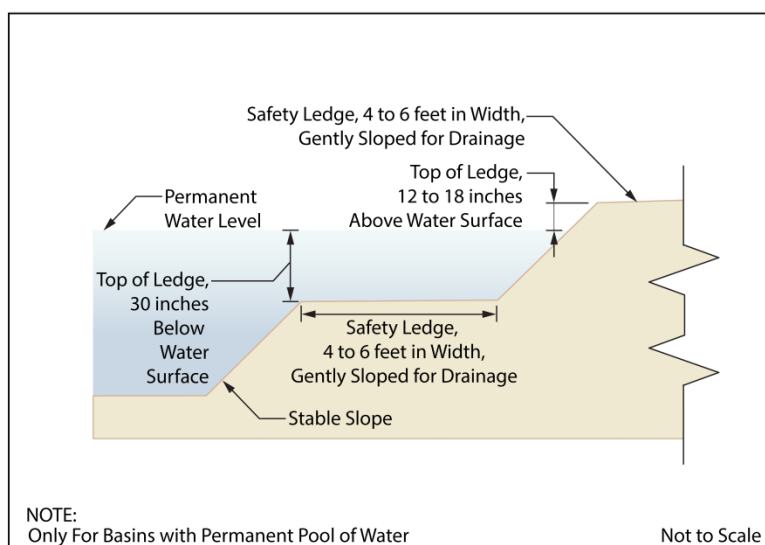
- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the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

§284-5 Safety standards for stormwater management basins.

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.

B. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



§284-6 Requirements for a site development stormwater plan.

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 284-6.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

3. The applicant shall submit [specify number] copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 284-6.C of this ordinance.

B. Site Development Stormwater Plan Approval

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

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

5. Stormwater Management Facilities Map

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

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

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 284-3 of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal highwater table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 284-7.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 284-6.C.1 through 284-6.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

9. Application and Review Fees

There shall be no additional fees for stormwater review for applications to the Land Use Board. Applications to the City Engineer shall be accompanied by a review fee in the amount of \$250 for minor developments and an initial escrow deposit of \$1,000 for major developments. If a project is approved, an inspection escrow deposit shall be made in an amount to be determined by the City Engineer.

§284-7 Maintenance and repair.

A. Applicability

Projects subject to review as in Section 284-1.C of this ordinance shall comply with the requirements of Section 284-7.B and 284-7V.C.

B. General Maintenance

1. Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.
2. The following requirements of N.J.A.C. 7:8-5.8 do not apply to stormwater management facilities that are dedicated to and accepted by

the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department:

- i. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation; and
 - ii. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
3. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§284-8 Penalties.

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the penalties set forth in the City Code of the City of Garfield, in the discretion of the Judge of the Municipal Court before whom such violation is heard and conviction made. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provision of this Chapter.

§284-9 Severability.

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

§284-10 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.

Article II Privately-Owned Salt Storage

§284-11 Purpose.

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the City of Garfield to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

§284-12 Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When 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 word “shall” is always mandatory and not merely directory.

- A. **“De-icing materials”** means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. **“Impervious surface”** means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. **“Storm drain inlet”** means the point of entry into the storm sewer system.
- D. **“Permanent structure”** means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
 - 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 - 3. The structure shall be erected on an impermeable slab;
 - 4. The structure cannot be open sided; and
 - 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. **“Person”** means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
 - F. **“Resident”** means a person who resides on a residential property where de-icing material is stored.

§284-13 Deicing material storage requirements.

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
 - 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;

2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
 5. Containers must be sealed when not in use; and
 6. The site shall be free of all de-icing materials between April 16th and October 14th.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
- C. All such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.
- D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§284-14 Exemptions.

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in **Section 284-13** above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§284-15 Enforcement.

This ordinance shall be enforced by the Police Department and/or City of Garfield Department of Public Works during the course of ordinary enforcement duties.

§284-16 Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Thereafter, any person, firm or corporation who or which shall violate any of the provisions of this Chapter shall, upon conviction thereof, be liable for penalties set forth in the City Code of the City of Garfield, in the discretion of the Judge of the Municipal Court before whom such violation is heard and conviction made. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provision of this Chapter.

§284-17 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.

§284-18 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.

Section 2. The remainder of Chapter 284, 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: October 10, 2023

Adopted:

APPROVED: _____

Richard Rigoglioso, Mayor

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-439-23**

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

APPROVAL OF BILLS AND CLAIMS

BE IT RESOLVED by the City Council of the City of Garfield that the Current Year Reserve Totaling \$0 and the Current Fund totaling \$5,181,619.60 and the Current Year Water Utility totaling \$243,912.75 and the General Capital Fund totaling \$244,695.72 and Grants totaling \$40,932.66 and the Trust Accounts totaling \$7,176.59 and Water Capital totaling \$0 and Escrow totaling \$1,395.00 per attached Computer List, dated 10/10/23, 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 Computer List, dated 9/27-10/09/2023 totaling \$1,893,524.86 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

October 9, 2023
Dated

APPROVED: October 10, 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 10th day of October 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-440-23**

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

**ACCEPTING THE BID OF REINER GROUP, INC. FOR THE GARFIELD
RECREATION BUILDING AND FIRE COMPANY #4 CDBG COVID FUNDS GRANT**

WHEREAS, on September 14, 2023 the City of Garfield issued a Notice to Bidders for work pertaining to proposed HVAC renovations; and

WHEREAS, on October 3, 2023 11:30 a.m. the City of Garfield opened bids to the public at City Hall, 111 Outwater Lane, Garfield, New Jersey 07026; and

WHEREAS, the City received six bids for the requested work; and

WHEREAS, on October 6, 2023, City Architect Dan Dressel, R.A., issued a bid award recommendation letter for a bid received from Reiner Group Inc., New Jersey with its principal place of business located at, 11-07 River Road, Fair Lawn, New Jersey 07410 in the amount of Three Hundred Ninety-Six Thousand and Five Hundred Sixty Dollars (\$396,560.00), with an Alternate Bid for Alternate #1 of Eighteen Thousand and One Hundred Fifty Dollars (\$18,150.00), which represents the lowest bid;

NOW, THEREFORE, BE IT RESOLVED, the Governing Body of the City of Garfield hereby accepts the bid for the renovations of the HVAC at the Garfield Recreation Building and Fire Company 4 to the lowest bidder Reiner Group Inc., in the amount of Three Hundred Ninety-Six Thousand and Five Hundred Sixty Dollars (\$396,560.00), with an Alternate Bid for Alternate #1 of Eighteen Thousand and One Hundred Fifty Dollars (\$18,150.00) for a total award of Four Hundred Fourteen Thousand and Seven Hundred Ten Dollars (\$414,710.00) to be paid through the grant line item established in Resolutions R-320-23 and R-321-23, accounts G-02-41-723-000-320 and G-02-41-723-000-321, and authorizes City Manager Erin Delaney to execute said contract.

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

Anders Hasseler, Chief Financial Officer

October 9, 2023

Dated

APPROVED: October 10, 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 10th day of October 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-441-23**

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

**ADJUSTMENT OF THE CONSTRUCTION CONTRACT AMOUNT FOR THE
SEMEL AVENUE DRAINAGE IMPROVEMENTS PROJECT**

WHEREAS, Resolution R-126-23 of the Mayor and Council of the City of Garfield has awarded the contract for the Semel Avenue Improvements Project to Zuccaro Inc., 64 Commerce Street, Garfield, NJ 07026, on March 17, 2023 in the amount of \$1,144,871.00 for Base Bid; and

WHEREAS, the total amount to complete this project is \$1,276,652.62. Additional funds were needed due to the re-routing of the drainage system within the vicinity of the intersection of Semel Avenue and along the property line of Artic Ice. The drainage had to be re-routed around Artic Ice within the driveway access area adjacent to the High School fields. This resolution will serve to increase the adjusted contract amount of \$1,276,652.62 by Change Order No. 1 in the amount of \$131,781.00 (11.51% increase); and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Garfield does hereby approve the authorization of the City Manager, Erin Delaney, to adjust the contract amount of the Semel Avenue Drainage Improvements Project to \$1,276,652.62 with Change Order No. 1 in the amount of \$131,781.00 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

October 9, 2023

Dated

APPROVED: October 10, 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 10th day of October 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-442-23**

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

**APPROVING PROGRESS PAYMENT NO. 3 FOR THE SEMEL AVENUE
DRAINAGE PROJECT TO ZUCCARO INC.**

WHEREAS, the Contractor, Zuccaro Inc., 64 Commerce Street, Garfield, NJ 07026 has submitted progress Payment No. 3 in the amount of \$553,953.33 to the City of Garfield in connection with the Semel Avenue Drainage Improvements Project; and

WHEREAS, the City's Consulting Engineering Department has indicated that Zuccaro Inc. has completed the construction items included in this payment for the Semel Avenue Improvements Project; and

WHEREAS the City's Consulting Engineering Department recommends the release of Payment No. 3 in the amount of \$553,953.33 to Zuccaro Inc. for the Semel Avenue Drainage Improvements Project;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Garfield does hereby approve the authorization of the City Manager, Erin Delaney, to release Payment No. 3 to Zuccaro Inc. for the Semel Avenue Drainage Improvements Project 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

October 9, 2023
Dated

APPROVED: October 10, 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 10th day of October 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-443-23**

CONSENT AGENDA

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

ESTABLISHING A FUND BALANCE POLICY

WHEREAS, the Division of Local Government Services recommends a formal written policy regarding fund balance; and

WHEREAS, Fund Balance is defined by N.J.S.A. 40A:4-24 as “Consisting of the excess of quick assets including cash, investments, state or other public aid receivable, and deferred charges over legal demand liabilities”; and

WHEREAS, it is essential that the City maintain adequate levels of unassigned fund balance to mitigate financial risk and adverse events that can occur from unforeseen revenue fluctuations, unanticipated expenditures, and similar circumstances; and

WHEREAS, a fund balance could lead bond rating agencies to look positively on the City’s credit rating; and

WHEREAS, the purpose of a fund balance policy is to establish a key element of the financial stability of the City by setting guidelines for fund balance; and

WHEREAS, the Mayor and Council wish to fully comply with the recommendations established by DLGS;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield that the following procedures are hereby adopted:

1. Ideally, the amount of fund balance anticipated in any budget should not exceed the amount that can be reasonably assumed to be generated during the year.
2. The percent of fund balance anticipated should not exceed 65%.
3. The amount of surplus remaining after that which is anticipated in the budget should be in the range of 6% - 14% of the total operating budget, targeting the upper end of the range when economic conditions warrant.
4. In addition, a rolling fund balance of approximately 10% of the amount to be raised by taxation shall serve as another guide for acceptable fund balance levels.
5. If the fund balance dips below the minimum goal, the Chief Financial Officer shall prepare a plan in the subsequent budget year for the expenditure reductions or revenue increases necessary to restore the balance to desired levels.
6. Other reserves, including but not limited to accumulated absence and storm recovery, should receive replenishment the following year when activity is incurred.

APPROVED: October 10, 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 10th day of October 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-444-23**

CONSENT AGENDA

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

ESTABLISHING A DEBT MANAGEMENT POLICY

WHEREAS, the Mayor and Council acknowledge that maintenance of a formal written policy regarding debt and financial management is a prudent operation of government and in determining its creditworthiness; and

WHEREAS, the goal of the Mayor and Council is to maintain stable debt service (year over year) while responsibly addressing capital needs; and

WHEREAS, the establishment of a debt and financial management policy could prove beneficial for purposes of oversight and review of the City's credit ratings by each of the national bond rating agencies providing credit ratings for the City; and

WHEREAS, the Mayor and Council are desirous of establishing a debt and financial management policy as a means to provide a course to create financial stability for the City as set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Garfield that the following procedures are hereby adopted:

1. The City will strive to keep the debt limit to less than 2.5% of equalized valuation despite being legally allowed 3.5% of equalized valuations. Large capital expenditures such as building replacements will be considered in this light.
- 2.. The City will annually adopt a six-year capital plan with projected expenditures and the source of funding for each.
3. The City will effectuate refunding of outstanding bonds in accordance with the requirements of the Local Bond Law when deemed fiscally prudent and financially advantageous.
4. When possible, the City will fund capital costs with a five-year useful life through the current operating budget, using multiple years' budgets if necessary. Capital costs with useful lives greater than five years will be funded through long-term bond financing.
5. Ideally, the City will pay down bond anticipation notes on the water operating fund without issuing serial bonds, unless a large structural overhaul necessitates long-term financing.
6. The Administrator and the CFO will annually review this Debt Management Plan to update and improve practices, and to identify and address new issues and policies.

APPROVED: October 10, 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 10th day of October 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-445-23**

CONSENT AGENDA

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

**ENTERING INTO A GRANT AGREEMENT WITH THE COUNTY OF BERGEN –
CDBG FY2023-2024 – BANTA AVENUE IMPROVEMENTS**

BE IT RESOLVED that the Mayor and Council of the City of Garfield wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$187,543 in FY2023-2024 Community Development Block Grant funds for Banta Avenue Improvements; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorizes City Manager Erin Nora Delaney to be a signatory for the aforesaid grant agreement; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorizes CFO Anders Hasseler to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED that the Mayor and Council recognizes that the City of Garfield is liable for any funds not spent in accordance with the Grant Agreement and that liability of the Mayor and Council is in accordance with HUD requirements.

APPROVED: October 10, 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 10th day of October 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-446-23**

CONSENT AGENDA

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

**RESCINDING RESOLUTION NO. 12-4 AS TO CITY'S SELF-FUNDED LIFE
INSURANCE POLICY AND DISSOLVING LIFE INSURANCE PROGRAM**

WHEREAS, it is necessary for the City of Garfield to provide appropriate funding for its benefits to employees as impacted by cost-efficiency which is integral to the health, safety and welfare of the general public in the City of Garfield; and

WHEREAS, pursuant to Resolution No. R-12-4, on January 3, 2012 the City of Garfield approved the self-funding of life insurance benefits; and

WHEREAS, on or about February 15, 2012, the City of Garfield established its own life insurance program; and

WHEREAS, the benefits provided were not warranted in consideration of the times such benefits were paid out and the City's requirements for self-funded insurance; and

WHEREAS, dissolution of the life insurance program is in the best interest of the City, its employees and its residents; and

WHEREAS, the Governing Body of the City of Garfield wishes to rescind the prior resolutions authorizing the life insurance program; and

WHEREAS, the Governing Body of the City of Garfield wishes to dissolve the life insurance program as presently constituted; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Garfield hereby rescinds the prior resolution on January 2, 2012, under Resolution No. 12-4; and

BE IT FURTHER RESOLVED, the Mayor and Council of the City of Garfield hereby authorize the proper City officials to dissolve the life insurance program previously taken into effect following Resolution No. 12-4.

APPROVED: October 10, 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 10th day of October 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-447-23**

CONSENT AGENDA

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

**AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR
PRESCRIPTION DRUG MANAGEMENT SERVICES WITH BENECARD SERVICES,
LLC FOR PARTICIPATION IN THE PUBLIC EMPLOYER BENEFIT TRUST (PEBT)
TO PROVIDE PRESCRIPTION DRUG BENEFITS TO ELIGIBLE ACTIVE AND
RETIRED EMPLOYEES**

WHEREAS, the City of Garfield has undertaken to provide certain of its active and retired employees and their dependents and COBRA eligible members with prescription drug benefits, through its participation in the Public Employer Benefit Trust (“Trust” or “PEBT”); and

WHEREAS, the City of Garfield having determined the scope and extent of its prescription drug benefits and the participant-contribution level, desires that its benefits be administered on a uniform basis for all its cardholders and dependents according to the City’s plan specifications; and

WHEREAS, Benecard Services, LLC is engaged in the business of providing administrative services in connection with prescription drug benefits for various groups, according to each group’s plan specifications; and

WHEREAS, the City desires that Benecard Services, LLC provide such administrative services for the City’s prescription drug benefits as part of an arrangement whereby the City becomes a member of the Benecard Association (the “Association”) and will receive coverage under an excess loss insurance policy issued by Insurance Carrier and made available to members of the Association;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Garfield hereby directs the City Manager to execute the Contract for Prescription Drug Management Services with Benecard Services, LLC effective immediately for participation in the Public Employer Benefit Trust (PEBT) to provide prescription drug benefits to eligible active and retired employees.

APPROVED: October 10, 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 10th day of October 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-448-23**

CONSENT AGENDA

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

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-439-23 through R-448-23 be and are hereby approved and the proper officers are directed to take necessary action on same.

APPROVED: October 10, 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 10th day of October 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-449-23**

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

**COMBINING SEVERAL AUTHORIZATIONS OF BONDS INTO A SINGLE ISSUE
AND PRESCRIBING THE DETAILS AND BOND FORM THEREOF FOR \$9,135,000
GENERAL IMPROVEMENT BONDS DATED NOVEMBER 15, 2023**

WHEREAS, the bond ordinances hereinafter described have been duly adopted and it is necessary to provide for the issuance of the bonds authorized by such bond ordinances;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield, in the County of Bergen, New Jersey (the "City"), as follows:

Section 1. There shall be issued at this time \$1,200,000 of the bonds authorized pursuant to Bond Ordinance No. 2762 adopted by the City Council of the City on April 11, 2017. The bonds are issued to finance the undertaking of the design, permitting and property acquisition phases of the River Drive Roadway and Park Improvement Project (Phase II) in, by and for the City. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 40 years computed from the date of such bonds.

Section 2. There shall be issued at this time \$5,103,000 of the bonds authorized pursuant to Bond Ordinance No. 2958 adopted by the City Council of the City on October 3, 2022. The bonds are issued to finance the undertaking of the River Drive Roadway, Bikeway and Park Improvement Project (Phase II) in, by and for the City. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 40 years computed from the date of such bonds.

Section 3. There shall be issued at this time \$1,476,000 of the bonds authorized pursuant to Bond Ordinance No. 2968 adopted by the City Council of the City on December 13, 2022. The bonds are issued to finance the upgrading of communications systems and equipment for the Police Department, Fire Department and the Department of Public Works in connection with the conversion to the County of Bergen (the "County") Communications System, pursuant to a shared services agreement between the City and the County, in, by and for the City. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 10 years computed from the date of such bonds.

Section 4. There shall be issued at this time \$1,356,000 of the bonds authorized pursuant to Bond Ordinance No. 2974 adopted by the City Council of the City on January 24, 2023. The bonds are issued to finance the undertaking of the Semel Avenue Drainage Project (Phase I) in, by and for the City. The period of usefulness of the purpose to be financed by such bond ordinance is a period of 40 years computed from the date of such bonds.

Section 5. The bonds authorized by said four bond ordinances described in Sections 1 through 4, inclusive, of this resolution shall be issued as a single issue of bonds, aggregating \$9,135,000 and consisting of an issue of bonds in the denomination of \$5,000 each or any integral multiple thereof, numbered in the order of their maturity. In the event that the purchaser of the bonds elects to take bonds in the last maturity that are not in multiples of \$5,000, or if there are any such bonds herein, such bonds shall be in the denomination of \$1,000 or any integral multiple thereof, numbered upwards from the last numbered \$5,000 bond. The average period of usefulness within which the bonds authorized by said four bond ordinances mature, according to the respective reasonable lives of the purposes to be financed, as determined in such bond ordinances taking into consideration the respective amounts of bonds authorized for the purposes to be financed as set forth in each of the bond ordinances hereinbefore set forth, is a period of 35.15 years computed from the date of such bonds. Said issue shall be payable in annual installments on May 15 in each year and, subject to adjustment as authorized by Section 10 of this resolution, in the amounts as follows:

\$190,000 in the year 2024,
\$285,000 in the year 2025,

\$300,000 in the year 2026, and
\$380,000 in each of the years 2027 to 2048, inclusive.

Said bonds shall be designated "General Improvement Bonds". A portion of the indebtedness evidenced by each such bond shall be deemed to have been incurred for the purpose described in each bond ordinance authorizing bonds of the same maturity, and such portion of such indebtedness shall be in the same proportion to the principal amount of such bonds as the total amount of bonds of like maturity to be issued pursuant to such bond ordinance bears to the aggregate amount of bonds of like maturity to be issued pursuant to the four such bond ordinances.

Section 6. All of said bonds shall be dated November 15, 2023, and shall bear interest from their date until their respective maturities at the rates per annum named in the proposal accepted. Such rates of interest shall be determined at the time said bonds are sold. Such interest shall be payable on each May 15 and November 15, commencing May 15, 2024 (each, an "Interest Payment Date"), in each year until maturity or prior redemption.

Section 7. The bonds maturing on or before May 15, 2031 are not subject to redemption prior to their stated maturities. The bonds maturing on or after May 15, 2032 are subject to redemption at the option of the City prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after May 15, 2031, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the City determines to optionally redeem a portion of the bonds prior to maturity, such bonds so redeemed shall be in such maturities as determined by the City, and within any maturity, by lot; *provided, however*, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting bonds for redemption, the Bond Registrar/Paying Agent (as hereinafter defined) shall treat each bond as representing that number of bonds that is obtained by dividing the principal amount of such bond by \$5,000.

Section 8. Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any bond subject to redemption is a part of a greater principal amount of the bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the bond not to be redeemed, a new bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the bond surrendered less the amount to be redeemed.

Section 9. The bonds will be issued in fully registered form by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, Brooklyn, New York ("DTC"), and immobilized in its custody. The book-entry system will evidence ownership of the bonds in principal amounts of \$5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to the rules and procedures established by DTC. Interest on the bonds will be payable at the times stated in Section 6 of this resolution, and principal of the bonds will be paid annually on May 15 as set forth in the maturity schedule hereinbefore stated, in immediately available funds to DTC or its nominee as registered owner of the bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. Interest will be payable to owners of bonds shown on the records of DTC as of the last business day of the month preceding the month in which such Interest Payment Date occurs. The City will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the bonds, or (b) the City determines that continuation of the book-entry system of evidence and transfer of ownership of the bonds would adversely affect the interests of the beneficial owners of the bonds, the City will discontinue the book-entry system with DTC. If the City fails to identify

another qualified securities depository to replace DTC, the City will authenticate and deliver replacement bonds in the form of fully registered certificates.

The principal of and interest on the bonds shall be payable in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

Section 10. The Chief Financial Officer, pursuant to N.J.S.A. 40A:2-34, is hereby authorized to sell and award the bonds in accordance with the terms of the notice of sale (the "Notice of Sale"), such terms to be determined by a resolution of the City Council to be hereafter adopted. The Chief Financial Officer shall report in writing to the City Council at the next meeting after the sale of the bonds as to the principal amount, interest rates and maturities of the bonds sold, the price obtained and the name of the purchaser. In accordance with N.J.S.A. 40A:2-26(g), there is hereby delegated to the Chief Financial Officer the authority to adjust the aggregate amount of and the maturity schedule for the bonds at the times and in the amounts as provided in the Notice of Sale. There is hereby further delegated to the Chief Financial Officer the authority to postpone the public sale of the bonds without re-advertisement in accordance with the provisions of the Notice of Sale. The public sale of the bonds may not be postponed more than sixty (60) days without re-advertisement.

Section 11. All of said bonds shall be signed by the Mayor by manual or facsimile signature and by the Chief Financial Officer by manual or facsimile signature, and the corporate seal of the City shall be imprinted, affixed or reproduced thereon and such seal shall be attested by the City Clerk or Deputy City Clerk by manual signature. The bonds will be authenticated by the manual signature of the Bond Registrar/Paying Agent.

Section 12. Each of said bonds shall be issued in substantially the following form:

[Form of Bond]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

No. R-_____ \$_____

UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF BERGEN
CITY OF GARFIELD
GENERAL IMPROVEMENT BOND

INTEREST
RATE PER
ANNUM MATURITY DATE DATED DATE CUSIP
_____% MAY 15, 20__ NOVEMBER 15, 2023 365856__

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: -----DOLLARS

The City of Garfield, a municipal corporation of the State of New Jersey, located in the County of Bergen (hereinafter referred to as the "City"), for value received, hereby acknowledges itself indebted and promises to pay to the REGISTERED OWNER named above, on the MATURITY DATE specified above, upon surrender hereof, the PRINCIPAL SUM stated above and to pay to the REGISTERED OWNER hereof interest thereon from the DATED DATE of this Bond until it shall mature at the INTEREST RATE PER ANNUM specified above, payable on each May 15 and November 15, commencing May 15, 2024 (each, an "Interest Payment Date"), of each year until maturity or prior redemption. The principal hereof is payable at the office of the Chief Financial Officer, City Hall, 111 Outwater Lane, Garfield, New Jersey 07026 (the "Bond Registrar/Paying Agent"). The interest so payable on any such Interest Payment Date will be paid to the person in whose name this Bond is registered on the record date for such interest, which shall be the last business day of the month preceding the month in which such Interest Payment Date occurs. Both the principal of and interest on this Bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This Bond is one of an issue of Bonds of like date and tenor, except as to number, denomination, interest rate and maturity, issued pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes, as amended) and pursuant to four bond ordinances adopted by the City Council of the City on April 11, 2017 (Ord. No. 2762), October 3, 2022 (Ord. No. 2958), December 13, 2022 (Ord. No. 2968), and January 24, 2023 (Ord. No. 2974) and resolutions adopted by the City Council of the City on October 10, 2023.

The Bonds maturing on or before May 15, 2031 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after May 15, 2032 are subject to redemption at the option of the City prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after May 15, 2031, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the City determines to optionally redeem a portion of the Bonds prior to maturity, such Bonds so redeemed shall be in such maturities as determined by the City, and within any maturity, by lot; *provided, however*, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar/Paying Agent shall treat each Bond as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000.

Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any Bond subject to redemption is a part of a greater principal amount of the Bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the Bond not to be redeemed, a new Bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the Bond surrendered less the amount to be redeemed.

The Bond Registrar/Paying Agent shall keep at its office the books of the City for the registration of transfer of Bonds. The transfer of this Bond may be registered only upon such books and as otherwise provided in the hereinabove mentioned resolutions upon the surrender hereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such registration of transfer, the Bond Registrar/Paying Agent shall deliver in exchange for this Bond a new bond or bonds, registered in the name of the transferee, of authorized denomination, in an aggregate principal amount equal to the unredeemed principal amount of this Bond, of the same maturity and bearing interest at the same rate.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, be performed or happen precedent to or in the issuance of this Bond exist, have been performed and have happened, and that this Bond, together with all other indebtedness of the City, is within every debt and other limit prescribed by the Constitution or statutes of said State.

The full faith and credit of the City are hereby pledged irrevocably to the punctual payment of the principal of and interest on this Bond in accordance with its terms.

This Bond shall not be valid or become obligatory for any purpose until the Certification of Authentication hereon shall have been signed by the Bond Registrar/Paying Agent.

IN WITNESS WHEREOF, the City has caused this Bond to be signed by its Mayor by manual or facsimile signature and by its Chief Financial Officer by manual or facsimile signature and its seal to be impressed, affixed or reproduced hereon, and said seal to be attested by its City Clerk by manual signature, and this Bond to be dated November 15, 2023.

[SEAL]

(manual or facsimile signature)
Mayor

ATTEST:

(manual signature)
City Clerk

(manual or facsimile signature)
Chief Financial Officer

AUTHENTICATION DATE: NOVEMBER 22, 2023

CERTIFICATION OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned resolutions, and is one of the General Improvement Bonds dated November 15, 2023 of the City of Garfield, in the County of Bergen, State of New Jersey.

Chief Financial Officer, as Bond Registrar/Paying Agent

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____, the within Bond, and irrevocably appoints _____, attorney-in-fact, to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without any alteration whatsoever.

Signature Guaranteed:

[End of Form of Bond]

Section 13. Bonds may, upon surrender thereof at the office of the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any bond may be registered only upon the registration books of the City upon the surrender thereof to the Bond Registrar/Paying Agent together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar/Paying Agent. Upon any such registration of transfer, the Bond Registrar/Paying Agent shall authenticate and deliver in exchange for such bond a new bond or bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which bonds shall be exchanged or the transfer of bonds shall be registered hereunder, the Bond Registrar/Paying Agent shall authenticate and deliver at the earliest practicable time bonds in accordance with the provisions of this resolution. All bonds surrendered in any such exchange or registration of transfer shall forthwith be canceled by the Bond Registrar/Paying Agent. The City or the Bond Registrar/Paying Agent may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of bonds under this resolution.

As to any bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such bond and the interest on any such bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such bond, including interest thereon, to the extent of the sum or sums so paid.

The City shall appoint such registrars, transfer agents, depositories or other agents and make such other arrangements as may be necessary for the registration, registration of transfer and exchange of bonds within a reasonable time according to the then commercial standards for the timely payment of principal and interest with respect to the bonds. The Chief Financial Officer is hereby appointed registrar and paying agent for the bonds (the "Bond Registrar/Paying Agent") subject to the right of the City Council to appoint another Bond Registrar/Paying Agent, and, as such, shall keep at the City Hall, 111 Outwater Lane, Garfield, New Jersey 07026, the books of the City for the registration, registration of transfer, exchange and payment of the bonds.

Section 14. The Mayor, the Chief Financial Officer and the City Clerk are hereby authorized and directed to cause said bonds to be prepared and to execute and deliver said bonds upon payment of the purchase price therefor.

Section 15. This resolution shall take effect immediately upon its adoption.

APPROVED: October 10, 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 10th day of October 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

**CITY OF GARFIELD
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-450-23**

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

AUTHORIZING THE PUBLICATION, PRINTING AND DISTRIBUTION OF A NOTICE OF SALE AND THE PUBLICATION OF A SUMMARY NOTICE OF SALE AND PRESCRIBING THE FORMS THEREOF FOR \$9,135,000 GENERAL IMPROVEMENT BONDS, DATED NOVEMBER 15, 2023, APPROVING THE PREPARATION, DISTRIBUTION AND EXECUTION OF A PRELIMINARY AND A FINAL OFFICIAL STATEMENT FOR SUCH BONDS, UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE OF FINANCIAL INFORMATION, COVENANTING TO COMPLY WITH THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND AUTHORIZING VARIOUS MATTERS IN CONNECTION WITH ELECTRONIC BIDDING FOR THE BONDS

WHEREAS, the City Council of the City of Garfield, in the County of Bergen, New Jersey (the "City"), desires to make further provision for the issuance of \$9,135,000 General Improvement Bonds (the "Bonds"), which are to be issued pursuant to bond ordinances heretofore adopted by the City Council;

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

Section 1. A Notice of Sale (the "Full Notice of Sale") shall be published and printed and posted with the Preliminary Official Statement (as hereinafter defined) for distribution in substantially the following form:

NOTICE OF SALE

CITY OF GARFIELD,
IN THE COUNTY OF BERGEN, NEW JERSEY

\$9,135,000* GENERAL IMPROVEMENT BONDS
(Book-Entry Only) (Not Bank-Qualified)
(Callable) (Parity Bid)

Dated
November 15, 2023

The City of Garfield, in the County of Bergen, a municipal corporation of the State of New Jersey (the "City"), hereby invites ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS for the purchase of its \$9,135,000* General Improvement Bonds, dated November 15, 2023 (the "Bonds").

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received and publicly opened and announced by the Chief Financial Officer in the City Hall, 111 Outwater Lane, Garfield, New Jersey 07026, on November 8, 2023 at 11:00 o'clock A.M. (local time).

The Bonds comprise an issue of bonds payable on May 15 in each year and, subject to adjustment as provided herein, in the amounts as follows:

\$9,135,000* General Improvement Bonds

\$190,000 in the year 2024,
\$285,000 in the year 2025,
\$300,000 in the year 2026, and
\$380,000 in each of the years 2027 to 2048, inclusive.

To the extent any instructions or directions set forth in PARITY conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY, potential bidders may contact Ipreo at 1359 Broadway, 2nd Floor, New York, NY 10018, telephone (212) 849-5021.

The Bonds shall be issued in registered form by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, Brooklyn, New York ("DTC") and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in the principal amount of \$5,000 or any integral multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. The successful bidder, as a condition to delivery of the Bonds, shall be required to deposit the bond certificates with DTC, registered in the name of Cede & Co., its nominee. Interest on the Bonds will be payable on each May 15 and November 15, commencing May 15, 2024 (each, an "Interest Payment Date"), in each year until maturity or prior redemption, and principal of the Bonds will be payable, at maturity, by payment of immediately available funds by the Bond Registrar/Paying Agent to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest to participants of DTC will be the responsibility of DTC. Transfer of principal and interest to beneficial owners will be the responsibility of the DTC participants and other nominees of the beneficial owners. The City will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the City determines that continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the City will discontinue the book-entry system with DTC. If the City fails to identify another qualified securities depository to replace DTC, the City will deliver replacement bonds in the form of fully registered certificates.

* Preliminary, subject to change as described herein.

The Bonds maturing on or before May 15, 2031 are not subject to redemption prior to their stated maturities. The Bonds maturing on or after May 15, 2032 are subject to redemption at the option of the City prior to maturity, in whole on any date or in part on any Interest Payment Date, on or after May 15, 2031, upon notice as hereinafter set forth at the redemption price of 100% of the principal amount being redeemed, plus accrued interest to the date fixed for redemption.

If the City determines to optionally redeem a portion of the Bonds prior to maturity, such Bonds so redeemed shall be in such maturities as determined by the City, and within any maturity, by lot; *provided, however*, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar/Paying Agent shall treat each Bond as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000.

Notice of redemption shall be given by first class mail in a sealed envelope with postage prepaid to the registered owners of the Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Bond Registrar/Paying Agent at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Such mailing is not a condition precedent to redemption, and the failure to mail or to receive any redemption notice will not affect the validity of the redemption proceedings. If any Bond subject to redemption is a part of a greater principal amount of the Bonds not to be redeemed, such entire amount shall be surrendered to the Bond Registrar/Paying Agent and, for that portion of the Bond not to be redeemed, a new Bond shall be issued in the name of the registered owner in an amount equal to the principal amount of the Bond surrendered less the amount to be redeemed.

Bidders may not elect to structure any maturities of the Bonds as term bonds.

The Bonds are general obligations of the City and are secured by a pledge of the full faith and credit of the City for the payment of the principal thereof and the interest thereon. The Bonds are payable, if not paid from other sources, from ad valorem taxes to be levied upon all the real property taxable within the City without limitation as to rate or amount.

Each proposal submitted must name the rate or rates of interest per annum to be borne by the Bonds bid for, and the rate or rates named must be a multiple of 1/8th or 1/20th of one percentum (1%). The interest payable with respect to each Bond on any one date will be evidenced by a single rate of interest. Not more than one rate may be named for Bonds of the same maturity. There is no limitation on the number of rates that may be named. The difference between the lowest and the highest rates named in the proposal shall not exceed two per centum (2%). The City reserves its right to reject all bids, and any bid not complying with the material terms of this notice will be rejected. The City reserves the right to waive defects it deems non-material, in its sole discretion.

The Bonds will be awarded to the bidder on whose bid the total loan may be made at the lowest true interest cost ("TIC"). Such TIC cost shall be computed by determining the interest rate, compounded semi-annually, necessary to discount the debt service payments to the date of the Bonds and to the price bid, excluding interest accrued to the delivery date. Each proposal submitted must be for all the Bonds and the purchase price specified in the proposal must not be less than \$9,135,000 nor more than \$9,591,750 (105% of the aggregate principal amount of the Bonds). No proposal shall be considered that offers to pay an amount less than the principal amount of the Bonds offered for sale or under which the total loan is made at a TIC higher than the lowest TIC to the City under any legally acceptable proposal, and if two or more bidders offer to pay the lowest TIC, then the Bonds will be sold to one of such bidders selected by lot from among all such bidders.

It is requested that each proposal be accompanied by a computation of the TIC to the City under the terms of the proposal in accordance with the method of calculation described in the preceding paragraph (computed to six decimal places), but such computation is not to be considered as part of the proposal for Bonds. Determinations of TIC by the City shall be final.

The City may after the receipt and opening of bids, adjust the maturity schedule of the Bonds, provided however, that (1) no maturity schedule adjustment shall exceed 10% upward or downward of the principal for any maturity as specified herein, and (ii) the aggregate adjustment to the maturity schedule shall not exceed 10% upward or downward of the aggregate principal

amount of Bonds as specified herein and the aggregate principal amount of Bonds as adjusted will not exceed \$9,135,000. The dollar amount bid by the successful bidder shall be adjusted to reflect any adjustments in the aggregate principal amount of the Bonds to be issued. Immediately upon being notified that it is the successful bidder, the successful bidder shall provide to the City's municipal advisor and bond counsel the initial offering prices of the Bonds to the public. Upon receipt of the initial offering prices of the Bonds to the public from the successful bidder, the bid price will be adjusted to reflect changes in the dollar amount of the underwriter's discount and the original issue premium, but will not change the per bond underwriter's discount as calculated from the bid and the initial offering prices of the Bonds to the public. The City shall notify the successful bidder of the final maturity schedule and the resulting adjusted purchase price no later than 5:00 p.m., local time, on the day of the sale and award the Bonds. The interest rate or rates specified by the successful bidder for each maturity will not be altered.

The successful bidder must pay accrued interest from the date of the Bonds to the date of delivery. No interest will be paid upon the deposit made by the successful bidder. The Bonds will be authenticated by the Chief Financial Officer, acting as Bond Registrar/Paying Agent for the Bonds.

Sealed proposals should be addressed to the undersigned Chief Financial Officer, and enclosed in a sealed envelope marked on the outside "Proposal for Bonds". A good faith deposit (the "Deposit") in the form of a cash wire or a certified, treasurer's or cashier's check drawn upon a bank or trust company in the amount of \$182,700, payable to the order of the CITY OF GARFIELD, is required for each bid to be considered. If a cash wire is used, the wire must be received by the City no later than 11:00 A.M. on November 8, 2023. If a cash wire is utilized, each bidder must notify the City of its intent to use such cash wire prior to 11:00 A.M. on November 8, 2023, and must provide proof of electronic transfer of such cash wire prior to 11:00 A.M. on November 8, 2023 (with return wiring instructions). Wire instructions for the City can be obtained by contacting the City's Bond Counsel (Steven Rogut or Thomas Bace (908) 931-1150) or its municipal advisor (Joshua Nyikita jnyikita@acaciafin.com or (856) 234-2266) at Acacia Financial Group, Inc., Mount Laurel, New Jersey (the "Municipal Advisor"). If a check is used, it must accompany the bid or be received by the undersigned Chief Financial Officer prior to the opening of bids. Each bidder accepts responsibility for delivering such cash wire or check on time and the City is not responsible for any cash wire or check that is not received on time. Checks or wires of unsuccessful bidders will be returned upon the award of the Bonds. No interest on the Deposit will accrue to the successful bidder. The Deposit will be applied in part payment for the Bonds or to partially secure the City from any loss resulting from the failure of the successful bidder to comply with the terms of its bid.

Award of the Bonds to the successful bidder or rejection of all bids is expected to be made promptly after opening of the bids, but such successful bidder may not withdraw its proposal until after 5:30 p.m. (local time) of the day of such bid-opening and then only if such award has not been made prior to the withdrawal.

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the successful bidder thereof to accept delivery of and pay for the Bonds in accordance with its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds. All expenses in relation to the printing of CUSIP numbers on the Bonds shall be paid for by the City; provided, however, that the request for the assignment of CUSIP identification numbers shall be the responsibility of the Municipal Advisor and the CUSIP Service Bureau charge for the assignment of said numbers shall be the responsibility of and shall be paid for by the successful bidder. CUSIP numbers must be communicated to Bond Counsel within 24 hours of the award of the Bonds in order to have the CUSIP numbers printed on the Bonds.

The Bonds shall be delivered on or about November 22, 2023 at the office of Rogut McCarthy LLC, Cranford, New Jersey ("Bond Counsel"), or at such other place as may be determined by the successful bidder and the City. PAYMENT FOR THE BONDS AT THE TIME OF ORIGINAL ISSUANCE AND DELIVERY SHALL BE IN IMMEDIATELY AVAILABLE FUNDS.

A preliminary Official Statement has been prepared and is available at www.i-DealProspectus.com or may be obtained from the Municipal Advisor (jnyikita@acaciafin.com) or the undersigned, Chief Financial Officer, City Hall, 111 Outwater Lane, Garfield, New Jersey 07026, Telephone No. (973) 340-2000, x4030. The preliminary Official Statement is deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12"), but is subject to (a) completion with certain pricing and other information to be made available by the successful bidder for the Bonds and (b) amendment. The preliminary Official Statement, as so revised, will constitute the "final official statement". By the submission of a bid for the Bonds, the successful bidder contracts for the receipt of a reasonable number of copies of the final Official Statement within seven business days of the award of the Bonds. In order to complete the final Official Statement, the successful bidder must furnish on behalf of the underwriters of the Bonds the following information to Bond Counsel and the City by facsimile transmission or overnight delivery received by Bond Counsel and the City within 24 hours after the award of the Bonds: (a) initial offering prices or yields (expressed as percentages), (b) selling compensation (aggregate total anticipated compensation to the underwriters expressed in dollars), (c) the identity of the underwriters if the successful bidder is part of a group or syndicate and (d) any other material information necessary for the final Official Statement, but not known to the City (such as the bidder's purchase of credit enhancement). It shall also be the obligation of the successful bidder to furnish to DTC an underwriter's questionnaire and the denominations of the Bonds not less than seventy-two (72) hours prior to the delivery of the Bonds.

Concurrently with the delivery of the Bonds, the officials of the City who will have executed the final Official Statement will deliver to the purchaser of the Bonds a certificate stating that, to the best of their knowledge, the preliminary Official Statement did not as of its date and as of the sale date, and the final Official Statement did not as of its date and does not as of the date of delivery of the Bonds, contain an untrue statement of a material fact or omit to state a material fact required to be included therein for the purpose for which the preliminary Official Statement or the final Official Statement is to be used or necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, provided such certificate shall not include consideration of information supplied by, or which should have been supplied by, the successful bidder for the Bonds.

The City has agreed in its bond resolution adopted on October 10, 2023 to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12, (i) not later than seven months after the end of the City's fiscal year (presently December 31) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year (commencing with the fiscal year ending December 31, 2023), (ii) timely notice of the occurrence of certain material events with respect to the Bonds and financial obligations of the City and (iii) timely notice of a failure by the City to provide the required annual financial information on or before the date specified in (i) above.

The successful bidder's obligation to purchase the Bonds shall be conditioned upon its receiving, at or prior to the delivery of the Bonds, in form and substance reasonably satisfactory to the successful bidder, evidence that the City has made the continuing disclosure undertaking set forth above in a written agreement or contract for the benefit of the Bondholders and the beneficial owners of the Bonds.

The approving legal opinion of Bond Counsel will be furnished without cost to the purchaser. The preliminary Official Statement contains a discussion of the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), with respect to the exclusion from gross income for Federal income tax purposes of the interest on the Bonds and a description of the opinion of Bond Counsel with respect thereto. The City has covenanted, to the extent permitted by the Constitution and laws of the State of New Jersey, to comply with the provisions of the Code required to preserve the exclusion from gross income of interest on the Bonds for Federal income tax purposes. There will also be furnished the usual closing papers.

If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of a bidder, any purchase of such insurance or commitment therefor shall be at the sole option and expense of the bidder and any increased costs of issuance of the Bonds resulting by reason of such insurance, unless otherwise paid, shall also be paid by such bidder. Any failure of the Bonds to be so insured or of any such policy of insurance to be

issued, shall not in any way relieve the purchaser of its contractual obligations arising from the acceptance of its proposal for the purchase of the Bonds.

The City reserves the right to postpone, from time to time, the date and time established for the receipt of bids. Any such postponement shall be published on TM3 News Service, or by other available means, not less than twenty-four (24) hours prior to the sale. If any date fixed for receipt of bids and the sale of the Bonds is postponed, an alternative sale date will be announced via TM3 News Service, or by other available means, at least forty-eight (48) hours prior to such alternative date.

ISSUE PRICE DETERMINATION UNDER INTERNAL REVENUE CODE

If the "competitive sale requirements" are not satisfied, the winning bidder shall have the option to designate whether the "10% test" or the "hold-the-offering-price rule" shall apply to all the Bonds.

The following paragraphs contain the terms for the determination of issue price.

(a) The winning bidder shall assist the City in establishing the issue price of the Bonds and shall execute and deliver to the City at closing an "issue price" or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the Bonds, together with the supporting pricing wires or equivalent communications. A form of issue price certificate is available upon request to Steven L. Rogut, Bond Counsel, (908) 931-1150 or slr@rogutmccarthy.com.

(b) The City intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the "competitive sale requirements") because:

- (1) the City shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- (2) all bidders shall have an equal opportunity to bid;
- (3) the City may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- (4) the City anticipates awarding the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in the bid. Bids will not be subject to cancellation in the event that the competitive sale requirements are not satisfied. Unless the bidder intends to hold the Bonds for its own account with no intention to offer the Bonds to the public, the bidder, by submitting a bid, represents to the City that the bidder has an established industry reputation for underwriting new issuances of municipal bonds.

(c) In the event that the competitive sale requirements are not satisfied, the City shall so advise the winning bidder. In that case, the winning bidder shall have the option to designate (by 5:30 P.M. Prevailing Time on the sale date) whether the issue price will be calculated upon either (a) the first price at which 10% of each maturity of the Bonds (the "10% test") is sold to the public as the issue price of that maturity, applied on a maturity-by-maturity basis, or (b) a commitment to neither offer nor sell any of the Bonds of any maturity to any person at a price that is higher than the initial offering price to the public as of the sale date (the "initial offering price") during the holding period (as defined herein).

(d) If the 10% test is selected, the winning bidder shall advise the City if any maturity of the Bonds satisfies the 10% test as of the date and time of the award of the Bonds, and bidders should prepare their bids on the assumption that all of the maturities of the Bonds will be subject to the 10% test in order to establish the issue price of the Bonds. If the competitive sale requirements are not satisfied and the 10% test is selected, then until the 10% test has been satisfied as to each maturity of the Bonds, the winning bidder agrees to promptly report to the City the prices at which the unsold Bonds of that maturity have been sold to the public. That reporting obligation shall continue, whether or not the Closing Date has occurred, until either (i) all Bonds of that maturity have been sold or (ii) the 10% test has been satisfied as to the Bonds of that maturity, provided that, the winning bidder's reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the City or Bond Counsel.

(e) In the event the "hold-the-offering-price" method is selected, for each maturity of the Bonds the winning bidder shall (a) neither offer nor sell any of the Bonds of such maturity to any

person at a price that is higher than the initial offering price for such maturity during the holding period for such maturity (the "hold-the-offering-price rule"), and (b) verify that any selling group agreement shall contain the agreement of each dealer who is a member of the selling group, and any third-party distribution agreement shall contain the agreement of each broker-dealer who is a party to the third-party distribution agreement, to comply with the hold-the-offering-price rule. Pursuant to such agreement, no underwriter (as defined below) shall offer or sell any maturity of the Bonds at a price that is higher than the respective initial offering price for that maturity of the Bonds during the holding period.

(f) By submitting a bid, each bidder confirms that: (i) any agreement among underwriters, any selling group agreement and each third-party distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such third-party distribution agreement, as applicable, to (A) either comply with the hold-the-offering-price limitations stated herein or to report the prices at which it sells to the public the unsold Bonds of each maturity allocated to it, whether or not the Closing Date has occurred, until either all Bonds of that maturity allocated to it have been sold or it is notified by the winning bidder that the 10% test has been satisfied as to the Bonds of that maturity, provided that, the reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the winning bidder, depending upon whether the hold-the-offering-price method or the 10% test is selected by the winning bidder, (B) to promptly notify the winning bidder of any sales of Bonds that, to its knowledge, are made to a purchaser who is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below), and (C) to acknowledge that, unless otherwise advised by the underwriter, dealer or broker-dealer, the winning bidder shall assume that each order submitted by the underwriter, dealer or broker-dealer is a sale to the public, and (ii) any agreement among underwriters or selling group agreement relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter or dealer that is a party to a third-party distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such third-party distribution agreement to either comply with the hold-the-offering-price limitations stated herein or to report the prices at which it sells to the public the unsold Bonds of each maturity allocated to it, whether or not the Closing Date has occurred, until either all Bonds of that maturity allocated to it have been sold or it is notified by the winning bidder or such underwriter that the 10% test has been satisfied as to the Bonds of that maturity, provided that, the reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the winning bidder or such underwriter, depending upon whether the hold-the-offering-price method or the 10% test is selected by the winning bidder.

(g) Sales of any Bonds to any person that is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below) shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale:

(i) "public" means any person other than an underwriter or a related party,

(ii) "underwriter" means (A) any person that agrees pursuant to a written contract or otherwise with the City (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the Bonds to the public),

(iii) a purchaser of any of the Bonds is a "related party" to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (A) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (B) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (C) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profits interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other),

(iv) "sale date" means the date that the Bonds are awarded by the City to the winning bidder,

(v) "holding period" means, for each maturity of the Bonds, the period starting on the sale date and ending on the earlier of (i) the close of the fifth business day after the sale date, or (ii)

the date on which the Underwriter has sold at least 10% of each maturity to the Public at prices that are no higher than the Initial Offering Price for such maturity, and

(vi) "maturity" means Bonds with the same credit and payment terms. Bonds with different maturity dates, or Bonds with the same maturity date but different stated interest rates, are treated as separate maturities.

By order of the City Council of the City of Garfield, in the County of Bergen, New Jersey.

Dated: October 25, 2023

Chief Financial Officer

/s/ Anders Hasseler

City of Garfield
County of Bergen, New Jersey

Section 2. A Summary Notice of Sale ("Summary Notice of Sale") shall be published in substantially the following form:

SUMMARY NOTICE OF SALE

CITY OF GARFIELD,
IN THE COUNTY OF BERGEN, NEW JERSEY

\$9,135,000* GENERAL IMPROVEMENT BONDS
(Book-Entry Only) (Not Bank-Qualified)
(Callable) (Parity Bid)

dated
November 15, 2023

ELECTRONIC BIDS VIA PARITY AND SEALED PROPOSALS will be received by the Chief Financial Officer of the City of Garfield, in the County of Bergen, New Jersey (the "City"), in the City Hall, 111 Outwater Lane, Garfield, New Jersey 07026, on

November 8, 2023

at 11:00 o'clock A.M. (local time) at which time they will be publicly opened and announced, for the purchase of the City's \$9,135,000* General Improvement Bonds, dated November 15, 2023 (the "Bonds") and payable on May 15 in each year and, subject to adjustment as provided in the Notice of Sale, in the amounts as follows:

\$190,000 in the year 2024,
\$285,000 in the year 2025,
\$300,000 in the year 2026, and
\$380,000 in each of the years 2027 to 2048, inclusive.

The Bonds shall be issued in book-entry only form through the book-entry system operated by The Depository Trust Company, Brooklyn, New York. The Bonds are subject to redemption prior to maturity at the option of the City in accordance with the terms set forth in the Notice of Sale to be made available to interested persons (the "Notice of Sale"). The Notice of Sale and Proposal for Bonds should be reviewed by potential bidders for additional terms and conditions of the sale of the Bonds prior to bidding on the Bonds. To the extent any instructions or directions set forth in PARITY conflict with the Notice of Sale, the terms of the Notice of Sale shall control. For further information about PARITY, potential bidders may contact Ipreo at 1359 Broadway, 2nd Floor, New York, NY 10018, telephone (212) 849-5021.

The Bonds will bear interest from their date at a rate or rates of interest in multiples of 1/8th or 1/20th of 1% per annum specified by the successful bidder payable on each May 15 and November 15, commencing May 15, 2024, in each year until maturity or prior redemption. The Bonds will be in the denomination of \$5,000 or any integral multiple thereof. The purchase price specified must not be less than \$9,135,000 nor more than \$9,591,750 (par plus a maximum 5% premium). The difference between the lowest and the highest rates named in the proposal shall not exceed two per centum (2%). Each proposal must be for all the Bonds offered. As further described in the Notice of Sale, bidders must, at the time of making their bids, make a wire transfer or deposit a certified, cashier's or treasurer's check drawn upon a bank or trust company in the amount of \$182,700 to the order of the City. The Bonds will be sold to the bidder specifying the lowest true interest cost in accordance with the terms set forth in the Notice of Sale. The City will furnish the Bonds and the approving legal opinion of Rogut McCarthy LLC, Cranford, New Jersey, Bond Counsel.

Copies of the Preliminary Official Statement, the Notice of Sale and the Proposal for Bonds are available at www.i-DealProspectus.com or by contacting the Municipal Advisor (Joshua Nyikita of Acacia Financial Group, Inc. at jnyikita@acaciafin.com) or the undersigned Chief Financial Officer at the City Hall, 111 Outwater Lane, Garfield, New Jersey 07026, Telephone No. (973) 340-2000, x4030.

* Preliminary, subject to change.

By order of the City Council of the City of Garfield, in the County of Bergen, New Jersey.

Dated: October 26, 2023

Chief Financial Officer

/s/ Anders Hasseler

City of Garfield
County of Bergen, New Jersey

Section 3. The City Clerk is hereby authorized and directed to publish (A) the Summary Notice of Sale in THE BOND BUYER, which is a publication carrying municipal bond notices and devoted primarily to the subject of State and municipal bonds, and is published in New York City, and (B) the Full Notice of Sale in The Record, a newspaper of general circulation published in the County of Bergen and circulating in the City. Said Summary Notice of Sale and Full Notice of Sale shall be published in each publication not later than one week before the date of the sale of said Bonds.

Section 4. The preparation of and distribution to potential bidders for the Bonds of a Preliminary Official Statement to be dated on or about October 31, 2023 is hereby approved. Such Preliminary Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12").

Section 5. The preparation of an Official Statement in connection with the sale of the Bonds to be dated on or about November 8, 2023 is hereby approved. Such Official Statement is hereby deemed to be a "final official statement", as of its date, within the meaning of Rule 15c2-12.

Section 6. The execution of the Official Statement by the Chief Financial Officer on behalf of the City, the distribution of same to the successful bidder and the successful bidder's subsequent distribution of the Official Statement to purchasers or prospective purchasers of the Bonds are hereby authorized.

Section 7. The City hereby agrees to undertake for the benefit of the Bondholders and the beneficial owners of the Bonds to provide certain secondary market disclosure information pursuant to Rule 15c2-12 to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format, as prescribed by the MSRB. Specifically, the City will do the following for the benefit of the holders of the Bonds and the beneficial owners thereof:

(A) Not later than seven months after the end of the City's fiscal year (presently December 31), commencing with the report for the fiscal year ending December 31, 2023, provide or cause to be provided annual financial information with respect to the City consisting of (i) audited financial statements (or unaudited financial statements if audited financial statements are not then available by the date of filing, which audited financial statements will be delivered when and if available) of the City and (ii) certain financial information and operating data consisting of information concerning the City's debt, overlapping indebtedness, tax rate, levy and collection data, property valuation, budget and fund balance of the type contained under the headings "Budget Information", "Financial Information" and "Debt Information" in Appendix A of the Official Statement. The audited financial statements will be prepared in accordance with mandated State statutory accounting principles, as in effect from time to time. Audited financial statements if not available by the filing date will be submitted separately when available.

(B) Provide or cause to be provided in a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds or financial obligations of the City:

- (1) Principal or interest payment delinquencies;
- (2) Non-payment related default, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the

tax status of the Bonds, or other material events affecting the tax status of the Bonds;

- (7) Modifications to the rights of Bondholders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution or sale of property which secures the repayment of the Bonds, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the City (the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City);
- (13) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a financial obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the City, any of which affect Bondholders, if material; and
- (16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the City, any of which reflect financial difficulties.

The City intends the words used in paragraphs (15) and (16) and the definition of "financial obligation" to have the meanings ascribed to them in SEC Release No. 34-83885 (August 20, 2018).

(C) Provide or cause to be provided, in a timely manner, notice of a failure of the City to provide required annual financial information on or before the date specified above.

Section 8. All documents provided to the MSRB shall be accompanied by identifying information as prescribed by the MSRB.

Section 9. If the City fails to comply with the undertaking described above, any Bondholder or beneficial owner of the Bonds may pursue an action for specific performance to enforce the rights of all Bondholders and beneficial owners with respect to such undertaking; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds or any liability by the City for monetary damages. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all Bondholders and beneficial owners of the Bonds.

Section 10. The City reserves the right to terminate its obligation to provide annual financial information and notice of material events, as set forth above, if and when the City no longer remains an "obligated person" with respect to the Bonds within the meaning of Rule 15c2-12.

Section 11. The undertaking may be amended by the City from time to time, without the consent of the Bondholders or the beneficial owners of the Bonds, in order to make modifications required in connection with a change in legal requirements or change in law, or change in the identity, nature, type of operation, or status of the City, which in the opinion of nationally recognized bond counsel complies with Rule 15c2-12 and does not, in such bond counsel's opinion, materially impair the interest of the Bondholders and the beneficial owners of the Bonds.

Section 12. The City hereby covenants, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Bonds be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended.

Section 13. The Mayor, the Chief Financial Officer and the City Clerk are hereby authorized and directed to execute and deliver such other documents and to take such other action as they determine to be necessary or appropriate in order to effectuate the issuance and sale of the Bonds including, without limitation, the execution and delivery of all closing documents and certificates.

Section 14. The Chief Financial Officer, the City Clerk, the Bond Counsel, the Auditor, the Municipal Advisor and other City officials and representatives are hereby authorized to take all necessary actions to allow for (A) the submission of electronic bids for the bonds, (B) the electronic posting of the Preliminary Official Statement, the full Notice of Sale and the bid form and (C) the submission by bidders of a wire transfer in lieu of a good faith check.

Section 15. This resolution shall take effect immediately upon its adoption.

APPROVED: October 10, 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 10th day of October 2023. Signed and sealed before me.

Erin Delaney, MPA, RMC
City Manager/City Clerk

Dated

DMR Architects – Francis Reiner – Investigation Study – 89-97 Midland Avenue:

Francis Reiner of DMR Architects presented on the investigation study for 89-97 Midland Avenue, the site of Fire Company #1. In his presentation he discussed concerns related to a dimensional issue, the kitchen area and stove with no ventilation, the basement which has been deemed incapable of use, air quality, and other environmental issues. Mr. Reiner noted that the property does meet the criteria to be considered as an area in need of redevelopment. He stated that his next step would be to present the study to the Planning Board before the Council can take action.

Reports of the Cabinet and City Council:

Attorney's Report:

City Attorney Tuntevski advised that Yuma Way has received state approval for adult use. He noted that they have made a request for the City to reconsider operating hours as, being they will still be operational as a medical dispensary, they need to operate as such for fourteen hours as a requirement of the state. Discussion ensued regarding the same. The Governing Body thought that 10AM-10PM Monday-Saturday would suffice and is similar to liquor sale operations.

Mayor Rigoglioso requested that the attorney look into whether or not cigar lounges are permitted within the City if food is not being sold at the establishment.

CFO's Report:

City CFO Anders Hasseler stated that the City's cash management percentage return is currently higher than last year. He further noted that the finance office has already begun clearing up audit comments. Mr. Hasseler advised the Governing Body that the City will be having a bond sale in November and explained the process and need for said sale.

Report of the City Manager:

Discussion:

1. **Albanian Alliance Banner** – City Manager/City Clerk Delaney stated that she has received several requests for banner placements for full months, as opposed to the two-week limit previously imposed by the Governing Body. She stated that it is important to be on the same page as these requests come in and questioned if they would like the two-week limit to remain for 2024. The Governing Body confirmed that they would like the two-week limit to stay in place.
2. **Enterprise Leasing** – City Manager/City Clerk Delaney spoke on a proposal that was obtained by Lt. Koptyra from Enterprise regarding a leasing program for City vehicles. She noted that the lease can be controlled by the City as far as length and amount of cars, though there is a minimum requirement levied by Enterprise to participate. Ms. Delaney said that both she and the CFO met with Lt. Koptyra and Capt. Bohannon regarding the program and both are in support as it would save on maintenance costs and the maximum age of vehicles would be 5 years old. She also advised that there would be an option to purchase leased vehicles after 5 years, if interested. Ms. Delaney went on to say that the contract would not be exclusive to the Police Department and could be used for all City departments.
3. **Donations – Religious Organizations** – City Manager/City Clerk Delaney shared a request from a religious organization for a donation from City funds to assist with a renovation project. She reminded the Governing Body that municipalities cannot use public funds to make said donations. It was further discussed whether or not to develop a grant opportunity, however, it was decided that it was not something the City's budget can currently sustain due to the amount of religious organizations housed within City boundaries.
4. **NJDEP Superfund Site Clean-up** – City Manager/City Clerk Delaney advised the Governing Body that the EPA will resume their clean-up of the Superfund Site on Lincoln Place.

5. **NJUCF Grant Closeout** – City Manager/City Clerk Delaney reviewed the NJUCF Tree Inventory grant which was applied for under the former City Manager. She noted that the inventory has been complete by the appointed professional and reviewed the same.
6. **Book Sanctuary City** – City Manager/City Clerk Delaney shared that the Library Director requested that the City Council consider adopting a resolution designating the City as a Book Sanctuary City. Discussion ensued and the Governing Body felt that the resolution should come from the Library Board.

Ordinances:

1. **Juvenile Curfew – Passaic** – City Manager/City Clerk Delaney stated that the Mayor requested that the Governing Body consider adopting an ordinance similar to the municipality of Passaic that would impose a curfew on juveniles under the age of 18 within the City. City Attorney Tuntevski advised that he would model Passaic’s ordinance for the next meeting after the remainder of the Council affirmed their support of the same.

2. **Recreation Fees** – City Manager/City Clerk Delaney shared the findings of permit fees from other municipalities, as requested at the last meeting. After the review of said fees, the Mayor and Council supported a restructuring of the fee schedule and requested that the organizations be given notice regarding the same.

3. **Rent Control** – City Manager/City Clerk Delaney stated that the Mayor requested that rent control be a topic of discussion as a result of recent complaints that have been received. Councilman Maslag and Councilwoman Banch stated that they would be in support of such an ordinance. City Manager/City Clerk Delaney advised that in order to implement rent control the City would need to designate a board and set aside money in the budget for its oversight. City Planner Francis Reiner from DMR Architects was present and was asked if a rent control board/ordinance could hinder redevelopment, to which his professional opinion was that it could hinder redevelopment. Further discussion ensued and concerns were raised about landlords having to cover the difference which could result in delinquent taxes. It was determined that this would not be something the Governing Body would move forward with at this time.

Departmental Reports:

1. **Clerk’s Office September 2023** – No discussion ensued.
2. **Building Department September 2023** – No discussion ensued.
3. **Court Department through August 2023** – No discussion ensued.
4. **Millennium Strategies through September 2023** – No discussion ensued.

Executive Session:

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

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

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss:

Personnel

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 October 24, 2023 Regular Meeting of the Mayor & Council.