

**WORK SESSION MEETING  
OF THE  
GARFIELD MAYOR AND COUNCIL  
June 10, 2025  
6:00P.M.**

The Work Session Meeting of the Garfield Mayor and Council for June 10, 2025 was called to order by City Manager/City Clerk Erin Delaney at 6:16PM. The Statement of Compliance was read.

On Roll Call present members were: Councilmembers Rigoglioso & Delaney\*, Deputy Mayor Kane, Deputy Mayor/Mayoral Advisor Raymond, and Mayor Garnto. Also present were City Manager/City Clerk Delaney, City CFO Nicholas Prochilo, City Engineer Kevin Boswell, and City Attorney Richard Malagiere.

*\*Councilman Delaney left at 8:52PM.*

**Work Meeting Agenda Items:**

**Action Items:**

**1. APPROVAL OF MINUTES:**

A motion was made by Councilman Delaney and seconded by Deputy Mayor Kane to approve the May 13, 2025 Work Session Meeting & May 20, 2025 Regular Meeting minutes. The motions carried unanimously.

**2. PROCLAMATION:**

R-269-25                      Proclaiming Grzegorz Kotowski as Chief for a Day

**3. ORDINANCES:**

R-270-25

**FIRST READING**

Introduce Ord. #3079

**AN ORDINANCE OF THE CITY OF GARFIELD AMENDING THE CITY CODE PART II (GENERAL LEGISLATION), BY ADDING A NEW CHAPTER 241 (DANGEROUS PROPERTIES, BUILDINGS OR STRUCTURES)**

R-271-25

Introduce Ord. #3080

**BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF RENOVATIONS AT THE SPRING STREET LITTLE LEAGUE FIELD IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,385,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

R-272-25

Introduce Ord. #3081

**BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE BANTA AVENUE SEWER IMPROVEMENT PROJECT (PHASE II) IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$855,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

R-273-25

Introduce Ord. #3082

**BOND ORDINANCE TO AUTHORIZE THE RESURFACING OF HARRISON AVENUE IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$695,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

R-274-25

Introduce Ord. #3083

**BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF NEIGHBORHOOD PRESERVATION PROGRAM IMPROVEMENTS ALONG THE PASSAIC STREET CORRIDOR (PHASE V) IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$160,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

R-275-25

Introduce Ord. #3084

**BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$175,000 FOR THE REPLACEMENT OF LEAD WATER SERVICE LINES ALONG HARRISON AVENUE AND MACARTHUR AVENUE IN, BY AND FOR THE WATER UTILITY OF THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, NEW JERSEY, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

**SECOND READING**

- R-276-25 Introduce Ord. #3076  
**AN ORDINANCE TO AMEND §226 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED, “PARKING” SPECIFICALLY AMENDING §226-1 ENTITLED “PARKING PROHIBITED” TO ADD A GENERAL RESTRICTION OF NO PARKING BETWEEN THE HOURS OF 8:00 A.M. TO 6:00 P.M. ON SEMEL AVENUE (NORTH SIDE OF THE STREET) BETWEEN PROSPECT STREET AND PALISADE AVENUE**
- R-277-25 Introduce Ord. #3077  
**AN ORDINANCE TO AMEND CHAPTER 221 (NUISANCES) OF THE CITY CODE OF THE CITY OF GARFIELD TO INCLUDE THE PROHIBITION OF CERTAIN CONDUCT AND ACTS OF AUTO BODY REPAIR FACILITIES WHICH CONSTITUTE NUISANCES**
- R-278-25 Introduce Ord. #3078  
**AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF GARFIELD AMENDING THE CITY OF GARFIELD CODE TO ADOPT A NEW CHAPTER ARTICLE; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINSTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

**4. CONSENT AGENDA:**

- R-279-25 Approval of Bills List
- R-280-25 Approving Purchase of Outdoor Cameras Through State Co-Op
- R-281-25 Authorizing Payment of Payment Requisition No. 1 to Adamo Brothers Construction, Inc. for Services Rendered in Connection with the Jewell Street Sprayground Improvements
- R-282-25 Approving Sewer Payment Refund
- R-283-25 Authorizing Boswell, Inc. to Perform a Preliminary Assessment at Garden Court East Park, Garden Court East, Block 1109.03, Lot 271
- R-284-25 Authorizing the Payment of Invoice No. JV2352 From Montana Construction to Perform Emergency Services in Connection with the Cleaning and Televising of Sanitary Sewer Pipe at Various Locations in the City
- R-285-25 Authorizing Payment of Payment Requisition No. 26 (GAR 2025-04) to National Metering Services, Inc., for Services Rendered in Connection with the Water Meter Replacement Program Phase 2
- R-286-25 Authorizing Payment of Payment Requisition No. 27 (GAR 2025-05) to National Metering Services, Inc., for Services Rendered in Connection with the Water Meter Replacement Program Phase 2
- R-287-25 Authorizing the City Manager to Execute a Shared Service Contract with Mid-Bergen Regional Health Commission for Local Public Health Services
- R-288-25 Authorizing Boot Drive Events – Garfield Fire Department
- R-289-25 Approving 2025 Outdoor Café Licenses
- R-290-25 Approval of Liquor License Renewals
- R-291-25 Requesting Approval of Items of Revenue and Appropriation  
NJSA 40A:4-87
- R-292-25 Approving Handicap Parking Space
- R-293-25 Approving Handicap Parking Space

- R-294-25 Authorizing the Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994, C 72
- R-295-25 Resolution to Approve the Consent Agenda

**5. RESOLUTIONS:**

- R-296-25 Amending Resolution R-91-25 Adjustment of the Construction Contract Amount for the Columbus Park Improvements Project
- R-297-25 Authorizing the City Attorney to Enter an Appearance and Defendant in the Matter of Wawa, Inc. v. the City of Garfield, et. al. BER-L-3634-25
- R-298-25 Authorizing the City Attorney to Enter an Appearance and Defendant in the Matter of Robbin Duda v. the City of Garfield, et. al. BER-L-3634-25

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-269-25**

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

**PROCLAIMING GRZEGORZ KOTOWSKI AS CHIEF FOR A DAY**

**WHEREAS**, on June 13, 2025, the Garfield Police Department is participating in the Bergen County “Chief for a Day” initiative; and

**WHEREAS**, the members of the Garfield Police Department play an integral role in safeguarding the rights and freedoms of the citizens of the City of Garfield; and

**WHEREAS**, it is important that all citizens know and understand the duties and responsibilities of law enforcement in their community; and

**WHEREAS**, as an honorary “Chief for a Day” Grzegorz Kotowski will learn about the inner-workings of law enforcement and explore the important work that Garfield Police Officers face on a daily basis; and

**WHEREAS**, it is fitting and proper that the City of Garfield along with our community observe June 13, 2025 as Grzegorz Kotowski Appreciation Day to honor his interest in law enforcement;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Garfield, Bergen County, New Jersey, on behalf of its citizens, do hereby proclaim June 13, 2025 as Grzegorz Kotowski Appreciation Day.

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-270-25**

**RESOLUTION BY: DEPUTY MAYOR KANE  
SECONDED BY: DEPUTY MAYOR RAYMOND**

**INTRODUCE ORDINANCE #3079  
FIRST READING**

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

**AN ORDINANCE OF THE CITY OF GARFIELD AMENDING THE CITY CODE PART II (GENERAL LEGISLATION), BY ADDING A NEW CHAPTER 241 (DANGEROUS PROPERTIES, BUILDINGS OR STRUCTURES)**

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, June 24, 2025 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: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

**Record of Council Vote on Passage**

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO.: 3079**

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**AN ORDINANCE OF THE CITY OF GARFIELD AMENDING THE CITY CODE PART II (GENERAL LEGISLATION), BY ADDING A NEW CHAPTER 241 (DANGEROUS PROPERTIES, BUILDINGS OR STRUCTURES)**

**WHEREAS**, the City of Garfield (the “City” or “Garfield”) passed Resolution R-263-25 on May 20, 2025 where the Mayor and Council of the City in accordance with N.J.S.A. 40:48-2.5 made the following finding: buildings that are old, dilapidated or have become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation, or occupancy, or use and are inimical to the welfare and dangerous and injurious to the health and safety of the people of this State are present in the City of Garfield and that a public necessity exists for the repair, closing or demolition of such building or buildings, or part thereof; and

**WHEREAS**, the City has been unable to abate the dangerous conditions on these properties and/or in the building(s) located on the properties with property maintenance enforcement measures; and

**WHEREAS**, N.J.S.A. 40:48-2.5 enables the City to adopt an ordinance relating to buildings within such municipality which are unfit for human habitation or occupancy or use; and

**WHEREAS**, the Mayor and Council of Garfield finds that it is in the best interest of the City to amend Part II (General Legislation), by adding a new chapter 241 (Dangerous Properties, Buildings or Structures) as follows:

**BE IT ORDAINED** by the Mayor and City Council of Garfield, that Part II General Legislation is hereby amended to add NEW Chapter 241 “Dangerous Properties, Buildings or Structures” as follows:

**§ 241-1. Definitions.**

As used in this article, the following terms shall have the meanings indicated below and found in N.J.S.A. 40:48-2.4:

**BUILDING** — Any building or structure or part thereof, whether used and occupied for human habitation or otherwise, and includes any outhouses, and appurtenances belonging thereto or usually enjoyed therewith.

**OWNER** — The holder of the title in fee simple.

**PREMISES** – The real property on which a building or structure is located.

**PUBLIC OFFICER** — The City Manager or a designee, Construction Code Official or a designee, Zone Code Official or a designee, City Engineer or a designee, Property Maintenance Official or designee and/or Chief of Police or designee.

**§ 241-2. Investigation; complaint; notice of hearing; opportunity to answer and defend.**

Whenever a petition is filed with the public officer by a Public Authority or by at least five residents of the City charging that a building is unfit for human habitation or occupancy or use or whenever it appears to the Public Officer that any Building is unfit for human habitation or occupancy or use or is a fire risk, the Public Officer shall make a preliminary investigation. If the investigation discloses a basis for such charges, the Public Official shall issue and cause to be served, upon the Owner of such Building, a complaint stating the charges in that respect. The complaint shall also contain a notice that a hearing will be held before a Public Officer or a designated hearing officer at a place therein fixed not less than seven days nor more than 30 days after the serving of said complaint. The notice shall state that the Owner has the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint, and that the rules of evidence prevailing in the courts shall not be controlling in hearings before the public officer. The complaint shall be served in the manner provided in §241-4.

**§ 241-3. Written findings of fact required; issuance and service of orders to repair or demolish building.**

A. If, after the notice and hearing, the Public Officer or his/her designated hearing officer determines that the Building under consideration is unfit for human habitation or occupancy or use or presents a fire risk, the Public Officer shall state, in writing, his/her findings of fact in support of such determination. The Public Officer shall then issue and cause to be served, upon the Owner thereof, an order. The order shall require the repair, alteration or improvement of said Building to be made by the Owner, within a reasonable time, which time shall be set forth in the order, and it shall give the option to the Owner to vacate or have said Building vacated and closed within the time set forth in the order.

B. If the Building is in such a condition as to make it dangerous to the health and safety of persons on or near the Premises and the Owner fails to repair, alter or improve said building within the time specified in the order described in Subsection A hereof, then the Owner shall be required by an order of removal to remove or demolish said building within a reasonable time as specified in said order of removal.

C. The orders referred to in Subsections A and B of this section shall be served upon the owner and parties in interest in the manner provided in §241-4.

**§ 241-4. Manner of serving complaints, notices and orders; copy to be filed.**

Complaints, notices and orders issued by the Public Officer pursuant to this article shall be served upon persons either personally or by registered mail. If the whereabouts of the Owner cannot be ascertained in the exercise of reasonable diligence, the Public Officer shall make an affidavit to that effect, then the serving of such complaint, notice or order upon such persons may be made by publishing the same once in a newspaper printed and published in the City. A copy of such complaint, notice or order shall be posted in a conspicuous place on the Building located on the Premises affected by the complaint, notice or order. A copy of such complaint, notice or order shall be duly recorded or lodged of record with the Register's office of Bergen County.

**§ 241-5. Abatement by the City/Consequence of failure to comply with orders.**

A. If the Owner fails to comply with an order to repair, alter or improve or, to vacate and close the Building or to demolish the Building, the Public Officer may cause such Building to be repaired, altered or improved or to be vacated and closed and/or demolished. The Public Officer may cause to be posted on the main entrance to any Building so closed a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful."

B. If the Owner fails to comply with an order to remove or demolish the Building, the Public Officer may cause such building to be removed and/or demolished.

**§ 241-6. Lien for costs; sale of materials; disposition of proceeds; recovery of costs of removal or demolition.**

A. The amount of the cost of filing and serving of legal papers, expert witnesses' fees, engineering fees, search and advertising charges in the course of any proceeding taken under this article and such repairs, alterations or improvements or vacating and closing or removal or demolition, as the case may be, shall be a municipal lien against the real property upon which such cost was incurred. If the Building is removed or demolished by the order of the Public Officer, the Public Officer shall attempt if practicable to sell the materials of such Building. The proceeds of any possible sale of such materials or any sum derived from any contract for the removal or demolition of the Building shall be credited against the cost of the removal or demolition thereof, including the clearance and, if necessary, leveling of the site. If there are no such credits or if the total sum of such costs exceeds the total of such credits, a statement of the aforesaid costs and the amount shall be generated and maintained and filed as a lien certificate with the Tax Assessor and a copy thereof shall be sent forthwith to the Owner.

B. If the total of the credits exceeds such costs, the balance remaining shall be deposited by the public officer in the Superior Court of New Jersey and shall be secured in such manner as may be directed by such court.

C. In addition to assessing the costs of removal or demolition as a lien against the Premises, the

Mayor and Council may, by resolution, enforce the payment of such assessment, together with interest, as a debt of the Owner of the Premises and authorize the institution of an action at law for the collection thereof in the Superior Court.

**§ 241-7. Determination that Building is unfit for habitation; standards.**

The Public Officer may determine that a Building is unfit for human habitation, occupancy or use if he/she finds that conditions exist in such Building which are dangerous or injurious to the health or safety of the occupants of such Building, the occupants of neighboring buildings or other residents of the City. Such conditions may, among others, include the following:

- A. Defects therein increasing the hazards of fire, accident or other calamities.
- B. Lack of adequate ventilation, light or sanitary facilities.
- C. Dilapidation.
- D. Disrepair.
- E. Structural defects.
- F. Uncleanliness.

**§ 241-8. Maintaining unfit Buildings prohibited.**

No person shall have, keep or maintain a building that is unfit for human habitation, occupancy or use or which is dangerous or injurious to the health or safety of its occupants or to the occupants of neighboring buildings or other residents of the City.

**§ 241-9. Additional powers of Public Officer.**

The Public Officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this article in addition to the other powers herein granted, including the powers to:

- A. Investigate without consent of the Owner the dwelling conditions in the City in order to determine which dwellings therein are unfit for human habitation including entering onto the Premises and into the Building(s) without the permission of the Owner.
- B. Administer oaths, affirmations, examine witnesses and receive evidence.
- C. Enter upon Premises for the purpose of making examinations without permission or consent of the Owner.
- D. Appoint and fix the duties of such officers, agents and employees as he/she deems necessary to carry out the purpose of this article.
- E. Delegate any of his functions and powers under this article to such officers and agents as he/she may designate.

**§241-10. Repairs or demolition made by City.**

Any repair, alteration, improvement, removal or demolition as herein provided may be performed by the City, through its proper officers or employees, or the City may contract with any person or entity to render such service on behalf of the City, under its control and direction. The procedure to be in accordance with N.J.S.A. 40:48-5. The City may recover the cost thereof from the owner by civil action. Such action shall be in addition to any other remedy provided for by this article and shall not make void any lien upon real estate provided for by this article nor prevent the imposition of any penalty imposed for violation of this article or any ordinance of the City.

**§ 241-11. Other powers unaffected.**

Nothing in this article shall be construed to abrogate or impair the powers of any department of the City to enforce any provisions of its charter or other statute or its ordinances or regulations or to prevent or punish violations thereof. The powers conferred by this article shall be in addition and supplemental to the powers conferred by any other ordinance of the City.

**§ 241-12. Remedy for abatement of nuisance unaffected.**

Nothing in this article shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

**§ 241-13. Violations and penalties.**

Violations and penalties. Any property owner who is found to be in violation of the provisions of this article and has failed to conduct the required inspection or initiate and remediation as required by N.J.S.A. 52:27D-437.1 et seq., the property owner shall have 30 days to cure the

violation. If a property owner fails to cure the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1000 per week until the required inspection has been conducted, or remediation efforts have been initiated.

The ordinance shall take effect immediately upon final passage.

The City Manager, Building Department, and/or Fire Department/Prevention is hereby empowered to take any and all actions incident and necessary to give effect to this Ordinance and to take all steps necessary to give immediate effect to this Ordinance.

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

Erin Delaney, MPA, RMC, CMC

City Manager/City Clerk

Introduced: June 10, 2025

Adopted:

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

Everett E. Garnto Jr., Mayor

Discussion ensued regarding the field house pm site at the Spring Street Little League field.

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-271-25**

**RESOLUTION BY: DEPUTY MAYOR KANE  
SECONDED BY: DEPUTY MAYOR RAYMOND**

**INTRODUCE ORDINANCE #3080  
FIRST READING**

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

**BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF RENOVATIONS AT THE SPRING STREET LITTLE LEAGUE FIELD IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,385,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

be passed and adopted on first reading; and

**BE IT RESOLVED**, that a final hearing on said ordinance will be heard at a meeting held on Tuesday, June 24, 2025 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: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO.: 3080**

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**BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF RENOVATIONS AT THE SPRING STREET LITTLE LEAGUE FIELD IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,385,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

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

Section 1. The City of Garfield, in the County of Bergen, State of New Jersey (the "City"), is hereby authorized to undertake renovations at the Spring Street Little League Field in, by and for the City. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$1,385,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. It is anticipated that the following government grants shall be received by the City to finance the cost of the improvements described in Section 1 hereof: (A) a \$197,153 grant from the County of Bergen Open Space, Recreation, Floodplain Protection, Farmland and Historic Preservation Trust Fund (the "County Open Space Trust Fund"); and (B) a \$144,447 grant from the County Open Space Trust Fund. Said grant funds shall be applied as set forth in Section 10 hereof. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of the City, and (2) it is necessary to finance said purpose by the issuance of obligations of the City pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$1,385,000, and (4) \$66,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$1,319,000, and (6) the cost of said purpose, as

hereinbefore stated, includes the aggregate amount of \$100,000 which is estimated to be necessary to finance the cost of said purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$66,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said City, are now available to finance said purpose. The sum of \$66,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said City of an aggregate principal amount not exceeding \$1,319,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said City of an aggregate principal amount not exceeding \$1,319,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

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

respect to said notes not determined by this ordinance, and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

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

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the City Clerk of said City, and that such statement so filed shows that the gross debt of said City, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$1,319,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

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

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

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

Section 13. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this ordinance.

Said obligations shall be direct, unlimited and general obligations of the City, and the City shall levy ad valorem taxes upon all the taxable real property within the City for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

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

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

Erin Delaney, MPA, RMC, CMC

City Manager/City Clerk

Introduced: June 10, 2025

Adopted:

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

Everett E. Garnto Jr., Mayor

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-272-25**

**RESOLUTION BY: DEPUTY MAYOR KANE  
SECONDED BY: DEPUTY MAYOR RAYMOND**

**INTRODUCE ORDINANCE #3081  
FIRST READING**

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

**BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE BANTA AVENUE SEWER IMPROVEMENT PROJECT (PHASE II) IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$855,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

be passed and adopted on first reading; and

**BE IT RESOLVED**, that a final hearing on said ordinance will be heard at a meeting held on Tuesday, June 24, 2025 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: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO.: 3081**

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**BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF THE BANTA AVENUE SEWER IMPROVEMENT PROJECT (PHASE II) IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$855,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

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

Section 1. The City of Garfield, in the County of Bergen, State of New Jersey (the "City") is hereby authorized to undertake the Banta Avenue Sewer Improvement Project (Phase II) in, by and for the City. Said improvement shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$855,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized by this ordinance. No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c) because this ordinance involves a project to be funded by a State grant. It is anticipated that the following government grants shall be received by the City to finance the cost of the improvement described in Section 1 hereof: (A) a \$230,472 grant from the State of New Jersey Department of Transportation; and (B) a \$199,000 grant from the Bergen County Community Development Program, pursuant to the Federal Housing and Community Development Act. Said grant funds shall be applied as set forth in Section 9 hereof. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said City, and (2) it is necessary to finance said purpose by the issuance of obligations of said City pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$855,000, and (4) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$855,000, and (5) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$75,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. To finance said purpose, bonds of said City of an aggregate principal amount not exceeding \$855,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 5. To finance said purpose, bond anticipation notes of said City of an aggregate principal amount not exceeding \$855,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 6. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said City and attested by the City Clerk or Deputy City Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 7. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 8. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the City Clerk of said City, and that such statement so filed shows that the gross debt of said City, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$855,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 9. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 10. The City intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the City incurs such costs prior to the issuance of the bonds or notes, the City hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes, in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 11. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the City, and the City shall levy ad valorem taxes upon all the taxable real property within the City for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 12. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the City Clerk and is available for public inspection.

Section 13. This ordinance shall take effect twenty days after the first publication thereof after final passage.

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

Erin Delaney, MPA, RMC, CMC

City Manager/City Clerk

Introduced: June 10, 2025

Adopted:

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

Everett E. Garnto Jr., Mayor

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-273-25**

**RESOLUTION BY: DEPUTY MAYOR RAYMOND  
SECONDED BY: MAYOR GARNTO**

**INTRODUCE ORDINANCE #3082  
FIRST READING**

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

**BOND ORDINANCE TO AUTHORIZE THE RESURFACING OF HARRISON AVENUE IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$695,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

be passed and adopted on first reading; and

**BE IT RESOLVED**, that a final hearing on said ordinance will be heard at a meeting held on Tuesday, June 24, 2025 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: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO.: 3082**

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**BOND ORDINANCE TO AUTHORIZE THE RESURFACING OF HARRISON AVENUE IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$695,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

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

Section 1. The City of Garfield, in the County of Bergen, State of New Jersey (the "City") is hereby authorized to resurface Harrison Avenue in, by and for the City. Said improvement shall include all work, materials and appurtenances necessary and suitable therefor. It is hereby determined and stated that said road being improved is of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 2. The sum of \$695,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized by this ordinance. No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c) because this ordinance involves a project to be funded by a State grant. It is anticipated that a grant in the amount of \$675,000 from the State of New Jersey Department of Transportation shall be received by the City to finance the cost of the improvement described in Section 1 hereof. Said grant funds shall be applied as set forth in Section 9 hereof. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said City, and (2) it is necessary to finance said purpose by the issuance of obligations of said City pursuant to the Local Bond Law, and (3) the estimated cost of said purpose is \$695,000, and (4) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$695,000, and (5) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$20,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. To finance said purpose, bonds of said City of an aggregate principal amount not exceeding \$695,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 5. To finance said purpose, bond anticipation notes of said City of an aggregate principal amount not exceeding \$695,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 6. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said City and attested by the City Clerk or Deputy City Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 7. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 8. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the City Clerk of said City, and that such statement so filed shows that the gross debt of said City, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$695,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 9. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 10. The City intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the City incurs such costs prior to the issuance of the bonds or notes, the City hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes, in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 11. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the City, and the City shall levy ad valorem taxes upon all the taxable real property within the City for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 12. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the City Clerk and is available for public inspection.

Section 13. This ordinance shall take effect twenty days after the first publication thereof after final passage.

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

Erin Delaney, MPA, RMC, CMC

City Manager/City Clerk

Introduced: June 10, 2025

Adopted:

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

Everett E. Garnto Jr., Mayor

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-274-25**

**RESOLUTION BY: MAYOR GARNTO  
SECONDED BY: DEPUTY MAYOR RAYMOND**

**INTRODUCE ORDINANCE #3083  
FIRST READING**

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

**BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF NEIGHBORHOOD PRESERVATION PROGRAM IMPROVEMENTS ALONG THE PASSAIC STREET CORRIDOR (PHASE V) IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$160,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

be passed and adopted on first reading; and

**BE IT RESOLVED**, that a final hearing on said ordinance will be heard at a meeting held on Tuesday, June 24, 2025 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: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

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

Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO.: 3083**

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**BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF NEIGHBORHOOD PRESERVATION PROGRAM IMPROVEMENTS ALONG THE PASSAIC STREET CORRIDOR (PHASE V) IN, BY AND FOR THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$160,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

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

Section 1. The City of Garfield, in the County of Bergen, New Jersey (the "City") is hereby authorized to undertake Neighborhood Preservation Program improvements along the Passaic Street corridor (Phase V) in, by and for the City. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$160,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 of this ordinance (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the State grant appropriated by this ordinance. No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c) because this ordinance involves a project to be funded by a State grant. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) the making of such improvements is not a current expense of said City, and (2) it is necessary to finance said purpose by the issuance of obligations of said City pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$160,000, and (4) \$125,000 of said sum is to be provided by a State grant hereinafter appropriated, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$35,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$35,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that the sum of \$125,000 received or to be received as a grant from the New Jersey Department of Community Affairs

Neighborhood Preservation Program is hereby appropriated to the payment of the cost of such purpose.

Section 5. To finance said purpose, bonds of said City of an aggregate principal amount not exceeding \$35,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said City of an aggregate principal amount not exceeding \$35,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

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

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

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the City Clerk of said City, and that such statement so filed shows that the gross debt of said City, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$35,000 and that

the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose (other than the State grant hereinbefore appropriated which shall be applied to the cost of such purpose, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

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

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

Section 13. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the City, and the City shall levy ad valorem taxes upon all the taxable real property within the City for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

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

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

Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Introduced: June 10, 2025

Adopted:

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

Everett E. Garnto Jr., Mayor

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-275-25**

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

**INTRODUCE ORDINANCE #3084  
FIRST READING**

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

**BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$175,000 FOR THE REPLACEMENT OF LEAD WATER SERVICE LINES ALONG HARRISON AVENUE AND MACARTHUR AVENUE IN, BY AND FOR THE WATER UTILITY OF THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, NEW JERSEY, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

be passed and adopted on first reading; and

**BE IT RESOLVED**, that a final hearing on said ordinance will be heard at a meeting held on Tuesday, June 24, 2025 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: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

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

Erin Delaney, MPA, RMC, CMC

City Manager/City Clerk

**Record of Council Vote on Passage**

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO.: 3084**

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**BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$175,000 FOR THE REPLACEMENT OF LEAD WATER SERVICE LINES ALONG HARRISON AVENUE AND MACARTHUR AVENUE IN, BY AND FOR THE WATER UTILITY OF THE CITY OF GARFIELD, IN THE COUNTY OF BERGEN, NEW JERSEY, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS**

**WHEREAS**, the City Council of the City of Garfield has heretofore authorized the replacement of lead water service lines along Harrison Avenue and MacArthur Avenue in, by and for the Water Utility of said City and appropriated the sum of \$3,000,000 therefor pursuant to ordinance no. 3044 adopted by the City Council of said City on September 24, 2024; and

**WHEREAS**, the City Council now finds and determines that the additional sum of \$175,000 is required for such improvement;

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

Section 1. The additional sum of \$175,000 is hereby appropriated to the payment of the cost of the improvement authorized by ordinance no. 3044 adopted by the City Council of the City on September 24, 2024 (the "Prior Ordinance"). Said additional appropriation shall be met from the proceeds of the sale of the bonds authorized by this ordinance. No down payment is required for this bond ordinance pursuant to the provisions of N.J.S.A. 40A:2-11(c) and 40A:2-7(h). Said improvement has been and shall be made as a general improvement and no part of the cost thereof has been nor shall be assessed against property specially benefited.

Section 2. It is hereby determined and stated that (1) the making of such improvement (hereinafter referred to as "purpose") is not a current expense of said City, and (2) it is necessary to finance said purpose by the issuance of obligations of said City pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose authorized by the Prior Ordinance is \$3,175,000, including the sum of \$3,000,000 appropriated by the Prior Ordinance and the \$175,000 appropriated by this ordinance, and (4) \$2,400,000 of said sum is to be provided by a grant from the United States Environmental Protection Agency heretofore appropriated by the Prior Ordinance, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$775,000, including the \$600,000 authorized by the Prior Ordinance and the \$175,000 hereinafter authorized, and (6) the cost of such purpose includes the aggregate amount of \$395,000, including the sum of \$370,000 stated in the Prior Ordinance and the sum of \$25,000 hereby stated, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 3. It is hereby determined and stated that the Water Utility would have been self-liquidating, as defined in Section 47(a) of the Local Bond Law, during the fiscal year beginning January 1, 2024, had there been included in the interest and debt redemption charges for such year an amount equal to interest for one year at the rate of four and one half percentum (4½%) per annum on said bonds or notes, and the amount of the first installment of serial bonds legally issuable to finance such purpose plus an amount for charges as aforesaid with respect to all bonds and notes authorized but not issued for such Water Utility.

Section 4. To finance said purpose, bonds of said City of an aggregate principal amount not exceeding \$175,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 5. To finance said purpose, bond anticipation notes of said City of an aggregate principal amount not exceeding \$175,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 6. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations

prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said City and attested by the City Clerk or Deputy City Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 7. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of thirty years computed from the date of said bonds.

Section 8. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the City Clerk of said City, and that such statement so filed shows that the gross debt of said City, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$175,000, but said \$175,000 shall be deducted from gross debt pursuant to Section 44(c) of the Local Bond Law and that the issuance of the bonds and notes authorized by this ordinance is permitted by an exception to the debt limitations prescribed by the Local Bond Law as provided in Sections 47(a) and 7(h) of the Local Bond Law.

Section 9. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose (other than the Federal grant heretofore appropriated by the Prior Ordinance which shall be applied to the cost of such purpose, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the

amount of bonds authorized), shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 10. The City intends to issue the bonds or notes to finance the cost of the improvement authorized by the Prior Ordinance and described herein. If the City incurs such costs prior to the issuance of the bonds or notes, the City hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 11. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the City, and the City shall levy ad valorem taxes upon all the taxable real property within the City for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 12. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the City Clerk and is available for public inspection.

Section 13. This ordinance shall take effect twenty days after the first publication thereof after final passage.

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

Erin Delaney, MPA, RMC, CMC

City Manager/City Clerk

Introduced: June 10, 2025

Adopted:

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

Everett E. Garnto Jr., Mayor

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

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-276-25**

**RESOLUTION BY: DEPUTY MAYOR RAYMOND  
SECONDED BY: COUNCILMAN RIGOGLIOSO**

**INTRODUCE ORDINANCE #3076  
SECOND READING**

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

**AN ORDINANCE TO AMEND §226 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED, “PARKING” SPECIFICALLY AMENDING §226-1 ENTITLED “PARKING PROHIBITED” TO ADD A GENERAL RESTRICTION OF NO PARKING BETWEEN THE HOURS OF 8:00 A.M. TO 6:00 P.M. ON SEMEL AVENUE (NORTH SIDE OF THE STREET) BETWEEN PROSPECT STREET AND PALISADE AVENUE**

was introduced and passed at a meeting held on Tuesday, May 13, 2025 and that further consideration of this ordinance would be taken up at this meeting; and

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

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

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO.: 3076**

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**AN ORDINANCE TO AMEND §226 OF THE CITY CODE OF THE CITY OF GARFIELD, ENTITLED, “PARKING” SPECIFICALLY AMENDING §226-1 ENTITLED “PARKING PROHIBITED” TO ADD A GENERAL RESTRICTION OF NO PARKING BETWEEN THE HOURS OF 8:00 A.M. TO 6:00 P.M. ON SEMEL AVENUE (NORTH SIDE OF THE STREET) BETWEEN PROSPECT STREET AND PALISADE AVENUE**

**WHEREAS**, the Governing Body of Garfield believes it is in the best interest of the City of Garfield to Amend §226 of the City Code of the City of Garfield to impose a no parking restriction from 8:00 A.M. to 6:00 P.M. on the north side of Semel Avenue between Prospect Street and Palisade Avenue; and

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

**SECTION 1.** §226-1 of the City Code of the City of Garfield, entitled ‘Parking Prohibited’, is hereby amended to add subsection (5):

(5) No person shall park a vehicle on the north side of Semel Avenue between the hours of 8:00 A.M. to 6:00 P.M. Monday through Friday between Prospect Street and Palisade Avenue.

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

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

**SECTION 4.** All other provisions of §226 of the Code of the City of Garfield are not further amended and remain in full force and effect.

The ordinance shall take effect immediately upon final passage.

**SECTION 5.** The City Manager is hereby empowered to take any and all actions incident and necessary to give effect to this Ordinance and to take all steps necessary to give immediate effect to this Ordinance.

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

Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Introduced: May 13, 2025

Adopted: June 10, 2025

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

Everett E. Garnto Jr., Mayor

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

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-277-25**

**RESOLUTION BY: COUNCILMAN DELANEY  
SECONDED BY: COUNCILMAN RIGOGLIOSO**

**INTRODUCE ORDINANCE #3077  
SECOND READING**

**WHEREAS**, a public notice has been given by the City Clerk that an ordinance entitled:  
**AN ORDINANCE TO AMEND CHAPTER 221 (NUISANCES) OF THE CITY CODE OF THE CITY OF GARFIELD TO INCLUDE THE PROHIBITION OF CERTAIN CONDUCT AND ACTS OF AUTO BODY REPAIR FACILITIES WHICH CONSTITUTE NUISANCES**

was introduced and passed at a meeting held on Tuesday, May 13, 2025 and that further consideration of this ordinance would be taken up at this meeting; and

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

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

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO.: 3077**

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**AN ORDINANCE TO AMEND CHAPTER 221 (NUISANCES) OF THE CITY CODE OF THE CITY OF GARFIELD TO INCLUDE THE PROHIBITION OF CERTAIN CONDUCT AND ACTS OF AUTO BODY REPAIR FACILITIES WHICH CONSTITUTE NUISANCES**

**WHEREAS**, the Governing Body of the City of Garfield (“City”) believes it is in the best interest of the City of Garfield to Amend Chapter 221 of the City Code of the City of Garfield for the public health, safety and welfare of the residents of the City; and

**WHEREAS**, it is determined that as the Zoning Code of the City, Article V (Use Regulations), Section 341-13(D) prohibits the operation of an “auto body repair shop” in all zones in the City except for legally operating pre-existing nonconforming auto body repair shops; and

**WHEREAS**, certain conduct or acts performed by the existing auto body repair shops annoy, disturb, injure or endanger the health, comfort, repose, peace or safety of residents within the City and/or violate City Ordinances and state law and regulation; and

**WHEREAS**, the Mayor and Council of the City believe that this Amendment will reduce or remove the odors, disturbances and noises which emanate from or are caused or exacerbated by auto body repair shops and/or reduce or remove hazardous materials which may emanate from the auto body repair shop’s premises and in certain circumstances rescind and/or remove the authorization of specific auto body repair shops to operate in the City; and

**WHEREAS**, the Mayor and Council of City have determined to be in the best interests, health, safety and welfare of the residents of the City that the following amendment to Chapter 221 be adopted as follows:

Chapter 221. Nuisances.  
Article 1. General Provisions  
§ 221-1. Word usage.

The term “auto body repair shop” or “auto body repair facility” as used herein shall mean any business or person that engages in the business of repairing, removing, installing, or painting in any way and to any extent any portion of the body, frame, engine or components of an automobile, truck or vehicle of any kind.

The term “auto body repair work” as used herein shall mean the repairing, removing, or installing of integral component parts of an engine, powertrain, chassis or body or the repairing, or painting in any way and to any extent of any portion of the body, frame, engine or components of an automobile, truck or vehicle of any kind.

The term “air pollution” as used herein shall mean the discharge or presence in the outdoor atmosphere of one or more air contaminants, noxious or other fumes, mists, dust, vapors, gasses, odors, or other emissions into the atmosphere in such quantities and duration as are or tend to be injurious to human health or welfare, animal or plant life or would be perceptible to persons in proximity and thereby interfere with the enjoyment of life or property.

§ 221-2. Prohibited conduct.

It shall be unlawful for any auto body repair shop to operate its business in contravention of this ordinance. Such conduct shall be considered a nuisance and in violation of the City Zone Code as well as any and all regulations under Chapter 32 (Vehicle Repair and Auto Body Repair Facilities).

§ 221-3. Nuisance acts.

N. The performance by an auto body repair shop of any autobody repair work outside of a spray booth or an enclosure or building.

O. The performance by an auto body repair shop of any auto body repair work which causes the release of air pollution wherever performed.

P. Any violation of state or federal air or water pollution or solid waste laws or regulations.

Q. Any violation of Chapter 328 of the City Ordinances and any and all laws and regulations cited therein addressing the requirements of an Auto Body Repair Facility.

§ 221-8. Violations and penalties.

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

B. Every person, firm or corporation including but not limited to franchisors and franchisees guilty of a violation of this chapter shall be punished by one or more of the following:

1. A fine not exceeding \$2,000.00 for each violation; imprisonment for a term not exceeding 90 days; and/or a period of community service not exceeding 90 days.
2. The imposition of a restraining order by the Superior Court of New Jersey suspending operations subject to the dictates of this Chapter without the need for imposition of a bond or any security providing for civil penalties and the award of attorney's fees to the City for obtaining same.
3. Revocation of any and all Zoning Permits including the revocation of any and all designation of pre-existing nonconforming use status.

§ 221-9. Inconsistent ordinances.

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

§ 221-10. Savings clause.

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

§ 221- 11. Effect of amendment.

All other provisions of Chapter 221 of the Code of the City of Garfield are not further amended and remain in full force and effect.

§ 221- 12. Effective date.

The ordinance shall take effect immediately upon final passage.

§ 221-13. Incidental action required.

The City Manager is hereby empowered to take all actions, incident and necessary to give effect to this Ordinance and to take all steps necessary to give immediate effect to this Ordinance.

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

Erin Delaney, MPA, RMC, CMC

City Manager/City Clerk

Introduced: May 13, 2025

Adopted: June 10, 2025

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

Everett E. Garnto Jr., Mayor

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

Mayor Garnto raised concerns about the ordinance, though guided and required by the state. Some of the issues discussed were the possibility of insurance rates being raised should residential areas now be placed within a flood zone. Discussion ensued regarding the adopted maps and notification to residents. It was agreed upon that should the ordinance pass on adoption, the City would like clarification from the State and information provided to residents, such as through a town hall meeting. It was also noted that the City may revisit the ordinance in the future.

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-278-25**

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

**INTRODUCE ORDINANCE #3078  
SECOND READING**

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

**AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF GARFIELD AMENDING THE CITY OF GARFIELD CODE TO ADOPT A NEW CHAPTER ARTICLE; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINSTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

was introduced and passed at a meeting held on Tuesday, May 20, 2025 and that further consideration of this ordinance would be taken up at this meeting; and

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

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

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane		X		
Raymond	X			
Garnto		X		

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO.: 3078**

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**AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF GARFIELD AMENDING THE CITY OF GARFIELD CODE TO ADOPT A NEW CHAPTER ARTICLE; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINSTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

**WHEREAS**, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq and N.J.S.A. 40:55D et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of City of Garfield and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

**WHEREAS**, the City of Garfield was accepted for participation in the National Flood Insurance Program on April 15, 1980 and the Mayor and Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

**WHEREAS**, the City of Garfield is required, pursuant to N.J.A.C. 5:23 et seq., to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

**WHEREAS**, the City of Garfield is required, pursuant to N.J.S.A. 40:49-5, to enforce zoning codes that secure safety from floods and contain certain provisions that apply to the development of lands; and

**WHEREAS**, the City of Garfield is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP);

**NOW, THEREFORE, BE IT ORDAINED** by the City of Garfield that the following floodplain management regulations are hereby adopted.

**SECTION 1. RECITALS.**

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

**SECTION 2.** These regulations specifically repeal and replace the following ordinance(s) and regulation(s): Chapter 146 – Flood Damage Prevention.

**SECTION 101 SCOPE AND ADMINISTRATION**

**101.1 Title.** These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter “Uniform Construction Code,” consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter “FHACA”), N.J.A.C. 7:13, shall be known as the *Floodplain Management Regulations* of City of Garfield (hereinafter “these regulations”).

**101.2 Scope.** These regulations, in combination with the flood provisions of the Uniform Construction Code and FHACA shall apply to all proposed development in flood hazard areas established in Section 102 of these regulations.

**101.3 Purposes and objectives.** The purposes and objectives of these regulations are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

- (1) Protect human life and health.
- (2) Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
- (3) Manage the alteration of natural floodplains, stream channels and shorelines;
- (4) Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
- (5) Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
- (6) Contribute to improved construction techniques in the floodplain.
- (7) Minimize damage to public and private facilities and utilities.
- (8) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- (9) Minimize the need for rescue and relief efforts associated with flooding.
- (10) Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
- (11) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- (12) Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

**101.4 Coordination with Building Codes.** Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the City of Garfield **administrator** and enforce the State building codes, the Mayor and Council of the City of Garfield does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

**101.5 Ordinary Building Maintenance and Minor Work.** Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement Section 103.14 of this ordinance.

**101.6 Warning.** The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these regulations does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

**101.7 Other laws.** The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

**101.8 Violations and Penalties for Noncompliance.** No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than

\$1250, imprisonment for a term not exceeding ninety(90) days or a period of community service not exceeding 90 days. Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30-day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1250 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed. Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

**101.8.1 Solid Waste Disposal in a Flood Hazard Area.** Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

**101.9 Abrogation and greater restrictions.** These regulations supersede any ordinance in effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

## **SECTION 102 APPLICABILITY**

**102.1 General.** These regulations, in conjunction with the Uniform Construction Code, provide minimum requirements for development located in flood hazard areas, including the subdivision of land and other developments; site improvements and installation of utilities; placement and replacement of manufactured homes; placement of recreational vehicles; new construction and alterations, repair, reconstruction, rehabilitation or additions of existing buildings and structures; substantial improvement of existing buildings and structures, including repair of substantial damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the Uniform Construction Code; and other buildings and development activities.

**102.2 Establishment of Flood Hazard Areas.** The City of Garfield was accepted for participation in the National Flood Insurance Program on **April 15, 1980**. The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the office of the City Engineer, 111 Outwater Lane, Garfield, NJ.

The following sources identify flood hazard areas in this jurisdiction and must be considered when determining the Best Available Flood Hazard Data Area:

- 1) **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled 'Flood Insurance Study, Bergen County, New Jersey (All Jurisdictions)' dated August 28, 2019 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose top-level document (appendix map) effective date is August 28, 2019 are hereby adopted by reference.
- 2)

Table 102.2(1)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34003C0169	2019-08-28	H			
34003C0188	2019-08-28	H			
34003C0189	2019-08-28	H			
34003C0251	2019-08-28	H			

- 3) **Federal Best Available Information.** The City of Garfield shall utilize Federal flood information as listed in the table below that provides more detailed hazard information, higher flood elevations, larger flood hazard areas, and results in more restrictive regulations. This information may include but is not limited to preliminary flood elevation guidance from FEMA (such as Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM). Additional Federal Best Available studies issued after the date of this ordinance must also be considered. These studies are listed on FEMA's Map Service Center. This information shall be used for floodplain regulation purposes only.

Table 102.2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
34003C0169 J	2014-08-29		
34003C0188 J	2014-08-29		
34003C0189 J	2014-08-29		
34003C0251 J	2014-08-29		

- 4) **Other Best Available Data.** The City of Garfield shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the City of Garfield. Other "best available information" may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described

in Section 102.2 (1) and (2), above. This information shall be used for floodplain regulation purposes only.

- 5) **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the “Flood Hazard Area Control Act Design Flood Elevation”, as defined in Section 201, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 102.2(3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Passaic Rv, Weasel Bk	AB000046	19
Passaic Rv, Saddle Rv	AB000047	18
Passaic Rv	AB000049	16A
Passaic Rv, Wabash Bk, Weasel Bk	FA000012	1
Saddle Rv	SUPPXIII02	1
Saddle Rv	SUPPXIII03	2
Saddle Rv	SUPPXIII04	2
Passaic River	FA000049p	01P
Passaic River	FA000050p	02P

### 102.3 Establishing the Local Design Flood Elevation (LDFE).

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 102.2, above, using the best available flood hazard data sources, and the Flood Hazard Area Control Act Minimum Statewide elevation requirements for lowest floors in A, Coastal A, and V zones, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified by this ordinance.

At a minimum, the Local Design Flood Elevation shall be as follows:

- 1) For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 102.2, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- 2) For any undelineated watercourse (where mapping or studies described in 102.2 (1) and (2) above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:

- a. A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard and any additional freeboard as required by ASCE 24; or
  - b. A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Section 105.2-3.
- 3) AO Zones – For Zone AO areas on the municipality’s FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.
  - 4) Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.
  - 5) Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1 foot of freeboard in accordance with ASCE 24.

## **SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**

**103.1 Floodplain Administrator Designation.** The City Engineer is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

**103.2 General.** The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Section 107 of these regulations.

**103.3 Coordination.** The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

**103.4 Duties.** The duties of the Floodplain Administrator shall include but are not limited to:

- (1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 102 of these regulations.
- (2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- (3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- (4) Determine whether additional flood hazard data shall be obtained or developed.
- (5) Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- (6) Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial

improvement and substantial damage made pursuant to Section 103.14 of these regulations.

- (7) Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- (8) Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 107 of these regulations.
- (9) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
- (10) Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- (11) Inspect development in accordance with Section 106 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- (12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 107 of these regulations.
- (13) Cite violations in accordance with Section 108 of these regulations.
- (14) Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Garfield have been modified.
- (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 102.2.

**103.5 Use of changed technical data.** The Floodplain Administrator and the applicant shall not use changed flood hazard area boundaries or base flood elevations for proposed buildings or developments unless the Floodplain Administrator or applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency. A revision of the effective FIRM does not remove the related feature(s) on a flood hazard area delineation that has been promulgated by the NJDEP. A separate application must be made to the State pursuant to N.J.A.C. 7:13 for revision of a flood hazard design flood elevation, flood hazard area limit, floodway limit, and/or other related feature.

**103.6 Other permits.** It shall be the responsibility of the Floodplain Administrator to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by Federal or State agencies having jurisdiction over such development, including Section 404 of the Clean Water Act. In the event of conflicting permit requirements, the Floodplain Administrator must ensure that the most restrictive floodplain management standards are reflected in permit approvals.

**103.7 Determination of Local Design Flood Elevations.** If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:

- (1) Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or
- (2) Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and sealed by a licensed professional engineer. Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

It shall be the responsibility of the Floodplain Administrator to verify that the applicant's

proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in 102.2 and 102.3 respectively. This information shall be provided to the Construction Official and documented according to Section 103.15.

**103.8 Requirement to submit new technical data.** Base Flood Elevations may increase or decrease resulting from natural changes (e.g. erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g. dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

**103.9 Activities in riverine flood hazard areas.** In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the Floodplain Administrator shall not permit any new construction, substantial improvement or other development, including the placement of fill, unless the applicant submits an engineering analysis prepared by a licensed professional engineer that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 0.2 feet at any point within the community.

**103.10 Floodway encroachment.** Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity, the Floodplain Administrator shall require submission of a certification prepared by a licensed professional engineer, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

**103.10.1 Floodway revisions.** A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) and has received the approval of FEMA.

**103.11 Watercourse alteration.** Prior to issuing a permit for any alteration or relocation of any watercourse, the Floodplain Administrator shall require the applicant to provide notification of the proposal to the appropriate authorities of all adjacent government jurisdictions, as well as the NJDEP Bureau of Flood Engineering and the Division of Land Resource Protection. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

**103.11.1 Engineering analysis.** The Floodplain Administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will be maintained, neither increased nor decreased. Such watercourses shall be maintained in a manner that preserves the channel's flood-carrying capacity.

**103.12 Alterations in coastal areas.** The excavation or alteration of sand dunes is governed by the New Jersey Coastal Zone Management (CZM) rules, N.J.A.C. 7:7. Prior to issuing a flood damage prevention permit for any alteration of sand dunes in coastal high hazard areas and Coastal A Zones, the Floodplain Administrator shall require that a New Jersey CZM permit be obtained and included in the flood damage prevention permit application. The applicant shall also provide documentation of any engineering analysis, prepared by a licensed professional engineer, that demonstrates that the proposed alteration will not increase the potential for flood damage.

**103.13 Development in riparian zones** All development in Riparian Zones as described in

N.J.A.C. 7:13 is prohibited by this ordinance unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a floodplain development permit and the project is compliant with all other Floodplain Development provisions of this ordinance. The width of the riparian zone can range between 50 and 300 feet and is determined by the attributes of the waterbody and designated in the New Jersey Surface Water Quality Standards N.J.A.C. 7:9B. The portion of the riparian zone located outside of a regulated water is measured landward from the top of bank. Applicants can request a verification of the riparian zone limits or a permit applicability determination to determine State permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land Resource Protection.

**103.14 Substantial improvement and substantial damage determinations.** When buildings and structures are damaged due to any cause including but not limited to man-made, structural, electrical, mechanical, or natural hazard events, or are determined to be unsafe as described in N.J.A.C. 5:23; and for applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Construction Official, shall:

- (1) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- (2) Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 101.5, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- (3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- (4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.
- (5) Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

**103.15 Department records.** In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the Uniform Construction Code, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; NJDEP delineations, records of issuance of permits and denial of permits; records of ordinary maintenance and minor work, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the Uniform Construction Code and these regulations including as-built Elevation Certificates; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain

development permit.

**103.16 Liability.** The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

## **SECTION 104 PERMITS**

**104.1 Permits Required.** Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the Floodplain Administrator and shall obtain the required permit. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

**104.2 Application for permit.** The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

- (1) Identify and describe the development to be covered by the permit.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan and construction documents as specified in Section 105 of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- (5) State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- (6) Be signed by the applicant or the applicant's authorized agent.

**104.3 Validity of permit.** The issuance of a permit under these regulations or the Uniform Construction Code shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors. The Floodplain Administrator is authorized to prevent occupancy or use of a structure or site which is in violation of these regulations or other ordinances of this jurisdiction.

**104.4 Expiration.** A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

**104.5 Suspension or revocation.** The Floodplain Administrator is authorized to suspend or revoke a permit issued under these regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

## **SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS**

**105.1 Information for development in flood hazard areas.** The site plan or construction documents for any development subject to the requirements of these regulations shall be

drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(3) of these regulations.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.
- (7) Extent of any proposed alteration of sand dunes.
- (8) Existing and proposed alignment of any proposed alteration of a watercourse.
- (9) Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations but that are not required to be prepared by a registered design professional when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

**105.2 Information in flood hazard areas without base flood elevations (approximate Zone A).** Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

- (1) Use the Approximation Method (Method 5) described in N.J.A.C. 7:13 in conjunction with Appendix 1 of the FHACA to determine the required flood elevation.
- (2) Obtain, review, and reasonably utilize data available from a Federal, State or other source when those data are deemed acceptable to the Floodplain Administrator to reasonably reflect flooding conditions.
- (3) Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques according to Method 6 as described in N.J.A.C. 7:13. Such analyses shall be performed and sealed by a licensed professional engineer.

Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator prior to floodplain development permit issuance. The accuracy of data submitted for such determination shall be the responsibility of the applicant. Where the data are to be used to support a Letter of Map Change (LOMC) from FEMA, the applicant shall be responsible for satisfying the submittal requirements and pay the processing fees.

**105.3 Analyses and certifications by a Licensed Professional Engineer.** As applicable to

the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a licensed professional engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 105.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- (4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- (5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

**105.4 Submission of additional data.** When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

## SECTION 106 INSPECTIONS

**106.1 General.** Development for which a permit is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.

**106.2 Inspections of development.** The Floodplain Administrator shall inspect all development in flood hazard areas authorized by issuance of permits under these regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine if development is undertaken without issuance of a permit.

**106.3 Buildings and structures.** The Construction Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the Uniform Construction Code, N.J.A.C. 5:23.

- 1) **Lowest floor elevation.** Upon placement of the lowest floor, including the

basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.

- 2) **Lowest horizontal structural member.** In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
- 3) **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 801.2.
- 4) **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.

**106.4 Manufactured homes.** The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted on an Elevation Certificate to the Floodplain Administrator prior to the final inspection.

## SECTION 107 VARIANCES

**107.1 General.** The Planning Board shall hear and decide requests for variances. The Planning Board shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 107.5, the conditions of issuance set forth in Section 107.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Planning Board has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

**107.2 Historic structures.** A variance to the substantial improvement requirements of this ordinance is authorized provided that the repair or rehabilitation of a historic structure is completed according to N.J.A.C. 5:23-6.33, Section 1612 of the International Building Code and R322 of the International Residential Code, the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the structure meets the definition of the historic structure as described by this ordinance, and the variance is the minimum necessary to preserve the historic character and design of the structure.

**107.3 Functionally dependent uses.** A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damage during the base flood and create no additional threats to public safety.

**107.4 Restrictions in floodways.** A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in Section 105.3(1) of these regulations.

**107.5 Considerations.** In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed development, including contents, to flood damage

and the effect of such damage on current and future owners.

- (4) The importance of the services provided by the proposed development to the community.
- (5) The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- (6) The compatibility of the proposed development with existing and anticipated development.
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

**107.6 Conditions for issuance.** Variances shall only be issued upon:

- (1) Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.
- (2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.
- (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

## **SECTION 108 VIOLATIONS**

**108.1 Violations.** Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of elevation of the lowest floor, the lowest horizontal structural member if in a V or Coastal A Zone, other required design certifications, or other evidence of compliance required by the building code is presumed to be a violation until such time as that documentation is provided.

**108.2 Authority.** The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the Uniform Construction Code, but is regulated by these regulations and that is determined to be a violation.

**108.3 Unlawful continuance.** Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by N.J.S.A. 40:49-5 as appropriate.

**108.4 Review Period to Correct Violations.** A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250.00 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

## **SECTION 201 DEFINITIONS**

**201.1 General.** The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Uniform Construction Code N.J.A.C. 5:23 and terms are defined where used in the International Residential Code and International Building Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

### **201.2 Definitions**

**30 DAY PERIOD** – The period of time prescribed by N.J.S.A. 40:49-5 in which a property owner is afforded the opportunity to correct zoning and solid waste disposal after a notice of violation pertaining to this ordinance has been issued.

**100 YEAR FLOOD ELEVATION** – Elevation of flooding having a 1% annual chance of being equaled or exceeded in a given year which is also referred to as the Base Flood Elevation.

**500 YEAR FLOOD ELEVATION** – Elevation of flooding having a 0.2% annual chance of being equaled or exceeded in a given year.

**A ZONES** – Areas of ‘Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% annual chance of equaling or exceeding the Base Flood Elevation (BFE) in any given year shown on the Flood Insurance Rate Map (FIRM) zones A, AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, and AR/AO. When used in reference to the development of a structure in this ordinance, A Zones are not inclusive of Coastal A Zones because of the higher building code requirements for Coastal A Zones.

**AH ZONES**– Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

**AO ZONES** – Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

**ACCESSORY STRUCTURE** – Accessory structures are also referred to as appurtenant structures. An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, a residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar buildings.

**AGRICULTURAL STRUCTURE** - A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or floodproofed to or above the Base Flood Elevation (BFE) as any other nonresidential building. Under some circumstances it may be appropriate to wet-floodproof certain types of agricultural

structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-floodproofing requirements of 44 CFR 60.3(c)(3).

**AREA OF SHALLOW FLOODING** – A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. **AREA OF SPECIAL FLOOD HAZARD** – see **SPECIAL FLOOD HAZARD AREA**

**ALTERATION OF A WATERCOURSE** – A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**ASCE 7** – The standard for the Minimum Design Loads for Buildings and Other Structures, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. which includes but is not limited to methodology and equations necessary for determining structural and flood-related design requirements and determining the design requirements for structures that may experience a combination of loads including those from natural hazards. Flood related equations include those for determining erosion, scour, lateral, vertical, hydrostatic, hydrodynamic, buoyancy, breaking wave, and debris impact.

**ASCE 24** – The standard for Flood Resistant Design and Construction, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. References to ASCE 24 shall mean ASCE 24-14 or the most recent version of ASCE 24 adopted in the UCC Code [N.J.A.C. 5:23].

**BASE FLOOD ELEVATION (BFE)** – The water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year, as shown on a published Flood Insurance Study (FIS), or preliminary flood elevation guidance from FEMA. May also be referred to as the “100-year flood elevation”.

**BASEMENT** – Any area of the building having its floor subgrade (below ground level) on all sides.

**BEST AVAILABLE FLOOD HAZARD DATA** - The most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

**BEST AVAILABLE FLOOD HAZARD DATA AREA**- The areal mapped extent associated with the most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

**BEST AVAILABLE FLOOD HAZARD DATA ELEVATION** - The most recent available preliminary flood elevation guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

**BREAKAWAY WALLS** – Any type of wall subject to flooding that is not required to provide structural support to a building or other structure and that is designed and constructed such that, below the Local Design Flood Elevation, it will collapse under specific lateral loads such that (1) it allows the free passage of floodwaters, and (2) it does not damage the structure or supporting foundation system. Certification in the V Zone Certificate of the design, plans, and specifications by a licensed design professional that these walls are in accordance with accepted standards of practice is required as part of the permit application for new and substantially improved V Zone and Coastal A Zone structures. A completed certification must be submitted at permit application.

**BUILDING** – Per the FHACA, “Building” means a structure enclosed with exterior walls or fire walls, erected and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind. A building may have a temporary or permanent foundation. A building that is intended for regular human occupation and/or residence is considered a habitable building.

**CONDITIONAL LETTER OF MAP REVISION** - A Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

**CONDITIONAL LETTER OF MAP REVISION - FILL** -- A Conditional Letter of Map Revision - Fill (CLOMR-F) is FEMA's comment on a proposed project involving the placement of fill outside of the regulatory floodway that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

**CRITICAL BUILDING** – Per the FHACA, “Critical Building” means that:

- a. It is essential to maintain continuity of vital government operations and/or supporting emergency response, sheltering, and medical care functions before, during, and after a flood, such as a hospital, medical clinic, police station, fire station, emergency response center, or public shelter; or
- b. It serves large numbers of people who may be unable to leave the facility through their own efforts, thereby hindering or preventing safe evacuation of the building during a flood event, such as a school, college, dormitory, jail or detention facility, day care center, assisted living facility, or nursing home.

**DEVELOPMENT** – Any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, drilling operations and other land-disturbing activities.

**DRY FLOODPROOFING** – A combination of measures that results in a non-residential structure, including the attendant utilities and equipment as described in the latest version of

ASCE 24, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.

**ELEVATED BUILDING** – A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid perimeter foundations walls are not an acceptable means of elevating buildings in V and VE Zones.

**ELEVATION CERTIFICATE** – An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support an application for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

**ENCROACHMENT** – The placement of fill, excavation, buildings, permanent structures or other

development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

**FEMA PUBLICATIONS** – Any publication authored or referenced by FEMA related to building science, building safety, or floodplain management related to the National Flood Insurance Program. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers Standards documents including ASCE 24.

#### **FLOOD OR FLOODING**

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  1. The overflow of inland or tidal waters.
  2. The unusual and rapid accumulation or runoff of surface waters from any source.
  3. Mudslides (I.e. mudflows) which are proximately caused by flooding as defined in (a) (2) of this definition and are akin to a river or liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

**FLOOD HAZARD AREA DESIGN FLOOD ELEVATION** – Per the FHACA, the peak water surface elevation that will occur in a water during the flood hazard area design flood. This elevation is determined via available flood mapping adopted by the State, flood mapping published by FEMA (including effective flood mapping dated on or after January 31, 1980, or any more recent advisory, preliminary, or pending flood mapping; whichever results in higher flood elevations, wider floodway limits, greater flow rates, or indicates a change from an A zone to a V zone or coastal A zone), approximation, or calculation pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-3.1 – 3.6 and is typically higher than FEMA's base flood elevation. A water that has a drainage area measuring less than 50 acres does not possess, and is not assigned, a flood hazard area design flood elevation.

**FLOOD INSURANCE RATE MAP (FIRM)** – The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS)** – The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

**FLOODPLAIN OR FLOOD PRONE AREA** – Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

**FLOODPLAIN MANAGEMENT REGULATIONS** – Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOODPROOFING** – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**FLOODPROOFING CERTIFICATE** – Certification by a licensed design professional that the design and methods of construction for floodproofing a non-residential structure are in accordance with accepted standards of practice to a proposed height above the structure's lowest adjacent grade that meets or exceeds the Local Design Flood Elevation. A completed floodproofing certificate is required at permit application.

**FLOODWAY** – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

**FREEBOARD** – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**FUNCTIONALLY DEPENDENT USE** – A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities necessary for the loading or unloading of cargo or passengers, and shipbuilding and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

**HABITABLE BUILDING**– Pursuant to the FHACA Rules (N.J.A.C. 7:13), means a building that is intended for regular human occupation and/or residence. Examples of a habitable building include a single-family home, duplex, multi-residence building, or critical building; a commercial building such as a retail store, restaurant, office building, or gymnasium; an accessory structure that is regularly occupied, such as a garage, barn, or workshop; mobile and manufactured homes, and trailers intended for human residence, which are set on a foundation and/or connected to utilities, such as in a mobile home park (not including campers and recreational vehicles); and any other building that is regularly occupied, such as a house of worship, community center, or meeting hall, or animal shelter that includes regular human access and occupation. Examples of a non-habitable building include a bus stop shelter, utility building, storage shed, self-storage unit, construction trailer, or an individual shelter for animals such as a doghouse or outdoor kennel.

**HARDSHIP** – As related to Section 107 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Planning Board requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

**HISTORIC STRUCTURE** – Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  1. By an approved State program as determined by the Secretary of the Interior; or
  2. Directly by the Secretary of the Interior in States without approved programs.

**LAWFULLY EXISTING** – Per the FHACA, means an existing fill, structure and/or use, which meets all Federal, State, and local laws, and which is not in violation of the FHACA because it was established:

- a. Prior to January 31, 1980; or
- b. On or after January 31, 1980, in accordance with the requirements of the FHACA as it existed at the time the fill, structure and/or use was established.

Note: Substantially damaged properties and substantially improved properties that have not been elevated are not considered “lawfully existing” for the purposes of the NFIP. This definition is included in this ordinance to clarify the applicability of any more stringent statewide floodplain management standards required under the FHACA.

**LETTER OF MAP AMENDMENT** - A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map that is requested through the Letter of Map Change (LOMC) process. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. Because a LOMA officially amends the effective NFIP map, it is a public record that the community must maintain. Any LOMA should be noted on the community's master flood map and filed by panel number in an accessible location.

**LETTER OF MAP CHANGE** – The Letter of Map Change (LOMC) process is a service provided by FEMA for a fee that allows the public to request a change in flood zone designation in an Area of Special Flood Hazard on a Flood Insurance Rate Map (FIRM). Conditional Letters of Map Revision, Conditional Letters of Map Revision – Fill, Letters of Map Revision, Letters of Map Revision-Fill, and Letters of Map Amendment are requested through the Letter of Map Change (LOMC) process.

**LETTER OF MAP REVISION** - A Letter of Map Revision (LOMR) is FEMA's modification to an effective Flood Insurance Rate Map (FIRM). Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report. Because a LOMR officially revises the effective NFIP

map, it is a public record that the community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.

**LETTER OF MAP REVISION – FILL** -- A Letter of Map Revision Based on Fill (LOMR-F) is FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway may be initiated through the Letter of Map Change (LOMC) Process. Because a LOMR-F officially revises the effective Flood Insurance Rate Map (FIRM) map, it is a public record that the community must maintain. Any LOMR-F should be noted on the community's master flood map and filed by panel number in an accessible location.

**LICENSED DESIGN PROFESSIONAL** – Licensed design professional shall refer to either a New Jersey Licensed Professional Engineer, licensed by the New Jersey State Board of Professional Engineers and Land Surveyors or a New Jersey Licensed Architect, licensed by the New Jersey State Board of Architects.

**LICENSED PROFESSIONAL ENGINEER** - A licensed professional engineer shall refer to individuals licensed by the New Jersey State Board of Professional Engineers and Land Surveyors.

**LOCAL DESIGN FLOOD ELEVATION (LDFE)** – The elevation reflective of the most recent available preliminary flood elevation guidance FEMA has provided as depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM which is also inclusive of freeboard specified by the New Jersey Flood Hazard Area Control Act and Uniform Construction Codes and any additional freeboard specified in a community's ordinance. In no circumstances shall a project's LDFE be lower than a permit-specified Flood Hazard Area Design Flood Elevation or a valid NJDEP Flood Hazard Area Verification Letter plus the freeboard as required in ASCE 24 and the effective FEMA Base Flood Elevation.

**LOWEST ADJACENT GRADE** – The lowest point of ground, patio, or sidewalk slab immediately next a structure, except in AO Zones where it is the natural grade elevation.

**LOWEST FLOOR** – In A Zones, the lowest floor is the top surface of the lowest floor of the lowest enclosed area (including basement). In V Zones and coastal A Zones, the bottom of the lowest horizontal structural member of a building is the lowest floor. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of these regulations.

**MANUFACTURED HOME** – A structure that is transportable in one or more sections, eight (8) feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

**MANUFACTURED HOME PARK OR SUBDIVISION** – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MARKET VALUE** – The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods (1) Actual Cash

Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the tax assessor's office, or (3) established by a qualified independent appraiser.

**NEW CONSTRUCTION** – Structures for which the start of construction commenced on or after the effective date of the first floodplain regulation adopted by a community; includes any subsequent improvements to such structures. New construction includes work determined to be a substantial improvement.

**NON-RESIDENTIAL** – Pursuant to ASCE 24, any building or structure or portion thereof that is not classified as residential.

**ORDINARY MAINTENANCE AND MINOR WORK** – This term refers to types of work excluded from construction permitting under N.J.A.C. 5:23 in the March 5, 2018 New Jersey Register. Some of these types of work must be considered in determinations of substantial improvement and substantial damage in regulated floodplains under 44 CFR 59.1. These types of work include but are not limited to replacements of roofing, siding, interior finishes, kitchen cabinets, plumbing fixtures and piping, HVAC and air conditioning equipment, exhaust fans, built in appliances, electrical wiring, etc. Improvements necessary to correct existing violations of State or local health, sanitation, or code enforcement officials which are the minimum necessary to assure safe living conditions and improvements of historic structures as discussed in 44 CFR 59.1 shall not be included in the determination of ordinary maintenance and minor work.

**RECREATIONAL VEHICLE** – A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

**RESIDENTIAL** – Pursuant to the ASCE 24:

- a. Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;
- b. Structures including but not limited to one- and two-family dwellings, townhouses, condominiums, multi-family dwellings, apartments, congregate residences, boarding houses, lodging houses, rooming houses, hotels, motels, apartment buildings, convents, monasteries, dormitories, fraternity houses, sorority houses, vacation time-share properties; and
- c. institutional facilities where people are cared for or live on a 24-hour basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers, convalescent facilities, hospitals, nursing homes, mental hospitals, detoxification facilities, prisons, jails, reformatories, detention centers, correctional centers, and prerelease centers.

**SOLID WASTE DISPOSAL** – "Solid Waste Disposal" shall mean the storage, treatment, utilization, processing or final disposition of solid waste as described in N.J.A.C. 7:26-1.6 or the storage of unsecured materials as described in N.J.A.C. 7:13-2.3 for a period of greater than 6 months as specified in N.J.A.C. 7:26 which have been discharged, deposited, injected, dumped, spilled, leaked, or placed into any land or water such that such solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

**SPECIAL FLOOD HAZARD AREA** – The greater of the following: (1) Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, shown on the FIRM as Zone V, VE, V1-3-, A, AO, A1-30, AE, A99, or AH; (2) Land and the space above that land, which lies below the peak water surface elevation of the flood hazard

area design flood for a particular water, as determined using the methods set forth in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13; (3) Riparian Buffers as determined in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13. Also referred to as the AREA OF SPECIAL FLOOD HAZARD.

**START OF CONSTRUCTION** – The **Start of Construction is as follows:**

- a. **For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA)**, this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- b. For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. Such development must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

For determining if new construction and substantial improvements within the Coastal Barrier Resources System (CBRS) can obtain flood insurance, a different definition applies.

**STRUCTURE** – A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

**SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** – Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of State or local

health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions;  
or

- b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

#### UTILITY AND MISCELLANEOUS GROUP U BUILDINGS AND STRUCTURES –

Buildings and structures of an accessory character and miscellaneous structures not classified in any special occupancy, as described in ASCE 24.

**VARIANCE** – A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

**VIOLATION** – A development that is not fully compliant with these regulations or the flood provisions of the building code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION** – the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

**WATERCOURSE**. A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

**WET FLOODPROOFING** – Floodproofing method that relies on the use of flood damage resistant materials and construction techniques in areas of a structure that are below the Local Design Flood Elevation by intentionally allowing them to flood. The application of wet floodproofing as a flood protection technique under the National Flood Insurance Program (NFIP) is limited to enclosures below elevated residential and non-residential structures and to accessory and agricultural structures that have been issued variances by the community.

#### SECTION 301 SUBDIVISIONS AND OTHER DEVELOPMENTS

**301.1 General.** Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage.
- (2) All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from structures.

**301.2 Subdivision requirements.** Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.
- (2) Residential building lots shall be provided with adequate buildable area outside the floodway.
- (3) The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

## **SECTION 401 SITE IMPROVEMENT**

**401.1 Encroachment in floodways.** Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with Section 105.3(1) of these regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If Section 105.3(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 801.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

**401.1.1 Prohibited in floodways.** The following are prohibited activities:

- (1) The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.
- (2) Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.

**401.2 Sewer facilities.** All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

**401.3 Water facilities.** All new and replacement water facilities shall be designed in accordance with the New Jersey Safe Drinking Water Act (N.J.A.C. 7:10) and the provisions of Chapter 7 ASCE 24, to minimize or eliminate infiltration of floodwater into the systems.

**401.4 Storm drainage.** Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

**401.5 Streets and sidewalks.** Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

**401.6 Limitations on placement of fill.** Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the UCC (N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

**401.7 Hazardous Materials.** The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless the provisions of N.J.A.C. 7:13 which cover the placement of hazardous substances and solid waste is met.

## **SECTION 501 MANUFACTURED HOMES**

**501.1 General.** All manufactured homes installed in flood hazard areas shall be installed pursuant to the Nationally Preemptive Manufactured Home Construction and Safety Standards Program (24 CFR 3280).

**501.2 Elevation.** All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in Section 801.2.

**501.3 Foundations.** All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on foundations as specified by the manufacturer only if the manufacturer's installation instructions specify that the home has been designed for flood-resistant considerations and provides the conditions of applicability for

velocities, depths, or wave action as required by 24 CFR Part 3285-302. The Floodplain Administrator is authorized to determine whether the design meets or exceeds the performance necessary based upon the proposed site location conditions as a precondition of issuing a flood damage prevention permit. If the Floodplain Administrator determines that the home's performance standards will not withstand the flood loads in the proposed location, the applicant must propose a design certified by a New Jersey licensed design professional and in accordance with 24 CFR 3285.301 (c) and (d) which conforms with ASCE 24, the accepted standard of engineering practice for flood resistant design and construction.

**501.4 Anchoring.** All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

**501.5 Enclosures.** Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 801.2.

**501.6 Protection of mechanical equipment and outside appliances.** Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in Section 801.2 of these regulations.

**Exception.** Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 801.2, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

## **SECTION 601 RECREATIONAL VEHICLES**

**601.1 Placement prohibited.** The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

**601.2 Temporary placement.** Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than 180 consecutive days.

**601.3 Permanent placement.** Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 801.2 for habitable buildings and Section 501.3.

## **SECTION 701 TANKS**

**701.1 Tanks.** Underground and above-ground tanks shall be designed, constructed, installed, and anchored in accordance with ASCE 24 and N.J.A.C. 7:13.

## **SECTION 801 OTHER DEVELOPMENT AND BUILDING WORK**

**801.1 General requirements for other development and building work.** All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 105.3(1) of this ordinance when located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 102.3;

- (4) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- (5) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 102.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
  - i. Specifically allowed below the Local Design Flood Elevation; and
  - ii. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- (6) Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- (7) Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

### **801.2 Requirements for Habitable Buildings and Structures.**

- 1) Construction and Elevation in A Zones not including Coastal A Zones.
  - a. No portion of a building is located within a V Zone.
  - b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
  - c. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
  - d. All new construction and substantial improvements of non-residential structures shall:
    - i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
    - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
      - 1. Meets the requirements of ASCE 24 Chapters 2 and 7; and
      - 2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
  - e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
    - iii. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
    - iv. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.1(d)ii are met;
    - v. Be constructed to meet the requirements of ASCE 24 Chapter 2;
    - vi. Have openings documented on an Elevation Certificate; and
    - vii. Have documentation that a deed restriction has been obtained for the lot if the

enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:

1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

**801.3 Garages and accessory storage structures.** Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

**801.4 Fences.** Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Section 105.3(1) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in Section 107 of this ordinance.

**801.5 Retaining walls, sidewalks, and driveways.** Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 105.3(1) of these regulations and N.J.A.C. 7:13.

**801.6 Swimming pools.** Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of Section 105.3(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

**801.7 Roads and watercourse crossings.**

- (1) For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- (2) Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 105.3(1) of these regulations.

## **SECTION 901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE**

**901.1 Temporary structures.** Temporary structures shall be erected for a period of less than 180 days. Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

**901.2 Temporary storage.** Temporary storage includes storage of goods and materials for a

period of less than 180 days. Stored materials shall not include hazardous materials.

**901.3 Floodway encroachment.** Temporary structures and temporary storage in floodways shall meet the requirements of Section 105.3(1) of these regulations.

## **SECTION 1001 UTILITY AND MISCELLANEOUS GROUP U**

**1001.1 Utility and Miscellaneous Group U.** In accordance with Section 312 of the International Building Code, Utility and Miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than 1,500 sq. ft.), fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.

**1001.2 Flood loads.** Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in Section 102.3.

**1001.3 Elevation.** Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the Local Design Flood Elevation as determined in Section 102.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

**1001.4 Enclosures below base flood elevation.** Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 801.2 and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the Floodplain Administrator.

**1001.5 Flood-damage resistant materials.** Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 102.3.

**1001.6 Protection of mechanical, plumbing, and electrical systems.** Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in Section 102.3.

**Exception:** Electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall be permitted to be located below the Local Design Flood Elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the Local Design Flood Elevation in compliance with the flood-resistant construction requirements of ASCE 24. Electrical wiring systems shall be permitted to be located below the Local Design Flood Elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

## **SECTION 3. SEVERABILITY.**

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

**SECTION 4. EFFECTIVE DATE.**

This ordinance shall take effect immediately upon passage on June 10, 2025.

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

Erin Delaney, MPA, RMC, CMC

City Manager/City Clerk

Introduced: May 20, 2025

Adopted: June 10, 2025

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

Everett E. Garnto Jr., Mayor

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-279-25**

**CONSENT AGENDA**

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

**APPROVAL OF BILLS LIST**

**BE IT RESOLVED** by the City Council of the City of Garfield that the Current Year Reserve totaling \$2,035.00 and the Current Fund totaling \$3,747,577.03 and the Water Reserves totaling \$0.00 and the Water Fund totaling \$33,988.83 and the Grants totaling \$18,380.70 and the General Capital Fund totaling \$5,300.00 and the Water Capital Fund totaling \$0.00 and the Trust Accounts totaling \$5,182.25 and the Developer’s Escrow totaling \$0.00 per attached Computer Lists, dated June 10, 2025 be ordered paid and the proper officers are hereby authorized to issue checks for same provided there are funds in the respective appropriations; and

**BE IT FURTHER RESOLVED** that the action of the Mayor, City Clerk and City Treasurer in issuing checks in payment on the Ratification List, totaling \$5,774,460.17 to the meeting be ratified.

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

\_\_\_\_\_  
Nicholas Prochilo, Chief Financial Officer

June 9, 2025  
Dated

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

**Record of Council Vote on Passage**

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-280-25**

**CONSENT AGENDA**

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

**AUTHORIZING PAYMENT OF PAYMENT REQUISITION NO. 1 TO ADAMO  
BROTHERS CONSTRUCTION, INC. FOR SERVICES RENDERED IN CONNECTION  
WITH THE JEWELL STREET SPRAYGROUND IMPROVEMENTS**

**WHEREAS**, the City of Garfield awarded a contract to Adamo Brothers Construction, Inc. for the Jewell Street Sprayground Improvement Project; and

**WHEREAS**, Adamo Brothers Construction Inc., provided services for this project for work completed through May 22, 2025;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby authorizes the payment of Requisition No. 1 in the amount of \$132,422.50 to Adamo Brothers Construction Inc., for services rendered in connection with this project to be paid out of account C-04-55-250-000-020.

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

\_\_\_\_\_  
Nicholas Prochilo, Chief Financial Officer

June 9, 2025  
Dated

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-281-25**

**CONSENT AGENDA**

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

**APPROVING PURCHASE OF OUTDOOR CAMERAS THROUGH STATE CO-OP**

**WHEREAS**, the City of Garfield, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may, by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury or under State accepted Cooperatives; and

**WHEREAS**, New Jersey Cooperative Purchasing Alliance, is a group of governmental organizations, boards of education and other public bodies located in the United States, who pool their purchasing power together to receive discounted prices on a wide range of goods and services; and

**WHEREAS**, the City of Garfield is a member of the New Jersey Cooperative Purchasing Alliance co-op; and

**WHEREAS**, the City and the Police Department have determined there is a need for outdoor cameras for the public safety; and

**WHEREAS**, said equipment is available for purchase through the New Jersey Cooperative Purchasing Alliance co-op under State of NJ-247219-Comp-00601; and

**WHEREAS**, the City of Garfield desires to enter into an agreement with Aspire to provide the Outdoor Cameras and Equipment upgrades in accordance with the terms and conditions of the Quote ATPQ64798-01 for the purchase price of \$177,607.02;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Garfield, as follows:

1. The City Manager is hereby authorized to execute a contract with New Jersey Cooperative Purchasing Alliance Contract Aspire in the amount of \$177,607.02 to provide computer equipment upgrades in accordance with the terms and conditions of the Quote ATPQ64798-01.
2. A Certificate showing the availability of funds for the Contract authorized hereby shall be provided by the Chief Financial Officer and is attached hereto and made a part hereof.
3. The City Clerk is directed to forward certified copies of this Resolution to (i) Aspire (ii) the City's IT officer; and (iii) the Township's Chief Financial Officer.

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

\_\_\_\_\_  
Nicholas Prochilo, Chief Financial Officer

June 9, 2025

Dated

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-282-25**

**CONSENT AGENDA**

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

**APPROVING SEWER PAYMENT REFUND**

**WHEREAS**, the Receiver of Sewer Collections reports that she has received a request from the previous property owner for a refund due to incorrect charges for the 4<sup>th</sup> quarter 2020 through 3<sup>rd</sup> quarter 2023;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Garfield, that the proper offices are hereby authorized to issue a check refunding this payment and forward same to the Receiver of Sewer Collections for the purpose of noting her records and for mailing to the property owner, to be paid out of account T-07-56-286-000-801.

ACCOUNT #	OWNER	REASON	AMOUNT
6280-0	Divina Associates c/o Alexa Ray	O/P Refund	\$2,040.00

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

\_\_\_\_\_  
Nicholas Prochilo, Chief Financial Officer

June 9, 2025  
Dated

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-283-25**

**CONSENT AGENDA**

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

**AUTHORIZING BOSWELL, INC. TO PERFORM A PRELIMINARY  
ASSESSMENT AT GARDEN COURT EAST PARK, GARDEN COURT EAST,  
BLOCK 1109.03, LOT 271**

**WHEREAS**, the City of Garfield applied for a State of New Jersey Department of Environmental Protection (NJDEP) Green Acres Grant to construct improvements to the Garden Court East Playground; and

**WHEREAS**, the NJDEP approved a \$496,000 Green Acres Grant; and

**WHEREAS**, to receive the grant, the City must adhere to the NJDEP Green Acres Program guidelines and submit a Preliminary Assessment Report (PAR) in accordance with the NJDEP's Technical Requirements for Site Remediation, N.J.A.C. 7:26E-1.8 (TRSR) and Preliminary Assessment Technical Guidance (PATG); and

**WHEREAS**, Boswell, Inc. has submitted the attached proposal dated May 28, 2025 to prepare the Preliminary Assessment Report in accordance with the NJDEP's TRSR and PATG as follows:

<b>Scope of Work</b>	<b>Boswell</b>	<b>Contractor(s)</b>
Task 1 – Preliminary Assessment Report	\$4,900.00	\$900.00
<b>TOTAL</b>	<b>\$5,800.00</b>	

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Garfield that Boswell, Inc. is hereby authorized to provide the above services for a total fee not to exceed \$5,800.00 to be paid out of account C-04-55-000-242-000.

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

\_\_\_\_\_  
Nicholas Prochilo, Chief Financial Officer

June 9, 2025  
Dated

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-284-25**

**CONSENT AGENDA**

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

**AUTHORIZING THE PAYMENT OF INVOICE NO. JV2352 FROM MONTANA  
CONSTRUCTION TO PERFORM EMERGENCY SERVICES IN CONNECTION WITH  
THE CLEANING AND TELEVISIONING OF SANITARY SEWER PIPE AT VARIOUS  
LOCATIONS IN THE CITY**

**WHEREAS**, the City of Garfield is in receipt of Invoice No. JV2352 from Montana Construction dated May 30, 2025 to perform emergency services in connection with the cleaning and televising of sanitary sewer lines at various locations as designated by the City Engineer and DPW Superintendent; and

**WHEREAS**, Montana Construction completed this work for a cost of \$36,574.20 on May 27, 2025; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby authorizes payment to Montana Construction for these emergency services in the amount of \$36,574.20 to be paid out of account C-04-55-000-250-000.

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

\_\_\_\_\_  
Nicholas Prochilo, Chief Financial Officer

June 9, 2025  
Dated

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-285-25**

**CONSENT AGENDA**

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

**AUTHORIZING PAYMENT OF PAYMENT REQUISITION NO. 26 (GAR 2025-04) TO  
NATIONAL METERING SERVICES, INC., FOR SERVICES RENDERED IN  
CONNECTION WITH THE WATER METER REPLACEMENT PROGRAM PHASE 2**

**WHEREAS**, the City of Garfield awarded a contract to National Water Metering Services, Inc. for the Water Meter Replacement Program Phase 2; and

**WHEREAS**, National Water Metering Services, Inc., provided services for this project for work completed through March 2025;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby authorizes the payment of Requisition No. 26 (GAR 2025-04) in the amount of \$40,274.08 to National Water Metering Services, Inc. for services rendered in connection with this project to be paid out of account C-06-55-222-947-001.

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

\_\_\_\_\_  
Nicholas Prochilo, Chief Financial Officer

June 9, 2025  
Dated

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-286-25**

**CONSENT AGENDA**

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

**AUTHORIZING PAYMENT OF PAYMENT REQUISITION NO. 27 (GAR 2025-05) TO  
NATIONAL METERING SERVICES, INC., FOR SERVICES RENDERED IN  
CONNECTION WITH THE WATER METER REPLACEMENT PROGRAM PHASE 2**

**WHEREAS**, the City of Garfield awarded a contract to National Water Metering Services, Inc. for the Water Meter Replacement Program Phase 2; and

**WHEREAS**, National Water Metering Services, Inc., provided services for this project for work completed through April 2025;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby authorizes the payment of Requisition No. 27 (GAR 2025-05) in the amount of \$19,162.92 to National Water Metering Services, Inc. for services rendered in connection with this project to be paid out of account C-06-55-222-947-001.

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

\_\_\_\_\_  
Nicholas Prochilo, Chief Financial Officer

June 9, 2025  
Dated

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-287-25**

**CONSENT AGENDA**

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

**AUTHORIZING THE CITY MANAGER TO EXECUTE A SHARED SERVICE  
CONTRACT WITH MID-BERGEN REGIONAL HEALTH COMMISSION FOR  
LOCAL PUBLIC HEALTH SERVICES**

**WHEREAS**, the Parties are “Local Units” located within the State of New Jersey authorized by law to enter into this agreement to jointly provide any lawful service to and for the residents pursuant to the provisions of the “Uniform Shared Service and Consolidation Act,” N.J.S.A. 40A:65-1 et seq.; and

**WHEREAS**, the Parties are committed to delivering services to their respective taxpayers in the most effective and cost-efficient manner; and

**WHEREAS**, Mid-Bergen Regional Health Commission and the City of Garfield have previously entered into an agreement for local public health services, which has since expired; and

**WHEREAS**, the City of Garfield wishes to continue said partnership for the period commencing July 1, 2025 and ending June 30, 2026;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Garfield hereby directs the City Manager to execute the Shared Services Contract with Mid-Bergen Regional Health Commission for local public health services.

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

\_\_\_\_\_  
Nicholas Prochilo, Chief Financial Officer

June 9, 2025

Dated

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-288-25**

**CONSENT AGENDA**

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

**AUTHORIZING BOOT DRIVE EVENTS – GARFIELD FIRE DEPARTMENT**

**WHEREAS**, a request has been made by the Garfield Fire Department to hold Boot Drive events on:

Saturday, June 21, 2025 from 9AM-3:30PM, rain date Saturday, June 28, 2025  
&  
Saturday, October 11, 2025 from 9AM-3:30PM, rain date Saturday, October 18, 2025

at the following locations/intersections:

Outwater Lane and River Drive  
Outwater Lane and Midland Avenue  
Midland Avenue and River Drive  
Passaic Street and Shopping Center Drive

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the City of Garfield hereby authorize the Garfield Fire Department to conduct the Boot Drive event during the hours and at the locations stated above, contingent on the approval from the County which must be made available to the Clerk’s Office and the Chief of Police prior to the event; and

**BE IT FURTHER RESOLVED**, that the following regulations put forth by the Garfield Police Department are to be followed:

1. No one is permitted to be in the roadway to solicit from motorists. A barrel may be placed in the center on the yellow lines for motorists to throw money into.
2. Placement and retrieval of the barrel may only be done by someone over the age of 18. That person must wear properly sized ANSI 107-2004 (or later) class 2 or 3 high visibility apparel. Wearing non-ANSI approved apparel will be reason for immediate cessation of the event.
3. Juveniles (persons under the age of 17) may be present but must remain at a safe distance and location from the street.
4. At no time shall the solicitation stop or impede the flow of traffic.
5. Signs advertising the solicitation may be placed about 500 feet in advance. Signs must be temporary, break-away, and a maximum of 16 square feet.

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-289-25**

**CONSENT AGENDA**

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

**APPROVING 2025 OUTDOOR CAFÉ LICENSES**

**WHEREAS**, the following applicants have submitted their application for an outdoor café license for the year 2025;

<u>NAME</u>	<u>ADDRESS</u>	<u>DATE FOR ISSUANCE/APPROVAL</u>
Tres Agaves	178 Palisade Avenue	June 11, 2025
Los Cantaritos Cantina	791 Midland Ave	June 11, 2025
Despecho Room	361 Midland Avenue	June 11, 2025
Just Tacos	65 River Drive #97B	June 11, 2025
Osteria	800 River Drive	June 11, 2025

**WHEREAS**, it is certified that they have conformed with provisions of Ch. 151, “Food Handling Establishments”, Article 1 entitled “Outdoor Cafe”, adopted 3-25-2025 by Ord. No. 3062;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Garfield that the City Clerk be and is hereby authorized to issue licenses to the above-named applicants, effective on the date for issuance/approval listed above.

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-290-25**

**CONSENT AGENDA**

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

**APPROVAL OF LIQUOR LICENSE RENEWALS**

**BE IT RESOLVED** by the City Council of the City of Garfield that the City Clerk is hereby authorized to issue the following licenses for the fiscal year beginning July 1, 2025 and ending June 30, 2026:

**PLENARY RETAIL CONSUMPTION LICENSES**

License No.	0221-31-073-001	American Hungarian Citizens League t/a American Hungarian Citizens League 21 New Schley Street
	0221-33-002-005	Apple Food Service of Garfield LLC t/a Applebee's Neighborhood Grill & Bar 186 Passaic Street
	0221-33-004-003	Charlie Blood's Inc. t/a Charlie Blood's 147 Frederick Street
	0221-33-007-007	Tina Liquors LLC t/a MVP Pocket License
	0221-33-010-006	Goodfella's Restaurant, Inc. t/a Goodfellas Restaurant, Inc. 661 Midland Avenue
	0221-33-012-008	Déjà vu Restaurant LLC t/a Déjà vu 50 River Drive
	0221-33-013-006	Copper Grill t/a Food Mart 800 River Drive Suite 7
	0221-33-016-005	G&B, LLC t/a The Royal Manor 454 Midland Avenue
	0221-33-017-008	Be Ready Merchants, LLC t/a DP's Pub and Seafood Grill 732 River Drive
	0221-33-025-001	Frank Barcelona's Restaurant & Bar Inc. t/a Barcelona's Restaurant 38 Harrison Avenue
	0221-33-028-016	JoJo's Bar & Grill, LLC t/a JoJo's Bar & Grill 133 Monroe Street

0221-33-030-005	Jay's Liquormart LLC t/a Jay's Liquormart 142 Division Avenue
0221-33-031-009	La Fortaleza Inc. t/a Despecho Room by La Fortaleza 361 Midland Avenue
0221-33-033-012	Firehouse Grill, LLC t/a The Firehouse 42 Plauderville Avenue
0221-33-037-005	Smoke House LLC t/a Piast Meats & Provisions 1 Passaic Street
0221-33-043-004	Michele's Catering Inc. t/a Michele's 32 Passaic Street
0221-33-047-006	Garfield Bar & Liquor t/a Garfield Bar & Liquors 46 Wood Street
0221-33-048-010	Tres Agaves, LLC Tres Agaves 178 Palisade Avenue
0221-33-051-007	Tabakera t/a Tabakera 323 Semel Avenue
0221-33-052-016	279 Passaic Street t/a Blackjack Mulligans 279 Passaic Street
0221-33-053-004	Venetian Corp t/a The Venetian 546 River Drive
0221-33-055-008	Kriglia Brewery LLC t/a Bisto 399 399 Midland Avenue
0221-33-058-001	Russian Orthodox Greek Catholic Church t/a Russian Orthodox Greek Catholic Church 464 Outwater Lane
0221-33-059-009	The Hive Bar & Bistro t/a Hive Bar & Bistro 142 Outwater Lane
0221-33-060-003	Sportsman Tavern Inc. t/a Sportsman Tavern 245 Outwater Lane
0221-33-062-012	Nuve-Quinche Corporation t/a Pazza Luna Pizzeria, Restaurant & Bar 52 Chestnut Street

0221-33-068-006	Benda-Roerich Post #2867 Veterans of Foreign War t/a Benda-Roerich Post #2867 Veterans of Foreign War 340 Outwater Lane
0221-33-070-002	Wisla, Inc. t/a Wisla Center 73 Main Street
0221-33-078-006	Shreeji Enterprise, LLC t/a River Drive Bar & Liquors 85 River Drive

PLENARY RETAIL DISTRIBUTION LICENSES

0221-44-003-007	AARP Wine & Spirit LLC t/a Belmont Liquors 79 Belmont Avenue
0221-44-020-009	Lilly's House Corporation t/a All Nations Liquor 80 Passaic Street
0221-44-029-007	Ranpar, LLC t/a Whooppee Liquor and Soda Store 194 Van Winkle Avenue
0221-44-034-009	Worldwide Liquors, LLC t/a Worldwide Liquors Van Winkle Avenue
0221-44-063-006	Garfield Liquors Inc. t/a Garfield Discount Liquors 76 Jewell Street
0221-44-064-004	Mahant, Inc. t/a Joe's Liquors 114 Outwater Lane

; and

**BE IT FURTHER RESOLVED** that the foregoing renewals are granted on the condition that said renewal shall not constitute approval of anything at variance with the records of the City Council or any person-to-person transfer, place-to-place transfer or change of corporate structure approved prior to the passage of this resolution.

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-291-25**

**CONSENT AGENDA**

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

**REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION  
NJSA 40A:4-87**

**WHEREAS**, NJSA 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the City of Garfield in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Service to approve the insertion of an item of revenue in the budget of the year 2025 in the sum of \$63,018.64 which is now available as part of the Clean Communities grant from the State of NJ; and

**BE IT FURTHER RESOLVED**, that the sum of \$63,018.64 is hereby appropriated under the caption the Clean Communities grant; and

**BE IT FURTHER RESOLVED**, that the above is the result of funds from the Clean Communities grant, in the amount of \$63,018.64.

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-292-25**

**CONSENT AGENDA**

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

**APPROVING HANDICAP PARKING SPACE**

**WHEREAS**, Santos Guzman De Jesus, of 72 Van Winkle Avenue Floor 2, who is the holder of a Disabled Person I.D. Card No. P2758590, has filed an application for a handicap parking sign to be placed at his address; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicap Parking”, located on the south curb line of Van Winkle Avenue commencing 210 feet east of the intersection of Van Winkle Avenue and Cambridge Avenue and continue an additional 20 feet east from that point; and

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

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

**Record of Council Vote on Passage**

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-293-25**

**CONSENT AGENDA**

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

**APPROVING HANDICAP PARKING SPACE**

**WHEREAS**, John Thomas Haggen, of 31 Orchard Street, who is the holder of a Disabled Person I.D. Card No. A942604, has filed an application for a handicap parking sign to be placed at his address; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Garfield that one parking space be designated as reserved for “Handicap Parking”, located on the west curb line of Orchard Street commencing 370 feet south of the intersection of Orchard Street and Belmont Avenue and continue an additional 20 feet south from that point; and

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

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-294-25**

**CONSENT AGENDA**

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

**AUTHORIZING THE TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED  
TAX BILLS IN ACCORDANCE WITH P.L. 1994, C 72**

**WHEREAS**, due to the late adoption of the State of New Jersey's budget the County Board of Taxation is unable to certify the tax rate at this time and the Tax Collector will be unable to mail the tax bills on a timely basis; and

**WHEREAS**, the Tax Collector and the Chief Financial Officer has determined that an estimated 3<sup>rd</sup> quarter tax bill is economically feasible and prudent to the fiscal stability of the City using an estimated tax rate of 3.50 which constitutes a 1.05% increase from the certified tax 2024 levy; and

**WHEREAS**, the Tax Collector of the City of Garfield has determined that the mailing of the 3<sup>rd</sup> quarter City of Garfield tax bills will be ready for mailing on or before June 14, 2025; and

**WHEREAS**, once the City of Garfield receives from the County Board of Taxation, a certified tax rate for the calendar year 2025, the Tax Collector shall forthwith reconcile and prepare the 4<sup>th</sup> quarter reconciled tax bill and estimated 1 and 2 quarter 2026 taxes due;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Garfield, in the County of Bergen and the State of New Jersey as follows:

1. The Tax Collector is hereby authorized and directed to prepare and issue estimated bills for the municipality for the third installment of 2025 taxes. The tax Collector shall proceed and take such actions as permitted and required by P.L. 1994, C72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The estimated tax levy for 2025 is hereby set at 72,339,717.25
3. In Accordance with law the third installment of 2025 taxes shall not be subject to interest until the later of; the grace period or the twenty-fifth calendar day after the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date which interest may begin to accrue.

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-295-25**

**CONSENT AGENDA**

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

**RESOLUTION TO APPROVE THE CONSENT AGENDA**

**BE IT RESOLVED** by the Mayor and Council of the City of Garfield that the actions noted in the Consent Agenda, Resolutions R-279-25 through R-295-25 be and are hereby approved and the proper officers are directed to take necessary action on same.

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

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

### *City Engineer's Report:*

City Engineer Kevin Boswell advised that there would be a forthcoming change order for the Prospect Street project due to unanticipated lead services. For the Spring Street Little League field turf project, he stated that they are recommending a new type of turf that they believe will be the next generation turf that is used, noting some perks such as temperature, etc. Mr. Boswell then provided an update regarding the Jewell Street Splash Park, to which he believes will be complete by the July 4<sup>th</sup> deadline. He shared that they are awaiting an update on a pump and permanent fixture delivery. Discussion ensued regarding fencing on site, to which Mr. Boswell said he would get pricing to submit to the City Manager. Lastly, the signage at Columbus Park was discussed. Ultimately, it was agreed upon that the Mayor and Council would amend the last approved resolution to reflect Let It Grow's new price and the changes they would like to see. The Mayor and Council did request to review updated shop drawings and proofs before they are sent to production.

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-296-25**

**RESOLUTION BY: DEPUTY MAYOR RAYMOND  
SECONDED BY: COUNCILMAN RIGOGLIOSO**

**AMENDING RESOLUTION R-91-25 ADJUSTMENT OF THE CONSTRUCTION  
CONTRACT AMOUNT FOR THE COLUMBUS PARK IMPROVEMENTS  
PROJECT**

**WHEREAS**, Resolution R-539-23 of the Mayor and Council of the City of Garfield awarded the contract for the Columbus Park Improvements Project to Let It Grow, Inc., 52 Ackerson Street, River Edge, NJ 07661 on February 16, 2024, in the amount of \$5,137,783.00 for Base Bid plus Alternate Bids ‘B’, ‘C’; and ‘D’, plus Change Order No. 1, No. 2, No. 3, No. 4, No 5, No. 6, and No. 7 for an adjusted contract amount of \$5,643,767.11; and

**WHEREAS**, the total amount to complete this project is \$5,643,767.11; and

**WHEREAS**, the park was renamed to “Champion Park” via resolution R-406-24 and the current Mayor and Council is desirous of reverting the name back to “Columbus Park – City of Champions”; and

**WHEREAS**, the effectuate said change additional funds were needed for the replacement of installed signage; and

**WHEREAS**, resolution R-36-25 served to increase the adjusted contract amount of \$5,643,767.11 by Change Order No. 8 in the amount of \$21,925.24; and

**WHEREAS**, resolution R-91-25 served to adjust Change Order No. 8 from \$21,925.24 to \$28,477.24; and

**WHEREAS**, said amount now needs to be re-adjusted to \$20,348.46;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Garfield does hereby approve Change Order No. 8 in the amount of \$20,348.46 to adjust the contract amount of the Columbus Park Improvements Project to \$5,664,115.57; and

**BE IT FURTHER RESOLVED** that resolution R-91-25 be and is hereby amended to reflect said change; and

**BE IT FURTHER RESOLVED** that the Mayor and Council of the City of Garfield must provide final approval on the newly proposed signage prior to processing said change order.

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

\_\_\_\_\_  
Nicholas Prochilo, Chief Financial Officer

June 9, 2025  
Dated

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney	X			
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

*City Council's Report:*

Deputy Mayor/Mayoral Advisor Raymond inquired about a stipend for the Fire Chaplain. Ms. Delaney advised that she believes it is volunteer, but that she will double check the ordinance. She also noted that should the Mayor and Council wish to add a stipend, it would not be able to go into effect until 2026 for budget purposes. Ms. Delaney advised that in order to officially appoint a City Chaplain she believes an ordinance is required and asked that the attorney look into this matter. Deputy Mayor/Mayoral Advisor then requested that the new ordinance be enforce related to auto body shops. Lastly, she raised concerns related to the parking ordinance on Palisade Avenue and requested an update on the curb work that was supposed to be done.

**Report of the City Manager:**

Discussion:

1. **Paid Parking Program** – City Manager/City Clerk shared that the Police Department raised a valid point related to the proposed paid parking program on certain streets within the City. It was discussed that if the sole intent is to raise revenue, the paid parking program may not be feasible. It was agreed upon that the intent is to raise revenue and improve upon parking in the given areas. The Mayor and Council elected to move forward with exploring the implementation of said program and appreciated the concerns raised by the Police Department. Ms. Delaney stated that she would resend the streets to be included via e-mail should they wish to make any changes or additions.
2. **Flood Risk Control Program** – City Manager/City Clerk Delaney provided information that was given to the City by the JIF related to a flood risk control program. She noted that she would send the information to the Governing Body and City Attorney to review. The City Engineer did recommend that the City participate in the program.

Resolution:

1. **IWS Host Community Agreement** – City Manager/City Clerk Delaney stated that it came to her attention that the Community Host Agreement with IWS had lapsed. IWS had submitted an updated proposal for the City's review. The City Attorney advised that he would review the prior agreement and new proposal for comment.

Ordinance:

1. **Ordinance 3068** – City Manager/City Clerk Delaney followed up on the rubbish ordinance that was tabled in April. The Mayor and Council requested that the ordinance remain tabled and noted that they will revisit it in the future.
2. **Pet Stores** – City Manager/City Clerk Delaney shared the Deputy Mayor Kane had inquired about an ordinance related to the prohibition of pet stores/puppy mills. Ms. Delaney stated that she shared a sample ordinance with past administration, who did not elect to move forward. The Mayor and Council were in support of adopting said ordinance. Ms. Delaney advised that she would send the sample to the City Attorney for his review and comment.

Departmental Reports:

1. **Recreation Department April 2025** – No discussion ensued.
2. **Clerk's Office May 2025** – No discussion ensued.
3. **Building Department May 2025** – No discussion ensued.
4. **Millennium Strategies through May 2025** – No discussion ensued.
5. **Court Department through May 2025** – No discussion ensued.

**Executive Session:**

A motion was made by Deputy Mayor/Mayoral Advisor Raymond and seconded by Mayor Garnto to enter into Executive Session. The motions carried unanimously.

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

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

**WHEREAS**, the Governing Body wishes to discuss:

**Litigation**

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 Deputy Mayor Kane and seconded by Councilman Rigoglioso to return to the public portion. The motions carried unanimously by those present.

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-297-25**

**RESOLUTION BY: DEPUTY MAYOR RAYMOND  
SECONDED BY: DEPUTY MAYOR KANE**

**AUTHORIZING THE CITY ATTORNEY TO ENTER AN APPEARANCE AND  
DEFENDANT IN THE MATTER OF WAWA, INC. V. THE CITY OF GARFIELD,  
ET. AL. BER-L-3634-25**

**WHEREAS**, the City of Garfield and its Mayor and Council were named as a defendant in the matter of Wawa, Inc. v. the City of Garfield, et. al., BER-L-3634-25 (the “Litigation”); and

**WHEREAS**, the court in this litigation entered a temporary restraining order (“TRO”) prohibiting the City from enforcing its 24-hour retail operation prohibition against Wawa, Inc. and enforcing its latest Ordinance No. 3072 City-wide;

**NOW, THEREFORE, BE IT RESOLVED** that the Law Offices of Richard Malagiere, P.C. is hereby assigned the defense of this Litigation to take all reasonable and necessary steps to defend the City and the Mayor & Council, including but not limited to requesting an emergent appeal of the TRO.

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

**Record of Council Vote on Passage**

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney				X
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**CITY OF GARFIELD  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION R-298-25**

**RESOLUTION BY: DEPUTY MAYOR RAYMOND  
SECONDED BY: DEPUTY MAYOR KANE**

**AUTHORIZING THE CITY ATTORNEY TO ENTER AN APPEARANCE AND  
DEFENDANT IN THE MATTER OF ROBBIN DUDA V. THE CITY OF GARFIELD,  
ET. AL. BER-L-3634-25**

**WHEREAS**, the City of Garfield and its Mayor and Council were named as a defendant in the matter of Robbin Duda v. the City of Garfield, et. al., BER-L-3429-25 (the “Litigation”); and

**WHEREAS**, the City’s insurance covers certain aspects of the defense of this matter and insurance defense counsel has been assigned while other aspects of the Litigation (i.e., injunctive relief) are to be handled by the City Attorney;

**NOW, THEREFORE, BE IT RESOLVED** that the Law Offices of Richard Malagiere, P.C. is hereby assigned the defense of this Litigation to work with and in concert with the attorneys assigned by the City’s insurance carrier and is authorized to take all reasonable and necessary steps to defend the City.

APPROVED: JUNE 10, 2025

\_\_\_\_\_  
Everett E. Garnto Jr., Mayor

ATTEST: \_\_\_\_\_  
Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent
Rigoglioso	X			
Delaney				X
Kane	X			
Raymond	X			
Garnto	X			

This resolution was approved by the Mayor and Council of the City of Garfield at a Work Session Meeting held on the 10th day of June 2025. Signed and sealed before me.

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

\_\_\_\_\_  
Dated

**Adjournment:**

A motion was made by Deputy Mayor/Mayoral Advisor Raymond and seconded by Deputy Mayor adjourn. The motions carried unanimously by those present.

Respectfully submitted,

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Erin Delaney, MPA, RMC, CMC  
City Manager/City Clerk

*These meeting minutes were approved at the June 24, 2025 Regular Meeting of the Mayor & Council.*