

MINUTES

Regular meeting of the Mayor and Board of Council of the
Town of Guttenberg at Town Hall, 6808 Park Avenue, Guttenberg, New Jersey
on Monday, August 28, 2023, Second Floor

Call to Order: Johanna Fermaint, Deputy Town Clerk

Salute to the Flag: Johanna Fermaint, Deputy Town Clerk

A motion to excuse Councilman Habermann was made by Councilperson Fundora seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Abstain: None

Members Present:

Councilpersons: Richard Delafuente, Monica Fundora, William Hokien (via telephone), Juana Malave and Mayor Wayne D. Zitt, Jr. Absent: Habermann

Sunshine Law:

As presiding officer of this Regular Meeting of the Mayor and Town Council of the Town of Guttenberg, held on August 28, 2023 at 4:00 P.M., I do hereby publicly announce, and I direct that this announcement shall be placed in the minutes of this meeting, and that the Notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given by the Town Council. Said Resolution was transmitted by the Town Clerk to the Jersey Journal and the Bergen Record and publicly posted on the Municipal Bulletin Board, Town Hall, and filed with the Town Clerk. Notice of this meeting by the April 25, 2023 Sunshine Notice has been sent to the Jersey Journal and the Bergen Record, and has been posted on the municipal bulletin board in Town Hall and Town Website.

Approval of Minutes:

- Caucus Meeting of May 15, 2023
- Public Meeting of July 24, 2023

A motion was made by Councilperson Delafuente seconded by Councilperson Hokien Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

Approval of consent agenda:

A motion was made by Councilperson Delafuente seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

Resolutions:

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY

RESOLUTION #141-2023

AUTHORIZE RENEWAL OF PERMIT FOR CONSUMPTION OF ALCOHOLIC BEVERAGE IN UNLICENSED PREMISES TO BELLA TRATTORIA & PIZZERIA (B.Y.O.B.) UNDER TOWN ORDINANCE 6-4.7

WHEREAS, an application for a permit for consumption of alcoholic beverage in unlicensed premises has been filed by Edgar Robles (“Applicant”) doing business as Bella Trattoria & Pizzeria located at 6717 Bergenline Avenue, Guttenberg, New Jersey; and

WHEREAS, Edgar Robles are co-owners of the restaurant, Bella Trattoria & Pizzeria, which as defined under Town Ordinance 6-4.7 is capable of allowing the consumption, but not sale, of alcoholic beverages on its premises; and

WHEREAS, the Applicant and Edgar Robles, as co-owners have applied for the renewal of a permit to allow the consumption of alcoholic beverages at their restaurant trading as Bella Trattoria & Pizzeria at 6717 Bergenline Avenue, Guttenberg, New Jersey; and

WHEREAS, the completed application of Edgar Robles and Edgar Robles co-owners has been reviewed by the Municipal Clerk and he recommends that since all of the requirements under Ordinance 6-4.7 have been met, the permit should be renewed and issued.

WHEREAS, the Applicant shall comply with all applicable federal, state and municipal regulations, statutes and ordinances pertaining to the consumption of wine or malt alcoholic beverages on premises not licensed or permitted to sell or serve alcoholic beverages, including without limitation, N.J.S.A. 2C:33-27.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, do hereby approve the renewal of a permit to allow, for the consumption of alcoholic beverage in unlicensed premises to Edgar Robles and Edgar Robles co-owners, trading as Bella Trattoria & Pizzeria at 6717 Bergenline Avenue, Guttenberg, New Jersey for a period of one (1) year effective September 1, 2023 and expiring on August 31, 2024.

BE IT FURTHER RESOLVED, that if the permit holder, Bella Trattoria & Pizzeria Restaurant, during this period of one year, is not in compliance with all of the conditions of Ordinance 6-4.7, then this permit is revoked and null and void.

A motion was made by Councilperson Delafuente seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY

RESOLUTION#142-2023

RESOLUTION AUTHORIZING AND DIRECTING THE TOWN OF GUTTENBERG JOINT PLANNING/ZONING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA WHICH INCLUDES BLOCK 4, LOT 13 (COMMONLY KNOWN AS 6904-06 ADAMS STREET) ARE TO BE DELINEATED AS A CONDEMNATION REDEVELOPMENT AREA PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1 ET SEQ.)

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“LRHL”) provides a mechanism to assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the LRHL sets forth the procedures for the Town of Guttenberg (the “Town”) to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by Resolution, authorize the planning board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, N.J.S.A. 40A:12A-6 provides: “The resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a ‘Non-

Condemnation Redevelopment Area’) or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use is a redevelopment area, including the power of eminent domain (hereinafter referred to as a ‘Condemnation Redevelopment Area’); and

WHEREAS, the Town Council of the Town of Guttenberg (“Town Council”) seeks to authorize and recommend the Town of Guttenberg Joint Planning/Zoning Board (“Board”) to conduct a preliminary investigation of the property identified on the Official Tax Map of the Town as Block 4, Lot 13 (commonly known as 6904-06 Adams Street) (the “Study Area”) as an area in need of redevelopment to be a Condemnation Redevelopment Area; and

WHEREAS, the Study Area may benefit from the tools available to municipalities under the LRHL to foster development thereof or to develop same under the principles of smart growth and/or other criteria as may be determined applicable; and

WHEREAS, the Town Council finds it to be in the best interest of the Town and its residents to authorize the Board to undertake such preliminary investigation of the Study Area as a Condemnation Redevelopment Area; and

WHEREAS, the Town wishes to direct the Board to undertake a preliminary investigation utilizing Ricci Planning and/or such other firm that may be appointed for such purpose by the Town to prepare the preliminary investigation report, to determine whether the proposed Study Area qualifies as an area in need of Condemnation Redevelopment pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, the Town Council is empowered to authorize this preliminary investigation to be conducted by the Board pursuant to N.J.S.A. 40A:12A-6 as a Condemnation Redevelopment Area.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Guttenberg, County of Hudson in the State of New Jersey as follows:

1. The provisions of the **WHEREAS** clauses set forth above are incorporated herein by reference and made a part hereof.
2. The Town of Guttenberg Joint Planning/Zoning Board (the “Board”) is hereby authorized to undertake a preliminary investigation pursuant to N.J.S.A. 40A:12A-6, utilizing Ricci Planning and/or such other firm that may be appointed for such purpose by the Town of Guttenberg (the “Town”) to prepare the preliminary investigation report, pursuant to a notice to conduct a hearing and comply with other requirements of the LRHL, in order to recommend to the Town Council whether the area comprising the property identified on the Official Tax Map of the Town as Block 4, Lot 13 (commonly known as 6904-06 Adams Street) (the “Study Area”) is an area in need of Condemnation Redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.
3. As part of its investigation, the Board shall prepare a map showing the boundaries of the Study Area and the location of the parcels contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.
4. The Board shall conduct a public hearing in accordance with the LRHL, specifically N.J.S.A. 40A:12A-6, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall authorize the Town or Town Council to exercise the power of

eminent domain to acquire any property in the delineated area, for the Study Area is being investigated as a Condemnation Redevelopment Area.

5. At the public hearing, the Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Board and made part of the public record.
6. The Board shall provide a written report to the Town Council setting forth its findings resulting from such preliminary investigation and shall recommend to the Town Council whether said properties are an “Area in Need of Redevelopment” under the meaning and intendment of the LRHL (condemnation).
7. After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the designation are received and considered, the Board shall submit its findings and recommendations to the Town Council in the form of a Resolution with supporting documents.

A motion was made by Councilperson Delafuente seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #143-2023

APPROVING SEPARATION AGREEMENT AND GENERAL RELEASE BETWEEN THE TOWN OF GUTTENBERG AND EMPLOYEE # 0549-00-1511-00-00020

BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg in the County of Hudson and State of New Jersey, that the Separation Agreement and General Release between the Town of Guttenberg and Employee # 0549-00-1511-00-00020 settling all outstanding matters relating to Employee # 0549-00-1511-00-00020, as more fully set forth in the Agreement on file with the Municipal

Clerk's Office dated September 6, 2023, is hereby approved and that the Mayor and/or Town Administrator be and are hereby authorized to execute same on behalf of the Town.

A motion was made by Councilperson Delafuente seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #144 -2023

APPROVING SEPARATION AGREEMENT AND GENERAL RELEASE BETWEEN THE TOWN
OF GUTTENBERG AND EMPLOYEE # 0549-00-1511-00-00724

BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg in the County of Hudson and State of New Jersey, that the Separation Agreement and General Release between the Town of Guttenberg and Employee # 0549-00-1511-00-00724 settling all outstanding matters relating to Employee # 0549-00-1511-00-00724, as more fully set forth in the Agreement on file with the Municipal Clerk's Office dated September 6, 2023, is hereby approved and that the Mayor and/or Town Administrator be and are hereby authorized to execute same on behalf of the Town.

A motion was made by Councilperson Delafuente seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #145-2023

AUTHORIZING THE TOWN OF GUTTENBERG TO APPLY FOR \$7,848.00 FROM THE NEW
JERSEY URBAN ENTERPRISE ZONE AUTHORITY-ZONE ASSISTANCE FUND (ZAF) FOR THE
ADMINISTRATIVE BUDGET

WHEREAS, the Town of Guttenberg ("Town") desires to submit an application to the New Jersey Urban Enterprise Zone Authority for anticipated UEZ assistance in the amount not to exceed \$7,848.00 for the purpose of funding the Town's FY 2024 UEZ administration budget; and

WHEREAS, Town Council believes that the submission of such grant application is in the best interest of the residents of the Town of Guttenberg.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, that the proper officers be and are hereby authorized to submit an application to the New Jersey Urban Enterprise Zone Authority for anticipated Zone Assistance Fund (ZAF) in the amount not to exceed SEVEN THOUSAND EIGHT HUNDRED FORTY EIGHT DOLLARS (\$7,848.00) for the UEZ Administration Budget for the Town of Guttenberg Fiscal Year 2024, in accordance with all pertinent terms, conditions and requirements which may be established for such an application.

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A. 52:27BBB-23, a true copy of this Resolution shall be forwarded to the State Commissioner of Community Affairs, who shall have ten (10) days from the receipt thereof to veto this Resolution. All notices of veto shall be filed in the Office of the Municipal Clerk.

A motion was made by Councilperson Delafuente seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #146-2023
APPOINTING ASHLEY VALDEZ AS THE GUTTENBERG DEPUTY REGISTRAR OF VITAL
STATISTICS PURSUANT TO NEW JERSEY STATUTE 26:8-17

WHEREAS, the Town of Guttenberg is required, pursuant to New Jersey Statute 26:8-11, to have a person to be the Town of Guttenberg's Registrar of Vital Statistics; and

WHEREAS, Johanna Fermaint has been appointed to the position of Guttenberg Registrar of Vital Statistics; and

WHEREAS, it is the recommendation of Johanna Fermaint, that Ashley Valdez, be appointed as the Guttenberg Deputy Registrar of Vital Statistics.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, and State of New Jersey, that on the recommendation of the Guttenberg Registrar of Vital Statistics, Ashley Valdez is hereby appointed Deputy Guttenberg Registrar of Vital Statistics.

BE IT FURTHER RESOLVED, that said appointment shall be for a period of three years commencing retroactively August 1, 2023 through December 31, 2025 and shall be subject to the approval of New Jersey State Registrar; and

BE IT FURTHER RESOLVED, the salary shall be set forth by the salary ordinance of the Town of Guttenberg; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies that funds are available for the appropriation "Current-Fund – Administration Salary and Wages 01-2010-20-1001-001.

A motion was made by Councilperson Delafuente seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #147-2023

AUTHORIZE APPOINTMENT OF ASHLEY VALDEZ AS BOARD SECRETARY TO THE TOWN
OF GUTTENBERG JOINT PLANNING/ZONING BOARD

WHEREAS, The Town of Guttenberg (“Town”) is in need of a Secretary for the Town’s Joint Planning/Zoning Board, due to a vacancy in the position and

WHEREAS, the Town Administrator has reviewed applications for the position; and

WHEREAS, the Town Administrator has recommended that Ashley Valdez be appointed to the position of Board Secretary for the Joint Planning/Zoning Board.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Ashley Valdez is hereby appointed to the position of Board Secretary, for the Town’s Joint Planning/Zoning Board. Ashley Valdez will receive a stipend of \$10,000.00; and

BE IT FURTHER RESOLVED, that said appointment is for one term commencing June 1, 2023 and expiring December 31, 2023; and

BE IT FURTHER RESOLVED, that after twelve months in this position without any disciplinary actions, the Town Administrator may recommend said stipend be incorporated into the employee’s salary; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies that funds are available for the appropriation from the Current Fund Planning and Zoning Salary & Wages 01-2010-21-1807-001.

A motion was made by Councilperson Delafuente seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #148-2023

AUTHORIZE HIRE OF ASHLEY VALDEZ AS PART-TIME CLERK FOR THE ADMINISTRATION
DEPARTMENT OF THE TOWN OF GUTTENBERG

WHEREAS, Ashley Valdez was hired as a probationary part-time Clerk for the Administration Department for the Town of Guttenberg (“Town”); and

WHEREAS, Ashley Valdez is able to serve as part-time Clerk and has met all the requirements for the position.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, and State of New Jersey, do hereby hire Ashley Valdez as a part-time Clerk for the Administration Department; and

BE IT FURTHER RESOLVED, said appointment shall be effective as of August 1, 2023. The salary shall be as set forth by the salary ordinance of the Town of Guttenberg; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies that funds are available for the appropriation from Current Fund Administration - Salary & Wages account 01-2010-20-1001-001.

A motion was made by Councilperson Delafuente seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #149 -2023

**AUTHORIZING THE HIRE OF JOSEPH PAGNANO AS A FULL-TIME LABORER FOR THE
DEPARTMENT OF PUBLIC WORKS FOR THE TOWN OF GUTTENBERG**

WHEREAS, there is a need for an additional full-time laborer for the Guttenberg Department of Public Works Department (“DPW”); and

WHEREAS, Joseph Pagnano, a part-time DPW laborer is interested in working full-time in the Guttenberg DPW; and

WHEREAS, the Superintendent of the Department of Public Works for the Town of Guttenberg has recommended Joseph Pagnano for the position of full-time DPW Employee-laborer.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg County of Hudson, State of New Jersey that Joseph Pagnano is hereby hired to the position of full-time employee-laborer for the Department of Public Works. The annual salary shall be as set forth in the Salary Ordinance of the Town of Guttenberg; and

BE IT FURTHER RESOLVED, that said appointment is hereby retroactively effective as of July 1, 2023; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies that funds are available for the appropriation from Current Fund- Streets and Roads S&W 01-2010-26-2901-001.

A motion was made by Councilperson Delafuente seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #150-2023
AUTHORIZING THE HIRE OF MAURICIO CARO AND MONICA TOAPANTA
AS PART-TIME PROBATIONARY LABORERS FOR THE DEPARTMENT OF PUBLIC WORKS
FOR THE TOWN OF GUTTENBERG

WHEREAS, there is a need to hire additional laborers for the Guttenberg Department of Public Works Department (“DPW”); and

WHEREAS, applications were sought from persons interested in working in the Guttenberg DPW; and

WHEREAS, the Superintendent of the Department of Public Works for the Town of Guttenberg has recommended the following individuals for the position of Part Time Probationary DPW Employee-laborer: Mauricio Caro and Monica Toapanta.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg County of Hudson, State of New Jersey that Mauricio Caro and Monica Toapanta are hereby hired to the position of part-time probationary employee-laborer for the Department of Public Works. The annual salary shall be as set forth in the Salary Ordinance of the Town of Guttenberg; and

BE IT FURTHER RESOLVED, that said appointment is hereby effective as of: August 20, 2023 for Mauricio Caro and August 21, 2023 for Monica Toapanta; and

BE IT FURTHER RESOLVED that said appointments are probationary for a period of ninety (90) days, expiring on November 22, 2023; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies that funds are available for the appropriation from Current Fund- Streets and Roads S&W account 01-2010-26-2902-001.

A motion was made by Councilperson Delafuente seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION # 151-2023
AUTHORIZE HIRE OF ODALY MINAYA AS A PROBATIONARY PART-TIME
TRAFFIC ENFORCEMENT OFFICER FOR THE TOWN OF GUTTENBERG

WHEREAS, the Town is in need of a part-time Traffic Enforcement Officer ("TEO"); and

WHEREAS, the Town posted for the position and received numerous responses; and

WHEREAS, the Police Director has reviewed and considered the applicants for the position and recommends Odaly Minaya for the position of part-time Traffic Enforcement Officer.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson and State of New Jersey, that Odaly Minaya, is hereby hired as probationary part-time Traffic Enforcement Officers, with an effective hiring date of August 17, 2023; and

BE IT FURTHER RESOLVED that said hire is probationary for a period of ninety (90) days, wherein they may be dismissed from said position without cause, expiring on November 17, 2023; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies that funds are available for the appropriation from Current Fund- Police Salary & Wages 01-2010-25-2401-001.

A motion was made by Councilperson Delafuente seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY

RESOLUTION #152-2023

AUTHORIZE HIRE OF ZAIDA HIDALGO AS A PART-TIME CROSSING GUARD FOR THE TOWN OF GUTTENBERG

WHEREAS, there is a need in the Town of Guttenberg (“Town”) for part-time crossing guards for the Town; and

WHEREAS, Zaida Hidalgo is able to serve as part-time Crossing Guard and has met all the requirements for the position; and

WHEREAS, the Police Director recommended the hire of Zaida Hidalgo as a part-time Crossing Guard.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Zaida Hidalgo is hereby hired as a probationary part-time crossing guard with the Town of Guttenberg; and

BE IT FURTHER RESOLVED, said hire shall be effective as of September 7, 2023. The salary shall be set forth by the salary ordinance of the Town of Guttenberg; and

BE IT FURTHER RESOLVED that said hires are probationary for a period of ninety (90) days, wherein they may be dismissed from said position without cause, expiring on December 7, 2023; and

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available for the appropriation Current-Fund – Police Salary & Wages 01-2010-25-2402-00.

A motion was made by Councilperson Delafuente seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #153 -2023

RESOLUTION APPROVING THE SETTLEMENT OF LITIGATION - GINA MIRANDA DIAZ V. TOWN OF WEST NEW YORK, ET AL.

WHEREAS, there is presently pending in the United States District Court for the District of New Jersey, a civil action entitled Gina Miranda Diaz v. Town of West New York, et al., Civil Action No.:2:18-cv-16472-MCA-MAH, in which the Town of Guttenberg and Town Administrator Cosmo Cirillo have been named as defendants; and

WHEREAS, prior to trial and through the mediation process and subsequent negotiations, the parties have reached a tentative settlement of all claims against all defendants in the amount of \$650,000, of which \$100,000 is to be paid by the Garden State Municipal Joint Insurance Fund, the joint insurance fund of which the Town of Guttenberg is a member; and

WHEREAS, settlement of this matter for the aforementioned sum has been handled by the Garden State Municipal Joint Insurance Fund as well as defense counsel assigned Garden State Municipal Joint Insurance Fund; and

WHEREAS, the Garden State Municipal Joint Insurance Fund's outside defense counsel has recommended that this litigation be settled for the amount of \$100,000 to be paid on behalf of the Town of Guttenberg to avoid the cost, disruption and uncertainty of further litigation;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Guttenberg that the aforementioned settlement is hereby authorized; and

BE IT FURTHER RESOLVED that the Mayor, Town Clerk or their designee are hereby authorized to execute such documents as are necessary to implement the foregoing in a form satisfactory to the Town Attorney.

A motion was made by Councilperson Delafuente seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #154-2023
AUTHORIZING PAYMENT TO MALL CHEVROLET FOR THE
IMPROVEMENT OF POLICE VEHICLES

WHEREAS, the Mayor and Council of the Town of Guttenberg ("Town") have determined that the police department needs improvements made to its vehicles; and

WHEREAS, pursuant to N.J.S.A. 40A:11-11, the Town may, without bidding, purchase goods and services through authorized cooperative pricing systems ("Co-Op"); and

WHEREAS, the Educational Services Commission of New Jersey ("ESCNJ") has established a State approved Co-Op #ESCNJ 20/21-09; and

WHEREAS, the Town is a member of the ESCNJ Co-Op; and

WHEREAS, the ESCNJ Co-Op awarded a contract to Mall Chevrolet to repair and improve police vehicles; and

WHEREAS, Mall Chevrolet provided a quotes totaling the amount of \$49,047.70, which price is consistent with the pricing under the ESCNJ Co-Op contract.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, do hereby authorize payment Mall Chevrolet for the improvement of Town police department vehicles in the total amount not to exceed \$49,047.70 under the ESCNJ Co-Op contract; and

BE IT FURTHER RESOLVED, that the Mayor and Town Administrator are authorized to take such other steps and to execute any contract documents necessary to effectuate the contract and the commencement of the improvement of Town police department vehicles;

1. **BE IT FURTHER RESOLVED**, that the Chief Financial Officer certifies that the necessary \$49,047.70 is available for this payment from account: Various Improvements- Police/OEM Vehicles 04-2150-55-2120-012.

A motion was made by Councilperson Delafuente seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #155-2023

APPROVING NON-FAIR AND OPEN CONTRACTING OF NEILSEN OF MORRISTOWN FOR THE IMPROVEMENT OF POLICE VEHICLES

WHEREAS, there exists in the Town of Guttenberg (“Town”) a need for the services of a company that can improve police vehicles for the Town’s police department; and

WHEREAS, the Town sought quotations and Neilsen of Morristown, located at 200 Ridgedale Avenue, Morristown, New Jersey 07960, has submitted a quotation for the improvement of police vehicles in the Town and the total amount not to exceed \$10,196.09 as set forth therein (“Proposal”); and

WHEREAS, the Town Administrator having reviewed the proposal recommends its acceptance as fair and reasonable; and

WHEREAS, the amount of \$10,196.09 is below the Town’s bid threshold; and

WHEREAS, this contract has been awarded through a non-fair and open process pursuant to N.J.S.A. 19:44A-20.4, et seq., and Neilsen of Morristown, having submitted and the Town having received a C. 271 Political Contribution Disclosure Form in the required form, and the contract to be awarded shall include a provision prohibiting Neilsen of Morristown, from making reportable contributions during the term of the contract as required by N.J.S.A. 19:44A-20.4, et seq.; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, as follows:

1. The Mayor or his designee be and is hereby authorized to execute a contract or purchase order for the improvement of police vehicles for the Town’s police department by Neilsen of

Morristown, for an amount not to exceed \$10,196.09 in accord with the terms of this resolution, and the terms of Neilsen of Morristown's Proposal.

2. The Chief Financial Officer certifies that the necessary funds are available for this purchase from account: Various Improvements- Police/OEM Vehicles 04-2150-55-2120-012.

A motion was made by Councilperson Delafuente seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #156-2023

APPROVING THE DONATION OF A 2012 4 DOOR BLACK DODGE CHARGER AND A 2013 4 DOOR BLACK DODGE CHARGER TO THE BOROUGH OF EAST NEWARK

WHEREAS, the Town of Guttenberg ("Town") has no further use for a 2012 4 Door Black Dodge Charger and a 2013 4 Door Black Dodge Charger, as described on Exhibit A; and

WHEREAS, the Borough Of East Newark ("BEN"), another governmental agency, has a need for these vehicles; and

WHEREAS, the Town wishes to donate the vehicles to BEN.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, as follows:

3. The Town hereby approves the donation of the vehicles and the Town agrees to transfer title to BEN of the vehicles described in "Exhibit A," which includes a copy of each vehicle's title.

4. The Town Authorizes the Mayor or his designee to execute the titles on behalf of the Town.

A motion was made by Councilperson Delafuente seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #157-2023

AUTHORIZING PAYMENT NEW JERSEY HUMANE SOCIETY FOR ANIMAL CONTROL SERVICES

WHEREAS, the Town of Guttenberg ("the Town") solicited quotations for the provision of animal control services; and

WHEREAS, New Jersey Humane Society located at 6412 Dewey Ave, West New York, NJ 07093 (“Vendor”) provided a quotation for animal control services in the amount of \$9,000.00, as set forth in an estimate (the “Estimate”); and

WHEREAS, the Estimate amount of \$9,000.00 is below the Town’s bid threshold; and

WHEREAS, the Town Administrator has recommended that the Town accept the Vendor’s Estimate as being in the best interests of the Town; and

WHEREAS, the Vendor has provided similar services to the Town in accord with the Estimate.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that the Town does hereby ratify and authorize the Mayor and appropriate Town Officials including the Purchasing Agent and Town Administrator to execute an appropriate purchase order payment of animal control services pursuant to the Estimate for the total amount not to exceed \$9,000.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies that the necessary \$9,000.00 is available for this payment from account Current Fund-Board of Health 01-2010-27-3302-001

A motion was made by Councilperson Delafuente seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #157-2023
AUTHORIZING PAYMENT NEW JERSEY HUMANE SOCIETY FOR
ANIMAL CONTROL SERVICES

WHEREAS, the Town of Guttenberg (“the Town”) solicited quotations for the provision of animal control services; and

WHEREAS, New Jersey Humane Society located at 6412 Dewey Ave, West New York, NJ 07093 (“Vendor”) provided a quotation for animal control services in the amount of \$9,000.00, as set forth in an estimate (the “Estimate”); and

WHEREAS, the Estimate amount of \$9,000.00 is below the Town’s bid threshold; and

WHEREAS, the Town Administrator has recommended that the Town accept the Vendor’s Estimate as being in the best interests of the Town; and

WHEREAS, the Vendor has provided similar services to the Town in accord with the Estimate.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that the Town does hereby ratify and authorize the

Mayor and appropriate Town Officials including the Purchasing Agent and Town Administrator to execute an appropriate purchase order payment of animal control services pursuant to the Estimate for the total amount not to exceed \$9,000.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies that the necessary \$9,000.00 is available for this payment from account Current Fund-Board of Health 01-2010-27-3302-001.

A motion was made by Councilperson Delafuente seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

Ordinances:

ORDINANCE #19-23

ADOPTION

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
AMENDING CHAPTER VII ENTITLED "TRAFFIC" SUBSECTION 7-3.7 ENTITLED "PARKING PROHIBITED FOR CERTAIN VEHICLES" OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF GUTTENBERG

WHEREAS, Chapter 7-3.7 of the Code of the Town of Guttenberg ("Code") entitled "Parking Prohibited For Certain Vehicles" was enacted to ensure no person park certain vehicles upon any street or public thoroughfare in Town; and

WHEREAS, the Town of Guttenberg seeks to designate motorcycle parking spots and amend the probation of certain vehicles prohibited from parking in full car parking spaces to include motorcycles.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Chapter 7-3.7 of the Code of the Town of Guttenberg ("Code") entitled "Parking Prohibited For Certain Vehicles," is hereby amended, as follows:

SECTION ONE

Chapter 7-3.7 of the Code of the Town of Guttenberg ("Code") entitled "Parking Prohibited For Certain Vehicles" shall be amended as follows [Amendments are in bold]:

Parking Prohibited For Certain Vehicles

- a. It shall be unlawful for the owner or operator to park any truck, truck trailer, trailer, van, omnibus, livery, taxi, commercial vehicle, noncommercial truck, commuter van, van pooling vehicle, semi-

trailer, all defined in N.J.S.A. 39:1-1, that is over 6,000 pounds, eight feet in height or taller, or exceeds 18 feet in length, upon any street or other public thoroughfare in the Town, on any day of the week between the hours of 12:00 midnight and 6:00 a.m.

- b. It shall be unlawful for the owner or operator of any motorcycle to park in parking spot that is not a designated motorcycle parking spot. For purposes of this Chapter, Motorcycles are defined as they are in N.J.S.A.39:1-1 and shall include motorcycles, autocycles, motor bikes, bicycles with motor attached and all motor-operated vehicles of the bicycle or tricycle type, except motorized bicycles, low-speed electric bicycles, and low-speed electric scooters as defined in this section, whether the motive power be a part thereof or attached thereto and having a saddle or seat with driver sitting astride or upon it or a platform on which the driver stands.
- c. Penalties.
 - (i) Any person who violates any provision of subsection a shall, upon conviction thereof, be liable to a penalty of \$124 per violation. Each one hour a particular violation continues shall constitute a separate offense.
 - (ii) Any person who violates any provision of subsection b shall, upon conviction thereof, be liable to a penalty of \$60 per violation.

SECTION TWO

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION THREE

Repealer. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FOUR

This Ordinance shall take effect upon passage and publication as required by law.

Summary of Ordinance

The purpose of this ordinance is to amend the types of vehicles, motorcycles, from parking in full sized car parking spots and to simultaneously provide designated motorcycle parking spots.

Ordinance 19-23 Adoption Vote

A motion was made to open to the public by Councilperson Malave and seconded by Councilperson Delafuente Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

NO PUBLIC COMMENTS

A motion was made to close and adopt by Councilperson Hokien and seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

ORDINANCE #20-23 ADOPTION

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY AMENDING CHAPTER VII ENTITLED “TRAFFIC” SECTION 7-7 ENTITLED “LOADING ZONE” OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF GUTTENBERG

WHEREAS, Chapter 7 of the Code of the Town of Guttenberg (“Code”), entitled “Traffic” and Section 7-7, entitled “Loading Zone,” sets forth the rules and regulations for the creation or continuance of a restricted parking space for use as an unloading zone; and

WHEREAS, the Town of Guttenberg seeks to renew the following parking spaces restricted for use as a loading zone areas.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Chapter VII, entitled “Traffic” Section 7-7 entitled “Loading Zone” is hereby amended to renew the following parking spaces restricted for use as a loading zone, as follows:

SECTION ONE

Chapter VII, entitled “Traffic” Section 7-7 entitled “Loading Zone” shall be amended as follows:

<u>Business</u>	<u>Address</u>	<u>Hours</u>
Little Scholars Preschool	58-69 th St.	Mon-Fri, 8am-9am & 5pm-6pm
Israel Paint & Hardware	7000 Bergen line Ave.	Mon-Friday, 7:15am-6pm (and Monday and Thursday 6pm to 7pm, as well) Saturday 7:30 am – pm
Genesis NYC Enterprises Inc.	6710-6712 Palisade Ave.	Mon-Fri, 9am - 6pm
GP’s Restaurant	24 69 th St.	Mon-Sun, 10am - 10pm
Benny’s Liquors & Supermarket	7000 Park Ave.	Mon-Sat, 7am - 7pm

Met Fresh Supermarket	6818 Bergen line Ave	Mon-Sat, 7:30am - 7pm
Beef Burger Corp	7013 Madison St.	Mon-Fri, 6am - 5pm
Rabelo's Corp	405 70 th St.	Mon-Fri, 6am - 5pm
Bulls Ferry Studios	6903 Jackson St	Mon-Sat 10am - 6pm
Rumba Cubana	6909 Boulevard East	Mon-Sun 10am - 10pm
Mundo Esoterico Distributor Inc	320 69 th St	Mon-Fri 9am -6:30pm
Summit House Tenant Corp	7100 Boulevard East	Mon-Sun 7am-6pm
Tavarez Mini Market	Northwest corner (300 70 th Street) of 70 th Street and Hudson Avenue, Guttenberg, New Jersey, a distance of approximately 36 feet from the crosswalk in northerly direction along Hudson Avenue	7:00 am to 3:00pm, Monday through Friday
French Upholstery, Inc.	429-69th Street	8:00 a.m. to 5:00 p.m. Monday to Friday
Master Auto Service Center	In front 431 70 th Street, Guttenberg, New Jersey 431 70 th Street	9:00 am to 5:00 pm, Monday through Friday

SECTION TWO

Chapter VII, entitled “Traffic” Section 7-7 entitled “Loading Zone” shall also include the following:

<u>Business</u>	<u>Address</u>	<u>Hours</u>
United States Postal Service Vehicles & General Commercial Vehicles Making Local Deliveries	Northeast corner (94 69 th Street) of 69 th Street and Park Avenue, Guttenberg, New Jersey, a distance of approximately 54 feet from the crosswalk in southeasterly direction	7:00 am to 5:00pm, Monday through Saturday
General Commercial Vehicles Making Local Deliveries – 6900 Bergenline Avenue	The loading zone shall be located on Bergenline Avenue, commencing in front	7:00 am to 5:00pm, Monday through Saturday

of 6900 Bergenline Avenue, and run a distance of 41 feet.
--

SECTION THREE

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FOUR

Repealer. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FIVE

The Ordinance shall become effective immediately upon final adoption and publication thereof according to law.

Summary of Ordinance

This purpose of this Ordinance is to renew the aforementioned parking spaces restricted for use as a loading zone area.

Ordinance 20-23 Adoption Vote

A motion was made to open to the public by Councilperson Delafuente and seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

NO PUBLIC COMMENTS

A motion was made to close and adopt by Councilperson Fundora and seconded by Councilperson Delafuente Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

ORDINANCE #21-23

ADOPTION

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
AMENDING CHAPTER VII ENTITLED "TRAFFIC" SUBSECTION 13 ENTITLED
"HANDICAPPED PARKING" OF THE REVISED GENERAL ORDINANCES OF THE
TOWN OF GUTTENBERG

WHEREAS, Chapter 7-13.2 of the Code of the Town of Guttenberg (“Code”) entitled “Restricted Parking Spaces Created on Streets” was enacted to provide the names and address of those individuals who have met the requirements and received a restricted parking space; and

WHEREAS, the Town of Guttenberg has received renewal applications for the following restricted parking spaces and the Director of Public Safety has reviewed them and recommended their renewal;

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Chapter 7-13.2, Restricted Parking Spaces Created on Streets, is hereby amended to renew the following restricted parking spaces created on streets, as follows:

SECTION ONE

Chapter VII entitled “Traffic” Section 13.2 entitled “Restricted Parking Spaces Created” on Streets” Schedule B shall be amended to read as follows:

<u>First Name</u>	<u>Last Name</u>	<u>Address</u>	<u>Plate #</u>
Clara R.	Higuita Lopez	325 70th St. Apt 2	C8KGX
Despina	Kallopoulos	63 70th St.	HW7020
Michele	Peragine	6908 Madison St.	Y71KRX
Barbara	Reiche	6820 Polk St.	CC2055
Prakash	Bhatt	223-71st St.	HZ6653
Luisa	Hernandez	6714 Jackson St.	HS6454

SECTION TWO

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION THREE

Repealer. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FOUR

This Ordinance shall take effect upon passage and publication as required by law.

Summary of Ordinance

This purpose of this ordinance is to is to renew the aforementioned restricted parking spaces created on streets.

Ordinance 21-23 Adoption Vote

A motion was made to open to the public by Councilperson Fundora and seconded by Councilperson Delafuente Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

Ann Smith, 113 68th Street:

- Ahern's name should be removed from handicap list

Mayor Wayne Zitt:

- Name is not on the renewal list on for adoption

A motion was made to close and adopt by Councilperson Hokien and seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

ORDINANCE #22-23

ADOPTON

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY AMENDING CHAPTER XI, ENTITLED BUILDING AND HOUSING, SUBSECTION 1-4.3 ENTITLED REQUIREMENT OF CERTIFICATE OF CONTINUING OCCUPANCY AND CHAPTER 11-4.4 ENTITLED APPLICATION FOR CERTIFICATE OF CONTINUING OCCUPANCY OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF GUTTENBERG

WHEREAS, Chapter 11-4.3 of the Code of the Town of Guttenberg (Town) entitled Requirement of Certificate of Continuing Occupancy and Chapter 11-4.4 Application for Certificate of Continuing Occupancy were enacted to ensure that buildings and portions thereof are inspected to protect the public's health, safety and welfare; and

WHEREAS, the Mayor and Council seeks to assist in the enforcement of and ensuring compliance with various Town ordinances, the Uniform Construction Code, the Fire Safety Act, and other state and federal laws relating to the use, maintenance and repair of buildings.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Chapter 11-4.3 of The Revised General Ordinances Of The Town Of Guttenberg (Code) entitled Requirement of Certificate of Continuing Occupancy and Chapter 11-4.4 Application for Certificate of Continuing Occupancy, is hereby amended, as follows:

SECTION ONE

Chapter 11-4.3 of the Code entitled Requirement of Certificate of Continuing Occupancy and Chapter 11-4.4 entitled Application for Certificate of Continuing Occupancy shall be amended as follows [Amendments are in bold]:

11-4.3 Requirement of Certificate of Occupancy Before the Sale, Transfer or Conveyance of Real Estate.

- a. **It shall be unlawful for any** person to occupy or use, or permit to be occupied or used, any **vacant land**, building or portion thereof for residential, commercial or industrial purposes, after such **land**, building or portion thereof has been vacated or sold, or for which there has been a change in use or a change in occupancy **or ownership**, until the Construction Official, Fire Official or the Fire Inspector of **the Town of Guttenberg have issued a Certificate of Occupancy Certificate)** therefor. **The Certificate shall be issued after a complete application has been executed and filed by the owner or the purchaser, as required, and after inspection and approval of an inspector designated by the Construction Code Official.**

11-4.4 Application for Residential/Commercial/Mixed Use/Vacant Land Certificate of Occupancy.

- a. Every application for a **Certificate of Occupancy** shall be made in writing and be signed by the owner or the owner's authorized agent and shall state the use or intended use of the building, or the portion thereof, for which the **Certificate of Occupancy** is applied for.
- b. **The new owner or purchaser shall apply for a Certificate based on their use and/or intended use of the property or premises.**
 1. **Residential Owner Certificate. Any person who uses or intends to use, sell, convey, deliver or transfer, and for any purchaser to purchase, or take title or possession of, any residential building or premises shall apply for a residential certificate, to the effect that such residential building or premises complies with and conforms to the provisions of this article, shall have been issued by the Construction Official. The fee for the inspection and issuance of the certificate shall be:**
 - a. **One family house or apartment (dwelling) \$100.00.**
 - b. **Two unit dwelling \$125.00.**
 - c. **Three family house or apartment \$145.00.**
 - d. **Four unit dwelling \$160.00.**
 - e. **Five unit dwelling \$170.00.**
 - f. **Any units in addition to the five-unit dwellings shall have a fee of \$10.00 for each additional unit.**
 2. **Commercial Certificate. Any person who uses or intends to use, sell, convey, deliver or transfer, and for any purchaser to purchase, or take title or possession of, any commercial building or premises shall apply for**

a commercial certificate. The fee for the inspection and issuance of the certificate shall be \$200.00.

3. **Residential Tenant Certificate.** A residential tenant certificate is required for the change of tenants in any residential property. The requirements for the residential tenant certificate shall be set forth in the application. The fee for the inspection and issuance of the certificate shall be \$100.00.
4. **Mixed-Use Certificate.** Any person who uses or intends to use, sell, convey, deliver or transfer, and for any purchaser to purchase, or take title or possession of, any mixed-use building or premises shall apply for a mixed-use certificate. The fee for the inspection and issuance of the certificate shall be \$250.00.
5. **Vacant Land Certificate.** Any person who is buying or selling any vacant land. The fee for this certificate shall be \$ 100.00.

- c. If the application relates to a portion of a building then such portion shall be, to the satisfaction of the Construction Official, precisely specified in the application, which shall include an approximate drawing depicting the floor space of the portion and its relation to the building in its entirety.
- d. If the building is a multiple family dwelling for which N.J.S.A. 46:8-28 requires the filing of a Certificate of Registration, then a true and legible copy of the filed and validated Certificate of Registration shall be annexed to the application for a **Certificate of Occupancy**.
- e. The application shall also state the full and exact name of the person who will be the occupant after the issuance of the applied for Certificate of Continued Occupancy. In the event the identity of such occupant is not known at the time of the application, such name shall be subsequently supplied to the Construction Official, in writing, and signed by the owner or the owner's authorized agent **within sixty days of transfer**.
- f. **A forty-dollar (\$40) cancellation fee shall be assessed for each inspection cancelled or rescheduled less than twenty-four (24) hours in advance of such appointment.**
- g. **Expedited certificate of continued certificate of occupancy inspection fee (inspection completed within 3 business days) is \$50.00, along with the fee referenced above.**
- h. **Re-inspection fee for any of the above use groups (*for any inspection that fails and requires additional inspection(s) to be performed*) shall pay an additional \$40.00 for each re-inspection conducted.**

11-4.5 Application Fee [REPEALED]

SECTION TWO

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION THREE

Repealer. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FOUR

This Ordinance shall take effect upon passage and publication as required by law.

Summary of Ordinance

The purpose of this ordinance is to is to amend the types of vehicles, motorcycles, from parking in full sized car parking spots and to simultaneously provide designated motorcycle parking spots.

Ordinance 22-23 Adoption Vote

A motion was made to open to the public by Councilperson Delafuente and seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

NO PUBLIC COMMENTS

A motion was made to close and adopt by Councilperson Fundora and seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

Payment of Claims:

Bill List #1 –Month of August (Consent)

A motion was made by Councilperson Delafuente seconded by was made by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

New Business:

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #158-2023
AUTHORIZING THE CONTRACTING OF NEILSEN OF MORRISTOWN FOR
THE IMPROVEMENT OF POLICE VEHICLES

WHEREAS, the Town of Guttenberg (the “Town”) has determined there is a need for the improvement of police vehicles; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), the Town may purchase any goods or services, by resolution and without advertising for bids, under the State of New Jersey Cooperative Purchasing Program for any State contracts entered on behalf of the State by the Division of Purchase and Property in the Department of the Treasury, including NJ State Contract #23 Fleet-34933; and

WHEREAS, Neilsen of Morristown, located at 200 Ridgedale Avenue, Morristown, New Jersey 07960, has provided the Town with a quote for the improvement of police vehicles pursuant to NJ State Contract #23 Fleet-34933 in the amount of \$65,219.33; and

WHEREAS, the Town seeks to authorize contracting with Neilsen of Morristown for the improvement of police vehicles in the Town and the total amount shall not exceed \$65,219.33 pursuant to NJ State Contract #23 Fleet-34933.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, do hereby authorize and approve contracting with Neilsen of Morristown located at 200 Ridgedale Avenue, Morristown, New Jersey 07960, for the improvement of police vehicles, pursuant to NJ State Contract #23 Fleet-34933, for a total amount not to exceed \$65,219.33.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available for the appropriation “Various Improvements – Trucks” 04-2150-55-2120-012.

A motion was made by Councilperson Delafuente seconded by Councilperson Malave Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

Public Portion:

A motion was made to open public portion by Councilperson Delafuente seconded by Councilperson Hokien Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

Delores Loppe, 6800 Park Avenue:

- Car has been parked without getting any tickets. Neighbor says she is going on vacation and doesn’t want to get tickets.

Mayor Zitt:

- Residents get a two-week vacation courtesy for sweeper.

Deputy Chief Frank Pelaez issued a citation to Officer Wilson Acevedo for saving a child's life on Boulevard East.

A motion was made to close public portion by Councilperson Fundora seconded by Councilperson Hokien Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

Adjournment:

A motion to adjourn was made by Councilperson Delafuente seconded by Councilperson Hokien Ayes: Councilpersons Delafuente, Fundora, Hokien, Malave and Mayor Zitt Nays: None Absent: Habermann Abstain: None

Meeting was adjourned at 4:55 P.M.

Respectfully Submitted,

Johanna Fermaint
Deputy Town Clerk