

MINUTES

Regular meeting of the Mayor and Council of the
Town of Guttenberg at Town Hall, 6808 Park Avenue, Guttenberg, New Jersey
on Wednesday, May 22, 2024, Second Floor

Call to Order: Dr. Cosmo A. Cirillo, Town Clerk

Salute to the Flag: By Dr. Cosmo A. Cirillo, Town Clerk

Members Present:

Councilpersons: Richard Delafuente, Monica Fundora, John Habermann, William Hokien, Juana Malave and Mayor Wayne D. Zitt, Jr. Absent: None

Sunshine Law:

As presiding officer of this Regular Meeting of the Mayor and Town Council of the Town of Guttenberg, held on May 22, 2024 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 to the Town Council and transmitted by the Town Clerk to the Jersey Journal, the Bergen Record and publicly posted on the Municipal Bulletin Board the annual resolution showing the date, time and place of each regular meeting.

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

CLOSED SESSION:

CLOSED SESSION MEETING STATEMENT

WHEREAS, the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances and the Mayor and Council of the Town of Guttenberg deems it necessary to discuss certain actions under Section 10:4-12B(7) of the Open Public Meetings Act Statement, privately, as prescribed by law; and

NOW, THEREFORE, BE IT RESOLVED that at **4:05 P.M.** at the Mayor and Council work session held on **May 22, 2024** at the Municipal Offices, the Mayor and Council deemed it necessary to exclude the public from discussion for the express purposes of discussing:

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

- Minutes will be kept and once the matter involving the confidentiality of the above no longer requires the confidentiality, then the minutes can be made public, to the extent matters are otherwise not covered by a privilege.

Items for Discussion:

A. Bids received for Interior Stair Renovations:

- Three bids received
- Awarding to RBuild, LLC

B. MUA Tax Sale:

- MUA has sent notice to us- conducting tax sale in September

C. Annual Loading Zone Renewals:

- Mayor and Council approved

D. Loading Zone Request- 6723-25 Polk Street:

- Mayor and Council approved

E. Loading Zone Request- 128-71st Street:

- Mayor and Council approved

F. Loading Zone Request- 6900 Park Avenue:

- Loading zone currently exist at 7000 Park Avenue

G. Annual Handicap Parking Space Renewals:

- Mayor and Council approved

H. Handicap Parking Space Request – 572-68th Street:

- Denied

I. Handicap Parking Space Request- 209-70th Street:

- Denied

J. St. Joseph of the Palisades – Feast of Corpus Christi Procession Request- June 2, 2024:

- Mayor and Council approved

Approval of Minutes:

- Regular meeting of April 24, 2024

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

Resolution:

RESOLUTION#88-2024 INTRODUCTION OF BUDGET CY 2024

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

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

RESOLUTION#92-2024

AUTHORIZING THE STATE OF NEW JERSEY DIVISION OF ALCOHOL BEVERAGE AND CONTROL TO CONSIDER THE RENEWAL OF LICENSE NO. 0903-33-020-008 TO JD HOSPITALITY LLC

WHEREAS, the JD Hospitality, LLC, License No. 0903-33-020-008, has applied for a renewal of their license; and

WHEREAS, Mayor Wayne Zitt, is an employee at JD Hospitality LLC and, therefore, holds an interest in the renewal of License No. 0903-33-020-008.

WHEREAS, when a member of an issuing authority holds an interest in a renewal license for any corporation, organization, or association, the license renewal must be considered by the Director of Alcohol Beverage Control (the “Director”); and

WHEREAS, Mayor Zitt is a member of the governing body of the Town of Guttenberg Alcohol Beverage Control (“ABC”) Board, which also acts as the ABC issuing authority, the subject license is a conflict license; and

WHEREAS, said renewal license application will be forwarded to the Director for consideration pursuant to N.J.S.A. 33:1-20 and N.J.A.C. 13:2-4.1; and

WHEREAS, pursuant to N.J.A.C. 13:2-4.6 the Town shall submit to the Director a certified copy of a resolution adopted by the Town wherein the premises sought to be licensed are situated, setting forth that the Town has no objection to the renewal of the license applied for and

consents thereto, and, furthermore, is not aware of any circumstances or provisions of law or local ordinance which would prohibit the renewal of the license; and

WHEREAS, the Council has no objection to the renewal of the license and is not aware of any circumstances or provisions of law or local ordinance which would prohibit the issuance, renewal or transfer of the license.

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Town of Guttenberg, County of Hudson, State of New Jersey, has no objection to the renewal of License No. 0903-33-020-008 and consents thereto, and furthermore, is not aware of any circumstances or provisions of law or local ordinance which would prohibit the renewal of the subject license; and

BE IT FURTHER RESOLVED that the Town Clerk is authorized to forward the application and fees to the Division of Alcoholic Beverage Control for consideration along with the Resolution.

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

Ordinance:

ORDIANNCE#09-24
INTRODUCTION

TOWN OF GUTTENBERG
2024 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Town Council of the Town of Guttenberg in the County of Hudson finds it advisable and necessary to increase its 2024 budget by up to 3.5% over the previous years final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Town Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$147,167.71 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Town Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Town Council of the Town of Guttenberg, in the County of Hudson, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2024 budget year, the final appropriations of the Town of Guttenberg shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$515,086.99, and that the 2024 municipal budget for the Town of Guttenberg be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Ordinance#09-24 Introduction Vote

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

Approval of consent agenda:

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

Resolutions:

RESOLUTION#89-2024

GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF
COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION'S

STATE OF NEW JERSEY
COUNTY OF HUDSON

We, members of the governing body of the Town of Guttenberg being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the Governing Body of the Town of Guttenberg in the County of Hudson;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance

on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);

3. We are familiar with the local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history;
4. We certify that the local unit’s hiring practices comply with the above-referenced enforcement guidance.

(L.S.)	(L.S.)
(L.S.)	(L.S.)
(L.S.)	(L.S.)
(L.S.)	(L.S.)
(L.S.)	(L.S.)

Sworn to and subscribed before me this
_____ day of _____
Notary Public of New Jersey

Dr. Cosmo A. Cirillo, Municipal Clerk

The Municipal Clerk (or Clerk of the Board of Commissioners as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be executed before a municipality or county can submit its approved budget to the Division of Local Government Services. The executed certificate and the adopted resolution must be kept on file and available for inspection.

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S
“Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964”**

FORM OF RESOLUTION

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Governing Body of the Town of Guttenberg, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON MAY 22, 2024.

Dr. Cosmo A. Cirillo, Municipal Clerk

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

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #90-2024

AUTHORIZING THE TOWN OF GUTTENBERG TO APPLY FOR \$39,270.00 FROM THE NEW JERSEY URBAN ENTERPRISE ZONE (UEZ) ASSISTANCE FUND FOR THE FISCAL YEAR 2024 FOR THE GUTTENBERG 2024 UEZ SUMMER EVENT SERIES

WHEREAS, the Town of Guttenberg has a financial allocation from the State of New Jersey for Fiscal Year 2024 that is earmarked, and must be used for, UEZ activities within the boundaries of the UEZs in the Town to help stimulate economic activity among the Town's existing small businesses, attract new businesses, and increase employment among residents of the Town;

WHEREAS, the New Jersey UEZ Authority has allocated the Town of Guttenberg \$238,233 for the State Fiscal Year 2024 to be used on all UEZ activities and such funds can only be used for such dedicated purposes and no other Town's expenses;

WHEREAS, the State UEZ Authority meets monthly to approve projects presented by UEZ municipalities, and once approved, the municipality is able to receive funds from the State Fiscal Year 2024 UEZ allocation to implement the project;

WHEREAS, the "Summer Event Series" will provide funds for Guttenberg's acquisition of services related to the UEZ project, the State UEZ Authority has supported and funded similar projects in many municipalities throughout the State;

WHEREAS, the Mayor and Council find that this project which would implement summer events on the streets within Guttenberg's UEZ ("Guttenberg's 2024 UEZ Summer Event Series") would improve the current business environment in Guttenberg and attract additional businesses to that area;

WHEREAS, should the Guttenberg 2024 UEZ Summer Event Series be approved by the State UEZ Authority, all the money to undertake and complete the project would come directly from the State and would have no impact on Guttenberg's budget; and

WHEREAS, should the Guttenberg 2024 UEZ Summer Event Series be approved and undertaken, this would still leave \$212,529 remaining in the State Fiscal Year allocation to be used on other projects.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF GUTTENBERG that the proper officers be and are authorized to submit an application to the New Jersey Urban Enterprise Zone Program for anticipated Zone Assistance Fund in the amount of thirty nine thousand two hundred seventy dollars (\$39,270) for the purpose of funding the Guttenberg 2024 UEZ Summer Event Series, in accordance with all pertinent terms, conditions, and requirements which may be established for such an application

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

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #91-2024

AUTHORIZE HIRE OF LUIS REYNOSO ORTEGA AS FULL-TIME DEPARTMENT OF
PUBLIC WORKS EMPLOYEE FOR THE TOWN OF GUTTENBERG

WHEREAS, there is a need in the Town of Guttenberg ("Town") for full-time Department of Public Works ("DPW") employee for the Town; and

WHEREAS, Luis Reynoso Ortega currently is employed by the Town as a part-time DPW employee, # 0549-00-2611-00-00709

WHEREAS, Luis Reynoso Ortega is able to serve as full-time DPW employee and meets all the requirements for the position; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Luis Reynoso Ortega is hereby hired as a full-time DPW employee with the Town of Guttenberg; and

BE IT FURTHER RESOLVED, said hire shall be effective as of May 1, 2024. 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 – Streets & Roads Salary & Wages 01-2010-26-2901-001.

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

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION#92-2024

AUTHORIZING THE STATE OF NEW JERSEY DIVISION OF ALCOHOL BEVERAGE
AND CONTROL TO CONSIDER THE RENEWAL OF LICENSE NO. 0903-33-020-008 TO
JD HOSPITALITY LLC

WHEREAS, the JD Hospitality, LLC, License No. 0903-33-020-008, has applied for a renewal of their license; and

WHEREAS, Mayor Wayne Zitt, is an employee at JD Hospitality LLC and, therefore, holds an interest in the renewal of License No. 0903-33-020-008.

WHEREAS, when a member of an issuing authority holds an interest in a renewal license for any corporation, organization, or association, the license renewal must be considered by the Director of Alcohol Beverage Control (the “Director”); and

WHEREAS, Mayor Zitt is a member of the governing body of the Town of Guttenberg Alcohol Beverage Control (“ABC”) Board, which also acts as the ABC issuing authority, the subject license is a conflict license; and

WHEREAS, said renewal license application will be forwarded to the Director for consideration pursuant to N.J.S.A. 33:1-20 and N.J.A.C. 13:2-4.1; and

WHEREAS, pursuant to N.J.A.C. 13:2-4.6 the Town shall submit to the Director a certified copy of a resolution adopted by the Town wherein the premises sought to be licensed are situated, setting forth that the Town has no objection to the renewal of the license applied for and consents thereto, and, furthermore, is not aware of any circumstances or provisions of law or local ordinance which would prohibit the renewal of the license; and

WHEREAS, the Council has no objection to the renewal of the license and is not aware of any circumstances or provisions of law or local ordinance which would prohibit the issuance, renewal or transfer of the license.

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Town of Guttenberg, County of Hudson, State of New Jersey, has no objection to the renewal of License

No. 0903-33-020-008 and consents thereto, and furthermore, is not aware of any circumstances or provisions of law or local ordinance which would prohibit the renewal of the subject license; and

BE IT FURTHER RESOLVED that the Town Clerk is authorized to forward the application and fees to the Division of Alcoholic Beverage Control for consideration along with the Resolution.

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

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #93-2024
AUTHORIZING REIMBURSEMENT OF TAXES FOR DISABLED VETERAN ACCOUNT

WHEREAS, Resolution #83-2024 designated Block 43, Lot 27 located at 7000 Boulevard East, Unit 27D as a tax-exempt property for the property owner, Vernon C. Douglas (the "Owner"), who is a 100% permanently disabled veteran pursuant to N.J.S.A. 54:4-3.30; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.31, upon review and approval of the required documentation by the municipal tax assessor, the assessor shall allow said exemption from taxation for the tax year in which the claim was filed; and

WHEREAS, pursuant to N.J.S.A. 54:4-3.32, the governing body of each municipality, by appropriate resolution, may return all taxes collected on property from prior years which would have been exempt had proper claim been timely made in writing; and

WHEREAS, the Owner paid property taxes in the amounts of \$6,412.18 for 2022, \$8,859.31 for 2023, and \$2,215.00 in 2024 for a total reimbursable amount of \$17,486.49; and

WHEREAS, the Mayor and Town Council for the Town of Guttenberg, Hudson County, State of New Jersey, desire to reimburse the Owner for said property taxes.

NOW THEREFORE BE IT RESOLVED that the Mayor and Town Council for the Town of Guttenberg, Hudson County, State of New Jersey, authorize reimbursing the Owner of said tax-exempt property in the amount of \$17,486.49.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that the reimbursements for the years 2022 and 2023 are available through Prior Year Taxes – 01-2010-25-1022-001 and funds for 2024 are available through Current Year Taxes – 01-2010-25-3100-001.

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

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #94-2024

AUTHORIZING PAYMENT TO J. FLETCHER & SONS, INC. FOR SEWER REPAIR AND BYPASS SERVICES ALONG FERRY ROAD AND RIVER ROAD

WHEREAS, the Town of Guttenberg (the “Town”) required sewer repair and bypass services along Ferry Road and River Road; and

WHEREAS, J. Fletcher & Sons, Inc., located at 101 East Broadway, Hackensack, NJ 07601, performed the required sewer repair and bypass services along Ferry Road and River Road, for a total in the amount of \$50,691.81; and

WHEREAS, the Town seeks to authorize payment of Invoice #2023150-38 in the amount of \$50,691.81 to J. Fletcher & Sons, Inc. for the sewer repair and bypass services along Ferry Road and River Road in the Town.

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 to J. Fletcher & Sons, Inc., located at 101 East Broadway, Hackensack, NJ 07601, performed the required sewer repair and bypass services along Ferry Road and River Road, for a total in the amount of \$50,691.81, Invoice #2023150-38, for the required sewer repair and bypass services along Ferry Road and River Road.

BE IT FURTHER RESOLVED that the Town Clerk shall be authorized to take any steps necessary to authorize this payment to J. Fletcher & Sons, Inc. and to further effectuate the purposes as set forth herein.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available through Current Fund – 01-1940-00-0000-001.

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

Ordinances:

ORDINANCE #06-24

ADOPTION

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
AN ORDINANCE AMENDING CHAPTER 11 "BUILDING AND HOUSING", SECTION 1.3
“FEES” OF THE TOWN OF GUTTENBERG

WHEREAS, the Mayor and Town Council have determined that it is in the best interests of the Town of Guttenberg (“the Town”) that the fees charged by the Building Department & Code Enforcement be comprehensively updated and amended.

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

SECTION ONE

Chapter 11, Section 1.3 of the Code shall be amended to read as follows:

A. The fee for a construction permit shall be the sum of the subcode fees listed in Subsections 1 through 7 hereto and shall be paid before the permit is issued. All fees required for plan review and the issuance of any permit or certificate shall be collected prior to the review or the issuance of the permit or certificate. Fees shall be computed in accordance with the requirements and standards set forth in the State Uniform Construction Code and in accordance with the following fee schedule, a copy of which shall be posted in the Central Permit Office.

1. The building subcode fee shall be:

- (a) For new construction, \$0.035 per cubic foot of building or structure volume; provided that the minimum fee shall be \$70.
- (b) For renovations, alterations and repairs, \$25 per \$1,000 of estimated cost of the work; provided that the minimum fee shall be \$70.
- (c) For additions, \$0.035 per cubic foot of building or structure volume for the added portion; provided that the minimum fee shall be \$70.
- (d) For combinations of renovations and additions, the sum of the fees computed separately as renovations and additions.
- (e) The fee for asbestos abatement shall be a flat fee of \$150.
- (f) The fee for lead hazard shall be a flat fee of \$140.
- (g) The fee for a permit demolition shall be as follows: 1 & 2 family residential \$300; Garage/Accessory \$100; Multi Family 3+ residential \$400 and *(each unit over 3 add \$50.00 per Unit)*; Commercial property up to 1,000 sq. ft. \$500 *(\$50.00 for each additional 1,000 sq. ft.)*.
- (h) The fee for a removal of one building from one lot to another or another location on the same lot shall be \$25 per \$1,000 of the estimated cost of a new foundation and all work necessary to place the building in its completed condition in the new location, The minimum fee shall be \$150.
- (i) The permit fee to construct a sign shall be \$5 per square foot of the surface area of the sign, provided the minimum fee shall be \$70. In the case of double-faced signs, the area of the surface of only one side of the sign shall be used for purposes of the fee computation.

2. The plumbing subcode fee shall be as follows:

- (a) Total number of fixtures and stacks \$35 each. This shall include but not limited to all sinks, urinals, water closets, bathtubs, shower stalls, laundry tubs, drinking fountains, dishwashers, garbage disposals.
- (b) Clothes washers: \$50.
- (c) Water heater up to 75 gallons: \$50.
- (d) Catch basin (each): \$65.
- (e) Manhole (each): \$65.
- (f) Indirect connection (each): \$15.
- (g) Water heater 75 gallons and above: \$100.
- (h) Tankless heaters: \$100.
- (i) Gas piping (per appliance/Unit): \$50.
- (j) LP gas tank: \$100.

- (k) Steam boiler residential up to 3 families: \$100.
- (l) Steam boiler over 3 families and commercial: \$200.
- (m) Hot water boiler up to 200k BTU: \$100.
- (n) Hot water boiler over 200k BTU: \$200.
- (o) Boiler back flow preventer: \$50.
- (p) Sewer ejection pump: \$100.
- (q) Sump pump: \$150.
- (r) Interceptor/Separator: \$75.
- (s) Backflow preventer (RPZ and Double Check) up to one inch \$100; over one inch \$150.
- (t) Grease trap: \$100.
- (u) Chimney liners: \$75.
- (v) House drain backwater valve: \$50.
- (w) Sewer connection four inch: \$100.
- (x) Sewer connection over four inch: \$150.
- (y) Furnaces: \$75.
- (z) Backflow preventer annual test fee: \$68.
- (aa) Lawn sprinkler backflow/vacuum breaker: \$82.
- (bb) Manifold water distribution: \$100.

3. The electrical subcode fees shall be as follows:

- (a) For the first block consisting of one to 50 receptacles, fixtures or devices, the fee shall be \$75; for each additional block consisting of up to 25 receptacles, fixtures or devices the fee shall be \$30. For the purpose of computing this fee, receptacles sensors, dimmers, alarm devices, smoke and heat detectors, communications outlets, light-standards eight feet or less in height including luminaries, emergency lights, electric signs, exit lights or similar electric fixtures and devices rated 20 amperes or less including motors or equipment rated less than one horsepower (hp) or one kilowatt (kW).
- (b) For each motor or electrical device rated from one hp or one kW to 10 hp or 10 kW; for each transformer or generator rated from one kW or one kva to 10 kW or 10 kva; the fee shall be \$65.
- (c) For each motor or electrical device rated from greater than 10 hp or 10 kW to 50 hp; for each transformer, generator motor or electrical device rated from greater than 10 kW or 10 kva to 45 kW or kva; and for each utility load management device, the fee shall be \$65.
- (d) For each motor, transformer, generator or electrical device rated from greater than 50 hp up to 100 hp or 45kW to 112.5 kW; the fee shall be \$100.
- (e) For each motor, transformer, generator or any electrical device rated greater than 100 hp or 112.5 kW or 112.5 kva the fee shall be \$576.
- (f) For each service equipment, panel board, switch board, switch gear, motor control center or disconnecting means rated up to 200 amperes the fee shall be \$150.
- (g) For each service equipment, panel board, switch gear, motor control center or disconnecting means rated greater than 200 amperes up to 300 amperes the fee shall be \$200.
- (h) For each service equipment, panel board, switch board, switch gear, motor-control-center or disconnecting means rated greater than 300 amperes up to 400 amperes, the fee shall be \$300.

- (i) For each service equipment, panel board, switch board, switch gear, motor-control-center or disconnecting means rated greater than 400 amperes up to 600 amperes, the fee shall be \$400.
 - (j) For each service equipment, panel board, switch board, switch gear, motor-control-center or disconnecting means rated greater than 600, the fee shall be an additional \$50 for each \$100 amperes or part thereof.
 - (k) For installations consisting of multi-meter stacks, the fee shall be based on the ampere rating of the main bus and not upon the number of meters or rating of disconnects on the meter stack. Individual load side panel boards shall be charged in accordance with Chapter [11](#), Subsection 11-1.3a,3(f),(g),(h). There shall be no additional fee charged for the concurrent installation of individual feeder conductors.
 - (l) For photovoltaic systems, the fee shall be based on the designated kilowatt rating of the solar photovoltaic system as follows:
 - (1) 1 to 50 KW, the fee shall be \$100.
 - (2) 51 to 100 KW, the fee shall be \$250.
 - (3) 101 to 999 KW, the fee shall be \$750.
 - (4) Greater than 999 KW, the fee shall be \$1,000.
 - (m) The fee for a permit to construct a permanent private swimming pool shall be \$126 for each above-ground pool and \$189 for each in-ground pool. The fee for commercial swimming pools is to be calculated using the alteration construction rates as provided in Chapter 11, Subsection 11-1.3a,1,(b).
 - (n) The fee for annual pool inspection shall be \$100.
 - (o) The minimum fee for any electrical work shall be \$65.
4. Fire protection subcode fees.
- (1) 1 to 25 \$125.
 - (2) 26 to 75 \$200.
 - (3) 76 to 100 \$300.
 - (4) Over 100 each additional 50 heads or portion there of add \$150.
-
- (a) Each stand pipe installed up to 6 inches \$350.
 - (b) Each stand pipe installed over 6 inches \$450.
 - (c) First riser \$300.
 - (d) Each additional riser \$175.
 - (e) Each independent pre-engineered system (Wet Chemical, Dry Chemical, CO2, Foam, FM200) \$250.
 - (f) Each gas or oil fired appliance which is not connected to a plumbing system \$75.
 - (g) Each kitchen exhaust system \$150.
 - (h) Each control smoke system \$350.
 - (i) The fee for 1 to 25 alarm, supervisory or signaling devices shall be \$50; for each 50 devices in addition to this the fee shall be \$100.
 - (j) Flammable/Combustible liquid storage tank up to 500 gallons \$65.
 - (k) Flammable/Combustible liquid storage tank 501 to 1,000 gallons \$100.
 - (l) Flammable/Combustible liquid storage tank 1,001 to 2,500 gallons \$200.
 - (m) Flammable/Combustible liquid storage tank 2,501 to 5,000 gallons \$250.
 - (n) Flammable/Combustible liquid storage tank 5,001 to 7,500 gallons \$350.
 - (o) Flammable/Combustible liquid storage tank up over 7,501 gallons \$500.
 - (p) Hazardous material stationary tank/pressure vessel \$175 each/any size.
 - (q) Fuel dispenser (liquid, gaseous, or alternative fuel) per nozzle or vehicle connection \$75.
 - (r) The minimum fee for any fire protection application shall be \$70.

5. The fee for plan review shall be 20% of the amount to be charged before the plans are reviewed. The amount paid for this fee shall be credited toward the amount of the fee to be charged for the construction permit.
Pursuant to N.J.A.C. 5:23-2.27 in case of a discontinuance of a building project, plan review fees are not refundable.
6. Certificate of occupancy fees.
 - (a) The fee for a certificate of occupancy for new commercial construction shall be \$200 except for one- and two-family residences when the fee shall be \$100 per unit. There shall be no fee for a temporary certificate of occupancy except that a renewal of a temporary certificate of occupancy shall be \$150.
 - (b) The fee for a certificate of occupancy granted to change of use for residential use groups shall be \$100 per unit and for any commercial use group the fee shall be \$200.
 - (c) The fee for a continued certificate of occupancy inspection, the use group fees, shall be as follows:
 - (1) Townhouse/condominium/one-family: \$100.
 - (2) Two-family house: \$125.
 - (3) Three-family house: \$145.
 - (4) Four-family house: \$160.
 - (5) Five-family house: \$170.
 - (6) Commercial use: \$200.
 - (7) Industrial use: \$250.
 - (8) All properties which contain more than five units shall pay \$170, along with an additional \$10 for each additional unit over the fifth unit.
 - (9) Expedited certificate of continued certificate of occupancy inspection fee (inspection completed within three business days) is \$50, along with the fee referenced above.
 - (10) 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 for each re-inspection conducted.
 - (d) The fee for a continued certificate of occupancy shall be \$100 for any type of Use Group.
 - (e) The fee for a certificate of clearance for lead hazard shall be \$28.
 - (f) The fee for zoning determination shall be \$50 per determination.
7. All fee totals contained herein shall be rounded off to the nearest dollar.
8. The fee for a certificate of occupancy covering new construction shall be 10% of the construction permit fee.
9. The fee for a permit for installation of an elevator shall be \$100.
10. The fee for inspection of an elevator shall be as follows:
 - (a) Fees for witnessing acceptance tests and performing inspections on new, and altered elevator devices are as follows:
 - (1) The basic fees for elevator devices in structures not in use group R-3 or R-4, or in an exempted R-2 structure, shall be:

Traction and winding drum elevators:

1 to 10 floors	\$440
Over 10 floors	\$638
Hydraulic elevators	\$340
Roped hydraulic elevators	\$383
Escalators, moving walks	\$685
Dumbwaiters	\$182
Stairway chair lifts, inclined and vertical wheelchair lifts and manlifts	\$206

(2) Additional charges with the following features:

Oil buffers (each)	\$68
Counterweight governor and safeties	\$170
Auxiliary power generator, other	\$129

(b) Fees as follows for a six month routine inspection:

Traction and winding drum elevators:	
1 to 10 floors	\$151
Over 10 floors	\$250
Hydraulic elevators	\$238
Roped hydraulic elevators	\$238
Escalators, moving walks	\$238

(c) The fee for the one-year periodic inspection and witnessing of tests, which shall include a six-month inspection:

Traction and winding drum elevators:	
1 to 10 floors	\$400
Over 10 floors	\$450
Hydraulic elevators	\$350
Roped hydraulic elevators	\$375
Escalators, moving walks	\$685
Dumbwaiters	\$182
Manlifts, stairway chair lifts, inclined and vertical wheelchair lifts	\$206
Additional yearly periodic inspection charges for elevator devices equipped with the following features:	
Oil buffers (each)	\$68
Counterweight governor and safeties	\$170

Auxiliary power generator	\$129
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(d) The fee for the three- or five-year inspections:

Traction and winding drum elevators:	
1 to 10 floors (5-year inspection)	\$578
Over 10 floors (5-year inspection)	\$726
Hydraulic and roped hydraulic elevators:	
3-year inspection	\$450
5-year inspection	\$550

11. An application shall be filled out for placement of a construction debris container. Container shall mean and include dumpsters, receptacles or bins. All applications shall be approved by the Director of Public Safety or his designee. A \$75 fee will be charged for each container. The permit shall be for three days.

b. The Construction Official shall, with the advice of the subcode officials, prepare and submit to the Board of Council, biannually, a report recommending a fee schedule based on the operating expenses of the agency, and any other expenses of the municipality fairly attributable to the enforcement of the State Uniform Construction Code Act.

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, which shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any portion thereof.

SECTION THREE

Repealer. All Ordinances or portions 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 portions of ordinances now existing or in effect shall remain in effect unless the they are in conflict or inconsistent with any provision of this Ordinance.

SECTION FOUR

Codification. This ordinance shall be part of the Code as though codified and fully set forth therein. The Town Clerk shall have this ordinance incorporated in the official copies of the Code. The Town Clerk and the Town Attorney be and are hereby authorized and directed to change any heading, chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those headings and numbers and existing provisions of the Code of the Town of Guttenberg and to also codify any fee set forth in this

Ordinance in such section of the Code, other than Chapter 11, Sections 1.3 of the Code, where such fee may currently be codified in the existing provisions of the Code, as may be deemed appropriate.

SECTION FIVE

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

SUMMARY OF ORDINANCE

This Ordinance establishes the Building Department & Code Enforcement fee schedule for the Town.

Ordinance#06-24 Adoption Vote

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

NO PUBLIC COMMENTS

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

ORDINANCE #07-24 **ADOPTION**

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
AN ORDINANCE AMENDING CHAPTER 13, SECTION 8, TO ESTABLISH ADDITIONAL
ACCOUNTAIBILITY REQUIREMENTS FOR OWNERS OF VACANT LOTS

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal, and enforce ordinances not contrary to the laws of this State or of the United States, as it may deem necessary and proper for order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the Town of Guttenberg is a municipality as defined by Title 40 of the New Jersey Statutes; and

WHEREAS, the Town of Guttenberg contains many vacant lots; and

WHEREAS, often the owners of these vacant lots are neglectful of them, fail to maintain or secure them to an adequate standard, or plan to return to productive use; and

WHEREAS, it is the purpose of the Mayor and Council of the Town of Guttenberg to address the deterioration, crime and decline in the value of Town neighborhoods; and

WHEREAS, the citizens of Guttenberg must bear the effects and costs associated therefrom; and

WHEREAS, under Ordinance No. 08-2022 the Town of Guttenberg requires owners of vacant properties to register said lots as a mechanism to protect neighborhoods from the negative impact and conditions that occur as a result of vacancy, lack of adequate maintenance and security to identify a contact person for each property responsible for this protection; and

WHEREAS, it is in the public's best interest that the Town of Guttenberg establish additional accountability requirements on the owners or other responsible parties of vacant lots in order to protect the health, welfare and safety of the community; and

WHEREAS, the Town of Guttenberg has determined that Chapter 13 of the Town of Guttenberg Municipal Code of Ordinances must be amended to include additional accountability requirements for vacant lots.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Guttenberg do hereby amend Chapter 13 to include vacant lot sign requirements as follows:

§ 13-8.6 Inspection and Registration of Real Property That Is Not Subject to a Mortgage in Foreclosure.

- a. Any owner of vacant property located within the Town shall within 10 days after the property becomes vacant, register the real property with the Town registry.
- b. Initial registration pursuant to this section shall contain at a minimum the name of the owner, the mailing address of the owner, e-mail address, and telephone number of the owner, and if applicable, the name and telephone number of the property manager and said person's address, e-mail address, and telephone number.
- c. Any owner of vacant property located within the Town shall within 10 days after the property becomes vacant, conspicuously post a sign affixed to the property providing the name, address, and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to this Chapter) and the person responsible for the day-to-day supervision and management of the property, if such person is different from the owner or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 18'' x 24''. The sign shall also be weatherproofed or constructed on weatherproof material such as corrugated plastic.
- d. At the time of initial registration each registrant shall pay a non-refundable semi-annual registration fee of \$500 for each vacant property. Subsequent non-refundable semi-annual renewal registrations of vacant properties and fees in the amount of \$500 are due within 10 days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to vacant properties, and (3) for any related purposes as may be adopted in the policy set forth in this section. Said fees shall be deposited to a special account in the

Town's department dedicated to the cost of implementation and enforcement of this section and fulfilling the purpose and intent of this section.

- e. If the property is sold or transferred, the new owner is subject to all the terms of this section. Within 10 days of the transfer, the new owner shall register the vacant property or update the existing registration. The previous owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that owner's involvement with the vacant property.
- f. If the vacant property is not registered, or either the registration fee or the annual registration fee is not paid within 30 days of when the registration or annual registration is required pursuant to this section, a late fee shall be equivalent to 10% of the semi-annual registration fee shall be charged for every 30 day period, or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent owners of the vacant property.
- g. Properties subject to this section shall remain subject to the semi-annual registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is vacant.
- h. Failure of the owner to properly register or to modify the registration to reflect a change of circumstances or to post a sign as required by this ordinance is a violation of this section and shall be subject to enforcement by any of the enforcement means available to the Town, including issuing a penalty stated in Chapter 1, § 1-5 for each offense.
- i. If any property is in violation of this section, the Town may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.
- j. Properties registered as a result of this section are not required to be registered again pursuant to the foreclosure mortgage property section.

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

In order to avoid accidental repeal of existing provisions, the Town Clerk and Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

SECTION FIVE

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

SUMMARY OF ORDINANCE

This Ordinance amends Chapter 13, Section 8.6 entitled “Inspection and Registration of Real Property That Is Not Subject to a Mortgage in Foreclosure” to provide additional accountability requirements for owners of vacant lots.

Ordinance#07-24 Adoption Vote

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

NO PUBLIC COMMENTS

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

ORDINANCE#08-24 **ADOPTION**

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
AMENDING CHAPTER 13-10 ENTITLED
“MAINTENANCE OF TREES ON SIDEWALKS”

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal and enforce ordinances not contrary to the laws of this State or of the United States, as it may deem necessary and proper for order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the Town of Guttenberg, County of Hudson, State of New Jersey (the “Town”) is a municipality as defined by Title 40 of the New Jersey Statutes; and

WHEREAS, the Town is committed to the preservation and maintenance of healthy trees throughout the community and to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

NOW THEREFORE, BE IT ORDAINED that the Mayor and the Town Council of the Town of Guttenberg do hereby authorize § 13-10 of the Code to be amended to read as follows:

SECTION ONE

Title:

MAINTENANCE, REMOVAL, AND REPLACEMENT OF TREES ON PROPERTY AND SIDEWALKS

Purpose:

An ordinance for the preservation and maintenance of healthy trees throughout the community and to establish requirements for tree removal and replacement in the Town of Guttenberg to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

SECTION TWO:

Definitions:

A. "Hazard Tree" means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.

1. Has an infectious disease or insect infestation;
2. Is dead or dying;
3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).

B. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.

C. "Tree" means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

D. "Tree removal" means to uproot, kill or to cause irreparable damage that leads to the absence, decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

SECTION THREE:

Replacement of Trees:

Replacement tree(s) shall:

1. Be an Eastern Redbud tree;
2. Be planted within sixty (60) days of the date of removal of the original tree(s) or at an alternative date specified by the municipality;

3. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
4. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

SECTION FOUR:

Violations and Penalties. If any person does not replace a removed or hazard tree as mandated by this Ordinance within 60 days of receipt of the tree removal permit noted above, such person shall pay a fee of \$850.00 to the Town of Guttenberg.

SECTION FIVE:

Severability. If any term or provision of this Ordinance is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, in whole or in part, such determination shall not affect the validity of the remaining terms and provisions of this Ordinance.

SECTION SIX:

Repealer. To the extent that any provision of the Code of the Town of Guttenberg is found to conflict with this Ordinance, in whole or in part, this Ordinance shall control.

SECTION SEVEN:

In order to avoid accidental repeal of existing provisions, the Town Clerk is hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

SECTION EIGHT:

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

Ordinance#08-24 Adoption Vote

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

NO PUBLIC COMMENTS

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

ORDINANCE #10-24

INTRODUCTION

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, 7am-9am & 4pm-7pm
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 70th Street) of 70th 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
Master Auto Service Center	In front 431 70th Street, Guttenberg, New Jersey 431 70th 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 69th Street) of 69th 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 of 6900 Bergenline Avenue, and run a distance of 41 feet.	7:00 am to 5:00pm, Monday through Saturday

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#10-24 Introduction Vote

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

ORDINANCE #11-24 **INTRODUCTION**

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>
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
Joseph	Miller	420-68th St.	HH1475

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#11-24 Introduction Vote

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

Bill List #1 (May):

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

Bill List#2:

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

Bill List#3:

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

Bill List#4:

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

Bill List#5:

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

New Business:

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #95-2024
AUTHORIZING THE APPLICATION FOR THE IMPROVEMENTS OF
ALL ACCESS PARK VERTICAL EXPANSION

WHEREAS, the Hudson County Open Space, Recreation, and Historic Preservation Trust Fund (“County Trust Fund”), provides matching grants to municipal governments and to nonprofit organizations who are sponsored by their local municipality for assistance in the development or redevelopment of park improvements; and,

WHEREAS, the Town of Guttenberg desires to further the public interest by obtaining a matching grant of \$500,000 from the County Trust Fund to fund the following project: All Access Park Extension Project; and,

WHEREAS, the governing body/board has reviewed the County Trust Fund Program Statement, and the Trust Fund Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, the County of Hudson shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Hudson for the above named project and ensure its completion on or about the project contract expiration date.

NOW, THEREFORE, BE IT RESOLVED by the Town of Guttenberg:

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of June 12, 2024 as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Town of Guttenberg has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That the Town of Guttenberg is committed to providing a match for the project in the amount of \$183,374.00; and,
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
5. That the Town of Guttenberg agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
6. That this resolution shall take effect immediately.

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

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #96-2024

AUTHORIZE HIRES OF MUSTAFA AKTAS AND ADRIAN SIBRI AS A
PROBATIONARY PART-TIME CLASS I SPECIAL LAW ENFORCEMENT OFFICER FOR
THE TOWN OF GUTTENBERG

WHEREAS, Mustafa M. Aktas graduated from the Police Academy as a Class I Special Law Enforcement Officer (“SLEO”) and is currently certified as an SLEO I; and

WHEREAS, Adrian Sibri is not certified and will begin SLEO I Police Academy in Monmouth County from June 3, 2024, to June 14, 2024; and

WHEREAS, Class I SLEO Mustafa M. Aktas and Adrian Sibri are deemed fit to perform the duties of a Class I SLEO under the New Jersey Police Training Commission, N.J.S.A. 40A:14-146.8 to 40A:14-146.11 et seq.; and

WHEREAS, it is upon the recommendation of the Guttenberg Deputy Police Chief that Class I SLEO Mustafa M. Aktas and Adrian Sibri be hired as a Probationary Part Time Class I Special Law Enforcement Officer for the Town of Guttenberg Police Department;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Mustafa M. Aktas and Adrian Sibri are hereby hired as a Probationary Part-Time Class I SLEOs in the Town of Guttenberg Police Department. The salaries shall be set forth by the Salary Ordinance of the Town of Guttenberg; and

BE IT FURTHER RESOLVED that Mustafa M. Aktas’ appointment shall be effective as of May 27, 2024; and

BE IT FURTHER RESOLVED that Adrian Sibri’s appointment shall be effective as of June 3, 2024, upon commencement of his training for SLEO I Police Academy in Monmouth County on June 3, 2024; and

BE IT FURTHER RESOLVED that Mustafa M. Aktas shall be on a probationary period for a period of ninety (90) days, wherein he may be dismissed from said position without cause, expiring on August 25, 2024; and

BE IT FURTHER RESOLVED that Adrian Sibri shall be on a probationary period for a period of ninety (90) days, wherein he may be dismissed from said position without cause, expiring on September 1, 2024; and

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that the funds are available for this appropriation from Current Fund-Police-Salary and Wages.

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

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION#97-2024

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

Public Portion:

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

NO COMMENTS

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

Adjournment:

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

Meeting was adjourned at 4:50 P.M.

Respectfully Submitted,

Dr. Cosmo A. Cirillo, RMC
Town Clerk