MINUTES

Regular meeting of the Mayor and Council of the
Town of Guttenberg at Town Hall, 6808 Park Avenue, Guttenberg, New Jersey
on Wednesday, October 23, 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 October 23, 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.

Items for Discussion:

A. Finance Update:
- Hiram Gonzalez and John Distefano provided update

B. Capital Improvement Updates:
- Mayor and Council were updated on projects

C. Monthly Engineering Report:
- Mayor and Council were provided with report

D. Millennium-September Monthly Activity Report:
- Mayor and Council were provided with report

E. Support of Hoboken University Medical Center:
- Mayor and Council were provided with resolution request from other municipalities

F. Bids received for 69th Street Improvement Project:
- Resolution awarding contract on today's agenda

G. Bids received for Polk Street & 68th Street Traffic Signal Upgrades:
- Resolution awarding contract on today's agenda

H. 2025 UEZ Allocation:
- Hiram Gonzalez provided update

I. Best Practices Submission:
- John Distefano provided update

J. Handicap Parking Space Request-324 69th Street:
- Mayor and Council Denied

K. Handicap Parking Space Request – 85 68th Street:
- Mayor and Council Denied

L. Municipal Housing Liaison:
- Town Attorney to draft an Ordinance for introduction on November meeting

M. November Council Meeting:
- Meeting date being changed to November 13, 2024
- Mayor and Council approved

Approval of Minutes:

- Regular Meeting of September 23, 2024

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

Approval of consent agenda Resolution #161-2024 through #184-2024 (Councilwoman Fundora abstained to Resolution#176-2024:

A motion was made by Councilperson Hokien seconded by Councilperson Delafuente 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 #161-2024
AUTHORIZING THE TOWN OF GUTTENBERG TO SEEK FAIR AND OPEN PROCESS IN COMPLIANCE WITH THE PAY TO PLAY STATUTES FOR THE RECEIPT OF QUALIFICATIONS FOR VARIOUS SERVICES RETURNABLE ON NOVEMBER 14, 2024 AT 10:00 AM

**WHEREAS,** N.J.S.A. 19:44A-20.4 et seq. mandates a municipality to comply with Pay to Play requirements; and

**WHEREAS,** the Mayor and Council of the Town of Guttenberg ("Town") wish to receive and consider qualifications for services as may be needed by the Town, including but not limited to legal/professional services as follows:

Architects
Auditors
Auto and Truck Towing Services
Court Interpreter
Computer Software
Computer Support
Employee Payroll Service
Financial Consultant Advisor
Grant Consultant
Insurance Risk Manager Property and Casualty
Joint Planning and Zoning Board Engineer
Landscaping Services –Park
Municipal Planner
Municipal Court Debt Collection
New Jersey Licensed Real Estate Appraiser
Joint Planning Board Attorney
Prosecutor Alternate
Public Defender Alternate
Rent Control Attorney
Risk Manager Health Insurance
Snow Removal Services
Special Counsel “General”
Special Counsel for Bond Matters/Bond Litigation
Special Counsel for Employment Matters/Litigation
Special Counsel for Tax Matters and Litigation
Special Counsel for Joint Zoning and Planning Matters/Zoning/Planning Litigation
Town Attorney
Town Engineers
Website Content & Media Services
Town Attorney

Snow Removal Services
Website Content & Media Services

**WHEREAS,** the Town has previously committed itself to utilizing a Fair and Open Process for the solicitation and review of proposals and qualifications for legal/professional and/or extraordinary unspecifiable services.

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

1. The aforesaid recitals are incorporated herein as though fully set forth at length;

2. The Town Clerk is authorized and directed to publish and advertise a Request for Qualifications for the various legal/professional services as may be needed by the Town, for each separate board or entity requiring separate legal/professional services, including but not limited to:

3. Such Request for Qualifications (s) shall be published and advertised in accordance with a Fair and Open Process at least ten (10) days in advance, of the opening of the responses to the Requests for Qualifications received such opening to take place on or before the next regularly scheduled meeting of the Mayor and Council, on or before which time all Statements of Qualifications must be submitted by interested parties, for consideration by the Review Committee herein established; and

4. The Procurement Committee, and Town Attorney all in an advisory capacity, will review all Statements of Qualifications and to make recommendations to the Mayor and Council of the Town of Guttenberg prior to its next regularly scheduled meeting.

TOWN OF GUTTENBERG, COUNTY OF HUDSON
RESOLUTION#162-2024

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

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

**WHEREAS,** the Town of Guttenberg wishes to amend its 2024 Budget to include an amount as revenue,

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the Town of Guttenberg hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2023 in the sum of……$39,910.50 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
Public and Private Revenues Off-Set with Appropriations:

2024 Summer Food Program

**BE IT FURTHER RESOLVED** that a like sum of……$39,910.50 be and the same is hereby made under the caption of:

General Appropriations
(a) Operations Excluded from "CAPS"
Public and Private Programs Off-Set by Revenue:

2024 Summer Food Program

**BE IT FURTHER RESOLVED**, that the Town Clerk forward two copies of this resolution to the Director of Local Government Services.

Adopted this 23rd__ day of October, 2024, and certified as a true copy of an original.

Trenton, New Jersey

Approved _____, 2024
Director, Division of Local Government Services

TOWN OF GUTTENBERG, COUNTY OF HUDSON
RESOLUTION#163-2024

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

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

**WHEREAS,** the Town of Guttenberg wishes to amend its 2024 Budget to include an amount as revenue,

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the Town of Guttenberg hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2024 in the sum of……$ 3,467.78 which is now available as a revenue from:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
Public and Private Revenues Off-Set with Appropriations:

FY2024 Patrick Leahy Bulletproof Vest Partnership

**BE IT FURTHER RESOLVED** that a like sum of……$ 3,467.78 be and the same is hereby made under the caption of:

General Appropriations
(a) Operations Excluded from "CAPS"
Public and Private Programs Off-Set by Revenue:

FY2024 Patrick Leahy Bulletproof Vest Partnership

**BE IT FURTHER RESOLVED**, that the Town Clerk forward two copies of this resolution to the Director of Local Government Services.

Adopted this 23rd__ day of October 2024, and certified as a true copy of an original.

Trenton, New Jersey

Approved _____, 2024
Director, Division of Local Government Services

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #164-2024
AUTHORIZING RENEWAL OF CERTAIN MOBILE FOOD VENDORS AND FOOD HANDLERS' LICENSES

PURSUANT TO THE PROVISIONS OF AN ORDINANCE ENTITLED:

"AN ORDINANCE REGULATING MOBILE FOOD VENDORS AND FOOD HANDLERS PROVIDING PENALTIES FOR THE VIOLATION THEREOF IN THE TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY"

**WHEREAS**, the following Vendors have submitted applications to the Town of Guttenberg to renew their Mobile Food Vendor and Food Handlers licenses:

1. Danny Jimenez (D's Hot Dogs & Kabobs)
2. Danny Jimenez (D's Crepes & Dogs)
3. Edwin Monreal, Roasted Nuts
4. Kharly Ice Cream

**WHEREAS**, the foregoing Vendors has submitted all required applications, certifications and paid all applicable fees associated with the renewal of their licenses by the Town of Guttenberg.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, hereby authorize a renewal of the Mobile Vendor License for each of the following vendors for the 2024-2025 term:

1. Danny Jimenez (D's Hot Dogs & Kabobs)
2. Danny Jimenez (D's Crepes & Dogs)
3. Edwin Monreal, Roasted Nuts
4. Kharly Ice Cream

**BE IT FURTHER RESOLVED**, that these Vendors agree to abide by the provisions of the Town of Guttenberg Municipal Code of Ordinances and the Rules and Regulations promulgated thereunder; and

**BE IT FURTHER RESOLVED** that the annual renewal period shall be from September 1 and August 31 of each year. All licenses expire on August 31st of each year; and

**BE IT FURTHER RESOLVED** that all vendors for Mobile Food Handler licenses must be renewed by September 1 of each year in accordance to Section 4-3.13.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #165-2024
RESOLUTION AUTHORIZING THE WARRANTY QUOTE FROM INTEGRATED TECHNICAL SYSTEMS, INC FOR SOFTWARE RELATED MAINTENANCE SERVICES FOR PAY STATION KIOSKS.

**WHEREAS,** by prior resolution, the Town of Guttenberg ("Town") authorized entry into a contract for the purchase of 17 LUKE II Pay Station Kiosks ("Kiosks") and related services from Integrated Technical Systems ("ITS") through a nationally recognized and accepted cooperative purchasing agreement pursuant to N.J.S.A. 52:34-6.2 (b); and

**WHEREAS,** there exists a need to provide software and related maintenance services to said Kiosks; and

**WHEREAS**, the Town received a quote from ITS for the purchase of parts and maintenance services for Kiosks in the amount of $28,250.00.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, do hereby authorize the quote from ITS for the purchase of parts and maintenance services for Kiosks in the amount not to exceed $28,250.00.

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer certifies that the funds necessary for this payment are available from account Current Fund – Streets and Roads-04-2010-26-2902-001.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #166-2024
AUTHORIZING TAX REFUNDS 2019-2022 FOR BLOCK 14, LOT 1.201

**WHEREAS**, Nam S. Jin ("Owner") is the record owner of property located in the Town of Guttenberg, New Jersey, situated at Block 14, Lot 1.201, Unit C 201 with a street address of 7008 Madison Street, Guttenberg, New Jersey; and

**WHEREAS**, Owner is the Plaintiff in the Tax Court of New Jersey, Docket Nos.: 009566-2019, 011901-2020, 010666-2021 & 009188-2022, challenging the Town of Guttenberg's ("Town") assessment of the aforementioned property; and

**WHEREAS**, the parties have conducted discovery with respect to this matter, engaged in negotiations, and have reached a settlement to amicably resolve the lawsuits between them pending in the Tax Court of New Jersey; and

**WHEREAS**, the Town's Tax Assessor, the Town's Tax Appeal Attorney, and the Town's Appraisal Expert are in agreement with the terms of the settlement and believe that it would be in the best interest of the Town to settle this particular case in accordance with the terms set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Florio Kenny Raval, L.L.P., Tax Appeal Counsel for the Town of Guttenberg in the above matters, is hereby authorized to execute on behalf of the Town of Guttenberg, a Stipulation of Settlement resolving the Complaints filed by Owner for property situated at Block 14, Lot 1.201, Unit C 201 with a street address of 7008 Madison Street, Guttenberg, New Jersey, for tax years 2019-2022 as follows:

**Tax Year 2019 (Assessment Reduced)**

| | **Original Assessment** | **County Board Judgment** | **Requested Tax Court Judgment** |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$140,100** | **$140,100** | **$120,000** |
| **Total** | **$200,100** | **$200,100** | **$180,000** |

**Tax Year 2020 (Assessment Reduced)**

| | Original Assessment | County Board Judgment | Requested Tax Court Judgment |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$140,100** | **$140,100** | **$120,000** |
| **Total** | **$200,100** | **$200,100** | **$180,000** |

**Tax Year 2021 (Assessment Reduced)**

| | Original Assessment | County Board Judgment | Requested Tax Court Judgment |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$140,100** | **$140,100** | **$120,000** |
| **Total** | **$200,100** | **$200,100** | **$180,000** |

**Tax Year 2022 (Assessment Reduced)**

| | Original Assessment | County Board Judgment | Requested Tax Court Judgment |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$140,100** | **$140,100** | **$120,000** |
| **Total** | **$200,100** | **$200,100** | **$180,000** |

**BE IT FURTHER RESOLVED** that upon receipt of the Tax Court Judgments, and pursuant to the Freeze Act under N.J.S.A. § 54:51A-8, the Tax Collector calculated the amount of the refunds in the total amount of $3,105.45 for Tax Years 2019-2022 and cause same to be paid within sixty (60) days of date of entry of the Tax Court Judgments and/or take any other action to effectuate the purpose of this Resolution; and

**BE IT FURTHER RESOLVED** that said refund shall be made payable to "Ventura, Miesowitz, et al Trust Account" established by Owner's representatives, Ventura, Miesowitz & Keough, P.C., located at 783 Springfield Avenue, Summit, New Jersey, 07901-2332; and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer certifies that funds are available for appropriation from Account # 01-2920-00-0000–Current Fund-Reserve Tax Appeals; and

**BE IT FURTHER RESOLVED** that interest on any refund due is waived provided the refund is made within sixty (60) days of the date of entry of the Tax Court Judgments; and

**BE IT FURTHER RESOLVED** that copies of this Resolution are to be provided to the Town's Tax Collector, Tax Assessor, and Tax Appeal Attorney.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #167-2024

AUTHORIZING TAX REFUNDS 2019-2022 FOR BLOCK 14, LOT 1.304

**WHEREAS**, Perry, Timothy & Michelle ("Owners") are the record owners of property located in the Town of Guttenberg, New Jersey, situated at Block 14, Lot 1.304, Unit C 304 with a street address of 7008 Madison Street, Guttenberg, New Jersey; and

**WHEREAS**, Owners are the Plaintiffs in the Tax Court of New Jersey, Docket Nos.: 009573-2019, 011902-2020, 010668-2021 & 009179-2022, challenging the Town of Guttenberg's ("Town") assessment of the aforementioned property; and

**WHEREAS**, the parties have conducted discovery with respect to this matter, engaged in negotiations, and have reached a settlement to amicably resolve the lawsuits between them pending in the Tax Court of New Jersey; and

**WHEREAS**, the Town's Tax Assessor, the Town's Tax Appeal Attorney, and the Town's Appraisal Expert are in agreement with the terms of the settlement and believe that it would be in the best interest of the Town to settle this particular case in accordance with the terms set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Florio Kenny Raval, L.L.P., Tax Appeal Counsel for the Town of Guttenberg in the above matters, is hereby authorized to execute on behalf of the Town of Guttenberg, a Stipulation of Settlement resolving the Complaints filed by Owners for property situated at Block 14, Lot 1.304, Unit C 304 with a street address of 7008 Madison Street, Guttenberg, New Jersey, for tax years 2019-2022 as follows:

**Tax Year 2019 (Assessment Reduced)**

| | **Original Assessment** | **County Board Judgment** | **Requested Tax Court Judgment** |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$149,900** | **$149,900** | **$137,900** |
| **Total** | **$209,900** | **$209,900** | **$197,900** |

**Tax Year 2020 (Assessment Reduced)**

| | **Original Assessment** | **County Board Judgment** | **Requested Tax Court Judgment** |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$149,900** | **$149,900** | **$137,900** |
| **Total** | **$209,900** | **$209,900** | **$197,900** |

**Tax Year 2021 (Assessment Reduced)**

| | Original Assessment | County Board Judgment | Requested Tax Court Judgment |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$149,900** | **$149,900** | **$137,900** |
| **Total** | **$209,900** | **$209,900** | **$197,900** |

**Tax Year 2022 (Assessment Reduced)**

| | Original Assessment | County Board Judgment | Requested Tax Court Judgment |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$149,900** | **$149,900** | **$137,900** |
| **Total** | **$209,900** | **$209,900** | **$197,900** |

**BE IT FURTHER RESOLVED** that upon receipt of the Tax Court Judgments, and pursuant to the Freeze Act under N.J.S.A. § 54:51A-8, the Tax Collector calculated the amount of the refunds in the total amount of $1,854.00 for Tax Years 2019-2022 and cause same to be paid within sixty (60) days of date of entry of the Tax Court Judgments and/or take any other action to effectuate the purpose of this Resolution; and

**BE IT FURTHER RESOLVED** that said refund shall be made payable to "Ventura, Miesowitz, et al Trust Account" established by Owners' representatives, Ventura, Miesowitz & Keough, P.C., located at 783 Springfield Avenue, Summit, New Jersey, 07901-2332; and

**BE IT FURTHER RESOLVED** that the Chief Financial Officer certifies that funds are available for appropriation from Account # 01-2920-00-0000–Current Fund-Reserve Tax Appeals; and

**BE IT FURTHER RESOLVED** that interest on any refund due is waived provided the refund is made within sixty (60) days of the date of entry of the Tax Court Judgments; and

**BE IT FURTHER RESOLVED** that copies of this Resolution are to be provided to the Town's Tax Collector, Tax Assessor, and Tax Appeal Attorney.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #168-2024
AUTHORIZING TAX REFUNDS 2019-2021 FOR BLOCK 14, LOT 1.402

**WHEREAS**, Maide, Steven ("Owner") is the record owner of property located in the Town of Guttenberg, New Jersey, situated at Block 14, Lot 1.402, Unit C 402 with a street address of 7008 Madison Street, Guttenberg, New Jersey; and

**WHEREAS**, Owner is the Plaintiff in the Tax Court of New Jersey, Docket Nos.: 009575-2019, 012123-2020, & 010667-2021, challenging the Town of Guttenberg's ("Town") assessment of the aforementioned property; and

**WHEREAS**, the parties have conducted discovery with respect to this matter, engaged in negotiations, and have reached a settlement to amicably resolve the lawsuits between them pending in the Tax Court of New Jersey; and

**WHEREAS**, the Town's Tax Assessor, the Town's Tax Appeal Attorney, and the Town's Appraisal Expert are in agreement with the terms of the settlement and believe that it would be in the best interest of the Town to settle this particular case in accordance with the terms set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Florio Kenny Raval, L.L.P., Tax Appeal Counsel for the Town of Guttenberg in the above matters, is hereby authorized to execute on behalf of the Town of Guttenberg, a Stipulation of Settlement resolving the Complaints filed by Owner for property situated at Block 14, Lot 1.402, Unit C 402 with a street address of 7008 Madison Street, Guttenberg, New Jersey, for tax years 2019-2021 as follows:

**Tax Year 2019 (Assessment Reduced)**

| | **Original Assessment** | **County Board Judgment** | **Requested Tax Court Judgment** |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$163,100** | **$163,100** | **$159,700** |
| **Total** | **$223,100** | **$223,100** | **$219,700** |

**Tax Year 2020 (Assessment Reduced)**

| | **Original Assessment** | **County Board Judgment** | **Requested Tax Court Judgment** |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$163,100** | **$163,100** | **$159,700** |
| **Total** | **$223,100** | **$223,100** | **$219,700** |

**Tax Year 2021 (Assessment Reduced)**

| | **Original Assessment** | **County Board Judgment** | **Requested Tax Court Judgment** |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$163,100** | **$163,100** | **$159,700** |
| **Total** | **$223,100** | **$223,100** | **$219,700** |

**BE IT FURTHER RESOLVED** that upon receipt of the Tax Court Judgments, and pursuant to the Freeze Act under N.J.S.A. § 54:51A-8, the Tax Collector calculated the amount of the refunds in the total amount of $393.48 for Tax Years 2019-2021 and cause same to be paid within sixty (60) days of date of entry of the Tax Court Judgments and/or take any other action to effectuate the purpose of this Resolution; and

**BE IT FURTHER RESOLVED** that said refund shall be made payable to "Ventura, Miesowitz, et al Trust Account" established by Owner's representatives, Ventura, Miesowitz & Keough, P.C., located at 783 Springfield Avenue, Summit, New Jersey, 07901-2332; and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer certifies that funds are available for appropriation from Account # 01-2920-00-0000–Current Fund-Reserve Tax Appeals; and

**BE IT FURTHER RESOLVED** that interest on any refund due is waived provided the refund is made within sixty (60) days of the date of entry of the Tax Court Judgments; and

**BE IT FURTHER RESOLVED** that copies of this Resolution are to be provided to the Town's Tax Collector, Tax Assessor, and Tax Appeal Attorney.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #169-2024
AUTHORIZING TAX REFUNDS 2019-2022 FOR BLOCK 14, LOT 1.302

**WHEREAS**, Collins, Steven ("Owner") is the record owner of property located in the Town of Guttenberg, New Jersey, situated at Block 14, Lot 1.302, Unit C 302 with a street address of 7008 Madison Street, Guttenberg, New Jersey; and

**WHEREAS**, Owner is the Plaintiff in the Tax Court of New Jersey, Docket Nos.: 009572-2019, 011898-2020, challenging the Town of Guttenberg's ("Town") assessment of the aforementioned property; and

**WHEREAS**, the parties have conducted discovery with respect to this matter, engaged in negotiations, and have reached a settlement to amicably resolve the lawsuits between them pending in the Tax Court of New Jersey; and

**WHEREAS**, the Town's Tax Assessor, the Town's Tax Appeal Attorney, and the Town's Appraisal Expert are in agreement with the terms of the settlement and believe that it would be in the best interest of the Town to settle this particular case in accordance with the terms set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Florio Kenny Raval, L.L.P., Tax Appeal Counsel for the Town of Guttenberg in the above matters, is hereby authorized to execute on behalf of the Town of Guttenberg, a Stipulation of Settlement resolving the Complaints filed by Owner

for property situated at Block 14, Lot 1.302, Unit C 302 with a street address of 7008 Madison Street, Guttenberg, New Jersey, for tax years 2019-2022 as follows:

**Tax Year 2019 (Assessment Reduced)**

| | Original Assessment | County Board Judgment | Requested Tax Court Judgment |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$163,100** | **$163,100** | **$159,700** |
| **Total** | **$223,100** | **$223,100** | **$219,700** |

**Tax Year 2020 (Assessment Reduced)**

| | Original Assessment | County Board Judgment | Requested Tax Court Judgment |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$163,100** | **$163,100** | **$159,700** |
| **Total** | **$223,100** | **$223,100** | **$219,700** |

**Tax Year 2021 (Assessment Reduced)**

| | Original Assessment | County Board Judgment | Requested Tax Court Judgment |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$163,100** | **$163,100** | **$159,700** |
| **Total** | **$223,100** | **$223,100** | **$219,700** |

**Tax Year 2022 (Assessment Reduced)**

| | Original Assessment | County Board Judgment | Requested Tax Court Judgment |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$163,100** | **$163,100** | **$159,700** |
| **Total** | **$223,100** | **$223,100** | **$219,700** |

**BE IT FURTHER RESOLVED** that upon receipt of the Tax Court Judgments, and pursuant to the Freeze Act under N.J.S.A. § 54:51A-8, the Tax Collector calculated the amount of the refunds in the total amount of $525.30 for Tax Years 2019-2022 and cause same to be paid within sixty (60) days of date of entry of the Tax Court Judgments and/or take any other action to effectuate the purpose of this Resolution; and

**BE IT FURTHER RESOLVED** that said refund shall be made payable to "Ventura, Miesowitz, et al Trust Account" established by Owner's representatives, Ventura, Miesowitz & Keough, P.C., located at 783 Springfield Avenue, Summit, New Jersey, 07901-2332; and

**BE IT FURTHER RESOLVED** that the Chief Financial Officer certifies that funds are available for appropriation from Account # 01-2920-00-0000–Current Fund-Reserve Tax Appeals; and

**BE IT FURTHER RESOLVED** that interest on any refund due is waived provided the refund is made within sixty (60) days of the date of entry of the Tax Court Judgments; and

**BE IT FURTHER RESOLVED** that copies of this Resolution are to be provided to the Town's Tax Collector, Tax Assessor, and Tax Appeal Attorney.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION # 170-2024
AUTHORIZING TAX REFUNDS 2019-2022 FOR BLOCK 14, LOT 1.204

**WHEREAS**, Romero Diaz, Alvaro ("Owner") is the record owner of property located in the Town of Guttenberg, New Jersey, situated at Block 14, Lot 1.204, Unit C 204 with a street address of 7008 Madison Street, Guttenberg, New Jersey; and

**WHEREAS**, Owner is the Plaintiff in the Tax Court of New Jersey, Docket Nos.: 009569-2019, 011904-2020, & 010670-2021, challenging the Town of Guttenberg's ("Town") assessment of the aforementioned property; and

**WHEREAS**, the parties have conducted discovery with respect to this matter, engaged in negotiations, and have reached a settlement to amicably resolve the lawsuits between them pending in the Tax Court of New Jersey; and

**WHEREAS**, the Town's Tax Assessor, the Town's Tax Appeal Attorney, and the Town's Appraisal Expert are in agreement with the terms of the settlement and believe that it would be in the best interest of the Town to settle this particular case in accordance with the terms set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Florio Kenny Raval, L.L.P., Tax Appeal Counsel for the Town of Guttenberg in the above matters, is hereby authorized to execute on behalf of the Town of Guttenberg, a Stipulation of Settlement resolving the Complaints filed by Owner for property situated at Block 14, Lot 1.204, Unit C 204 with a street address of 7008 Madison Street, Guttenberg, New Jersey, for tax years 2019-2022 as follows:

**Tax Year 2019 (Assessment Reduced)**

| | **Original Assessment** | **County Board Judgment** | **Requested Tax Court Judgment** |
|---|---|---|---|

| | | | |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$149,900** | **$149,900** | **$137,900** |
| **Total** | **$209,900** | **$209,900** | **$197,900** |

**Tax Year 2020 (Assessment Reduced)**

| | **Original Assessment** | **County Board Judgment** | **Requested Tax Court Judgment** |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$149,900** | **$149,900** | **$137,900** |
| **Total** | **$209,900** | **$209,900** | **$197,900** |

**Tax Year 2021 (Assessment Reduced)**

| | **Original Assessment** | **County Board Judgment** | **Requested Tax Court Judgment** |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$149,900** | **$149,900** | **$137,900** |
| **Total** | **$209,900** | **$209,900** | **$197,900** |

**Tax Year 2022 (Assessment Reduced)**

| | **Original Assessment** | **County Board Judgment** | **Requested Tax Court Judgment** |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$149,900** | **$149,900** | **$137,900** |
| **Total** | **$209,900** | **$209,900** | **$197,900** |

**BE IT FURTHER RESOLVED** that upon receipt of the Tax Court Judgments, and pursuant to the Freeze Act under N.J.S.A. § 54:51A-8 for the year 2022, the Tax Collector calculated the amount of the refunds in the total amount of $1,854.00 for Tax Years 2019-2022 and cause same to be paid within sixty (60) days of date of entry of the Tax Court Judgments and/or take any other action to effectuate the purpose of this Resolution; and

**BE IT FURTHER RESOLVED** that said refund shall be made payable to "Ventura, Miesowitz, et al Trust Account" established by Owner's representatives, Ventura, Miesowitz & Keough, P.C., located at 783 Springfield Avenue, Summit, New Jersey, 07901-2332; and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer certifies that funds are available for appropriation from Account # 01-2920-00-0000–Current Fund-Reserve Tax Appeals; and

**BE IT FURTHER RESOLVED** that interest on any refund due is waived provided the refund is made within sixty (60) days of the date of entry of the Tax Court Judgments; and

**BE IT FURTHER RESOLVED** that copies of this Resolution are to be provided to the Town's Tax Collector, Tax Assessor, and Tax Appeal Attorney.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #171-2024
AUTHORIZING TAX REFUNDS 2019-2022 FOR BLOCK 14, LOT 1.401

**WHEREAS**, Shamailov, Daniel ("Owner") is the record owner of property located in the Town of Guttenberg, New Jersey, situated at Block 14, Lot 1.401, Unit C 401 with a street address of 7008 Madison Street, Guttenberg, New Jersey; and

**WHEREAS**, Owner is the Plaintiff in the Tax Court of New Jersey, Docket Nos.: 009574-2019 & 011905-2020, challenging the Town of Guttenberg's ("Town") assessment of the aforementioned property; and

**WHEREAS**, the parties have conducted discovery with respect to this matter, engaged in negotiations, and have reached a settlement to amicably resolve the lawsuits between them pending in the Tax Court of New Jersey; and

**WHEREAS**, the Town's Tax Assessor, the Town's Tax Appeal Attorney, and the Town's Appraisal Expert are in agreement with the terms of the settlement and believe that it would be in the best interest of the Town to settle this particular case in accordance with the terms set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Florio Kenny Raval, L.L.P., Tax Appeal Counsel for the Town of Guttenberg in the above matters, is hereby authorized to execute on behalf of the Town of Guttenberg, a Stipulation of Settlement resolving the Complaints filed by Owner for property situated at Block 14, Lot 1.401, Unit C 401 with a street address of 7008 Madison Street, Guttenberg, New Jersey, for tax years 2019 & 2020 as follows:

**Tax Year 2019 (Assessment Reduced)**

| | **Original Assessment** | **County Board Judgment** | **Requested Tax Court Judgment** |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$146,500** | **$146,500** | **$130,000** |
| **Total** | **$206,500** | **$206,500** | **$190,000** |

**Tax Year 2020 (Assessment Reduced)**

| | Original Assessment | County Board Judgment | Requested Tax Court Judgment |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$146,500** | **$146,500** | **$130,000** |
| **Total** | **$206,500** | **$206,500** | **$190,000** |

**Tax Year 2021 (Assessment Reduced)**

| | Original Assessment | County Board Judgment | Requested Tax Court Judgment |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$146,500** | **$146,500** | **$130,000** |
| **Total** | **$206,500** | **$206,500** | **$190,000** |

**Tax Year 2022 (Assessment Reduced)**

| | Original Assessment | County Board Judgment | Requested Tax Court Judgment |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$146,500** | **$146,500** | **$130,000** |
| **Total** | **$206,500** | **$206,500** | **$190,000** |

**BE IT FURTHER RESOLVED** that upon receipt of the Tax Court Judgments, and pursuant to the Freeze Act under N.J.S.A. § 54:51A-8 , the Tax Collector calculated the amount of the refunds in the total amount of $2,549.25 and cause same to be paid within sixty (60) days of date of entry of the Tax Court Judgments and/or take any other action to effectuate the purpose of this Resolution; and

**BE IT FURTHER RESOLVED** that said refund shall be made payable to "Ventura, Miesowitz, et al Trust Account" established by Owner's representatives, Ventura, Miesowitz & Keough, P.C., located at 783 Springfield Avenue, Summit, New Jersey, 07901-2332; and

**BE IT FURTHER RESOLVED** that the Chief Financial Officer certifies that funds are available for appropriation from Account # 01-2920-00-0000–Current Fund-Reserve Tax Appeals; and

**BE IT FURTHER RESOLVED** that interest on any refund due is waived provided the refund is made within sixty (60) days of the date of entry of the Tax Court Judgments; and

**BE IT FURTHER RESOLVED** that copies of this Resolution are to be provided to the Town's Tax Collector, Tax Assessor, and Tax Appeal Attorney.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #172-2024

AUTHORIZING TAX REFUNDS 2019-2022 FOR BLOCK 14, LOT 1.301

**WHEREAS**, Dave, Hemang U ("Owner") is the record owner of property located in the Town of Guttenberg, New Jersey, situated at Block 14, Lot 1.301, Unit C 301 with a street address of 7008 Madison Street, Guttenberg, New Jersey; and

**WHEREAS**, Owner is the Plaintiff in the Tax Court of New Jersey, Docket Nos.: 009571-2019, 010661-2021, & 009185-2022, challenging the Town of Guttenberg's ("Town") assessment of the aforementioned property; and

**WHEREAS**, the parties have conducted discovery with respect to this matter, engaged in negotiations, and have reached a settlement to amicably resolve the lawsuits between them pending in the Tax Court of New Jersey; and

**WHEREAS**, the Town's Tax Assessor, the Town's Tax Appeal Attorney, and the Town's Appraisal Expert are in agreement with the terms of the settlement and believe that it would be in the best interest of the Town to settle this particular case in accordance with the terms set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Florio Kenny Raval, L.L.P., Tax Appeal Counsel for the Town of Guttenberg in the above matters, is hereby authorized to execute on behalf of the Town of Guttenberg, a Stipulation of Settlement resolving the Complaints filed by Owner for property situated at Block 14, Lot 1.301, Unit C 301 with a street address of 7008 Madison Street, Guttenberg, New Jersey, for tax years 2019-2022 as follows:

**Tax Year 2019 (Assessment Reduced)**

| | **Original Assessment** | **County Board Judgment** | **Requested Tax Court Judgment** |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$146,500** | **$146,500** | **$130,000** |
| **Total** | **$206,500** | **$206,500** | **$190,000** |

**Tax Year 2020 (Assessment Reduced)**

| | **Original Assessment** | **County Board Judgment** | **Requested Tax Court Judgment** |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$146,500** | **$146,500** | **$130,000** |
| **Total** | **$206,500** | **$206,500** | **$190,000** |

**Tax Year 2021 (Assessment Reduced)**

| | Original Assessment | County Board Judgment | Requested Tax Court Judgment |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$146,500** | **$146,500** | **$130,000** |
| **Total** | **$206,500** | **$206,500** | **$190,000** |

**Tax Year 2022 (Assessment Reduced)**

| | Original Assessment | County Board Judgment | Requested Tax Court Judgment |
|---|---|---|---|
| **Land** | **$60,000** | **$60,000** | **$60,000** |
| **Impvts** | **$146,500** | **$146,500** | **$130,000** |
| **Total** | **$206,500** | **$206,500** | **$190,000** |

**BE IT FURTHER RESOLVED** that upon receipt of the Tax Court Judgments, and pursuant to the Freeze Act under N.J.S.A. § 54:51A-8, the Tax Collector calculated the amount of the refunds in the total amount of $2,549.25 and cause same to be paid within sixty (60) days of date of entry of the Tax Court Judgments and/or take any other action to effectuate the purpose of this Resolution; and

**BE IT FURTHER RESOLVED** that said refund shall be made payable to "Ventura, Miesowitz, et al Trust Account" established by Owner's representatives, Ventura, Miesowitz & Keough, P.C., located at 783 Springfield Avenue, Summit, New Jersey, 07901-2332; and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer certifies that funds are available for appropriation from Account # 01-2920-00-0000–Current Fund-Reserve Tax Appeals; and

**BE IT FURTHER RESOLVED** that interest on any refund due is waived provided the refund is made within sixty (60) days of the date of entry of the Tax Court Judgments; and

**BE IT FURTHER RESOLVED** that copies of this Resolution are to be provided to the Town's Tax Collector, Tax Assessor, and Tax Appeal Attorney.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #173-2024
AUTHORIZING TAX REFUNDS 2019-2022 FOR BLOCK 14, LOT 1.404

**WHEREAS**, Choi, Sung Wook & Kim, Yeajin ("Owners") are the record owners of property located in the Town of Guttenberg, New Jersey, situated at Block 14, Lot 1.404, Unit C 404 with a street address of 7008 Madison Street, Guttenberg, New Jersey; and

**WHEREAS**, Owners are the Plaintiffs in the Tax Court of New Jersey, Docket Nos.: 009577-2019, 011900-2020, 010660-2021 & 009184-2022, challenging the Town of Guttenberg's ("Town") assessment of the aforementioned property; and

**WHEREAS**, the parties have conducted discovery with respect to this matter, engaged in negotiations, and have reached a settlement to amicably resolve the lawsuits between them pending in the Tax Court of New Jersey; and

**WHEREAS**, the Town's Tax Assessor, the Town's Tax Appeal Attorney, and the Town's Appraisal Expert are in agreement with the terms of the settlement and believe that it would be in the best interest of the Town to settle this particular case in accordance with the terms set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Florio Kenny Raval, L.L.P., Tax Appeal Counsel for the Town of Guttenberg in the above matters, is hereby authorized to execute on behalf of the Town of Guttenberg, a Stipulation of Settlement resolving the Complaints filed by Owners for property situated at Block 14, Lot 1.404, Unit C 404 with a street address of 7008 Madison Street, Guttenberg, New Jersey, for tax years 2019-2022 as follows:

**Tax Year 2019 (Assessment Reduced)**

| | **Original Assessment** | **County Board Judgment** | **Requested Tax Court Judgment** |
|---|---|---|---|
| **Land** | **$102,000** | **$102,000** | **$60,000** |
| **Impvts** | **$109,700** | **$109,700** | **$137,900** |
| **Total** | **$211,700** | **$211,700** | **$197,900** |

**Tax Year 2020 (Assessment Reduced)**

| | **Original Assessment** | **County Board Judgment** | **Requested Tax Court Judgment** |
|---|---|---|---|
| **Land** | **$102,000** | **$102,000** | **$60,000** |
| **Impvts** | **$109,700** | **$109,700** | **$137,900** |
| **Total** | **$211,700** | **$211,700** | **$197,900** |

**Tax Year 2021 (Assessment Reduced)**

| | **Original Assessment** | **County Board Judgment** | **Requested Tax Court Judgment** |
|---|---|---|---|
| **Land** | **$102,000** | **$102,000** | **$60,000** |
| **Impvts** | **$109,700** | **$109,700** | **$137,900** |
| **Total** | **$211,700** | **$211,700** | **$197,900** |

**Tax Year 2022 (Assessment Reduced)**

| | Original Assessment | County Board Judgment | Requested Tax Court Judgment |
|---|---|---|---|
| **Land** | **$102,000** | **$102,000** | **$60,000** |
| **Impvts** | **$109,700** | **$109,700** | **$137,900** |
| **Total** | **$211,700** | **$211,700** | **$197,900** |

**BE IT FURTHER RESOLVED** that upon receipt of the Tax Court Judgments, the Tax Collector calculated the amount of the refunds in the total amount of $1,534.66 for Tax Years 2019-2022 and cause same to be paid within sixty (60) days of date of entry of the Tax Court Judgments and/or take any other action to effectuate the purpose of this Resolution; and

**BE IT FURTHER RESOLVED** that said refund shall be made payable to "Ventura, Miesowitz, et al Trust Account" established by Owners' representatives, Ventura, Miesowitz & Keough, P.C., located at 783 Springfield Avenue, Summit, New Jersey, 07901-2332; and

**BE IT FURTHER RESOLVED** that the Chief Financial Officer certifies that funds are available for appropriation from Account # 01-2920-00-0000–Current Fund-Reserve Tax Appeals; and

**BE IT FURTHER RESOLVED** that interest on any refund due is waived provided the refund is made within sixty (60) days of the date of entry of the Tax Court Judgments; and

**BE IT FURTHER RESOLVED** that copies of this Resolution are to be provided to the Town's Tax Collector, Tax Assessor, and Tax Appeal Attorney.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #174-2024
AUTHORIZE AWARD OF PROFESSIONAL SERVICES CONTRACT TO JOHN SCHETTINO, ESQ AS SPECIAL COUNSEL FOR TRIAL SERVICES FOR 2024

**WHEREAS,** there is a need for the Town of Guttenberg to contract with Special Counsel for trial matter services (the "Services") to the Town of Guttenberg; and

**WHEREAS**, the Town has determined that John Schettino, Esq. of John Schettino, LLC, located at 800 Main Street, Apartment 1, Hackensack, New Jersey 07601 can provide the Services required by the Town; and

**WHEREAS**, the John Schettino, LLC contract for the Services is proposed for $17,500.00 per annum for 2024 which does not exceed the bidding threshold under Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that the Mayor and Town Administrator are authorized to execute a contract with John Schettino, LLC for the Services; and

**BE IT FURTER RESOLVED**, that the contract for Services with John Schettino, LLC, shall not exceed $17,500.00 per annum for 2024; and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer, certifies that funds are available for the appropriation from Current Fund - Legal 01-2010-20-1502-001.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #175-2024
AUTHORIZING AWARD OF CONTRACT FOR 69TH STREET IMPROVEMENT PROJECT TO VEKTOR, INC.

**WHEREAS,** the Town of Guttenberg (the "Town") has determined there is a need for various improvements along 69th Street (the "69th Street Improvement Project"); and

**WHEREAS,** the Town received five (5) bids on October 3, 2024, following Bid Opening for said improvements from five (5) contractors for the provision of the required services to complete the 69th Street Improvement Project; and

**WHEREAS**, pursuant to the Local Public Contracts Law under N.J.S.A. 40A:11-1 et seq., the lowest bid proposal for the provision of services to complete the 69th Street Improvement Project was submitted by Vektor Corp., located at 348 Schoolhouse Road, Monroe Township, New Jersey 08831 in the amount of $533,809.35; and

**WHEREAS**, Remington Vernik Engineers, Inc. ("RVE"), the firm responsible for overseeing this project for the Town, evaluated the proposal submitted by Vektor Corp., and determined the bid to be valid and legally sufficient; and

**WHEREAS**, RVE recommends the award of the contract for the 69th Street Improvement Project be awarded to Vektor Corp. as the lowest responsible bidder.

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Town of Guttenberg do hereby authorize the award of the contract to complete the 69th Street Improvement Project to Vektor Corp., located at 348 Schoolhouse Road, Monroe Township, New Jersey 08831 in the amount not to exceed $533,809.35.

**BE IT FURTHER RESOLVED** that the Town Clerk, or an authorized designee, are authorized to take any necessary steps to execute a contract for the 69th Street Improvement Project in a form acceptable to Corporation Counsel and to further effectuate the purposes set forth in this Resolution.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer certifies that funds are available for the appropriation from Capital Fund 69th Street Rehabilitation 04-2150-55-2421.

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

RESOLUTION #176--2024
AUTHORIZING HIRES OF PART-TIME SECURITY GUARDS FOR THE SECURITY PROGRAM BETWEEN THE TOWN OF GUTTENBERG AND THE HOUSING AUTHORITY FOR THE TOWN OF GUTTENBERG

**WHEREAS,** the Town of Guttenberg created a security program in partnership with the Housing Authority for the Town of Guttenberg by entering into a Shared Service Agreement pursuant to N.J.S.A. 40A:65-1 et seq. ("Security Program Agreement"); and

**WHEREAS,** there is a need to hire part-time Security Guards to provide security services at several building locations within the Town of Guttenberg; and

**WHEREAS,** Juan Reynoso, Marco Gallo, Wilmer Nunez, and Jennifer Lizama are available and able to serve as part-time Security Guards; and

**WHEREAS,** the Town Administrator for the Town of Guttenberg and the Director of the Housing Authority for the Town of Guttenberg recommend hiring Juan Reynoso, Marco Gallo, Wilmer Nunez, and Jennifer Lizama are available and able to serve as part-time Security Guards.

**WHEREAS,** per the Security Program Agreement, the Housing Authority shall ensure that all security personnel hired shall complete and stay current on all training, including but not limited to, SORA Training requirements and licenses; and

**WHEREAS,** said hirings are contingent upon completion of all necessary trainings and receipt of certificates including the aforementioned SORA Training requirements and licenses, and the Housing Authority shall provide proof of unarmed security personnel SORA license to the Town upon completion of said training; and

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Juan Reynoso, Marco Gallo, Wilmer Nunez, and Jennifer Lizama are available and able to serve as part-time Security Guards. The hourly wage for Security Guard positions shall be as set forth in the Security Program Agreement; and

**BE IT FURTHER RESOLVED,** Juan Reynoso's hiring date is retroactive to September 20, 2024, Jennifer Lizama's hiring date is retroactive to September 30, 2024, Wilmer Nunez's hiring date is retroactive to October 11, 2024, and Marco Gallo's hiring date is retroactive to October 12, 2024.

**BE IT FURTHER RESOLVED,** that the Chief Financial Officer certifies that funds are available for the appropriation from Current Fund-GHA Security 01-2010-25-2501-001.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #177-2024

AUTHORIZING CONTRACT WITH 4 CLEAN-UP, INC. PAVING SERVICES ALONG 71ST STREET AND HUDSON AVENUE

**WHEREAS**, the Town of Guttenberg (the "Town") requires road paving services along 71st Street and Hudson Avenue (the "Services"); and

**WHEREAS**, the Town received a proposal for the services from 4 Clean-up, Inc., located at PO Box 5098 North Bergen, New Jersey 07047; and

**WHEREAS**, the total amount of $18,900.00 for this contract, P.O. No. 60193, is below the Town's bid threshold; and

**WHEREAS,** the Town is permitted to authorize this contract without publicly advertising for the submission of bids; and

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Town of Guttenberg do hereby authorize a contract for the road paving services along 71st Street and Hudson Avenue to 4 Clean-up, Inc., located at PO Box 5098 North Bergen, New Jersey 07047, for a total contract amount not to exceed $18,900.00.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer certifies that funds are available for the appropriation from the 01-2010-26-2902-00 Budget–STREET & ROADS.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION#178-2024
AUTHORIZING AWARD OF CONTRACT FOR TRAFFIC SIGNAL UPGRADES AT POLK STREET & 68TH STREET TO JC CONTRACTING

**WHEREAS,** the Town of Guttenberg (the "Town") sought bids for to provide traffic signal upgrades at the intersection of Polk Street and 68th Street; and

**WHEREAS,** the Town solicited proposals under a fair and open process and received four (4) bids; and

**WHEREAS,** in accordance with Local Public Contracts Law under N.J.S.A. 40A:11-1 et seq., the lowest responsible bidder is $295,533.67 from JC Contracting; and

**WHEREAS**, the Town engineer and Town Attorney have reviewed the bid from JC Contracting and determined that the bid is legally sufficient.

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Town of Guttenberg do hereby authorize a contract with JC Contracting for the traffic signal upgrades base bid in the total amount not to exceed $295,533.67.

**BE IT FURTHER RESOLVED** that the Mayor and Town Clerk are authorized to execute the contract for these services.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer certifies that funds are available for the appropriation from the Capital Fund Broadway Traffic Signals 04-2150-55-2422.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #179-2024
AUTHORIZING AN EMERGENCY CONTRACT FOR ROAD REPAIR SERVICES ALONG 71ST STREET

**WHEREAS**, the Municipal Administrator has determined in consultation with the Town Engineer that the presence of a sink hole, upon visual inspection by the Town Engineer, along 71st Street, Guttenberg, New Jersey, constitutes an emergency and exigency affecting the public health and safety of the Town's residents in line with N.J.S.A. 40A:11-6a requiring emergency road repair services as further set forth in such determination ("Determination") on file with the Municipal Clerk; and

**WHEREAS,** the Town's governing body has been advised, and is satisfied, that the conditions described in the Determination constitute an emergency and/or exigency; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 et seq. the Town can enter into a contract for the performance of work necessitated by an emergency or exigency, without public bidding and such contracts are exempt from the pay-to-play requirements of N.J.S.A. 19:44A-20 et seq.; and

**WHEREAS**, the Town seeks award an emergency contract for emergency road repair services;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that the Mayor and or Town Administrator are hereby authorized to enter into an emergency contract with for emergency road repair services in such form as may be acceptable to the Town as evidenced by their signature thereon.

**BE IT FURTHER RESOLVED** that the Mayor, Purchasing Agent and Town Clerk are authorized to take such other steps and to execute any documents necessary for the award of this contract; and

**BE IT FURTHER RESOLVED** that the Chief Financial Officer certifies that funds are available for the appropriation from the 01-2010-26-2902-00 Budget–STREET & ROADS.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #180-2024

AUTHORIZING 2023 TAX REFUND FOR 304-306 71ST STREET TO SPIOTTI & ASSOCIATES

**WHEREAS**, FCIO, LLC % LUIS FORERO is the record owner of property located in the Town of Guttenberg, New Jersey, situated at Block 23, Lot 15 with a street address of 304-306 71ST Street, Guttenberg, New Jersey; and

**WHEREAS**, FCIO, LLC % LUIS FORERO ("Owner") is the Plaintiff in legal actions against the Town of Guttenberg (the "Town") in the Tax Court of New Jersey, Docket No.: 006196-2023, challenging the actions of the Town with respect to the assessment of its properties; and

**WHEREAS**, the parties have conducted discovery with respect to this matter, engaged in negotiations, and have reached a settlement to amicably resolve the lawsuits between them pending in the Tax Court of New Jersey; and

**WHEREAS**, the Town's Tax Assessor, the Town's Tax Appeal Attorney, and the Town's Appraisal Expert are in agreement with the terms of the settlement and believe that it would be in the best interest of the Town to settle this particular case in accordance with the terms set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Florio Kenny Raval, L.L.P., Tax Appeal Counsel for the Town of Guttenberg in the above matters, is hereby authorized to execute on behalf of the Town of Guttenberg, a Stipulation of Settlement resolving the Complaints filed by FCIO, LLC % LUIS FORERO for property situated at Block 23, Lot 15 with a street address of 304-306 71ST Street, Guttenberg, New Jersey, for tax year 2023 as follows:

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #181-2024
AUTHORIZE HIRE OF MARC DOPICO AS PART-TIME DEPARTMENT OF PUBLIC WORKS EMPLOYEE FOR THE TOWN OF GUTTENBERG

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

**WHEREAS**, Marc Dopico is able to serve as part-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 Marc Dopico is hereby hired as a part-time DPW employee with the Town of Guttenberg; and

**BE IT FURTER RESOLVED**, said hire shall be effective retroactively as of September 30, 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.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #182-2024
AUTHORIZE HIRE OF **ANA SANCHEZ** AS PART-TIME DEPARTMENT OF PUBLIC WORKS EMPLOYEE FOR THE TOWN OF GUTTENBERG

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

**WHEREAS**, Ana Sanchez is able to serve as part-time DPW driver 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 Ana Sanchez is hereby hired as a part-time DPW employee with the Town of Guttenberg; and

**BE IT FURTER RESOLVED**, said hire shall be effective retroactively as of September 3, 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.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #183-2024
AWARDING A CONTRACT TO ROBERTS & ASSOCIATES, LLC FOR EVALUATION CONSULTING SERVICES FOR THE GUTTENBERG POLICE DEPARTMENT FOR OCTOBER 1, 2024 TO OCTOBER 1, 2025

**WHEREAS,** the Town of Guttenberg is desires to retain the services of a consultant for the Guttenberg Police Department for evaluation consulting services; and

**WHEREAS**, the Town of Guttenberg received a proposal for said police consulting service from Roberts & Associates, LLC, of 1459 77th Street, North Bergen, New Jersey, 07047 in the amount of $24,000.00 for a term of three months; and

**WHEREAS,** the Town desires to award a consulting contract to Robert & Associates in an amount not to exceed $24,000.00; and

**WHEREAS**, the Town seeks to award a contract to for such services by way of a non-fair and open process, as provided pursuant to N.J.S.A. 19:44A-20.8; and

**WHEREAS**, Roberts & Associates, LLC has completed and submitted the required Pay-to-Play forms to the Town.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Board of Council of the Town of Guttenberg that the Mayor and Town Clerk are hereby authorized to execute a Contract or purchase order(s) with Roberts & Associates, LLC, with an address of 1459 77th Street, North Bergen, New Jersey, 07047 in accord with their proposal for a term of October 1, 2024, through October 1, 2025, in the amount of $24,000.00, for evaluation consulting services for the Guttenberg Police Department.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer certifies that funds are available for the appropriation from the Current Fund- Administration OE 01-2010-20-1002-001.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION# 184-2024
AMENDING RESOLUTION #151-2024 AUTHORIZING TRAINING AND CONDITIONAL HIRING OF **DAKOTA ARCE, MARC A. PERCELLA, RYAN A. MINAYA, MICHELLE RAMIREZ, AND SARA LARA TO PART-TIME** CLASS I SPECIAL LAW ENFORCEMENT OFFICERS FOR THE TOWN OF GUTTENBERG

**WHEREAS**, Resolution #151-2024 authorized the hire of Dakota Arce, Marc A. Percella, Ryan A. Minaya, Michelle Ramirez, and Sara Lara as Class I SLEOs for the Town of Guttenberg; and

**WHEREAS**, Resolution #151-2024 should have read to authorize the hire of Dakota Arce, Marc A. Percella, Ryan A. Minaya, Michelle Ramirez, and Sara Lara as <u>part-time</u> Class I SLEOs;

**NOW THEREFORE, BE IT RESOLVED,** Resolution #151-2024 is hereby amended to read as follows:

**WHEREAS,** the Police Committee of the Town of Guttenberg (the "Town") recommends that Dakota Arce, Marc A. Percella, Ryan A. Minaya, Michelle Ramirez, and Sara Lara be approved to enroll in the Passaic County Police Academy Class I training (the "Training"), which begins on October 1, 2024; and

**WHEREAS,** Dakota Arce, Marc A. Percella, Ryan A. Minaya, Michelle Ramirez, and Sara Lara have successfully completed a background check, medical evaluation, stress test, drug testing, physiological examination and a physical fitness assessment and are fit to attend Training; and

**WHEREAS**, said hirings would not exceed the SLEO limit established by the Town of Guttenberg under the Code, § 2-18.12 Special Officers.

**WHEREAS,** the Police Committee of the Town of Guttenberg (the "Town") recommends that Dakota Arce, Marc A. Percella, Ryan A. Minaya, Michelle Ramirez, and Sara Lara be hired as part-time Class I SLEOs; and

**WHEREAS,** Dakota Arce, Marc A. Percella, Ryan A. Minaya, Michelle Ramirez, and Sara Lara must successfully complete the Training to be appointed as a Class I SLEOs for the Town.

**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 Police Committee's recommendation that Dakota Arce, Marc A. Percella, Ryan A. Minaya, Michelle Ramirez, and Sara Lara be hired as part-time Class I SLEOs; and

**BE IT FURTHER RESOLVED,** that said appointments shall be effective as of August 1, 2024.

**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 01-2010-25-2401-001.

ORDINANCE:

ORDINANCE #20-24
INTRODUCTION

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

AMENDING CHAPTER 13 OF THE TOWN CODE TO ADD SECTION 13 CONCERNING LEAD-BASED PAINT INSPECTIONS

**WHEREAS,** pursuant to P.L. 2021, c.182, all municipalities are now required, with certain exceptions, to inspect single-family, two-family, and multiple rental dwelling located within the municipality at tenant turnover for lead-based paint hazards; and

**WHEREAS,** it is in the best interests of the residents of the Town of Guttenberg to amend the Code to require inspections for lead-based paint in residential rental dwellings to conform with New Jersey State law; and

**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 desires to establish Section 13 entitled "Lead-Based Paint Inspections" to Chapter 13 of the Town Code entitled "Property Maintenance" to require inspections for lead-based paint in residential rental dwellings in order to ensure the health and safety of its residents.

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

## SECTION ONE

Chapter 13, Section 13 is to be known as "Lead-Based Paint Inspections" is hereby added to the Code of the Town of Guttenberg and shall read as follows:

Section 13 Lead-Based Paint Inspections.

13-1 Definitions.

**Dust Wipe Sampling** – A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

**Lead Abatement** – Measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the Commissioner of Community Affairs in compliance with standards promulgated by the appropriate federal agencies.

**Lead Evaluation Contractor** – A person certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:171.1 et seq.

**Lead-based Paint Hazard** – Any condition that causes exposure to lead from lead-contaminated dust or soil or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

**Visual Assessment** – A visual examination for deteriorated paint or visible surface dust, debris, or residue.

**Tenant turnover** – The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

13-2 Inspections.

(1) A lead evaluation contractor retained by the Town or Town Building Department official shall inspect single-family, two-family, or multiple rental dwellings located in the Town of Guttenberg for lead-based paint hazards through visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.1 et seq.

(2) In lieu of having the dwelling inspected by the Town's lead evaluator, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide

lead paint inspection services by the Department of Community Affairs to perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.1 et seq.

(3) In accordance with N.J.S.A. 52:27D-437.16(c), a dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:

a. Has been certified to be free of lead-based paint;
b. Was constructed during or after 1978;
c. Is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least ten (10) years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.);
d. Is a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or
e. Has a valid lead-safe certification.

(4) The owner, landlord, and/or agent of every single-family, two-family, or multiple rental dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three (3) years, or at tenant turnover, whichever is earlier.

(5) If lead-based paint hazards are identified, then the owner, landlord, and/or agent of the dwelling shall remediate the lead-based paint hazard using lead abatement or lead-based control methods in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Town's lead evaluation contractor shall conduct an additional inspection of the unit to certify that the hazard no longer exists. If no lead-based paint hazards are identified, then the Town's lead evaluator shall certify the dwelling as lead-safe on a form prescribed by the Department of Community Affairs, which shall be valid for two (2) years.

(6) Pursuant to N.J.S.A. 52:27D-437.16(e), property owners shall:

a. Provide evidence of valid lead-safe certification and the most recent tenant turnover at the time of the cyclical inspection
b. Provide evidence of a valid lead-safe certification obtained pursuant to this Section to new tenants of the property at the time of tenant turnover unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to §63-2(C) of this Chapter.
c. Maintain records of lead-safe certification, which shall include name(s) of the unit tenant(s), if inspection was conducted during a period of tenancy.

(7) Fees.

a. The Town shall charge the dwelling owner or landlord, and the dwelling owner or landlord shall pay the Town in advance of any inspection, a fee sufficient to cover the cost to the Town of the inspection, which shall be dedicated to meeting the costs of implementing and enforcing this section, which shall in include the following:

    a. $25.00 fee per dwelling for dwelling unit filing unit for a visual assessment performed by the lead inspector.
    b. If necessary, a fee of $25.00 per dwelling unit for reinspection of a unit.

b. In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of $20.00 per dwelling unit inspected by the Town's lead evaluation contractor or the owner's private lead evaluation contractor shall be addressed for the purpose of the Lead Hazard Control Assistance Act, unless the owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of $20.00. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.
c. In a common interest community, any inspection fee charged pursuant to this subsection shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.

13-3 Violations.

If a property owner has failed to conduct the required inspection or initiate any remediation as required by N.J.S.A. 52:27D-437.1 et seq. the owner shall have 30 days to cure the violation. If a property owner fails to cure the violation after 30 days, the property owner shall be subject to a penalty not to exceed $500.00 per week until the required inspection has been conducted or remediation efforts have been initiated.

## 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. Pursuant to N.J.S.A. 40:55D-26 this amendment to Chapter 28 is hereby referred to the Town Joint Zoning & Planning Board for review to provide comment on whether the proposal is substantially consistent with the Master Plan.

## SUMMARY OF ORDINANCE

This Ordinance amends to Chapter 13 of the Town Code entitled "Property Maintenance" to add Section 13 entitled "Lead-Based Paint Inspections to require inspections for lead-based paint in residential rental dwellings in order to ensure the health, safety, and welfare of its residents pursuant to State regulations.

Ordinance#20-24 Amendment Vote

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

ORDINANCE #21-24
INTRODUCTION

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

BOND ORDINANCE PROVIDING FOR THE REHABILITATION OF 69TH STREET IN AND BY THE TOWN OF GUTTENBERG, IN THE COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING $750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $750,000 BONDS OR NOTES OF THE TOWN TO FINANCE THE COST THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GUTTENBERG, IN THE COUNTY OF HUDSON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Town of Guttenberg, in the County of Hudson, New Jersey (the

"Town") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of $750,000, all of which is a grant expected to be received from the State of New Jersey Department of Transportation (the "State Grant"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the cost of the improvement or purpose since the improvement or purpose is being funded by the State Grant.

Section 2. In order to finance the cost of the improvement or purpose and in anticipation of receipt of the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of $750,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the rehabilitation of 69th Street, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes

issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $750,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding $150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance#21-24 Introduction Vote

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

ORDINANCE #22-24
INTRODUCTION

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

BOND ORDINANCE PROVIDING FOR TRAFFIC SIGNAL IMPROVEMENTS ON 68TH STREET AND POLK STREET IN AND BY THE TOWN OF GUTTENBERG, IN THE COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING $499,788 THEREFOR AND AUTHORIZING THE ISSUANCE OF $499,788 BONDS OR NOTES OF THE TOWN TO FINANCE THE COST THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GUTTENBERG, IN THE COUNTY OF HUDSON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Town of Guttenberg, in the County of Hudson, New Jersey (the "Town") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of $499,788, all of which consists of a grant expected to be received from the State of New Jersey Department of Transportation in the amount of $411,260 (the "State Grant") and a Community Development Block Grant expected to be received in the amount of $88,528 (the "CDBG" and, together with the State Grant, the "Grants"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the cost of the improvement or purpose since the improvement or purpose is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement or purpose and in anticipation of receipt of the Grants, negotiable bonds are hereby authorized to be issued in the principal amount of $499,788 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is traffic signal improvements on 68th Street and Polk Street, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the

amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Town hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Town may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes

provided in this bond ordinance by $499,788, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding $99,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Town hereby declares the intent of the Town to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Town is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Town and to execute such disclosure document on behalf of the Town. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Town pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Town and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the

requirements of the Rule. In the event that the Town fails to comply with its undertaking, the Town shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance#22-24 Introduction Vote

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

Bill List #1 (October):

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

Bill List #2 (October):

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 #3 (October):

A motion was made by Councilperson Hokien seconded by Councilperson Habermann 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 #185-2024
AUTHORIZING THE SALE BY ASSIGNMENT OF CERTAIN TAX SALE CERTIFICATES OWNED BY THE TOWN OF GUTTENBERG PURSUANT TO N.J.S.A. 54:5-113

**WHEREAS,** N.J.S.A. 54:5-113 authorizes assignment by a municipality of tax sale certificates for the full amount of the certificate, including all subsequent municipal taxes and other municipal charges; and

**WHEREAS**, Gana 54 LLC, located at P.O. Box 637, Alpine, New Jersey, 07620 has presented an offer to purchase, by assignment, Certificate of Sales #24-111, which was issued to the Town of Guttenberg at a tax sale held on September 10, 2024, on Block 06, Lot 12, 6723-25 Polk Street, Guttenberg, New Jersey, and assessed to NG&J Polk LLC in the amount of $1,407.12, being the full amount of the certificate as of October 23, 2024, including all subsequent municipal taxes and other municipal charges; and

**WHEREAS**, Gana 54 LLC, located at P.O. Box 637, Alpine, New Jersey, 07620 has presented an offer to purchase, by assignment, Certificate of Sales #24-150, which was issued to the Town of Guttenberg at a tax sale held on September 10, 2024, on Block 21, Lot 33, 334 69th Street, Guttenberg, New Jersey, and assessed to KASIHATI PONI, in the amount of $1,124.37, being the full amount of the certificate as of October 23, 2024, including all subsequent municipal taxes and other municipal charges; and

**WHEREAS**, Gana 54 LLC, located at P.O. Box 637, Alpine, New Jersey, 07620 has presented an offer to purchase, by assignment, Certificate of Sales #24-174, which was issued to the Town of Guttenberg at a tax sale held on September 10, 2024, on Block 29, Lot 40, 124 68th Street, Unit 103, Guttenberg, New Jersey, and assessed to Christopher Lau & Jelena Ilic in the amount of $295.59, being the full amount of the certificate as of October 23, 2024, including all subsequent municipal taxes and other municipal charges; and

**WHEREAS**, Gana 54 LLC, located at P.O. Box 637, Alpine, New Jersey, 07620 has presented an offer to purchase, by assignment, Certificate of Sales #24-175, which was issued to the Town of Guttenberg at a tax sale held on September 10, 2024, on Block 29, Lot 40, 124 68th Street, Unit 303, Guttenberg, New Jersey, and assessed to ISABEL TERRACE DEVEL, LLC in the amount of $927.65, being the full amount of the certificate as of October 23, 2024, including all subsequent municipal taxes and other municipal charges; and

**WHEREAS**, Gana 54 LLC, located at P.O. Box 637, Alpine, New Jersey, 07620 has presented an offer to purchase, by assignment, Certificate of Sales #24-183, which was issued to the Town of Guttenberg at a tax sale held on September 10, 2024, on Block 30, Lot 26, 114 69th Street, Guttenberg, New Jersey, and assessed to PENA, SARAH & RAMON & MARIA in the amount of $5,163.04, being the full amount of the certificate as of October 23, 2024, including all subsequent municipal taxes and other municipal charges; and

**WHEREAS**, Gana 54 LLC, located at P.O. Box 637, Alpine, New Jersey, 07620 has presented an offer to purchase, by assignment, Certificate of Sales #24-191, which was issued to

the Town of Guttenberg at a tax sale held on September 10, 2024, on Block 34, Lot 24, 80 68th Street Unit 1, Guttenberg, New Jersey, and assessed to MALDONADO, L. & GUZMAN, W., in the amount of $1,222.82, being the full amount of the certificate as of October 23, 2024, including all subsequent municipal taxes and other municipal charges; and

**WHEREAS**, after due deliberation and consultation with the Tax Collector, Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, has determined that it is in the best interest of the Town of Guttenberg to approve the aforementioned assignments pursuant N.J.S.A. 54:5-113.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Tax Sale Certificates #24-111, #24-150, #24-174, #24-175, #24-183, and #24-191, with subsequent liens thereon shall be sold to Gana 54 LLC, located at P.O. Box 637, Alpine, New Jersey, 07620, in accordance with the provisions of N.J.S.A. 54:5-113; and

**BE IT FURTHER RESOLVED** that the Town Clerk is authorized to execute the Assignments.

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

Public Portion:

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

Ann Smith, 113-68th Street:

- Why are residents getting refunds?

Cosmo A. Cirillo:

- Residents who overpaid taxes

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

Mayor's Announcement:

- Diwali Celebration - 10/23/24
- Senior Halloween Party - 10/25/24
- Recreation Halloween Trick or Treat - 10/26/24
- GRC Halloween Celebration - 10/29/24

- Recreation Pumpkin Decorating - 10/30/24
- Howl-O-Ween Event - 11/3/24
- Veteran's Day Ceremony - 11/11/24

A motion was made to go into close session by Councilperson Malave seconded by Councilperson Delafuente 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 **4:45 P.M.** at the Mayor and Council work session held on **October 23, 2024** at the Municipal Offices, the Mayor and Council deemed it necessary to exclude the public from discussion for the express purposes of discussing:

- Litigation

A motion was made to close closed session by Councilperson Malave seconded by Councilperson Habermann 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.**

Adjournment:

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

Meeting was adjourned at 5:15 P.M.

Respectfully Submitted,

Dr. Cosmo A. Cirillo, RMC
Town Clerk