

MINUTES

Regular meeting of the Mayor and Council of the
Town of Guttenberg at Town Hall, 6808 Park Avenue, Guttenberg, New Jersey
on Wednesday, September 24, 2025, 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 (via telephone), Juana Malave and Mayor Wayne D. Zitt, Jr.

Sunshine Law:

As presiding officer of this Regular Meeting of the Mayor and Town Council of the Town of Guttenberg, held on September 24, 2025 at 4:30 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.

Approval of consent agenda Resolution #179-2025 through Resolution#201-2025:

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 Minutes:

- Caucus Meeting of August 27, 2025
- Regular Meeting of August 27, 2025

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

Resolution:

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #179-2025

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
OCTOBER 15, 2025 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
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

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, STATE OF NEW JERSEY
RESOLUTION#180-2025

RESOLUTION AUTHORIZING THE APPLICATION TO, AND ACCEPTANCE OF FUNDS FROM, THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES GRANT

WHEREAS, the Town of Guttenberg desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$20,000 to carry out a project to enhance the Town's recreational opportunities to better accommodate and include individuals with disabilities; and

WHEREAS, the proposed project will result in the hosting of the Guttengarden Art Camp in partnership with Guttenberg Arts; and

WHEREAS, the proposed project will therefore advance equitable access to recreation and leisure services for the benefit of all Guttenberg residents with physical disabilities; and

WHEREAS, there is a 20% financial match required and the Town will need to enter into a grant agreement to accept this grant upon award.

BE IT THEREFORE RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GUTTENBERG:

1. That the Town of Guttenberg does hereby authorize the application for such a grant; and
2. That the Town of Guttenberg recognizes and accepts that the Department may offer a lesser

or greater amount upon receipt of the grant agreement from the New Jersey Department of Community Affairs; and

3. That the Mayor and Town Clerk are hereby authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

BE IT FURTHER RESOLVED that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

_____ (signature)	_____ (signature)
_____ (type or print name)	_____ (type or print name)
_____ (title)	_____ (title)

CERTIFICATION:

I, Cosmo Cirillo, Town Clerk of the Town of Guttenberg, hereby certify that at a meeting of the Guttenberg Town Council held on _____ the above *RESOLUTION* was duly adopted.
(Date)

AFFIX GOV'T,
CORPORATE OR
NOTARY SEAL
Clerk)

(Signature of Secretary of the Board of Directors or Government

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION#181-2025

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 2025 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 2025 in the sum of.....\$3,061.00 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 Drive Sober or Get Pulled Over

BE IT FURTHER RESOLVED that a like sum of.....\$3,061.00 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 Drive Sober or Get Pulled Over

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

Adopted this 24th day of September, 2025,
and certified as a true copy of an original.

Trenton, New Jersey

Approved _____, 2025
Director, Division of Local Government Services

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION#182-2025

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 2025 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 2025 in the sum of.....\$3,792.00

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 Distracted Driving Crackdown

BE IT FURTHER RESOLVED that a like sum of.....\$3,792.00
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 Distracted Driving Crackdown

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

Adopted this 24th day of September, 2025,
and certified as a true copy of an original.

Trenton, New Jersey

Approved _____, 2025
Director, Division of Local Government Services

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION#183-2025

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 2025 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 2025 in the sum of.....\$7,000.00
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:

2025 Click it or Ticket Grant

BE IT FURTHER RESOLVED that a like sum of.....\$7,000.00
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:

2025 Click it or Ticket Grant

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

Adopted this _24th_ day of September, 2025,
and certified as a true copy of an original.

Trenton, New Jersey

Approved _____, 2025
Director, Division of Local Government Services

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION#184-2025

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 2025 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 2025 in the sum of.....\$10,116.69 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:

2025 Local Arts Program Grant

BE IT FURTHER RESOLVED that a like sum of.....\$10,116.69
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:

2025 Local Arts Program Grant

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

Adopted this 24th day of September, 2025,
and certified as a true copy of an original.

Trenton, New Jersey

Approved _____, 2025
Director, Division of Local Government Services

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #185-2025
ACCEPTING COMMUNITY DEVELOPMENT BLOCK GRANT

WHEREAS, the Town of Guttenberg (“Town”) applied for a Community Development Block Grant (“**CDBG**”); and

WHEREAS, the County of Hudson has indicated that the Town of Guttenberg (“Town”) has been approved for a **CDBG** in the amount of \$357,147 for the Guttenberg Pedestrian Safety Enhancement; and

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

1. The Mayor is authorized to execute an agreement with the County of Hudson or such other responsible party to accept the **CDBG** award on behalf of the Town in the amount of \$347,147, as may be required to accept such award.
3. The Mayor and Council acknowledges the terms and conditions for administering the **CDBG** award, including the administrative compliance and audit requirements, such as they may be.

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

RESOLUTION #186-2025

AUTHORIZING THE TOWN OF GUTTENBERG TO APPLY FOR \$23,823.00 FROM THE NEW JERSEY URBAN ENTERPRISE ZONE (UEZ) AUTHORITY ASSISTANCE FUND FOR THE FISCAL YEAR 2026 ADMINISTRATIVE BUDGET

WHEREAS, the Town of Guttenberg (“Town”) desires to submit an application to the New Jersey Urban Enterprise Zone Authority for anticipated UEZ assistance in the amount not to exceed \$23,823.00 for the purpose of funding the Town’s FY 2026 UEZ administration budget; and

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

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, that the proper officers be and are hereby authorized to submit an application to the New Jersey Urban Enterprise Zone Authority for anticipated Zone Assistance Fund (ZAF) in the amount not to exceed TWENTY THREE THOUSAND EIGHT HUNDRED TWENTY THREE DOLLARS (\$23,823.00) for the UEZ Administration Budget for the Town of Guttenberg Fiscal Year 2026, in accordance with all pertinent terms, conditions and requirements which may be established for such an application.

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

Ordinances:

ORDINANCE #26-25
ADOPTION

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

AN ORDINANCE AMENDING CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF GUTTENBERG TO ESTABLISH A FEE TO PROCESS REQUESTS FOR TEMPORARY NO PARKING SIGNS

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

WHEREAS, the Town of Guttenberg has limited parking availability; and

WHEREAS, the Town of Guttenberg desires to utilize all available parking spaces in the Town for residents; and

WHEREAS, the Town of Guttenberg deems it desirable to impose a fee for requests for temporary no parking restrictions; and

WHEREAS, The Town of Guttenberg desires to discourage applicants for temporary no parking restrictions from applying for unneeded parking restrictions; and

WHEREAS, the Town of Guttenberg desires to impose a \$5 fee to cover its administrative costs of implementing the temporary no parking restriction; and

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

SECTION I.

§ 2-54 of the Revised General Ordinances of the Town of Guttenberg is hereby amended to read as follows:

“A charge shall be made for the following items/services in the amount shown after the item/service:

S. Placement of Temporary No Parking Restriction--\$5 check or cash. .

SECTION II.

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.

SECTION III.

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 remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION IV.

Codification. The Town Clerk shall have this Ordinance incorporated in the official copies of the Revised General Ordinances. The Town Clerk, Deputy Town Clerk, and the Town Attorney be and are hereby authorized and directed to change any typographical error, and any heading, part numbers, chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those headings and numbers and existing provisions of the Revised General Ordinances, or as they may otherwise deem appropriate, even if the headings, part numbers, chapter numbers, article numbers and section numbers thus modified are otherwise provided for in this Ordinance.

SECTION V.

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

Summary of Ordinance

This Ordinance: establishes a fee to process requests for temporary no parking signs.

Ordinance#26-25 Adoption Vote

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

NO COMMENTS

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

ORDINANCE #27-25
ADOPTION

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
ORDINANCE AMENDING CHAPTER 7 TRAFFIC, SECTION 3.10 ON **IMPROPER PARKING** AND SECTION 14 ON VIOLATIONS AND PENALTIES OF THE TOWN CODE

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, there exists a need to amend Chapter 7, Section 3.10—Improper Parking and Section 14—Violations and Penalties to add an improper parking payable amount to the Town’s parking violation schedule.

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

§ 7-3.10. Improper Parking.

- a. The operator of a vehicle shall not stop, stand or park the vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of traffic, on the right-hand side of the road and with the curb side of the vehicle within six inches of the edge of the roadway, except as follows:
 1. Upon those streets which have been designated by ordinance and have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb designated and indicated by the ordinance and marks or signs.
 2. Upon one-way streets, local authorities may permit parking of vehicles parallel with the left-hand edge of the roadway headed in the direction of traffic, on the left-hand side of the road and with the curb side of the vehicle within six inches of the edge of the roadway.
- b. The operator of a vehicle shall not park any vehicle parallel with the edge of the roadway headed, in the direction of traffic, outside the demarcated parking space lines in the roadway.
- c. The operator of a vehicle shall not park parallel with the edge of the roadway headed in the direction of traffic if, because of the vehicle length, the vehicle extends past the permitted demarcated parking space lines.

d. The operator of a vehicle shall not park in a way that blocks any portion of the sidewalk, whether parked on the street or in an off-street parking space or driveway.

e. ~~Penalties. Any person who violates any provision of this subsection shall, upon conviction thereof, be liable to a penalty of \$60 per violation.~~

§ 7-14. VIOLATIONS AND PENALTIES.

There is hereby established the following parking violation schedule and payable amounts:

Code Number	Payable Violation Description	Amount
7-3.2	Parking During Emergencies	\$60
7-3.3	Prohibited Parking on Certain Streets at All Times	\$60
7-3.4	Prohibited Parking on Certain Streets at Certain Hours	\$60
7-3.5	Prohibited Stopping or Standing on Certain Streets at Certain Hours	\$60
7-3.6	Parking Time Limited on Certain Streets	\$60
7-3.7	Parking Prohibited for Certain Vehicles 6,000 pounds., 8 feet high	\$124
7-3.9	Prohibited Parking on Alternate Sides of Certain Streets on Certain Hours [Ord. No. 15-2017]	\$40
<u>7-3.10</u>	<u>Improper Parking</u>	<u>\$60</u>
7-4, 7-4.1	Prohibited Parking for Designated Weight and Designated Height of Vehicles on Certain Streets	\$124
7-7	Prohibited Parking in Loading Zones	\$60
7-8	Prohibited Parking in Taxi Zones	\$60
7-9	Prohibited Parking in Bus Stops	\$60
7-10	Turns Prohibited	\$85
7-11	No Turn on Red	\$85
7-13	Handicapped Parking (See N.J.S.A. 39:4-197)	\$273

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 amend Chapter 7, Section 3.10—Improper Parking and Section 14—Violations and Penalties to add an improper parking payable amount to the Town’s parking violation schedule.

Ordinance#27-25 Adoption Vote

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

NO COMMENTS

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

ORDINANCE #28-25 **ADOPTION**

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

AN ORDINANCE AMENDING ORDINANCE #18-10, CHAPTER 19, ARTICLE 1 OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF GUTTENBERG, ENTITLED “STREET OPENINGS”

WHEREAS, the Town wishes to amend the “Street Openings” listed in Ordinance #18-10, Chapter 19, Article 1 of the Revised General Ordinances of the Town of Guttenberg; and

WHEREAS

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

SECTION VI.

§ 19-1.4 of the Revised General Ordinances of the Town of Guttenberg is hereby amended to read as follows:

§ 19-1.4 Escrow Deposit Held.

The applicant shall deposit with the Construction Official **to hold in escrow** before any permit is granted the sum of **\$4,000** for each and every proposed opening not more than 20 feet in length in paved or unpaved streets or public places, and when the proposed opening shall exceed 20 feet of length, the applicant shall pay the sum of **\$400** for each additional 20 feet of length or fraction thereof. This amount shall be retained by the Town for a period of 12 months from the date of completion to guarantee the proper performance of the work done by the applicant and the maintenance thereof in good condition by the applicant. If, during such period of 12 months, the opening shall settle or any street surface over such opening shall require repairs, except where pavement has been resurfaced or repaired by the Town, as hereinafter provided, and the applicant shall fail to make such repairs as required within seven calendar days after the service or mailing of a "Notice to Repair Street Opening" from the Construction Official to do so, then the Construction Official may cause such repairs to be made and pay the cost thereof from said deposit.

The applicant shall also be responsible for the actual costs incurred to Town for professional engineering, inspections, and any other professional services deemed necessary or appropriate by the Town Engineer. The escrow deposit held by the Town shall be applied to invoices related to the street opening and inspection, maintenance, or any engineering services determined by the Town Engineer to be related to the street opening. In the event the escrow deposit amount held drops below \$2,000, the Construction Official shall cause a Notice of Escrow Replenishment notice to be sent to the applicant. The applicant shall have ten (10) days from the date of the notice to replenish the account to \$4,000 or any other amount reasonably requested by the Construction Official or the Town Engineer.

Any reimbursement/payment of any road opening permit in relation to this section shall be paid directly from the escrow account.

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.

SECTION VII.

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 remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION VIII.

Codification. The Town Clerk shall have this Ordinance incorporated in the official copies of the Revised General Ordinances. The Town Clerk, Deputy Town Clerk, and the Town Attorney be and are hereby authorized and directed to change any typographical error, and any heading, part numbers, chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those headings and numbers and existing provisions of the Revised General Ordinances, or as they may otherwise deem appropriate, even if the headings, part numbers, chapter numbers, article numbers and section numbers thus modified are otherwise provided for in this Ordinance.

SECTION IX.

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

Summary of Ordinance

This Ordinance amends Ordinance #19-20 including increasing the deposit for street openings and including engineering and inspection costs to Town as expenses to be deducted from deposit amount. 8

Ordinance#28-25 Adoption Vote

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

NO COMMENTS

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

ORDINANCE #29-25 **ADOPTION**

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

AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION FOR MULTIPLE DWELLING RENTAL PROJECT CONSTRUCTED BY 6810 POLK ST, LLC, AT 6806 - 6810 POLK STREET, PURSUANT TO THE PROVISION OF THE FIVE (5) YEAR EXEMPTION AND ABATEMENT LAW, N.J.S.A. 40A:21-1 ET SEQ. AND SECTION 2-57 OF THE CODE OF THE TOWN OF GUTTENBERG

WHEREAS, 6810 Polk St, LLC (the “Entity”) owns certain property known as Block 10, Lots 5 and 6, on the Town’s Official Tax map, (the “Property”), commonly known as 6806-6810 Polk Street, Guttenberg, NJ; and

WHEREAS, the Property is located in the Town of Guttenberg, within an area declared to be in need of rehabilitation; and

WHEREAS, the Entity has filed an application (“Application”) for a tax exemption for the project involving the construction of forty-two (42) residential units and forty-six (46) vehicle parking spaces (the “Project”); and

WHEREAS, the Town of Guttenberg is authorized to adopt an ordinance to utilize tax exemptions/abatements pursuant to N.J.S.A. 40A:21-1 et seq., the Five (5) Year Exemption and Abatement Law in an area declared to be in need of rehabilitation pursuant to N.J.S.A. 40A:12A-14, and N.J.S.A. 40A:21-1 et seq.; and

WHEREAS, pursuant to N.J.S.A. 40A:21-1 et seq., the Town of Guttenberg adopted Ordinance 07-2017, amended by Ordinances 04-2019, 06-2019, and 10-2019, an Ordinance entitled Five Year Tax Abatement Ordinance to allow Five (5) Year Tax exemptions which allows the town to enter into a tax agreement with applicant for the exemption and abatement of local real estate property taxes and the payment of an amount in lieu of full property taxes; and

WHEREAS, pursuant to N.J.S.A. 40A:21-1 et seq., and Section 2-57 of the Ordinance as codified, a tax exemption for new construction of multiple dwellings is permissible; and

WHEREAS, under the five-year tax exemption, the Entity is required to pay the Town (in addition to the full taxes on the land, which shall continue to be conventionally assessed and taxed) a payment in lieu of taxes for the new improvements on the Property; and

WHEREAS, the application for tax exemption was completed as required by the Ordinance; and

WHEREAS, the Property in 2024 was assessed for land only in the amount of \$225,000.00 (under Block 10, Lots 5 and 6), and generated approximately \$10,291.10 in taxes; and

WHEREAS, the Project has been substantially completed with a Certificate of Occupancy having been issued on May 20, 2025; and

WHEREAS, upon review of the application, the Mayor and Council have determined that the proposed Project Improvements are eligible for tax exemption pursuant to N.J.S.A. 40A:21-9 and the Ordinance; and

WHEREAS, on that basis and under the five-year tax exemption, the Entity would be required to pay the Town (in addition to the full taxes on the land, which shall continue to be conventionally assessed and taxed) payment in lieu of taxes for the new improvements on the Property, based on an approximate estimated assessment otherwise applied on the

improvements on the completed Project of approximately \$4,054,232.00 for the 42 residential units, as follows:

- (a) In the first full year following substantial completion, no payment on the new improvements.
- (b) In the second full year following completion, an amount equal to 20% of taxes otherwise due on the new improvements, estimated to be \$19,550.84
- (c) In the third full year following completion, an amount equal to 40% of taxes otherwise due on the new improvements, estimated to be \$39,101.69
- (d) In the fourth full year following completion, an amount equal to 60% of taxes otherwise due on the new improvements, estimated to be \$58,652.53
- (e) In the fifth full year following completion, an amount equal to 80% of taxes otherwise due on the new improvements, estimated to be \$78,203.37

WHEREAS, upon the expiration of the tax exemption, it is estimated that the Project Improvements in total will generate a tax payment of approximately \$97,754.21, including taxes on land, based upon the current tax rate; and

WHEREAS, in the event that a Town-wide reassessment and/or revaluation results in a decrease in the estimated amount of actual taxes otherwise due, then for purposes of calculating a tax payment hereunder and for the five-year period, the amount shall be calculated on the higher of the amount estimated hereunder or the actual taxes otherwise due; and

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

- 1. The above recitals are incorporated as if fully set forth at length herein.
- 2. The Application for a five (5) year tax exemption for the full and true value of the Project Improvements is hereby approved.
- 3. The Mayor or Municipal Administrator is hereby authorized to execute a five-year tax exemption agreement ("Tax Agreement") for the Project which shall contain, at a minimum, the following terms and conditions:
 - (a) The payment in lieu of taxes on the Project Improvements shall in total be:
 - (i) Year 1: the tax year following substantial completion, no payment in lieu of taxes otherwise due.
 - (ii) Year 2: the second tax year, 20% taxes otherwise due.
 - (iii) Year 3: the second tax year, 40% taxes otherwise due.
 - (iv) Year 4: the second tax year, 60% taxes otherwise due.

- (v) Year 5: the second tax year, 80% taxes otherwise due.
4. The taxes otherwise due for the Project Improvements shall be determined as of the date of completion by the municipal Tax Assessor.
 5. The Tax Agreement for the Project shall take effect on January 1 of the tax year immediately following the completion of the Project and shall have a duration of five years unless terminated prior thereto.
 6. With respect to the transfer of the property, where it is determined that the new owner of the property will continue to use the property pursuant to the conditions which qualified the property, no tax shall be due, the exemption shall continue, and the agreement shall remain in effect.
 7. At the termination of the Tax Agreement, the new improvements shall be subject to all applicable real property taxes as provided by State law and regulation and local ordinance; but nothing herein shall prohibit the Project, at the termination of an agreement, from qualifying for, and receiving the full benefits of, any other tax preferences provided by law.
 8. The Municipal Clerk shall forward a copy of the Tax Agreements to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days of the date of execution of the Tax Agreement.
 9. The Tax Agreement shall be subject to the provisions of Section 2-57 of the Ordinance as codified, as may be applicable.
 10. All ordinances and parts of ordinances inconsistent herewith, excepting the Ordinance, are hereby repealed.
 11. This ordinance shall take effect at the time and in the manner provided by law.

Ordinance#29-25 Adoption Vote

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

NO COMMENTS

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

ORDINANCE #30-25
ADOPTION

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

AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION FOR MULTIPLE DWELLING RENTAL PROJECT CONSTRUCTED BY MEADOWVIEW LOFTS LLC, AT 6901-05 MADISON STREET, PURSUANT TO THE PROVISION OF THE FIVE (5) YEAR EXEMPTION AND ABATEMENT LAW, N.J.S.A. 40A:21-1 ET SEQ. AND SECTION 2-57 OF THE CODE OF THE TOWN OF GUTTENBERG

WHEREAS, Meadowview Lofts LLC (the “Entity”) owns certain property known as Block 10, Lots 22 and 23 on the Town’s Official Tax map, (the “Property”), commonly known as 6901-05 Madison Street, Guttenberg, NJ; and

WHEREAS, the Property is located in the Town of Guttenberg, within an area declared to be in need of rehabilitation; and

WHEREAS, the Entity has filed an application (“Application”) for a tax exemption for the project involving the construction of thirty-two (32) residential units spaces (the “Project”); and

WHEREAS, the Town of Guttenberg is authorized to adopt an ordinance to utilize tax exemptions/abatements pursuant to N.J.S.A. 40A:21-1 et seq., the Five (5) Year Exemption and Abatement Law in an area declared to be in need of rehabilitation pursuant to N.J.S.A. 40A:12A-14, and N.J.S.A. 40A:21-1 et seq.; and

WHEREAS, pursuant to N.J.S.A. 40A:21-1 et seq., the Town of Guttenberg adopted Ordinance 07-2017, amended by Ordinances 04-2019, 06-2019, and 10-2019, an Ordinance entitled Five Year Tax Abatement Ordinance to allow Five (5) Year Tax exemptions which allows the town to enter into a tax agreement with applicant for the exemption and abatement of local real estate property taxes and the payment of an amount in lieu of full property taxes; and

WHEREAS, pursuant to N.J.S.A. 40A:21-1 et seq., and Section 2-57 of the Ordinance as codified, a tax exemption for new construction of multiple dwellings is permissible; and

WHEREAS, under the five-year tax exemption, the Entity is required to pay the Town (in addition to the full taxes on the land, which shall continue to be conventionally assessed and taxed) a payment in lieu of taxes for the new improvements on the Property; and

WHEREAS, the application for tax exemption was completed as required by the Ordinance; and

WHEREAS, the Property in 2024 was assessed for land only in the amount of \$199,000.00 (under Block 10, Lots 22 and 23), and generated approximately \$8,214.72 in taxes; and

WHEREAS, the Project has been substantially completed with a Certificate of Occupancy having been issued on March 7, 2025; and

WHEREAS, upon review of the application, the Mayor and Council have determined that the proposed Project Improvements are eligible for tax exemption pursuant to N.J.S.A. 40A:21-9 and the Ordinance; and

WHEREAS, on that basis and under the five-year tax exemption, the Entity would be required to pay the Town (in addition to the full taxes on the land, which shall continue to be conventionally assessed and taxed) payment in lieu of taxes for the new improvements on the Property, based on an approximate estimated assessment otherwise applied on the improvements on the completed Project of approximately \$3,898,300.00 for the 32 residential units, as follows:

- (f) In the first full year following substantial completion, no payment on the new improvements.
- (g) In the second full year following completion, an amount equal to 20% of taxes otherwise due on the new improvements, estimated to be \$18,798.89
- (h) In the third full year following completion, an amount equal to 40% of taxes otherwise due on the new improvements, estimated to be \$37,597.77
- (i) In the fourth full year following completion, an amount equal to 60% of taxes otherwise due on the new improvements, estimated to be \$56,396.66
- (j) In the fifth full year following completion, an amount equal to 80% of taxes otherwise due on the new improvements, estimated to be \$75,195.55

WHEREAS, upon the expiration of the tax exemption, it is estimated that the Project Improvements in total will generate a tax payment of approximately \$93,994.44 including taxes on land, based upon the current tax rate; and

WHEREAS, in the event that a Town-wide reassessment and/or revaluation results in a decrease in the estimated amount of actual taxes otherwise due, then for purposes of calculating a tax payment hereunder and for the five-year period, the amount shall be calculated on the higher of the amount estimated hereunder or the actual taxes otherwise due; and

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

1. The above recitals are incorporated as if fully set forth at length herein.
2. The Application for a five (5) year tax exemption for the full and true value of the Project Improvements is hereby approved.
3. The Mayor or Municipal Administrator is hereby authorized to execute a five-year tax exemption agreement ("Tax Agreement") for the Project which shall contain, at a minimum, the following terms and conditions:
 - (a) The payment in lieu of taxes on the Project Improvements shall in total be:

- (vi) Year 1: the tax year following substantial completion, no payment in lieu of taxes otherwise due.
 - (vii) Year 2: the second tax year, 20% taxes otherwise due.
 - (viii) Year 3: the second tax year, 40% taxes otherwise due.
 - (ix) Year 4: the second tax year, 60% taxes otherwise due.
 - (x) Year 5: the second tax year, 80% taxes otherwise due.
4. The taxes otherwise due for the Project Improvements shall be determined as of the date of completion by the municipal Tax Assessor.
5. The Tax Agreement for the Project shall take effect on January 1 of the tax year immediately following the completion of the Project and shall have a duration of five years unless terminated prior thereto.
6. With respect to the transfer of the property, where it is determined that the new owner of the property will continue to use the property pursuant to the conditions which qualified the property, no tax shall be due, the exemption shall continue, and the agreement shall remain in effect.
7. At the termination of the Tax Agreement, the new improvements shall be subject to all applicable real property taxes as provided by State law and regulation and local ordinance; but nothing herein shall prohibit the Project, at the termination of an agreement, from qualifying for, and receiving the full benefits of, any other tax preferences provided by law.
8. The Municipal Clerk shall forward a copy of the Tax Agreements to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days of the date of execution of the Tax Agreement.
9. The Tax Agreement shall be subject to the provisions of Section 2-57 of the Ordinance as codified, as may be applicable.
10. All ordinances and parts of ordinances inconsistent herewith, excepting the Ordinance, are hereby repealed.
11. This ordinance shall take effect at the time and in the manner provided by law.

Ordinance#30-25 Adoption Vote

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

NO COMMENTS

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

ORDINANCE #31-25

INTRODUCTION

AMENDING SECTION 14 ON VIOLATIONS AND PENALTIES OF THE TOWN CODE

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, there exists a need to amend Chapter 7, Section 3.10—Improper Parking and Section 14—Violations and Penalties to add an improper parking payable amount to the Town’s parking violation schedule.

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

§ 7-3.12. Non-Resident Parking Time Limits.

- f. It shall be unlawful for the operator of any vehicle which does not have a valid parking permit issues by the Town of Guttenberg (“Town”) to park on a public right of way in the Town for a period exceeding three (3) hours between 7:00 am and 10:00 p.m., with the exception of those areas covered by metered parking, during the hours the meters are in operation.
 3. This restriction shall not apply to those vehicles with a valid residential parking permit, visitor permit, business permit, or any other applicable parking permit.
 4. Any vehicles still parked within a one (1) block radius of where it was parked at the beginning of the permitted three (3) hour period shall be in violation of this ordinance.
 5. The owner and / or operator of any vehicle parking in violation of these provisions shall be subject to the fines outlined in § 7-14. Each hour that passes following the expiration of the three (3) hour parking time limit shall constitute a new and separate violation.

§ 7-14. VIOLATIONS AND PENALTIES.

There is hereby established the following parking violation schedule and payable amounts:

Code Number	Payable Violation Description	Amount
7-3.2	Parking During Emergencies	\$60

7-3.3	Prohibited Parking on Certain Streets at All Times	\$60
7-3.4	Prohibited Parking on Certain Streets at Certain Hours	\$60
7-3.5	Prohibited Stopping or Standing on Certain Streets at Certain Hours	\$60
7-3.6	Parking Time Limited on Certain Streets	\$60
7-3.7	Parking Prohibited for Certain Vehicles 6,000 pounds., 8 feet high	\$124
7-3.9	Prohibited Parking on Alternate Sides of Certain Streets on Certain Hours [Ord. No. 15-2017]	\$40
<u>7-3.10</u>	<u>Improper Parking</u>	<u>\$60</u>
<u>7-3.12</u>	<u>Non-Resident Parking Time Limits</u>	<u>\$120</u>
7-4, 7-4.1	Prohibited Parking for Designated Weight and Designated Height of Vehicles on Certain Streets	\$124
7-7	Prohibited Parking in Loading Zones	\$60
7-8	Prohibited Parking in Taxi Zones	\$60
7-9	Prohibited Parking in Bus Stops	\$60
7-10	Turns Prohibited	\$85
7-11	No Turn on Red	\$85
7-13	Handicapped Parking (See N.J.S.A. 39:4-197)	\$273

SECTION TWO

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

SECTION THREE

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

SECTION FOUR

In order to avoid accidental repeal of existing provisions, the Town Clerk and Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or

section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

SECTION FIVE

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

SUMMARY OF ORDINANCE

This Ordinance amends Chapter 7, Section 3.3—Improper Parking and Section 14—Violations and Penalties to impose a three (3) hour time limit for vehicles without a valid parking permit, with the exception of metered parking areas.

Ordinance#31-25 Introduction Vote

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

ORDINANCE #32-25 **INTRODUCTION**

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

AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION FOR MULTIPLE DWELLING RENTAL PROJECT CONSTRUCTED BY JM PROPERTIES LLC, AT 232-234 69TH STREET, PURSUANT TO THE PROVISION OF THE FIVE (5) YEAR EXEMPTION AND ABATEMENT LAW, N.J.S.A. 40A:21-1 ET SEQ. AND SECTION 2-57 OF THE CODE OF THE TOWN OF GUTTENBERG

WHEREAS, JM Properties LLC(the “Entity”) owns certain property known as Block 25, Lots 39 and 40 on the Town’s Official Tax map, (the “Property”), commonly known as 232-234 69th Street, Guttenberg, New Jersey; and

WHEREAS, the Property is located in the Town of Guttenberg, within an area declared to be in need of rehabilitation; and

WHEREAS, the Entity has filed an application (“Application”) for a tax exemption for the project involving the construction of a four (4) story residential building with fifteen (15) residential units and seventeen (17) vehicle parking spaces (the “Project”); and

WHEREAS, the Town of Guttenberg is authorized to adopt an ordinance to utilize tax exemptions/abatements pursuant to N.J.S.A. 40A:21-1 et seq., the Five (5) Year Exemption and Abatement Law in an area declared to be in need of rehabilitation pursuant to N.J.S.A. 40A:12A-14, and N.J.S.A. 40A:21-1 et seq.; and

WHEREAS, pursuant to N.J.S.A. 40A:21-1 et seq., the Town of Guttenberg adopted Ordinance 07-2017, amended by Ordinances 04-2019, 06-2019, and 10-2019, an Ordinance entitled Five Year Tax Abatement Ordinance to allow Five (5) Year Tax exemptions which

allows the town to enter into a tax agreement with applicant for the exemption and abatement of local real estate property taxes and the payment of an amount in lieu of full property taxes; and

WHEREAS, pursuant to N.J.S.A. 40A:21-1 et seq., and Section 2-57 of the Ordinance as codified, a tax exemption for new construction of multiple dwellings is permissible; and

WHEREAS, under the five-year tax exemption, the Entity is required to pay the Town (in addition to the full taxes on the land, which shall continue to be conventionally assessed and taxed) a payment in lieu of taxes for the new improvements on the Property; and

WHEREAS, the application for tax exemption was completed as required by the Ordinance; and

WHEREAS, the Property in 2025 was assessed for land only in the amount of \$210,000.00 (Block 25, Lots 39 and 40), and generated approximately \$8,668.80 in taxes from land value; and

WHEREAS, upon review of the application, the Mayor and Council have determined that the proposed Project Improvements are eligible for tax exemption pursuant to N.J.S.A. 40A:21-9 and the Ordinance; and

WHEREAS, on that basis and under the five-year tax exemption, the Entity would be required to pay the Town (in addition to the full taxes on the land, which shall continue to be conventionally assessed and taxed) payment in lieu of taxes for the new improvements on the Property, based on an approximate estimated assessment otherwise applied on the improvements on the completed Project of approximately \$2,616,600.00 for the 12 residential units, as follows:

- (k) In the first full year following substantial completion, no payment on the new improvements.
- (l) In the second full year following completion, an amount equal to 20% of taxes otherwise due on the new improvements, estimated to be \$12,618.11
- (m) In the third full year following completion, an amount equal to 40% of taxes otherwise due on the new improvements, estimated to be \$25,236.22
- (n) In the fourth full year following completion, an amount equal to 60% of taxes otherwise due on the new improvements, estimated to be \$37,854.32
- (o) In the fifth full year following completion, an amount equal to 80% of taxes otherwise due on the new improvements, estimated to be \$50,472.43

WHEREAS, upon the expiration of the tax exemption, it is estimated that the Project Improvements in total will generate a tax payment of approximately \$63,090.54, including taxes on land, based upon the current tax rate; and

WHEREAS, in the event that a Town-wide reassessment and/or revaluation results in a decrease in the estimated amount of actual taxes otherwise due, then for purposes of

calculating a tax payment hereunder and for the five-year period, the amount shall be calculated on the higher of the amount estimated hereunder or the actual taxes otherwise due; and

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

1. The above recitals are incorporated as if fully set forth at length herein.
2. The Application for a five (5) year tax exemption for the full and true value of the Project Improvements is hereby approved.
3. The Mayor or Town Administrator is hereby authorized to execute a five-year tax exemption agreement ("Tax Agreement") for the Project which shall contain, at a minimum, the following terms and conditions:
 - (11) The payment in lieu of taxes on the Project Improvements shall in total be:
 - (xi) Year 1: the tax year following substantial completion, no payment in lieu of taxes otherwise due.
 - (xii) Year 2: the second tax year, 20% taxes otherwise due.
 - (xiii) Year 3: the second tax year, 40% taxes otherwise due.
 - (xiv) Year 4: the second tax year, 60% taxes otherwise due.
 - (xv) Year 5: the second tax year, 80% taxes otherwise due.
4. The taxes otherwise due for the Project Improvements shall be determined as of the date of completion by the municipal Tax Assessor.
5. The Tax Agreement for the Project shall take effect on January 1 of the tax year immediately following the completion of the Project and shall have a duration of five years unless terminated prior thereto.
6. With respect to the transfer of the property, where it is determined that the new owner of the property will continue to use the property pursuant to the conditions which qualified the property, no tax shall be due, the exemption shall continue, and the agreement shall remain in effect.
7. At the termination of the Tax Agreement, the new improvements shall be subject to all applicable real property taxes as provided by State law and regulation and local ordinance; but nothing herein shall prohibit the Project, at the termination of an agreement, from qualifying for, and receiving the full benefits of, any other tax preferences provided by law.

8. The Municipal Clerk shall forward a copy of the Tax Agreements to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days of the date of execution of the Tax Agreement.

9. The Tax Agreement shall be subject to the provisions of Section 2-57 of the Ordinance as codified, as may be applicable.

10. All ordinances and parts of ordinances inconsistent herewith, excepting the Ordinance, are hereby repealed.

11. This ordinance shall take effect at the time and in the manner provided by law.

Summary of Ordinance

This ordinance authorizes the Town to enter into a Tax Agreement with the owner of 232-234 69th Street, Guttenberg, NJ.

Ordinance#32-25 Introduction Vote

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

ORDINANCE #33-25

TABLED

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
ORDINANCE OF THE TOWN OF GUTTENBERG, IN THE COUNTY OF HUDSON,
NEW JERSEY, PERMITTING CERTAIN CANNABIS ESTABLISHMENTS WITHIN
THE TOWN

PURPOSE: The purpose of this Ordinance is to authorize adult-use cannabis manufacturers and adult-use cannabis retailers to conduct operations in prescribed areas in the Town of Guttenberg (“Town”), with such usage being allowed only under conditions that the Town Council has deemed will ensure compliance with all applicable laws and have the least impact on the day to day activities of the residents.

WHEREAS, in 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” and codified at N.J.S.A. § 24:6I-31 et seq. (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational/adult use cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses as defined in the Act:

- Class 1 Cannabis Cultivator, businesses involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer, businesses involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler, businesses involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributor, businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer, businesses at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery Service, businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer; and

WHEREAS, the Act authorizes municipalities to adopt by ordinance regulations governing the number of Cannabis Establishments, Cannabis Distributors and Cannabis Delivery services, except for the delivery of Cannabis items and related supplies by a Cannabis Delivery service based and initiated from outside of the municipality; and

WHEREAS, the Act authorizes municipalities to prohibit by ordinance the operation of any one or more classes of Cannabis Establishments, distributors or delivery services anywhere in the municipality, except for the delivery of Cannabis items and related supplies by a delivery service based and initiated from outside of the municipality; and

WHEREAS, the Town adopted Ordinance No. 19-21 on July 26, 2021, codified within the Town Zoning Code at § 28-5.20, prohibiting all Cannabis Establishments, cannabis distributors or cannabis delivery services within the Town, except for the delivery of cannabis items and related supplies by a licensed cannabis delivery service based and initiated from a cannabis delivery service licensed location outside of the Town; and

WHEREAS, the Mayor and the Town Council have determined that it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Town's residents and members of the public who visit, travel, or conduct business in the Town, to amend the Town Code to permit a limited number of Class 2 Cannabis Manufacturers and Class 5 Cannabis Retailers within the geographic boundaries of the Town as conditional uses pursuant to [Section _____], and subject to the requirements of New Jersey State statutes or Administrative Code regulations, as may be adopted and amended, including those of the New Jersey Cannabis Regulatory Commission ("CRC"), and only if such Cannabis Establishment has first obtained a Town Cannabis License ("TCL") as set forth herein.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Town of Guttenberg Council, in the County of Hudson, State of New Jersey, that the Town Municipal Code be amended as follows:

SECTION ONE. The Town Code § 28-2.2, “Definitions”, is hereby amended and supplemented as shown below by deletion (strikethrough) and addition (underline) as follows:

MICROBUSINESS

Means a person or entity licensed by the Cannabis Regulatory Commission as a cannabis grower, cultivator, cannabis processor, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service that may only, with respect to its business operations, and capacity and quantity of product: (1) employ no more than 10 employees; (2) operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis grower or cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow above that plane not higher than 24 feet; (3) possess no more than 1,000 cannabis plants each month, except that a cannabis distributor's possession of cannabis plants for transportation shall not be subject to this limit; (4) acquire and process each month, in the case of a cannabis processor or manufacturer, no more than 1,000 pounds of usable cannabis in dried form; (5) acquire for resale each month, in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis in dried form, or the equivalent amount in any other form of manufactured cannabis product or cannabis resin, or any combination thereof; and (6) acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis in dried form, or the equivalent amount in any other form of manufactured cannabis product or cannabis resin, or any combination thereof.

Town Cannabis License

Means documentary approval of the Town of Guttenberg issued through the Town Clerk to operate a licensed Cannabis Establishment with the Town.

Unless specifically defined otherwise herein, any term used herein shall incorporate the definition of that term in the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), (“the Act”).

SECTION TWO. The Town Code § 28-5.20 “Cannabis Establishments, Distributors and Delivery Services Prohibited” is hereby amended and supplemented as shown below by deletion (strikethrough) and addition (underline):

§ 28-5.20. Cannabis Establishments, Distributors and Delivery Services Prohibited.

a. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), (“the Act”), all cannabis establishments, cCannabis cCultivators, cCannabis wWholesalers, cCannabis dDistributors or and cCannabis dDelivery sServices are hereby prohibited from operating anywhere in the Town of Guttenberg (“Town”) and shall also be considered prohibited uses for all purposes under this chapter, and for purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., in all zones, districts and areas of the Town, except for the delivery of cannabis items and related supplies by a licensed cannabis delivery service based and initiated from a cannabis delivery service licensed location outside of the Town.

b. It is the purpose of the Town in enacting this section that all cannabis activity otherwise permitted by the Act, but as to which the Town may prohibit within 180 days of the effective date of the Act, pursuant to Section 31b thereof entitled “Municipal Regulations or Ordinances,” be prohibited, and that this section be understood, read and applied as broadly

as possible to effectuate such purpose. Only Cannabis Manufacturers and Cannabis Retailers shall be permitted to operate within the Town as set forth within Town Code § 28-5.21 et seq. No other Cannabis Establishments are permitted to operate within the Town and no Cannabis Distributors or Cannabis Delivery Services are permitted to operate within the Town.

SECTION THREE. The Town Code is hereby amended and supplemented by adopting a new subsection § 28-5.20(A), Cannabis Establishments, as follows:

§ 28-5.20(A). Cannabis Establishments

- a. All Cannabis Establishments are subject to Site Plan approval. Application must be heard in front of the full Planning Board and shall not utilize the Minor Site Plan Waiver subcommittee of the Planning Board. When seeking site plan approval, the applicant shall submit a safety and security plan. The Township Police Department shall review and approve of all security plans.
- b. Cannabis Establishments shall be permitted as a conditional use in accordance with this subsection. All Cannabis Establishments are subject to the requirements of New Jersey State statutes and/or Administrative Code regulations as may be adopted and amended, including but not limited to N.J.S.A. 24:61-31 et seq., and subject to the requirements of the New Jersey Cannabis Regulatory Commission (“CRC”). All Cannabis Establishments shall first obtain a Letter of Support from the Town Council, in accordance with Town Code [Chapter 8] prior to making application for conditional use approval.
- c. Cannabis Establishments that operate within the Town shall meet the following conditions and standards when permitted as a conditional use:
 1. Number.
 - (A) There shall be a maximum of two (2) total Cannabis Retailers within the Town. [At least one (1) shall be a New Jersey certified women-owned, veteran-owned, disadvantaged business and/or minority-owned business, provided all other eligibility requirements are met.]
 - (B) There shall be a maximum of two (2) total Cannabis Manufacturers within the Town. [At least one (1) shall be a New Jersey certified women-owned, veteran-owned, disadvantaged business and/or minority-owned business, provided all other eligibility requirements are met.]
 2. Location.
 - a. A Cannabis Retailer shall be permitted as a conditional use only within the [_____ Zones] in the Town.
 - b. A Cannabis Manufacturer shall be permitted as a conditional use only within the [_____ Zones] in the Town.

- c. No Cannabis Establishments shall be located on the same lot as any residential use or any residentially-zoned property. Cannabis Establishments shall be at least 250 feet from a school, both public and private, state-licensed child-care or day-care facility, park, playground, place of worship or recreation/youth center, which distance shall be measured by direct measurement from entrance door of the Cannabis Establishment to the entrance door of the school, state-licensed child-care or day-care facility, park, playground, place of worship or recreation/youth center.
 - d. A Cannabis Establishment shall not be located in or upon the same unit as a grocery store, delicatessen, indoor food market, or other store that engages in either the retail sale of food or in the licensed retail sale of alcoholic beverages.
 - e. All Cannabis Establishments shall be located at least 250 feet from the nearest dwelling unit or residential lot located on a neighboring lot, which distance shall be measured from the entrance of the dwelling unit or residential lot and the cannabis retail business.
 - f. There shall also be a minimum distance of not less than 2,500 feet between licensed Cannabis Establishment businesses; such measurement shall be obtained by measuring the nearest property line of the one business which is licensed, to the nearest property line of the second business which seeks to be licensed.
- 3. Buildings. All Cannabis Establishments shall be fully indoors and enclosed in heated/airconditioned permanent buildings, not trailers, outdoors, moveable kiosks, carts, sheds, tents, etc.
 - 4. Signage. Signs shall be limited to one location identification/name of business sign, in compliance with the Town Code. Signage shall not promote consumption of any cannabis products. A “No Loitering” sign shall be posted on the outside of the building.
 - 5. Accessibility. Any Cannabis Establishment service shall only have one primary public access point, which shall be directly adjacent to the right-of-way or parking area of the building. Access should not be through common entrances with other uses.
 - 6. Hours of operation. Cannabis Retailer hours of operation shall be limited to not earlier than 9:00 a.m. to not later than 9:00 p.m. This provision shall not apply to Cannabis Manufacturers.
 - 7. Interior security. The applicant shall provide a secure location for storage of products with minimum products in any customer service area.
 - 8. Exterior loitering and security. People shall not be permitted to congregate, loiter, or wait in line to access the Cannabis Establishment. The facility shall have a plan

in place if interior capacity is exceeded, i.e., numbers are given and customers wait in their vehicles until called.

9. Curbside and drive-through sales prohibited. There shall be no curbside retail sales or drive-through sales of cannabis permitted in Town.
10. Product consumption. No cannabis or cannabis related products shall be permitted to be consumed on site. “No Smoking” signs shall be posted inside and outside the building. Smoking, consumption or ingestion of cannabis shall not be permitted at any public or quasi-public place.
11. Compliance. All cannabis retail businesses shall be in compliance with all applicable New Jersey State requirements, licenses and permits. The Town’s existing sound regulations will be strictly enforced.
12. Gifting prohibited. Under no circumstance shall any commercial business, individual, Cannabis Establishment or cannabis license holder, under any class of license, engage in gifting cannabis or marijuana as defined herein. Any commercial business, individual, Cannabis Establishment or cannabis license holder found in violation of this provision shall be subject to punishment including fines and/or imprisonment as set forth within the Town Code, and depending upon other carefully defined circumstances, possible criminal prosecution.
13. In no case shall cannabis plants, products, or paraphernalia be visible from a public or private road, sidewalk, residence, or part of any common public viewing area.
14. Odor control devices and techniques shall be incorporated in all Cannabis Establishments to ensure that odors from cannabis are not detectable on-site. Cannabis Establishments shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the Cannabis Establishment that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the Cannabis Establishment. The ventilation system must be installed to meet ASHRAE62 Indoor Air Quality Standards and approved by the Health Department and Building Department and may be subject to periodic inspection by both departments.
15. Outside generators and other mechanical equipment used for any kind of power supply, cooling, or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.
16. A Cannabis Establishment shall not be located in or upon the same unit as a grocery store, delicatessen, indoor food market, or other store that engages in either the retail sale of food or in the licensed retail sale of alcoholic beverages.
17. All Cannabis Establishments shall meet the security requirements set forth in _____ of the Town Code, as well as any additional security-related requirements imposed by state or local authorities.

18. Persons under the age of twenty-one (21) years shall not be allowed on the premises of a Cannabis Establishment and shall not be allowed to serve as a driver for a cannabis delivery service. A notice that no persons under the age of twenty-one (21) years of age is permitted to enter the premises shall be prominently displayed at all entrances to a Cannabis Establishment.
19. The provisions of this paragraph shall not apply to a cannabis delivery service based outside of the Town which makes deliveries of cannabis or related supplies to consumers located within the Town.
20. All Cannabis Establishments shall be required to comply with all municipal cannabis tax requirements, pursuant to Town Code [Section _____.]
21. All Cannabis Establishments shall be subject to unannounced inspections by a designated representative of the Town. Access shall be permitted to the designated representative.
22. All Cannabis Establishments shall comply with all zoning, health, building, fire, and other codes and ordinances of the Town as shown by completed inspections and approvals by the Town Planner, Construction Division, Fire Safety Division, and the Town Health Department, if applicable.
23. The premises of all Cannabis Establishments shall be operated in a manner that does not cause any harm to the public health, safety, and welfare.
24. Delivery of cannabis by any Cannabis Establishment in Town, or from another municipality shall be strictly prohibited.
25. Mobile cannabis facilities shall not be permitted.
26. Samples of cannabis products offered for sale may be displayed on shelves, counters, and display cases, but no use or consumption of cannabis shall be permitted within the Cannabis Establishment. All bulk cannabis products shall be locked within a separate vault or safe, with no other items in the safe, securely fastened to a wall or floor, as coordinated with the Town Police Department.

SECTION FOUR. The Town Code is hereby amended and supplemented by adopting a new Chapter § [____] as follows:

§ _____. Cannabis Advisory Board

a. A Town Cannabis Advisory Board (“CAB” or “Board”) as appointed below will act as the body for local review for the Town for all Cannabis Establishments, but the authority and responsibility to adopt resolutions of support and issue Town Cannabis Licenses (“TCLs”) remains with the Town Council. Under all circumstances in which state law requires communication to the Town by the CRC or any other state agency with regard to the licensing of cannabis establishments by the state, or in which state law requires any review or approval by the Town of any action taken by the state licensing authority, the exclusive authority for

receiving such communications shall be communicated through the Town Administrator's Office upon recommendation by the and authorized by the Town's governing body.

b. Members of the CAB shall include, at a minimum:

- a. Town Mayor or designee;
- b. Town Administrator or designee;
- c. Town Engineer
- d. Town Police Chief or designee;
- e. Town Planning Board Chair or designee;
- f. An additional Town Council Member;
- g. Town Attorney
- h. Town Economic Development Coordinator

c. The Board shall advise the Town Council as to the issuance of resolutions of support and TCLs within the Town. The Board's work shall be made consistent with the criteria outlined in this chapter but the Board has discretion to deviate from same..

d. To the extent necessary and in their sole discretion, the Board shall be supported by other legal and planning professionals. The Board may request additional resources as necessary to effectuate the responsibilities of the Board. The applicants shall deposit and fund an escrow in the amount of \$5,000 for the costs of said professionals. If the Town must hire one or more consultants to evaluate a first-time or renewal application for a TCL, the applicant will be responsible for the review fees of the Town's hired consultant(s). To the extent that the escrow is exhausted, the applicant shall provide any replenishment amount required by the Board within 10 days of a replenishment request by the Board.

SECTION FIVE. The Town Code is hereby amended and supplemented by adopting a new subsection § 4-83, "Town Cannabis Licenses", as follows:

§ 4-83. Town Cannabis Licenses

- a. Any person, business or organization, prior to commencing operation as a Cannabis Establishment within the Town shall first apply for and secure from the Town Council an annual Town Cannabis License ("TCL"). The application shall be reviewed and approved as set forth in this section and may be amended by the Town Council.
- b. No individual, partnership, corporation, or other legal entity shall engage in any cannabis-related business activity within the Town unless the person or entity: (1) has a valid TCL; (2) has a valid annual cannabis operating license issued by the New Jersey Cannabis Regulatory Commission ("CRC"); and (3) is currently in compliance with all applicable state and local laws and regulations pertaining to cannabis and cannabis businesses.
- c. **Maximum Number of Licenses.** The number of TCLs available shall be two (2) TCLs for Class 2 Cannabis Manufacturers and two (2) TCLs for Class 5 Cannabis Retailers. This subsection is only intended to establish the maximum number of TCLs that may be active at any given time. Nothing in this subsection creates a mandate that the Town must issue any or all of the TCLs potentially available.

- d. A Cannabis Establishment shall be required to maintain a valid annual cannabis operating license from the CRC as a condition of holding a TCL. An applicant is permitted to apply for a TCL so long as the applicant shall have submitted a complete application to the CRC prior to submitting an application for a TCL.
- e. The TCL shall be displayed at all times. The validity of any TCL issued by the Town pursuant to this section shall be contingent on the licensee's receipt of an annual cannabis operating license from the CRC for the same class or type of regulated cannabis activity.

§ 4-83.1. Town Cannabis License Application Requirements

- a. Any person or entity seeking a license to operate a cannabis business within the Township shall submit an application to the Town Clerk, using a standardized form which shall be made available at the Town Clerk's office and on the Town's website. Failure to include all information required by this form shall result in an application being deemed incomplete. These requirements are separate and distinct from any land use approval that may be necessary to be secured from the Planning Board or Zoning Board of Adjustment.
- b. The Town, through its Municipal Clerk, shall begin accepting TCL applications _____ days following final passage of this article.
- c. To be deemed complete, all TCL applications must be accompanied by the following:
 - 1. A copy of all documents submitted by the applicant to the CRC, or to any state agency, in connection with an application for a license or permit to operate a Cannabis Establishment.
 - 2. A copy of all documents received by the applicant from the CRC, or from any state agency, in connection with an application for a license or permit to operate a Cannabis Establishment, including any notices of qualification or disqualification.
 - 3. The application must contain the property location, including address and lot and block on the official tax map and zone identification.
 - 4. Proof that the applicant has or will have lawful possession of the premises proposed for the cannabis establishment, which proof may consist of the following: a deed, a lease, a real estate contract contingent upon successful licensing, or a binding letter of intent from the owner of the premises indicating an intent to lease or sell the premises to the applicant contingent upon approval of required licenses. A separate application shall be required for each location at which a cannabis facility operates.
 - 5. A scale drawing of the interior of the premises showing all entrances and exits to and from the place where the business is to be conducted; the location and placement of all fire detection and fire suppression equipment (i.e., smoke detectors, hoses, extinguishers, sprinkler systems, etc.); and the location of all fire exits.
 - 6. A scale drawing showing the proposed plan of evacuation for the premises in the event of an emergency.
 - 7. A security plan that includes sufficient security measures, including lighting and alarms, to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the cannabis business. Said plan shall remain updated and secured on file in the protective custody of the Police Department. The information provided for

purposes of this section shall be maintained by the Police Department as confidential information and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction.

8. A business plan outlining the proposed operations of the cannabis business.
9. An affidavit and documentary proof of compliance with all state and local laws regarding affirmative action, anti-discrimination and fair employment practices. The applicant shall also certify under oath that they will not and shall not discriminate based on race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.
10. A letter from the appropriate zoning official indicating that the location proposed for licensing by the applicant complies with all applicable Town zoning laws and the location restrictions set forth herein.
11. Applicant's owners' or principals' qualifications and experience operating in highly regulated industries, including cannabis, health care, pharmaceutical manufacturing, and retail pharmacies, with preference to experience operating such businesses within the State of New Jersey.
12. Applicant's brand and proposal for the physical presence of the business, including but not limited to: the site's ability to meet all land use regulations (parking, landscaping, signage, etc.), architectural treatments, customer experience (where applicable).
13. A summary of the applicant's operational plans, including without limitation with respect to the below and as further described in § 4-83.4 ("Security") below:
 - a. storage of products and currency;
 - b. physical security;
 - c. video surveillance;
 - d. security personnel;
 - e. visitor management;
 - f. measures and means of preventing smoke, odors, debris, dust, fluids, and other substances from exiting the cannabis business premises shall be provided at all times;
 - i. In the event that any debris, dust, fluids or other substances shall exit the business premises, the property owner and operator shall be jointly and severally responsible for the full cleanup immediately;
 - g. plans regarding proper disposal of all materials and other substances in a safe and sanitary manner in accordance with state regulations; and
 - h. as applicable, plans regarding ventilation systems with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior to the exterior of the premises discernible by reasonable persons, which ventilation system must be inspected and approved by the Construction Official and which shall comply with all state and Town regulations and requirements.
14. Applicant's or its owners' demonstrated commitment or sufficient experience as responsible employers, defined as the applicant entity being committed to a local program in collaboration with organizations committed to the well-being of residents, including but not limited to the Town and surrounding service area.
15. Summary of the applicant's environmental impact/mitigation, and sustainability plan and/or whether the applicant entity or its parent company has any recognitions from or registrations with federal or New Jersey state environmental regulators for innovation in sustainability.

16. Applicant's demonstrated commitment to diversity in its ownership composition and hiring practices.
17. Any certifications as a New Jersey minority-owned, women-owned, or veteran-owned business held by the applicant entity or its parent company.
18. Applicant's and its owners' (if applicable) or principals' qualifications and experience operating in highly regulated industries, including cannabis, healthcare, pharmaceutical manufacturing, and/or retail pharmacies, with preference to experience operating such businesses within the State of New Jersey and where the value of such businesses within the State of New Jersey and where the value of owner's experience shall outweigh the experience of nonowner principals;
19. Applicant's and its owners' (if applicable) or principals' qualifications and experience related to public safety and security, including any of the applicant's owners' or principals' experience in law enforcement and drug enforcement, and a summary of applicant's plans for storage of products and currency, disposal of waste, plans for odor control, storage of any hazardous chemicals, physical security, video surveillance, security personnel and visitor management.
20. The initial application fee for each local cannabis establishment license shall be \$5,000.00 and the renewal application fee shall be \$2,500.00. Such fees shall be non-refundable. An escrow in the initial amount of \$1,000.00 shall be established and replenished upon request for administrative and professional fees and costs relating to the application and oversight during the term. The application and escrow fees charged herein shall be in addition to any application and escrow fees charged by the Planning Board or Zoning Board of Adjustment for applications made to such Boards. The amount of the nonrefundable application fee may be modified from time to time by a subsequent duly adopted resolution of the Town Council.
21. Applicants' acknowledgement that they shall have a continuing obligation to amend or supplement their application with any changes and/or additions to the information and documents submitted with such application, including the status of any application for site plan approvals or requests for variances within the township.
- d. An application shall be deemed incomplete and shall not be processed by the Town Clerk until all documents and application fees are submitted. The applicant shall submit any other additional information requested by the Town in its evaluation of their application. The applicant may be required to appear for a meeting with the Cannabis Advisory Board ("CAB").

§ 4-83.2. Town Cannabis License Application Review

- a. Cannabis Advisory Board Application Review and Approval.
 1. Upon receipt of a complete application for a new TCL or TCL renewal, the Town Clerk shall forward same for review to the CAB. The CAB shall provide its recommendation regarding the application to the Town Clerk within thirty (30) days of receipt.
 2. After receiving the CAB's recommendation, the Town Clerk shall forward the TCL application together with the CAB's related recommendation to the Town Council for consideration of the issuance of a Letter of Support at an upcoming regular meeting. Upon an affirmative vote of a

majority of the full authorized membership of the Town Council, a Letter of Support shall be issued to the applicant.

- a. A Letter of Support simply permits the applicant to proceed to the Planning Board for its approval and does not imply final approval by the Town Council or issuance of a TCL. Application must be heard in front of the full Planning Board and shall not utilize the Minor Site Plan Waiver subcommittee of the Planning Board.
 3. After receiving notice that the applicant has received all applicable site plan approvals and variances, including conditional use approval per Town Code Section [], the Town Clerk shall forward the application to the Town Council for consideration at an upcoming regular meeting.
 - a. Upon making a determination that the applicant has satisfied the requirements of this section, the Town Council shall issue a Resolution of Support to the applicant.
 4. If the Town Clerk receives more applications than there are available TCLs, the Town Clerk shall maintain a waiting list of additional applications that have been submitted in complete form, with priority of the waiting list determined by the order, by date and time, that a complete application, as so deemed in the reasonable discretion of the Clerk, is received by the Town.
 5. The Town Council shall have the discretion to impose additional requirements beyond those set forth in this section and pursuant to the recommendations received pursuant this subsection as conditions on its approval of any TCL.
- b. TCL Denial. The Town Clerk shall deny an application under this section for any of the following reasons:
1. The applicant has not included all of the information, documents, and fees required to be submitted with the application, and has failed to correct such deficiencies within thirty (30) days of being notified by the Town Clerk.
 2. The Clerk becomes aware that the Town's Planning Board or Zoning Board of Adjustment has determined that the application does not conform to all applicable Town ordinances and provisions of the Town Code.
 3. The Town has already issued the maximum number of TCLs for the proposed class of Cannabis Establishment.

- c. TCL Issuance.
 - 1. The Town Clerk shall issue a TCL only after receiving:
 - a. A Resolution of Support issued by the Town Council.
 - b. A copy of the applicant's annual cannabis business operating license issued by the CRC.
 - c. A certificate of occupancy for the premises to be used by the Cannabis Establishment.
 - d. A signed hold harmless and indemnification agreement, as approved by the Township attorney.
 - 2. Except where expressly provided otherwise, all TCLs shall expire on December 31 of the year of issue at 12:00 midnight. Applications for the renewal of licenses shall be submitted prior to the close of business on December 1 (or the next business day, if December 1 falls on a weekend or a holiday). By no later than December 1 of the license year, all licensees shall be required to again file an application for a TCL to be authorized to continue operation as a cannabis establishment within the Town. Applications for renewal shall be accompanied by the same information and documentation required for a new TCL application. An application for renewal may incorporate, by reference, information and documents previously submitted by the applicant. However, the application must note any changes to previous submissions, and include any new information and/or documents.
 - 3. All TCLs shall be conditional, and shall remain subject to all laws and regulations of the Town and the State of New Jersey. Failure of any licensee to comply with such applicable laws shall be grounds for revocation and/or nonrenewal by the Town. No refund will be issued by the Town for any suspended or revoked license.
 - 4. Once the maximum number of TCLs have been granted, the Town Clerk shall maintain a waiting list of applicants for a TCL. The priority of the waiting list shall be determined by the order, by date and time, that a complete license application is received by the Town, as so deemed in the discretion of the Clerk.
 - 5. All TCLs shall be non-transferrable. All TCLs shall be specific to the property location authorized and approved by the Town. Should an applicant change location of the Cannabis Establishment, a new application must be submitted and approved.
 - 6. All applicants granted a TCL shall pay a non-refundable annual fee of \$10,000.00 prior to any license being issued, with such payment to be made to the Town Clerk by January 1 of each calendar year, or within ten (10) days of the date the TCL is granted by the Town Council.

§ 4-83.3. Disciplinary Actions

- a. Disciplinary Actions; Sanctions; Penalties

1. Disciplinary actions. Procedures for investigation of TCL violations and for suspension, revocation or other licensing sanctions as a result of any such violation shall be as follows:
 - a) First offense: Up to \$1,000 per violation per day;
 - b) Second offense: Up to \$2,500 per violation per day;
 - c) Third violation shall result in a summary suspension.
 - c) If a second offense is on-going for more than 10 days, a summary suspension may be imposed.
 - e) Each day a violation continues after notification that it exists shall constitute a separate offense.
2. Summary suspension. Notwithstanding the foregoing section, when the Town Council, or its authorized representative or designee, has reasonable grounds to believe that a TCL licensee has engaged in deliberate and willful violation of any applicable law or regulation, or that the public health, safety and/or general welfare has been jeopardized and requires emergency action, the Town Council, or its authorized representative or designee, may enter a summary suspension order for the immediate suspension of such TCL pending further investigation.
 - a) The summary suspension order shall be in writing and shall state the reason(s) therefore. The TCL licensee shall be afforded an opportunity for an appeal process as outlined herein.
 - b) The Town Council shall convene a review panel consisting of the Town Manager, two members of Town Council, a second administrative officer designated by the Town Council, and the Chief of Police. The matter shall be scheduled within 30 days of the date of the order.
 - c) For purposes of this Subsection 2, "reasonable grounds" means one or more complaints that have been substantiated by a certified consultant designated by the Township, or other fault or instance of noncompliance found during an inspection conducted by the Town Police Department, Construction Code Official, Zoning Officer, Fire Code Official, or Hudson County Health Department.
 - d) The review panel is authorized to impose any fines, conditions, restrictions, suspensions or combination thereof authorized by the State of New Jersey. In the absence of state specified penalties, the Town may issue fines up to, but not to exceed, \$2,500 per separate offense per day, and/or suspension of license for a period not to exceed six months.
- b. License Suspension or Revocation. Suspension of an annual cannabis business operating license issued by the CRC shall immediately suspend the ability of a Cannabis Establishments to operate within the Town, until the State of New Jersey, or

its respective commission, agency, department or division, including without limitation the CRC, reinstates or reissues the state license. Should the State of New Jersey, or any of its commissions, agencies, departments or divisions, including without limitation the CRC, revoke or terminate the license of a Cannabis Establishment, such revocation or termination shall automatically revoke any TLC previously issued to the Cannabis Establishment and the Cannabis Establishment will be prohibited from operating within the Town. No refund will be issued by the Town for any revoked TCL.

- c. Hours of Operation. No Cannabis Retailer may serve customers or be open to customers for business before 9:00 a.m. or remain open to customers for business after 9:00 p.m.

§ 4-83.4. Security

- a. Security Measures

- 1. All security measures must comply with applicable law and regulations, as well as with any terms and conditions imposed by state or local authorities on the issuance of a permit or license to operate a Cannabis Establishment.
- 2. Every Cannabis Establishment shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis productions, and to deter and prevent theft of cannabis or cannabis products at the Cannabis Establishment. Except as may otherwise be determined by the Town Council, these security measures shall include compliance with all State security regulations required under the Cannabis Establishment's annual operating cannabis license issued by the CRC as those regulations may be amended from time to time.
- 3. The Town Council may impose further security requirements above and beyond the minimum-security requirements imposed by state regulations, upon the recommendation of the Chief of Police based on the unique circumstances associated with a particular Cannabis Establishment. Except as may otherwise be determined by the Town Council, these security measures shall include compliance with all state security regulations required under the Cannabis Establishment's annual operating cannabis license issued by the CRC, as those regulations may be amended from time to time.

- 4. Surveillance system.

- a. Cannabis Establishments shall be monitored at all times by closed-circuit television surveillance system. Security cameras shall be in use 24 hours per day, seven days per week, and shall cover all cannabis dispensing areas, storage areas, all doors and windows with access into the Cannabis Establishment, parking areas, if applicable, and any other areas not mentioned if deemed necessary by the Chief of Police or his/her designee. The surveillance system must be capable of providing surveillance of both interior and exterior areas of the Cannabis Establishment and must be of adequate quality, color rendition and resolution to allow the ready identification of an individual on or adjacent to the site.

b. The security cameras must be internet protocol (IP) cameras capable of providing real time footage over the internet. Operators must provide the Town Police Department with access to this real-time camera footage in case of an emergency.

c. The recordings shall be maintained at the cannabis operation for a period of not less than 30 days and shall be provided to the Town Police Department within 24 hours of a written request from the Police Department for any recordings.

5. Outside areas of the premises and the perimeter shall be lit in accordance with Town regulations and all doors are equipped with motion-sensor lights.
6. The Town Police Department shall be provided with the name and phone number of a staff person to notify during suspicious activity during or after operating hours.
7. Security staff is required on Cannabis Establishments premises during all hours of operation.
8. Storage of currency. All currency over \$1,000 shall be stored within a separate vault or safe, not used for the storage of medical cannabis, securely fastened to a wall or floor, as approved by the Morris Town Police Department.
9. No products to be visible from public places. Cannabis plants, products, accessories, and associated paraphernalia contained in any Cannabis Establishments shall not be visible from a public sidewalk, public street or right-of-way, or any other public place.
10. No fermented malt beverages and no alcoholic beverages shall be kept, served, or consumed on the premises of a cannabis business.
11. All products and accessories shall be stored indoors and samples of cannabis products offered for sale shall be displayed on shelves, counters or display cases. All bulk cannabis products shall be located within a separate vault or safe, with no other items stored in the vault or safe, securely fastened to a wall or the floor.
12. No consumption or smoking of any cannabis products shall be allowed or permitted on the premises or adjacent grounds of a cannabis business.
13. Every Cannabis Establishment shall identify a designated security representative/liaison to the Town, who shall be reasonably available to meet with the Town Manager, the Chief of Police, the Chief of Fire Department, or their designees, regarding any security related measures or any operational issues.
14. Every Cannabis Establishment shall cooperate with the Town whenever the Chief of Police or his/her designee makes a request, upon reasonable notice to the Cannabis Establishment, to inspect or audit the effectiveness of any security plan or of any other requirement imposed pursuant to this subsection.
15. Every Cannabis Establishment shall notify the Chief of Police or his/her designee, as well as the Town Manager, within twenty-four (24) hours after discovering any of the following:

- a) Significant discrepancies identified during inventory.
- b) Diversion, theft, loss, or any criminal activity involving the Cannabis Establishment or any agent or employee of the Cannabis Establishment.
- c) The loss or unauthorized alteration of records related to cannabis, or employees or agents of the Cannabis Establishment.

b. Recordkeeping.

1. Each Cannabis Establishment in the Town shall maintain accurate books and records, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a TCL issued pursuant to this section), or at any other time upon reasonable request of the Town Administrator, each Cannabis Establishment shall file a sworn statement detailing the number of sales by the Cannabis Establishment during the previous twelve-month period (or shorter period based upon the timing of the request). The statement shall include gross sales for each month, and all applicable taxes paid or due to be paid.
2. Each Cannabis Establishment in the Town shall maintain a current register of the names and contact information (including the name, home address, personal telephone number, and percentage of ownership) of anyone owning or holding an interest in the Cannabis Establishment, and all officers, managers, employees, agents and volunteers currently or formerly employed or otherwise engaged by the Cannabis Establishment. The register required by this paragraph shall be provided to the Town Administrator upon request. If at any time a corporation, LLC, company, trust or other entity holds an interest in a Cannabis Establishment, the register required by this paragraph shall also include the name and contact information of a person designated as being able to answer all questions on behalf of that entity, together with the name of every person holding an interest in that entity. The designated representative shall provide whatever additional information the Town Administrator or the Chief of Police may reasonably request concerning the owners of that entity.
3. Each Cannabis Establishment in the Town shall maintain an inventory control and reporting system as required by state law.
4. Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPAA) regulations, each Cannabis Establishment shall allow Town officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its licensed cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than five (5) business days after receipt of the Town's request, unless otherwise stipulated by the Town.

SECTION FIVE. Any article, section, paragraph, subsection, clause, or other provision of the Town Code of the Town of Guttenberg inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION SIX. To the extent that any article, section, paragraph, subsection, clause, or other provision of this Ordinance is inconsistent with the provisions of the Act, the provisions of the Act shall control.

SECTION SEVEN. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION EIGHT. This Ordinance shall take effect upon its passage and publication and filing with the Hudson County Planning Board, and as otherwise provided for by law.

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

ORDINANCE#34-25
INTRODUCTION

TOWN OF GUTTENBERG, COUNTY OF HUDSON, NEW JERSEY

ORDINANCE REPEALING ORDINANCE NO. 07-2017 TO DELETE CHAPTER 2-57 OF THE CODE OF THE TOWN OF GUTTENBERG

WHEREAS, pursuant to N.J.S.A. 40:48-2 the City is authorized to, among other things, make, amend, repeal and enforce ordinances “as it may deem necessary and proper for the good government, 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 Mayor and the Town Council previously adopted Ordinance No. 07-2017, which authorized the Town to implement five-year exemption and abatement law for construction of multiple dwellings within the Town’s rehabilitation area (“Ordinance 07-2017”); and

WHEREAS, the Town Council and Mayor have determined that Ordinance 07-2017 is no longer in the best interests of the Town ; and

WHEREAS, the Mayor and the Town Council seek to repeal Ordinance No. 07-2017 and delete Chapter 2-57of the Revised General Ordinances of the Town of Guttenberg.

NOW, THEREFORE, BE IT ORDAINED, that the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey do hereby authorize Chapter 2-57 of the Revised General Ordinances of the Town of Guttenberg to be amended as follows:

SECTION ONE

§ 2-57 entitled “An Ordinance Authorizing the Town of Guttenberg to Implement Five-Year Exemption and Abatement Law for Construction of Multiple Dwellings within the Town’s Rehabilitation Area” shall be deleted in its entirety upon the effective date of this ordinance and amended to state “Repealed.”

SECTION TWO

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

SECTION THREE

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

SECTION FOUR

In order to avoid accidental repeal of existing provisions, the City Clerk and the 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

This Ordinance shall take effect upon passage. Any existing exemptions or abatements that were duly authorized by the Town Council and Mayor in accordance with Chapter 2-57 shall remain in full effect.

SUMMARY OF ORDINANCE

This ordinance repeals Ordinance No. 07-2017 and deletes Chapter 2-57 of the Code entitled “An Ordinance Authorizing the Town of Guttenberg to Implement Five-Year Exemption and Abatement Law for Construction of Multiple Dwellings within the Town’s Rehabilitation Area.”

Ordinance#34-25 Introduction Vote

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

Payment of Claims:

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

- **Mayor Zitt abstained to PO #242158, #242203 and #242118**
- **Councilperson Fundora abstained to – PO #242158, #242203 #242311& #242118**
- **Councilperson De la Fuente abstained to – PO #242307 & #242309**

New Business:

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #202-2025
RESOLUTION ENDORSING THE 2025 HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Town of Guttenberg, County of Hudson, State of New Jersey, (hereinafter, "Guttenberg") has a demonstrated history of voluntary compliance with its constitutional affordable housing obligations; and

WHEREAS, on March 20, 2024, Governor Phil Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter "Amended FHA" or "Act"); and

WHEREAS, among other things, the Act abolished the Council on Affordable Housing (hereinafter, "COAH"), and replaced it with seven retired, on recall judges designated as the Program and authorized the Director of the Administrative Office of the Courts, (hereinafter, respectively, "Director" and "AOC") to create a framework to process applications for affordable housing compliance certification; and

WHEREAS, pursuant to the Act and to Directive #14-24 issued by the Director on December 13, 2024, a municipality desiring to participate in the Program was obligated to take the following actions by January 31, 2025: (1) adopt a "binding resolution" determining present and prospective need affordable housing obligations and (2) to file an action in the form of a declaratory judgment complaint in the County in which the municipality is located within 4 hours after the municipality's adoption of a binding resolution; and

WHEREAS, Guttenberg adopted a binding resolution on its present and prospective need affordable housing obligations and filed the required declaratory judgment action in timely manner; and

WHEREAS, the Act also requires that a Housing Element and Fair Share Plan (hereinafter, "HEFSP") be prepared and adopted by the Guttenberg Planning Board (hereinafter, "Planning Board"), and endorsed by the Guttenberg Governing Body (hereinafter, "Governing Body"), by June 30, 2025; and

WHEREAS, the Planning Board adopted the HEFSP entitled "Housing Element and Fair Share Plan, Town of Guttenberg, Hudson County, New Jersey" prepared by Ricci Planning dated June 8, 2025 ("2025 HEFSP"), as an amendment to Guttenberg Master Plan on June 19, 2025; and

WHEREAS, the Governing Body desires to endorse 2025 HEFSP adopted by the Planning Board on June 23, 2025.

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

1. The Governing Body does hereby endorse the 2025 HEFSP adopted by the Planning Board on June 19, 2025.

2. The Governing Body does hereby authorize the filing of this Resolution endorsing the 2025 HEFSP adopted by the Planning Board on eCourts for review by the Program.

3. The Mayor and Clerk, together with other appropriate officers and employees of Guttenberg, are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution.

4. This Resolution shall take effect immediately.

A motion was made by Councilperson Habermann 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 #203-2025

AUTHORIZING SETTLEMENT AGREEMENT AND GENERAL RELEASE OF CLAIMS WITH VINICIO ALDAZ

WHEREAS, the Town of Guttenberg (“Town”) is defendant in *Vinicio Aldaz v. -Town of Guttenberg et. al*, Docket No. HUD-L-000247-24; and

WHEREAS, the firm of Renaud Colicchio LLC represents the Town in the litigation; and

WHEREAS, based on the recommendation of Renaud Colicchio and the review of the Town Attorney, the Town deems it in its best interests to negotiate and execute a Settlement Agreement and General Release, involving payment to plaintiff of not more than \$525,000; and

WHEREAS, approval of the Settlement Agreement and General Release is not and shall not be interpreted as being an admission as to any matter, and approval of same is done for the sake of expediency and efficiency only.

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

1. The above recitals are incorporated as if fully set forth herein.
2. Renaud Colicchio is hereby authorized to negotiate and draft a form of Settlement Agreement and General Release incorporating the terms described herein, and the Mayor and Town Administrator is hereby authorized to execute such agreement on behalf of the

Town, in a form acceptable to the Town as evidenced by his signature thereon in furtherance thereof.

3. Neither this Resolutions nor the Settlement Agreement and General Release and the terms thereof shall be considered as an admission of liability or responsibility.

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 #204-2025

AUTHORIZING TERMINATION OF CONTRACT WITH TOWNSHIP OF NORTH BERGEN FOR PROVISION OF HEALTH OFFICER AND RECREATION SERVICES TO THE TOWN OF GUTTENBERG

WHEREAS, the Mayor and Council of the Town of Guttenberg awarded a contract to the Township of North Bergen (“North Bergen”), with offices located at 4233 Kennedy Boulevard, North Bergen, New Jersey 07047 (“Contract”), to provide services including but not limited to Health Officer services, routine and emergency environmental inspections, and communicable disease investigations (“Health Officer Services”) and recreation services (“Recreation Services”); and

WHEREAS, the Contract for Health Officer Services and Recreation Services may be terminated by either party, with or without cause, by passage of a Resolution by the Town Council and following thirty (30) days written notice upon the opposing party; and

WHEREAS, the Town Council and Mayor reviewed the Contract and the Town’s needs and determined that it is in the best interest of the Town to terminate the Contract for Health Officer Services and for Recreation Services, effective on December 31, 2025; and

WHEREAS, the Town shall pay all sums due as of the date of termination and North Bergen shall continue to perform Health Officer Services and Recreation Services until December 31, 2025, but the parties shall thereafter cease payment and performance in accordance with the termination provisions of the Contract; and

WHEREAS, the Town Attorney for the reasons stated herein and as per the terms of the Contract, and based on communication with the Town Administrator does hereby recommend that the Town terminate the Contract with North Bergen, effective December 31, 2025; and

WHEREAS, the Mayor and Council concur with the termination and the Town Attorney’s recommendation that the Contract with North Bergen be terminated pursuant to the termination provision of the Contract, which permits termination without cause.

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

1. The above recitals are incorporated as if set forth herein.
2. Upon recommendation of the Town Administrator and Town Attorney, the Contract with North Bergen is hereby terminated for the reasons stated herein.

3. The Town Attorney shall forthwith transmit a copy of this Resolution to North Bergen advising it of the Contract's termination.
4. All Town officials are hereby authorized to take all steps necessary to ensure that the work called for under the Contract is accomplished by other means and that the Town continues to provide necessary services to Town residents without interruption.
5. The Finance Director shall remit all funds due under the Contract prior to this termination, and shall seek reimbursement for any monies paid for Health Officer Services or Recreation Services which have not be performed.
6. The Town expressly reserves all legal equitable and contractual claims it may have against North Bergen.

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

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #205-2025
APPROVING THE TERMINATION OF EMPLOYEE # 0549-00-4011-00-00884
FROM THE TOWN OF GUTTENBERG

WHEREAS, Employee #0549-00-4011-00-00884, was hired as a probationary employee of the Recreation and Senior Services, for the Town of Guttenberg on August 1, 2025; and

WHEREAS, as a condition of her employment she was given a ninety (90) day probationary period which expires on October 30, 2025; and

WHEREAS, if there are no incidents within this period, the employee would be hired as a permanent employee; and

WHEREAS, due to various issues during her ninety (90) day period, it has been recommended that Employee # 0549-00-4011-00-00884 not be hired for permanent appointment as employee with the Recreation and Senior Services.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Employee # 0549-00-4011-00-00884, is hereby terminated from his employment at the Recreation and Senior Services in the Town of Guttenberg, in accordance with the terms of her probationary period.

BE IT FURTHER RESOLVED that the termination of Employee # 0549-00-4011-00-00884 shall be effective as of September 18, 2025.

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

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #206-2025
AUTHORIZING A SHARED SERVICES AGREEMENT FOR EMERGENCY MEDICAL SERVICES WITH THE TOWN OF WEST NEW YORK AND TOWNSHIP OF WEEHAWKEN

WHEREAS, the Town of Guttenberg, the Town of West New York and the Township of Weehawken (collectively, the “Parties”) recognize the importance of ensuring reliable and efficient Emergency Medical Services (“EMS”) for their residents and visitors; and

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., municipalities are authorized to enter into agreements to provide jointly for the provision of services for the purpose of reducing costs, increasing efficiency and improving service delivery; and

WHEREAS, the Parties have negotiated a form of Shared Services Agreement under which Guttenberg, West New York and Weehawken will cooperate to provide EMS coverage across all three municipalities on a seamless, automatic basis (the Shared Services Agreement); and

WHEREAS, the Agreement establishes that West New York shall conduct insurance billing for EMS services within all three municipalities, with no resident or visitor of Weehawken, West New York or Guttenberg ever subject to balance billing; and

WHEREAS, Guttenberg shall contribute Fifty Thousand Dollars (\$50,000) annually toward this arrangement, with adjustments in future years based on the Consumer Price Index, payable to Weehawken in its capacity as fiscal administrator; and

WHEREAS, the governing bodies of the Parties wish to authorize formally the execution of such a Shared Services Agreement, for an initial period of three years with a commencement date of December 1, 2025; and

WHEREAS, the Mayor and Council finds that this cooperative arrangement will strengthen public safety, improve emergency medical response and demonstrate the shared commitment of all three municipalities to serving the health and welfare of their communities; and

WHEREAS, it is anticipated that the governing bodies of the Township of Weehawken and Town of West New York will each adopt a Resolution authorizing the Shared Services Agreement and the Town of Guttenberg wishes to do the same,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, as follows:

1. The above recitals are incorporated herein as though fully set forth at length; and
2. It is agreed that the Shared Services Agreement be approved for a three (3) year term commencing on December 1, 2025; and
3. The Mayor and/or Town Administrator of the Town of Guttenberg be and they each are hereby authorized to, and either may, execute and deliver the Shared Services Agreement with the Town of West New York and Township of Weehawken substantially in the form on file in the Office of the Town Clerk, in accordance with the provisions hereof in consultation with the Town Law Director, and may take any and all actions necessary to complete and realize the intents and purposes of this Resolution; and

4. The Town Clerk shall forward a certified copy of this Resolution to the Clerks of the Town of West New York and Township of Weehawken; and
5. This Resolution shall take effect immediately.

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 #207-2025
AUTHORIZING A SHARED SERVICES AGREEMENT FOR HEALTH OFFICER AND
REHS SERVICES WITH THE TOWN OF WEST NEW YORK AND TOWNSHIP OF
WEEHAWKEN

WHEREAS, the Town of Guttenberg, the Town of West New York and the Township of Weehawken (collectively, the “Parties”) recognize the importance of ensuring reliable and efficient public health services for their residents and visitors; and

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., municipalities are authorized to enter into agreements to provide jointly for the provision of services for the purpose of reducing costs, increasing efficiency and improving service delivery; and

WHEREAS, the Parties have negotiated a form of Shared Services Agreement under which Guttenberg, West New York and Weehawken will cooperate to provide health officer and REHS coverage across all three municipalities on a seamless, automatic basis (the Shared Services Agreement}; and

WHEREAS, Guttenberg shall contribute Twenty-Five Thousand Dollars (\$25,000) annually toward this arrangement payable to Weehawken in its capacity as fiscal administrator; and

WHEREAS, the governing bodies of the Parties wish to authorize formally the execution of such a Shared Services Agreement, for an initial period of one years with a commencement date for the Town of Guttenberg of January 1, 2026; and

WHEREAS, the Mayor and Council finds that this cooperative arrangement will strengthen public health and safety and demonstrate the shared commitment of all three municipalities to serving the health and welfare of their communities; and

WHEREAS, it is anticipated that the governing bodies of the Township of Weehawken and Town of West New York will each adopt a Resolution authorizing the Shared Services Agreement and the Town of Guttenberg wishes to do the same,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, as follows:

6. The above recitals are incorporated herein as though fully set forth at length; and

7. It is agreed that the Shared Services Agreement be approved for a one (1) year term commencing on January 1, 2026 for the Town of Guttenberg; and
8. The Mayor and/or Town Administrator of the Town of Guttenberg be and they each are hereby authorized to, and either may, execute and deliver the Shared Services Agreement with the Town of West New York and Township of Weehawken substantially in the form on file in the Office of the Town Clerk, in accordance with the provisions hereof in consultation with the Town Law Director, and may take any and all actions necessary to complete and realize the intents and purposes of this Resolution; and
9. The Town Clerk shall forward a certified copy of this Resolution to the Clerks of the Town of West New York and Township of Weehawken; and
10. This Resolution shall take effect immediately.

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

Public Portion:

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

NO COMMENTS

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

Adjournment:

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

Meeting was adjourned at 5:10 P.M.

Respectfully Submitted,

Dr. Cosmo A. Cirillo, RMC
Town Clerk