

MINUTES

Reorganization Meeting of the Mayor and Council
of the Town of Guttenberg at the
Gerald R. Drasheff Community Center
301-69th Street, Guttenberg, New Jersey
on Monday, January 5, 2026

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

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

Members Present:

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

Sunshine Law:

As presiding officer of this Reorganization Meeting of the Mayor and Town Council of the Town of Guttenberg, held on January 5, 2026 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.

Oath of Office:

Mayor Wayne D. Zitt, Jr. - Hon. Michael A. Jimenez, JSC
Councilman Richard Delafuente - Hon. Michael A. Jimenez, JSC
Councilwoman Monica Fundora - Hon. Michael A. Jimenez, JSC
Councilman John D. Habermann - Hon. Michael A. Jimenez, JSC

Mayor Wayne D. Zitt, Jr. swore-in the following Police Officers:

Police Officer Andy Reynoso-Ortega
Police Officer Lesley Avila-Vallejo
SLEO II Adrian Sibri
SLEO II Ryan Minaya
SLEO II Marc Percella
SLEO I Andre Vassell
SLEO I Andrea Ortiz
SLEO I Justin Smith

Approval of consent agenda Resolution #01-2026 through Resolution#40-2026:

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

***Councilman Habermann abstained to Resolution#07-2026**

Resolution:

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION # 01-2026
DESIGNATING MEETINGS AND CAUCUSES OF THE TOWN OF GUTTENBERG

WHEREAS, pursuant to chapter 231 Laws of 1975, known as the Open Public Meeting Act, all meetings of all public bodies wherein formal action, decisions or discussion relation to the public businesses may take place are required to be publicly announced and scheduled with adequate posting and advance notice of the time, date and location of each such meeting.

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. All Boards, Commissions or other entities of The Town of Guttenberg, County of Hudson, State of New Jersey coming within the scope and intent of said Statue, shall comply with the same according to the terms thereof.
2. The following are designated as caucuses and meetings of the Mayor and Council of The Town of Guttenberg, County of Hudson, State of New Jersey and will be held at the Town Hall, located at 6808 Park Avenue, Guttenberg, New Jersey with the caucuses held in the Executive Conference Room and meetings held in the Council Chambers, both located on the second floor, at which any and all public business may be formally discussed, decided or acted upon and shall begin with the caucus at 4:00 P.M. and the public meeting at 4:30 P.M.
3. The deadline to submit any and all document (s) to the Municipal Clerk is by 4:00 P.M. on the Tuesday prior to the Wednesday scheduled meeting.
4. Appropriate officials are hereby authorized and directed to:
 - a. Post and maintain copy thereof the Town Council regular posting area.
 - b. File with the Town Clerk.
 - c. Mail copies / electronic copies to any two (2) of the following newspapers; Bergen Record and or The Star Ledger which are the local newspapers circulating in Guttenberg, New Jersey, and posted on the Town website.
 - d. Do all necessary hereafter to comply with said Statue, to the end, that adequate public notice of all such meetings pursuant to such Statue be given according to law.

PUBLIC MEETINGS:

January	28 th
February	25 th
March	25 th
April	22 nd
May	27 th
June	24 th
July	22 nd
August	26 th
September	23 rd
October	21 st
November	23 rd
December	16 th

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5. In addition to the above, such other meetings as the public business may require shall be scheduled and held pursuant to and with such notice as is required by said Statue.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION#02-2026
SETTING THE OFFICIAL HOLIDAY SCHEDULE FOR CALENDAR
YEAR 2026 FOR THE TOWN OF GUTTENBERG

BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey that the below listed holidays are designated as the official Town of Guttenberg holiday schedule for calendar year 2026.

New Year's Day	January 1 st
Martin Luther King, Jr. Day	January 19 th
Presidents' Day	February 16 th
Good Friday	April 3 rd
Memorial Day	May 25 th
Juneteenth	June 19 th
Independence Day	July 4 th (Observed July 3 rd)
Labor Day	September 7 th
Columbus Day	October 12 th
Election Day	November 3 rd
Veteran's Day	November 11 th
Thanksgiving Day	November 26 th
Friday following Thanksgiving	November 27 th
Christmas Day	December 25 th

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION#03-2026
DESIGNATING THE OFFICIAL NEWSPAPERS FOR THE TOWN OF GUTTENBERG

BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that The Bergen Record and the Star Ledger shall be and hereby are designated as the official newspapers of the Town of Guttenberg for the year 2026.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #04-2026
DESIGNATING SIGNATORIES FOR THE TOWN OF GUTTENBERG

BE IT RESOLVED, by the Mayor and Council, of the Town of Guttenberg, County of Hudson, State of New Jersey, that any authorized depository of funds for the Town of Guttenberg shall be and is hereby authorized to honor and pay checks signed by any two of the following four signatories, Wayne D. Zitt, Jr., Mayor, Dr. Cosmo A. Cirillo, Town Administrator/Municipal Clerk, Hiram Gonzalez, Finance Director and Richard Delafuente, Councilman for year 2026.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #05-2026
DESIGNATING DEPOSITORIES FOR THE TOWN OF GUTTENBERG

BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson and State of New Jersey, that Freedom Bank, Guttenberg Savings and Loan, TD Bank, Kearny Bank and Ponce Bank are hereby designated as depositories for the Town of Guttenberg, for the year 2026.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION#06-2026
ADOPTING A CASH MANAGEMENT PLAN FOR THE TOWN OF GUTTENBERG

WHEREAS, N. J. S. A. 40A: 5-14 requires the Town of Guttenberg to adopt a Cash Management Plan; and

WHEREAS, the Town of Guttenberg adopts its Cash Management Plan annually; and

WHEREAS, this Cash Management Plan shall be designated to assure to the extent practicable the investment of local funds in interest bearing accounts and may be modified from time to time in order to reflect changes in Federal or State law or regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Guttenberg Cash Management Plan shall be continued for the year 2026.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #07-2026

APPOINTING A MEMBER TO THE MANAGEMENT COMMITTEE TO THE NORTH HUDSON REGIONAL FIRE AND RESCUE PURSUANT TO THE UNIFORM SHARED SERVICES AND CONSOLIDATION ACT N.J.S.A. 40A:65-20 AND THE CONSOLIDATED MUNICIPAL SERVICES AGREEMENT FOR THE FORMATION OF THE NORTH HUDSON REGIONAL FIRE AND RESCUE, SECTION 9

WHEREAS, the Town of Guttenberg has authorized and approved the Consolidated Municipal Services Agreement for the Formation of a Joint Meetings; pursuant to N.J.S.A. 40A:65 et seq. to be known as North Hudson Regional Fire and Rescue (Agreement), and the execution of the Agreement; and

WHEREAS, N.J.S.A. 40A:65-20 and Section 9 of the Agreement provide for the appointment of a management committee, which shall exercise all of the powers of the North Hudson Regional Fire and Rescue ("NHRFR"); and

WHEREAS, pursuant to N.J.S.A. 40A:65-20 and Section 9 of the Agreement, the management committee shall consist of one member to be appointed by the governing body of each of the local units executing the Agreement; and

WHEREAS, pursuant to N.J.S.A. 40A:65-20 the member so appointed shall be a resident of the appointing local unit, except that a member who is the chief financial officer, business administrator, municipal administrator or municipal manager of the local unit making the appointment need not be a resident of the appointing local unit; and

WHEREAS, each member of the management committee shall hold office for the term of one (1) year and until his successor has been appointed and qualified.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Town of Guttenberg in the County of Hudson, as follows:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. John D. Habermann, Councilman, be and he is hereby appointed as a Member of the Management Committee of the North Hudson Regional Fire and Rescue, for the term of one (1) year expiring December 31, 2026, and until his successor has been appointed and qualified.
3. The Mayor, Town Clerk or any other necessary official or employee of the Town be and they are hereby authorized to execute any and all documents and to take any and all actions necessary to complete and realize the intent and purpose of this Resolution.
4. The Town Clerk shall file a copy of this Resolution with the Commissioner of the Department of Community Affairs.
5. The Town Clerk shall file a copy of this Resolution with the Chief of the North Hudson Regional Fire and Rescue Department.
6. Any resolution or parts of the resolution inconsistent with the provisions of this Resolution are hereby repealed.

7. If any part of this Resolution shall be declared unconstitutional, invalid, or inoperative, in whole or in part, by a court of competent jurisdiction, no such determination shall be deemed to invalidate the remainder of this Resolution.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #08-2026
APPOINTING FIRE OFFICIAL

BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, and State of New Jersey that they shall and hereby appoint Albert Salvesen to the position of Fire Official. The salary shall be as set forth by the salary ordinance of the Town of Guttenberg; and

BE IT FURTHER RESOLVED that said appointment shall be a yearly appointment; term shall be from January 1, 2026 and terminating on December 31, 2026.

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies that funds are available for appropriation from the “Current Fund-Fire Inspectors Salary & Wages.”

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION#09-2026
APPROVING TEMPORARY BUDGET FOR YEAR 2026

WHEREAS, N.J.S.A. 40A:4-19 provides that where any contract, commitment or payment to be made prior to the final adoption of the 2025 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, the total temporary appropriations resolution adopted in the year 2026 including this resolution total \$ 9,272,405.90 consisting of (2) pages.

WHEREAS, the date of this resolution is within the first thirty days of January, 2026; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the following appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #10-2026
AUTHORIZING LEASING OF PARKING SPACES FOR PROPERTIES LOCATED AT 7006 JACKSON STREET & 7104 JACKSON STREET

WHEREAS, St. John’s Nepomucene Church (“Parish”) owns property located at 7006 Jackson Street, Guttenberg, New Jersey, designated as Block 8, Lots 3 on the Town tax maps, and approximately 18,500 square feet of land commonly known as 7104 Jackson Street, North Bergen, designated as Block 271, Lot 38 on the North Bergen Tax maps, (collectively, the “Property”);

WHEREAS, the Property contains two separate surface parking lots associated with the Parish which are not used by the Parish outside of the Parish's operating hours, and this parking area is depicted in more detail in the Agreement (the "Premises"); and

WHEREAS, the Town of Guttenberg ("Town") has a shortage of on-street parking for its residents and this parking shortage is a major quality of life issue which the Mayor and Council have sought to redress by maximizing on-street parking and by seeking creative solutions to provide additional parking spaces available to residents in off-street parking lots and garages; and

WHEREAS, the Town has negotiated, through its Town Attorney, a "License for Use of Parish Facility" agreement (the "Agreement") by which the Town shall be entitled to use the Premises for resident parking at times when the Parish is not using the Premises; and

WHEREAS, the Town will, at its sole expense, maintain the portion of the Premises depicted in the Agreement in good repair and make all necessary repairs and improvements thereto for the Permitted Use (defined in the Agreement); and

WHEREAS, Parish authorizes the Town to use the Premises for parking for residents, except that the Parish shall have exclusive right to use and occupy the Premises: (1) from 9:00 p.m. on Friday until 8:00 p.m. on Sunday and (2) from 7:00 a.m. until 8:00 p.m. on weekdays; and

WHEREAS, the Town shall pay the Parish the sum of \$2,000.00 per month for the term of the Agreement; and

WHEREAS, the Town shall have the right to assign, lease, or revoke the right to park within the Premises to Town residents at the Town's sole discretion.

NOW, THEREFORE, BE IT RESOLVED the Town attorney is authorized to finalize the Agreement according to the terms herein described and the Mayor and Clerk are authorized to execute the agreement.

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies that the necessary funds are available for this payment from account 01-2010-20-1002-001.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION#11-2026
APPOINTING A PUBLIC AGENCY COMPLIANCE OFFICER

BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson and State of New Jersey that they shall and hereby appoint Hiram Gonzalez as the designated Public Agency Compliance Official ("P.A.C.O.") for the Town of Guttenberg; and

BE IT FURTHER RESOLVED that said appointment shall be a yearly appointment; term shall expire on December 31, 2026.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #12-2026
ANNUAL APPOINTMENT OF CLASS I SPECIAL POLICE OFFICERS
FOR THE TOWN OF GUTTENBERG

WHEREAS, the below listed Class I Specials have graduated from the Bergen County and Ocean County College Police Academy as a Class I Special Law Enforcement Officer; and

WHEREAS, the below listed Class I Specials are deemed fit to perform the duties as a Class I Special Law Enforcement Officer under the New Jersey Police Training Commission.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, New Jersey that the below listed Class I Specials shall be and are hereby re-appointed as Class I Special Police in the Town of Guttenberg Police Department. Salary shall be as set forth by the Salary Ordinance of the Town of Guttenberg.

BE IT FURTHER RESOLVED said appointment shall be an annual appointment pursuant to the authority granted under the "Special Law Enforcement Officers' Act N.J.S.A. 40A:14-146.8 and 40A:14-146.11 et seq., and the Revised General Ordinances of the Town of Guttenberg §2-18.12, beginning on January 1, 2026 and terminating on December 31, 2026.

Kevin Ortiz
Xavier Delgado
Dariel Vialet
Dakota Arce
Sara Lara
Michel Ramirez
Andre Vassell
Andrea Ortiz
Justin Smith

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #13-2026
ANNUAL APPOINTMENT OF CLASS II
SPECIAL POLICE OFFICER FOR THE TOWN OF GUTTENBERG

BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, New Jersey that the below listed Class II Specials that have graduated from the Police Academy as a Class II Special Law Enforcement Officer shall be and are hereby reappointed as Class II Special in the Town of Guttenberg Police Department, subject to background investigation and passing all required mental, physical and administrative examinations if recently hired. Salary shall be as set forth by the Salary Ordinance of the Town of Guttenberg.

BE IT FURTHER RESOLVED said appointment shall be an annual appointment pursuant to the authority granted under the "Special Law Enforcement Officers' Act N.J.S.A. 40A:14-146.8 and 40A:14-146.11 et seq., and the Revised General Ordinances of the Town of Guttenberg §2-18.12, beginning on January 1, 2026 and terminating on December 31, 2026.

Wilson Acevedo
Adrian Sibri
Ryan A. Minaya
Marc A. Percella

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION#14-2026
ANNUAL APPOINTMENT OF CLASS III SPECIAL POLICE OFFICER FOR
THE TOWN OF GUTTENBERG

BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, New Jersey that the below listed Class III Special shall be and is hereby reappointed as Class III Special in the Town of Guttenberg Police Department, subject to background investigation and passing all required mental, physical and administrative examinations if recently hired. Salary shall be as set forth by the Salary Ordinance of the Town of Guttenberg.

BE IT FURTHER RESOLVED said appointment shall be an annual appointment pursuant to the authority granted under the “Special Law Enforcement Officers’ Act N.J.S.A. 40A:14-146.8 and 40A:14-146.11 et seq., and the Revised General Ordinances of the Town of Guttenberg §2-18.12, beginning on January 1, 2026 and terminating on December 31, 2026.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #15-2026
DESIGNATING SIGNATORIES FOR THE TOWN OF GUTTENBERG
MUNICIPAL COURT

BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey that any authorized depository of funds for the Municipal Court of the Town of Guttenberg shall be and is hereby authorized to honor and pay checks signed by Bleydeliz Collado, Court Administrator for calendar year 2026.

TOWN OF GUTTENBERG, COIUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #16-2026
AUTHORIZE RE-APPOINTMENT OF DR. COSMO A. CIRILLO AS
TOWN OF GUTTENBERG ALCOHOLIC BEVERAGE CONTROL BOARD SECRETARY

WHEREAS, there exists in the Town of Guttenberg (“Town”) a need for the services of Alcoholic Beverage Control Board Secretary; and

WHEREAS, Town of Guttenberg has recommended that Dr. Cosmo A. Cirillo be re-appointed to the position of Alcoholic Beverage Control Board Secretary for the Town of Guttenberg; and

WHEREAS, the term of said appointment shall commence on January 1, 2026 until December 31, 2026.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg County of Hudson State of New Jersey that Dr. Cosmo A. Cirillo is appointed to the position Alcoholic Beverage Control Board Secretary.

BE IT FURTHER RESOLVED, that the annual salary for this position in already included and inclusive of Dr. Cirillo's salary as Town Clerk for the Town of Guttenberg.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #17-2026
AUTHORIZE CANCELLATION OF SMALL BALANCES

WHEREAS, N.J.S.A. 40A:5-17.1, provides that a municipality may authorize the processing of tax refunds of less than ten (\$10.00) dollars and the cancellation of tax delinquencies of less than ten (\$10.00) dollars; and

WHEREAS, the Mayor and Council of the Town of Guttenberg ("Town") seek to allow the Tax Collector to process without any further action on the part of the Governing Body, any property tax refund of less than ten (\$10.00) dollars.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that the Guttenberg Tax Collector is hereby authorized to process, without any further action on the part of the Mayor and Council, any property tax refund of less than ten (\$10.00) dollars; and

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to process, without further action on the part of the Mayor and Council, the cancellation of any property tax delinquency of less than ten (\$10.00) dollars; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided by the Town Clerk to the Tax Collector and the Chief Financial Officer.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #18-2026
APPOINTING COMMISSIONERS FOR THE GARDEN STATE MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Town of Guttenberg is a member of the Garden State Municipal Joint Insurance Fund; and

WHEREAS, it is required for the Town of Guttenberg to have representation on the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED on this 5th day of January 2026 by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey that:

1. Dr. Cosmo A. Cirillo is hereby appointed as Commissioner representing Town of Guttenberg on the Garden State Municipal Joint Insurance Fund Board of Commissioners.

2. Hiram Gonzalez is hereby appointed as Alternate Fund Commissioner representing Town of Guttenberg on the Garden State Municipal Joint Insurance Fund Board of Commissioners.
3. Wayne D. Zitt, Jr. is hereby appointed as Alternate Fund Commissioner representing Town of Guttenberg on the Garden State Municipal Joint Insurance Fund Board of Commissioners.

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

RESOLUTION #19-2026

APPOINTING OR REAPPOINTING COMMISSIONER(S) TO THE JOINT GUTTENBERG
PLANNING / ZONING BOARD FOR THE TOWN OF GUTTENBERG

BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey that they shall and hereby appoint and / or reappoint the following person / persons to the Joint Guttenberg Planning / Zoning Board:

Lauren Cabrera, appointed as Class IV
Term: January 1, 2026 to December 31, 2029

Luz Shah, appointed as Class IV
Term: January 1, 2026 to December 31, 2029

Rupert Verano, appointed as Class IV
Term: January 1, 2026 to December 31, 2029

Henry Rodriguez, appointed as Alternate 2
Term: January 1, 2026 to December 31, 2028

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

RESOLUTION #20-2026

APPOINTING/OR REAPPOINTING MEMBER (S) TO THE RENT CONTROL BOARD
FOR THE TOWN OF GUTTENBERG

BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey that they shall and hereby appoint and / or reappoint the following person / persons to the Rent Control Board:

Lauren Cabrera
Term: January 1, 2026 to December 31, 2026

Noah Henderson
Term: June 1, 2026 to December 31, 2026

Rafael Antonio Lopez
Term: June 1, 2026 to December 31, 2026

Alexander Rivera
Term: February 1, 2026 to December 31, 2026

Luz Shah
Term: January 1, 2026 to December 31, 2026

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #21-2026
APPOINTING A CLASS III MEMBER TO THE JOINT PLANNING/ZONING BOARD OF
THE TOWN OF GUTTENBERG

BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, and State of New Jersey that William Hokien shall be and hereby is appointed the Class III member of the Joint Planning/Zoning Board of the Town of Guttenberg to a one (1) year term; and

BE IT FURTHER RESOLVED that said appointment shall be a yearly appointment and shall expire on December 31, 2026.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #22-2026
AUTHORIZE APPOINTMENT OF MICHAEL MITAROTONDA AS CLASS II MEMBER OF
THE TOWN OF GUTTENBERG JOINT PLANNING & ZONING BOARD

(January 1, 2026 – December 31, 2026)

WHEREAS, the Mayor of the Town of Guttenberg (“Town”) is responsible for the appointment of Class II members to the Town of Guttenberg Joint Planning & Zoning Board (“Board”); and

WHEREAS, Michael Mitarotonda is qualified and able to serve as a Class II member of the Town of Guttenberg Joint Planning & Zoning Board; and

WHEREAS, the Mayor seeks to appoint, and the Council concurs with the appointment of Michael Mitarotonda to serve as the Class II member of the Town of Guttenberg Joint Planning & Zoning Board, pursuant to N.J.S.A. 40:55D-23, from January 1, 2026 until December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg, County of Hudson, and State of New Jersey, that Michael Mitarotonda is hereby appointed as a Class II member of the Town of Guttenberg Joint Planning & Zoning Board for a one (1) year term commencing January 1, 2026 and expiring December 31, 2026.

BE IT FURTHER RESOLVED a copy of this Resolution shall be provided to the Guttenberg Joint Planning & Zoning Board Secretary and Board Attorney.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #23-2026
EXTENDING PROFESSIONAL SERVICES CONTRACT TO ACTION DATA SERVICES
FOR EMPLOYEE PAYROLL SERVICE

WHEREAS, the Town of Guttenberg solicited proposals under a fair and open process, for Employee Payroll Services; and

WHEREAS, prior to the expiration of the current vendor contract, the Town solicited proposals for Employee Payroll Services; and

WHEREAS, the Town has not yet awarded a contract for the 2026 calendar year for Employee Payroll Services; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15, the Town may extend the 2024 contract with the current vendor, Action Data Services; and

WHEREAS, the Town seeks to extend the 2024 contract of Employee Payroll Services, with Action Data Services, until December 31, 2026 under the same terms and conditions of the original executed contract in an amount not to exceed \$40,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, hereby agree to extend the contract for Employee Payroll Services to Action Data Services, located at 17 Sherwood Lane, Fairfield, New Jersey, until December 31, 2026, for a contract amount not to exceed \$40,000.00.

BE IT FURTHER RESOLVED, that the Mayor and Town Administrator are authorized to execute a contract with Action Data Services for their services.

BE IT FURTHER RESOLVED, that the Town of Guttenberg shall have the option of cancelling said Contract with a thirty-day notice to Action Data Services and will not be responsible for any monthly payments past the thirty-day notice period.

BE IT FURTHER RESOLVED, that the Chief Financial Officer, certifies that funds are available for the appropriation from Current Fund – Finance 01-2010-20-1302-001.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #24-2026
AUTHORIZE AWARD OF CONTRACT TO VARIOUS VENDORS TO PROVIDE FOOD
SERVICES TO TOWN OF GUTTENBERG NUTRITION PROGRAM

WHEREAS, the Town has established the Town of Guttenberg Nutrition Program, to be run through our Senior Services Department, which offers those eligible residents diverse, nutritious and exceptional food experiences, through a safe and efficient delivery system; and

WHEREAS, there exists in the Town of Guttenberg a need for vendors to provide food services to the Town of Guttenberg Nutrition Program; and

WHEREAS, the cost of the services does not exceed the bid threshold amount pursuant to N.J.S.A. 40A:11-3; and

WHEREAS, the Town Administrator for the Town of Guttenberg solicited proposals from vendors to provide food services to the Town of Guttenberg Nutrition Program; and

WHEREAS, the Town received five (5) proposals from the following vendors:

Brother Deli 6805 Park Avenue Guttenberg, NJ 07093	Pueblito Viejo II, LLC 6913 Park Avenue Guttenberg, NJ 07093	Antonios Pizza 6901 Park Avenue Guttenberg, NJ 07093
El Sombrero 6900 Bergenline Avenue Guttenberg, NJ 07093	Reynoso Group, LLC Met Fresh Supermarkets 6818 Bergenline Avenue Guttenberg, NJ 07093	

WHEREAS, the Town Administrator having reviewed the proposals recommends that Town award all the above contractors a contract to provide this service.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, do hereby award contracts to the following contractors:

Brother Deli 6805 Park Avenue Guttenberg, NJ 07093	Pueblito Viejo II, LLC 6913 Park Avenue Guttenberg, NJ 07093	Antonios Pizza 6901 Park Avenue Guttenberg, NJ 07093
El Sombrero 6900 Bergenline Avenue Guttenberg, NJ 07093	Reynoso Group, LLC Met Fresh Supermarkets 6818 Bergenline Avenue Guttenberg, NJ 07093	

BE IT FURTHER RESOLVED, that the Mayor and/or Town Administrator are hereby authorized to execute a contract with each of the selected vendors; and

BE IT FURTHER RESOLVED, that the term of this contract for all selected contractors shall commence from January 1, 2026 through December 31, 2026; and

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available for the appropriation from current fund – Senior Citizen Nutrition Program; and

BE IT FURTHER RESOLVED that notice of the Contract award shall be published and maintained in the Office of Clerk.

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

RESOLUTION #25-2026

AUTHORIZING SHARED SERVICES AGREEMENT FOR ANIMAL SHELTERING SERVICES WITH JERSEY CITY, NEW JERSEY

WHEREAS, the Uniform Shared Services Consolidation Act, N.J.S.A. 40A:65-1 et seq., authorizes agreements between municipalities to provide services to each other; and

WHEREAS, the Town requires animal sheltering services for animals impounded by the Town's Animal Control Officer; and

WHEREAS, the Town agrees to the pay Jersey City, New Jersey ("Jersey City"), a municipal corporation of the State of New Jersey, with offices at City Hall, 280 Grove Street, Jersey City, New Jersey 07302, a flat fee of eleven-thousand six hundred thirteen dollars and twenty-five cents (\$11,613.25), payable quarterly in the amount of Two-Thousand, Nine-Hundred and Three dollars and thirty-one cents (\$2,903.31) plus T&R service not to exceed \$5,000 and

WHEREAS the Town and the City desire to enter into a Shared Services Agreement for the City to provide the Town with animal sheltering services; and

WHEREAS, the term of the Shared Services Agreement is one (1) year effective as January 1, 2026 and expiring on December 31, 2026.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, do hereby authorize a shared services contract with Jersey City for animal shelter services from January 1, 2026 through December 31, 2026.

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies that funds are available for the appropriation Current Fund – Board of Health 01-2010-27-3302-001.

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

RESOLUTION#26-2026

FIXING THE RATE OF INTEREST TO BE CHARGED ON DELINQUENT TAXES OF ASSESSMENTS

WHEREAS, N.J.S.A. 54:4-67 permits the governing body of each municipality to fix the rate of interest to be charged for nonpayment of taxes or assessments subject to any abatement or discount for the late payment of taxes as provided by law; and

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

1. The Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1,500.00 of taxes becoming delinquent after the due date and 18% per annum on any amount of taxes in excess of \$1,500.00 becoming delinquent after the due date.
2. Effective January 1, 2026 and every 1st day of January thereafter, there will be a ten (10) day grace period of quarterly tax payments made by check or money order.

3. This resolution shall be published in its entirety once in an official newspaper of the Town of Guttenberg.
4. Certified copy of this resolution shall be provided by the Town Clerk to the Tax Collector and Town Auditor.

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

RESOLUTION#27-2026

AUTHORIZING AWARD OF A CONTRACT TO THE NORTH BERGEN FREE PUBLIC LIBRARY FOR LIBRARY SERVICES FOR THE PERIOD FROM JANUARY 1, 2026 TO DECEMBER 31, 2026

WHEREAS, the residents of the Town of Guttenberg ("Town"), by way of the Guttenberg Resource Center, have been receiving library services from the North Bergen Free Public Library and are desirous to continue said services; and

WHEREAS, the North Bergen Free Public Library has been providing library services to the residents of the Town at the Guttenberg Resource Center and wish to continue to provide those services; and

WHEREAS, the Town wishes to continue providing these library services to its residents and guest at the Guttenberg Resource Center; and

WHEREAS, the North Bergen Free Public Library has offered to provide these library services to the residents of the Town of Guttenberg in accordance with an agreed upon contract for January 1, 2026 through December 31, 2026 in the amount of \$325,000.00 per year, which will include Guttenberg as part of the Bergen County Cooperative Library System; and

WHEREAS, by the Mayor and Council of the Town of Guttenberg deem said amounts to be reasonable and acceptable.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, do hereby authorize a one (1) year renewal contract for library services from the North Bergen Free Public Library for the period of January 1, 2026 through December 31, 2026, in the amount not to exceed \$325,000; and

BE IT FURTHER RESOLVED the Mayor and Council of the Town of Guttenberg authorize the Mayor or Town Administrator to execute a contract with the North Bergen Free Public Library, in accordance with the terms and conditions of the contract; and

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available for the appropriation from current fund-North Bergen Library Account - 01-2010-42-3902-001; and

BE IT FURTHER RESOLVED that notice of the Contract award shall be published and maintained in the Office of the Town Clerk.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION # 28-2026
AUTHORIZING TAX EXEMPTION FOR DISABLED VETERAN ACCOUNT

WHEREAS, Ivan Leon and Elise Drew (“Owner”) is the owner of 616 shares in Summit House Tenants Corp (“Co-Op”) which owns certain real estate in the Town of Guttenberg, County of Hudson, State of New Jersey known as Block 41, Lot 1 located at 7100 Boulevard East Guttenberg, New Jersey;

WHEREAS, Owner owns its shares and resides at the Property and was deemed a 100% permanently disabled veteran in accordance with the provisions of N.J.S.A. 54:4-3.30; and

WHEREAS, Owner made the appropriate claim for tax exemption through the Tax Assessor for the Town of Guttenberg, Hudson County, State of New Jersey as a 100% permanently disabled veteran approved through the Veteran’s Administration;

WHEREAS, Owner does not own the specific unit where he resides, but instead owns shares in the Co-Op which actually owns the Property and this Resolution is intended to provide a property tax exemption only for the Owner’s share of the Co-Op and is not intended to exempt the entire Property from property tax obligations; and

NOW THEREFORE BE IT RESOLVED, the Mayor and Town Council for the Town of Guttenberg, Hudson County, New Jersey, that the property known as Block 41, Lot 1 located at 7100 Boulevard East, Guttenberg, New Jersey, is hereby designated as a tax-exempt property for the Owner’s 616 shares in the Co-Op, because Owner is a 100% permanently disabled veteran and therefore all property taxes on Owner’s portion of the Co-Op’s ownership are hereby cancelled.

BE IT FURTHER RESOLVED that a properly executed copy of this resolution be forwarded to the Tax Collector and Finance Director for their record.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION # 29-2026
AUTHORIZING 2025 PROPERTY TAX PAYMENT REFUND FOR 62-68 69TH STREET,
UNIT 210

WHEREAS, 62-68 69th Street. Unit 210 Co. (“Owner”) is the record owner of property located in the Town of Guttenberg, New Jersey, situated at Block 35, Lot 26.210, QUAL C0210 with a street address of 62-68 69th Street. Unit 210 (the “Property”), Guttenberg, New Jersey; and

WHEREAS, Owner made a payment on November 7, 2025 exceeding the Owner’s actual tax obligation for the Property; and

WHEREAS, the Owner paid \$8,329.11 in excess of its obligations and now desires a refund; and

WHEREAS, the Town and the Owner have reviewed the payment history and determined that the excess payment made by Owner should be refunded to the Owner.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that the Tax Assessor is hereby authorized to

refund the \$8,329.11 excess payment made by Owner and to take any other steps necessary to implement this Resolution; and

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

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

RESOLUTION # 30-2026

AUTHORIZING 2025 PROPERTY TAX REFUND FOR 7000 BOULEVARD EAST, UNIT 15F

WHEREAS, Melanie Eve James ("Owner") owns certain property located known as Block 43.01, Lot 15.06, QUAL C115F, (the "Property") on the Official Tax Map of the Town of Guttenberg (the "Town"), commonly known as 7000 Boulevard East, Unit 15F, Guttenberg, New Jersey 07093; and

WHEREAS, Owner made a payment exceeding its actual property tax obligations on November 10, 2025; and

WHEREAS, the Owner paid \$1,614 in excess of its obligations and now desires a refund; and

WHEREAS, the Town and the Owner have reviewed the payment history and determined that the excess payment made by Owner should be refunded to the Owner.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that the Tax Assessor is hereby authorized to refund the \$1,614.00 excess payment made by Owner and to take any other steps necessary to implement this Resolution; and

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

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

RESOLUTION # 31-2026

AUTHORIZING 2025 PROPERTY TAX REFUND FOR 7002 BOULEVARD EAST, UNIT 24C

WHEREAS, Chin-Hung Ma and Yi-Yim H. ("Owner") owns certain property located known as Block 43.02, Lot 24.03, QUAL C224C, (the "Property") on the Official Tax Map of the Town of Guttenberg (the "Town"), commonly known as 7002 Boulevard East, Unit 24C, Guttenberg, New Jersey 07093; and

WHEREAS, Owner made a payment exceeding its actual property tax obligations on November 3, 2025; and

WHEREAS, the Owner paid \$3,208 in excess of its obligations and now desires a refund; and

WHEREAS, the Town and the Owner have reviewed the payment history and determined that the excess payment made by Owner should be refunded to the Owner.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that the Tax Assessor is hereby authorized to refund the \$3,208 excess payment made by Owner and to take any other steps necessary to implement this Resolution; and

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

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #32-2026

A RESOLUTION ON BEHALF OF THE TOWN OF GUTTENBERG AUTHORIZING
EXECUTION OF FACILITY RENTAL AGREEMENTS WITH THE TOWN OF SECAUCUS
AT THE SECAUCUS SWIM CLUB

WHEREAS, the Town of Guttenberg ("Guttenberg") desires to provide exercise and enrichment activities and to generally provide opportunities for senior citizens in Town to exercise and to improve their overall health and well-being; and

WHEREAS, the Town of Secaucus ("Secaucus") hosts Senior Water Aerobics classes at the Secaucus Recreation Center, located at 1200 Koelle Boulevard, Secaucus, New Jersey ("Facility") on Wednesdays; and

WHEREAS, Secaucus and Guttenberg have agreed that Secaucus has capacity to accommodate additional senior citizens in its Wednesday Senior Water Aerobics classes, and that Guttenberg senior citizens would benefit from an opportunity to participate in those classes; and

WHEREAS, Secaucus is willing to rent the Facility, for the purpose of allowing senior citizens in Guttenberg to attend the Senior Water Aerobics classes, for a fee of \$50 per class; and

WHEREAS, the Guttenberg Mayor and Council have determined that participation in this class will benefit the overall health, well-being, and wellness of Guttenberg residents and senior citizens, and that the rental fee is reasonable; and

WHEREAS, to affect the purposes described herein, the Mayor and Council of Guttenberg authorize the the Town Administrator and the Town Attorney to finalize terms and further authorize the Mayor and Town Clerk to execute a Facility Rental Agreement between Guttenberg and Secaucus for Guttenberg's use of the Facility by Guttenberg senior citizens attending the Senior Water Aerobics Class on Wednesdays from January 7, 2026 until June 24, 2026; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Administrator and the Town Attorney are hereby authorized to finalize terms and the Mayor and Town Clerk are authorized to execute any contract for the use of the Facility and any and all documents necessary to affect this resolution.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #33-2026

AUTHORIZING THE HIRING OF EMPLOYEES FOR THE TOWN OF GUTTENBERG

WHEREAS, there is a need to hire full and part-time employees for the Town of Guttenberg ("Town") in various departments; and

WHEREAS, applications were sought from all persons interested in working for the Town; and

WHEREAS, the Town Administrator and the applicable department heads have reviewed the budget, the needs of the Town, and the qualifications and experience of the applicants and determined that it is in the best interest of the Town to hire the following people as part time employees of the Town of Guttenberg as of the following dates:

1. Sukaina Ali Tehfa, hired October 20, 2025, for part-time employment in the court department;
2. Adriana Vivanco Sosa, hired October 20, 2025, for part-time employment in the police department;
3. Dolly Maria Agudelo, hired October 20, 2025, for part-time employment in the police department;
4. Frank Joe Cinquegrana, hired November 3, 2025, for part-time employment in Department of Public Works (“DPW”);
5. Mariana G. Echeverria, hired October 27, 2025, for part-time employment in DPW;
6. Sana Mohamed Almuwallad, hired November 19, 2025, for part-time employment in the police department;
7. Graciela Debord, hired November 24, 2025, for part-time employment in the building department;
8. Edward Hernandez Rodriguez, hired December 1, 2025, for full-time employment in DPW;
9. John Heinlein, hired December 15, 2025, for part-time employment in DPW;
10. Ricardo Rubert, hired December 14, 2025, for part-time employment in DPW

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg, County of Hudson State of New Jersey, the above listed employees are hereby hired to work for the Town of Guttenberg. Their compensation shall be as set forth in the Salary Ordinance of the Town of Guttenberg; and

BE IT FURTHER RESOLVED, that said hiring are hereby effective as of the date of hiring.

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies that funds are available for the appropriation.

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

RESOLUTION # 34-2026

AUTHORIZING THE TOWN OF GUTTENBERG TO EXECUTE A SEPARATION AGREEMENT WITH EMPLOYEE 0549-00-1512-00-00791

WHEREAS, employee 0549-00-1512-00-00791 was previously employed as a police officer for the Town of Guttenberg (“Town”) Police Department (“GPD”);

WHEREAS, employee 0549-00-1512-00-00791 resigned from his position with GPD effective as of October 27, 2025;

WHEREAS, the Town and employee 0549-00-1512-00-00791 consulted with their respective attorneys and negotiated a Separation Agreement and General Release (“Separation Agreement”) and have had an adequate opportunity to consider the Separation Agreement;

WHEREAS, by way of the Separation Agreement, the Town and employee 0549-00-1512-00-00791 have agreed to resolve and settle any and all issues, claims or potential claims regarding or related to employee 0549-00-1512-00-00791 employment with the Town and GPD and his separation therefrom;

WHEREAS, employee 0549-00-1512-00-00791 agreed to release and discharge any claims, defenses, causes of action, attorneys' fees, and any other claim against the Town or GPD; and

WHEREAS, employee 0549-00-1512-00-00791 agreed that the Preliminary Notice of Disciplinary Action ("PNDA") 25-009 and PNDA 25-019 were thoroughly investigated, employee 0549-00-1512-00-00791 acknowledges the veracity of the charges presented therein, and the parties agreed that PNDA 25-009 and PNDA 25-019 shall be reported in conformance with the New Jersey Office of the Attorney General, Internal Affairs Policies and Procedures, and posting as required by law; and

WHEREAS, the Mayor and Council of the Town have reviewed the Separation Agreement and, in consultation with labor counsel, have determined that it is in the best interests of the Town to execute the Separation Agreement as drafted.

NOW THEREFORE, BE IT RESOLVED, the Mayor and Town Clerk are hereby authorized to take whatever steps are necessary to finalize and execute the Separation Agreement.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION # 35-2026

AUTHORIZING TWO OFFICERS OF THE GUTTENBERG POLICE DEPARTMENT TO
ATTEND THE HUDSON COUNTY POLICE ACADEMY

WHEREAS, the Town of Guttenberg ("Town") desires to maintain a well-staffed Police Department with officers who have been appropriately trained to advance public safety; and

WHEREAS, the Town of Guttenberg ("Town") desires to send two current employees with the Guttenberg Police Department to Special Law Enforcement II Course at the Hudson County Police Academy; and

WHEREAS, Sara Lara and Justin Smith are currently employed by the Guttenberg Police Department and they have performed their duties effectively; and

WHEREAS, the Chief of Police and the Mayor and Council have determined it to be in the best interests of the Town to authorize these two employees to attend the Special Law Enforcement Class II Course at the Hudson County Police Academy, starting on January 22, 2026; and

WHEREAS, the aforementioned officers have each successfully completed a background check, medical evaluation, stress test, drug testing, physiological examination, and physical fitness assessment; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Council of the Town of Guttenberg that Guttenberg Police Department are hereby authorized to send Sara Lara and Justin Smith to the Hudson County Police Academy and to take such actions as are required to implement the purposes of this Resolution.

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies that the necessary funds are available for this payment from account Police S&W 01-2010-25-2401-001.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #36-2026

RESOLUTION TO APPROVE THE REVOCATION OF BUSINESS LICENSE FOR MAX'S CONVENIENCE LOCATED AT 7101 JFK BOULEVARD EAST, GUTTENBERG, NEW JERSEY

WHEREAS, on November 14, 2025, the Guttenberg Police Department ("GPD") undertook an investigation of the retail establishment, Max's Convenience, located at 7101 JFK Boulevard East, Guttenberg, New Jersey ("Business"), wherein an undercover officer purchased marijuana from the employee working at the Business, which was not authorized under applicable law to sell marijuana; and

WHEREAS, GPD had received several tips from residents of the Town of Guttenberg ("Town") that the Business was illegally selling marijuana; and

WHEREAS, following the investigation of the Business, the GPD found probable cause to arrest the employee for distribution of a controlled substance within 1000' of a school or daycare, and in the subsequent search the arresting officers discovered drug paraphernalia, marijuana in multiple forms, as well as the cash that GPD had used in the undercover operation; and

WHEREAS, Chief Frank§ Pelaez of the GPD determined that based on the evidence available at that time, the Business was operating in an unlawful manner and that the continued operation of the Business would be detrimental to the health, safety, and welfare of the residents of the Town; and

WHEREAS, based on this determination, GPD revoked the Business's business license immediately and without prior notice or an opportunity for a pre-revocation hearing; and

WHEREAS, Chief Pelaez and the GPD acted pursuant to the authority granted by §4-12.1 (c) and §4-12.2(c) of the Town Code, wherein Chief Pelaez made the determination that the Business was operating in an unlawful manner and that the ongoing operation of the Business would be detrimental to the health, safety, and welfare of Town residents; and

WHEREAS, the Town Attorney issued a letter to the Business and its counsel on December 1, 2025 setting forth the basis for the pre-hearing revocation, a copy of §4-12.1 of the Town Code, and setting a date for a hearing on the reinstatement of the business license at the next scheduled meeting of the Town Council on December 17, 2025;

WHEREAS, on December 17, 2025, the Town Council and Mayor held a public hearing in accordance with the process described in §4-12.1; and

WHEREAS, the Town Attorney started the hearing by explaining the circumstances that led to the hearing and advising the Town Council and Mayor of the standard set forth in §4-12.1 of the Town Code for the revocation of the business license; and

WHEREAS, Chief Pelaez testified described the information and tips that GPD had received which led to the undercover operation, and then described the evidence discovered after the employee had been arrested; and

WHEREAS, Mr. Finckenauer questioned Chief Pelaez, responded to questions from the Town Council and Mayor, and gave a closing statement asking that the Business's business license be reinstated; and

WHEREAS, the Town Council and Mayor questioned Mr. Finckenauer and Chief Pelaez and considered the evidence presented; and

WHEREAS, after due deliberation and consideration of the evidence presented and the standards set forth in §4-12.1 of the Town Code, the Town Council and Mayor voted unanimously to permanently revoke the Business's business license; and

NOW THEREFORE, BE IT RESOLVED that the Mayor and the Council of the Town of Guttenberg do hereby revoke the business license for the Business, based on the hearing and the standards outlined in §4-12.1 of the Town Code.

BE IT FURTHER RESOLVED it shall be unlawful for the Business or the owner(s) of the Business to continue or to restart operations without having its license reinstated by the Town.

BE IT FURTHER RESOLVED that the Mayor, Town Clerk, GPD, and Town Attorney are hereby authorized to take any additional steps necessary to effectuate the purposes as set forth herein.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION#39-2026
AUTHORIZING A CONTRACT WITH PARKY AS THE GO-TO MOBILE PAYMENT
PLATFORM FOR THE TOWN OF GUTTENBERG

WHEREAS, the Town of Guttenberg ("the Town") previously partnered with ParkMobile for the mobile payment of nonresidential public parking in the Town; and

WHEREAS, the Town has determined that it would be in the Town's best interests to terminate the contract with ParkMobile and enter into a contract with Parky (the "Contract"); and

WHEREAS, Parky is a parking mobile application designed to streamline the public parking experience; and

WHEREAS, the Contract includes a zero-cost solution to the Town with no upfront costs, no monthly fees, no hardware fees, and no SaaS platform fees; and

WHEREAS, the Contract's payment processing and fee structure includes a Merchant of Record Option, whereas Parky acts as a Merchant of Record, Parky covers 50% of the merchant processing fees compared to ParkMobile, Parky covers all SMS/text message fees, Parky covers all signage costs, the end-user convenience fee is \$0.40, and the Town pays Parky \$0.20 per transaction compared to \$0.35 for ParkMobile; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that the Town does hereby authorize the Mayor and appropriate Town Officials including the Purchasing Agent, Town Administrator, Town Attorney and Mayor to negotiate, enter into, and execute a contract with Parky as the Town's parking mobile application partner.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #40-2026

RE-APPOINTING COSMO A. CIRILLO AS MUNICIPAL CLERK OF THE TOWN OF GUTTENBERG FOR A THREE-YEAR TERM BEGINNING ON JANUARY 1, 2026 AND EXPIRING ON DECEMBER 31, 2028, THEREBY GRANTING TENURE PURSUANT TO N.J.S.A. 40A:9-133.7

WHEREAS, pursuant to N.J.S.A. 40A:9-133, the Town of Guttenberg (the "Town") is required to appoint and retain the services of a Municipal Clerk; and

WHEREAS, Cosmo A. Cirillo, RMC was appointed to a three-year term as Municipal Clerk of the Town under N.J.S.A. 40A:9-133; and

WHEREAS, the three-year term of Cosmo A. Cirillo, RMC as Municipal Clerk that expired on December 31, 2025 was his first term as Municipal Clerk of the Town; and

WHEREAS, pursuant N.J.S.A. 40A:9-133.7, upon reappointment to a second three-year term as Municipal Clerk of the Town, Cosmo A. Cirillo, RMC shall acquire tenure in said position and shall thereafter hold office during good behavior and efficiency, and compliance with applicable continuing education requirements; and

WHEREAS, the Town's Mayor and Council are satisfied with the services of Cosmo A. Cirillo, RMC as Municipal Clerk of the Town and desire to re-appoint him to the position for an additional three-year term, for which Cosmo A. Cirillo, RMC shall acquire tenure;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Town Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Cosmo A. Cirillo, RMC is hereby re-appointed as Municipal Clerk of the Town for a term beginning on January 1, 2026 and expiring on December 31, 2028, thereby granting tenure to Cosmo A. Cirillo, RMC as Municipal Clerk of the Town pursuant to N.J.S.A. 40A:9-133.7; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be sent to the New Jersey Department of Community Affairs.

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

Ordinances:

ORDINANCE #1-26

INTRODUCTION

AN ORDINANCE AMENDING SECTION 19-2.1 OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF GUTTENBERG TO REQUIRE SNOW AND ICE TO BE REMOVED TWELVE HOURS AFTER SNOWFALL

WHEREAS, the Town of Guttenberg (the “Town”) under Chapter 19 of the Revised General Ordinances regulates the removal of snow and ice from sidewalks in the Town; and

WHEREAS, the owners of premises abutting or bordering upon any street in the Town are responsible for removing snow and ice following accumulation of either; and

WHEREAS, it is in the best interests of the Town to have safe sidewalks for all individuals, particularly senior citizens and other mobile-limited individuals, soon after snow has fallen or ice has formed; and

WHEREAS, the Mayor and Council of the Town consider it to be in the best interest of the residents to require the removal of snow and ice twelve (12) hours after the snow has fallen or the ice has formed; and

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that the Revised General Ordinances of the Town of Guttenberg is hereby amended as follows:

§ 19-2.1 REMOVAL REQUIRED

The owner of premises abutting or bordering upon any street shall jointly and severally be responsible for removing snow and ice from abutting sidewalks for a distance of four feet from the property line of the abutting premises within 12 hours after the snow has fallen or the ice has formed.

I. I.

Severability. If 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.

I. 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.

I. III.

Codification. The Town Clerk shall have this Ordinance incorporated in the official copies of the Revised General Ordinances. The Town Clerk and the Town Attorney be and are hereby

authorized and directed to correct any typographical error and to change any heading, chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those headings and numbers and existing provisions of the Revised General Ordinances of the Town of Guttenberg, or as they may otherwise deem appropriate, even if headings, chapter numbers, article numbers and section numbers are otherwise provided for in this Ordinance.

I. IV.

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

Summary of Ordinance

This Ordinance requires residents to remove snow and ice from sidewalks on their property twelve (12) hours after the snow has fallen or the ice has formed.

Ordinance#1-26 Introduction Vote

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

ORDINANCE #2-26

INTRODUCTION

ORDINANCE AMENDING CHAPTER 7 TRAFFIC, SECTION 3.8, AND CHAPTER 8, SECTION 4.1 TO REVISE PARKING RESTRICTIONS AND FEES

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 is a shortage of parking available in the Town of Guttenberg (“Town”) and Town residents face significant quality of life issues related to this parking shortage; and

WHEREAS, the Mayor and Council for the Town have analyzed options available to them to improve or mitigate this parking shortage; and

WHEREAS, the Mayor and Council have determined that the following amendments to parking restrictions and fees will have a positive impact on parking availability for Town residents; and

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

§ 7-3.8. Residential Parking Permits shall be amended to read as follows:

- a. Resident Parking Program is hereby instituted as follows:

At times and on the days listed below, the streets of Guttenberg will be designated Resident Permit Parking Only, with the exception of those areas covered by metered parking, during the hours the meters are in operation:

1. A valid residential parking permit (sticker) shall be required between the evening hours of 11:00 p.m. to 7:00 a.m., seven days a week except where otherwise noted in this section.
2. A valid residential parking permit is also required between the day hours of 7:00 a.m. to 11:00 p.m. except for those streets listed in § 7-3.8(a)(3); however, all vehicles not having a residential permit during this period shall be provided a four-hour grace period, within a one block radius of the location where the vehicle is parked at the start of the grace period. Any vehicle, without a residential parking permit/sticker which exceeds the four-hour limit shall be summoned and towed at the owner's expense.
3. On the following streets, a valid residential parking permit shall be required between the day hours of 7:00 a.m. to 6:00 p.m.: Madison Street, Polk Street, Jackson Street, and Adams Street.

...

h. Fees.

3. Visitor Permits. \$10 fee for daily Visitor Permit or \$35 for a weekly permit (a weekly permit shall consist of seven calendar days). To purchase a weekly permit, you must be a Town of Guttenberg resident. A maximum of two weekly Visitor Permits may be purchased per residence per month.

i. Term of Permits

1. Resident Parking Permit—Two year term renewed in January annually.

§ 8-4. PARKING TIME LIMITS shall be amended to read as follows:

§ 7-4.1. Established

- a. Parking or standing a vehicle in a designated parking space in parking meter zone where a parking meter has been placed under this article shall be lawful for a maximum period of 440 minutes only upon making a payment using the payment system in place for that location in the amount of \$0.50 for each thirty-minute period or part thereof, or \$3.00 for 440 minutes of parking or standing a vehicle.

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 and Chapter 8 to limit parking on Madison, Polk, Jackson, and Adams Streets to resident permit parking only from 6:00 p.m. until 7:00 a.m., to make a residential permit valid for two years, and to revise the cost of metered parking and visitor parking permits.

Ordinance#2-26 Introduction Vote

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

ORDINANCE #3-26 **INTRODUCTION**

AN ORDINANCE AMENDING CHAPTER 28, “ZONING” OF THE REVISED GENERAL ORDINANCES TO PERMIT THE OPERATION OF CANNABIS ESTABLISHMENTS, DISTRIBUTORS AND DELIVERY SERVICES WITHIN THE TOWN OF GUTTENBERG

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 (“Town”) is a municipality as defined by Title 40 of the New Jersey Statutes; and

WHEREAS, 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 Town 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, Section 31a the Act authorizes municipalities to adopt by ordinance regulations governing the number of Cannabis Establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of 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 Town, 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 Town Council desires to amend the Town Code to permit one Class 2 Cannabis Manufacturer establishment and one Class 5 Cannabis Retailer establishment to operate within the Town, with strict requirements and conditions to ensure the health, safety and welfare of the Town’s residents; and

WHEREAS, the Mayor and Council agree that this ordinance must be forwarded to the Planning Board of the Town for a review of the ordinance for consistency with the Town master plan prior to final adoption; and

WHEREAS, the Town Planning Board reviewed this ordinance and the Town Master Plan and determined that the adoption of this ordinance is consistent with the master plan, and the Planning Board duly issued its recommendation to adopt this ordinance on **DATE OF REPORT**;

WHEREAS, after introduction of this Ordinance, but prior to its final adoption, the Municipal Clerk will have provided all required notices of its consideration for final adoption as may be required by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey that Revised General Ordinances of the Town of Guttenberg are hereby amended and revised as follows:

SECTION ONE

There shall be included in the Revised General Ordinances of the Town of Guttenberg Zoning Ordinance a § 28-4.9 that shall read as follows:

§ 28-4.9. District Regulations for C Commercial Zone

a. Use Regulations:

1. Permitted Principal Uses:

- a. Retail and service commercial uses.
- b. General business and commercial offices.
- c. Medical and dental offices.
- d. Public and quasi-public offices and facilities.
- e. Restaurants.
- f. Commercial entertainment facility.
- g. Multifamily residential.
- h. Multifamily residential above permitted uses listed in subsection 28-4.9a,1(a) through (f) located on the ground floor.

2. Permitted Accessory Uses:

- a. Off-street parking or garages.
- b. Signs.
- c. Public parks.

3. Permitted Conditional Uses:

- a. Museums.
- b. Nursing homes or assisted living residences.
- c. Off-site or joint parking facility.
- d. Multifamily mid-rise residential as defined in subsection 28-2.2 either alone or above permitted uses listed in subsection 28-4.9a, 1(a) through (f) located on the ground floor.
- e. Cannabis Manufacturers and Cannabis Retailers (collectively, permitted Cannabis are permitted, subject to the same standards as any other use permitted in the Commercial Zone, those conditions established in Chapter 32, as may be amended from time to time, and the below conditions:
 - Any Cannabis Manufacturer and Cannabis Retailer use in the Commercial Zone is permitted only with all approvals required by Chapter 32 and New Jersey state law. Any Cannabis Establishment

which does not hold a valid, current Town Cannabis License and appropriate state license shall not be a permitted use in the Commercial Zone, even if previously approved by the Planning Board or Zoning Board of Adjustment. Violation of this condition shall invalidate any land use approval and render the use unlawful.

- There shall be no more than two total Cannabis Establishments in the Town; within the Commercial Zone, there shall be no more than one (1) Cannabis Establishment with frontage and / or access on Park Avenue and there shall be no more than one (1) Cannabis Establishment with frontage and / or access on Bergenline Avenue.
- Cannabis Manufacturer shall be permitted only as an accessory use to a Cannabis Retailer use, as permitted by this Chapter.

b. Bulk Regulations:

1. Permitted Principal Use Standards:
 - a. Maximum building height: five stories/55 feet.
 - b. Maximum building coverage: 60%.
2. Permitted conditional use standards: see Section 28-9.

SECTION TWO

§ 28-5.20. Cannabis Establishments, Distributors and Delivery Services Prohibited is hereby repealed in its entirety.

SECTION THREE

This Ordinance may amended, revised and/or repealed in whole or in part, by subsequent action of the Mayor and Council, as with any other zoning ordinance amendment.

SECTION FOUR

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 FIVE

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 SIX

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

SECTION 7

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

SUMMARY OF ORDINANCE

This ordinance amends the zoning provisions of the Revised General Ordinances to permit certain Cannabis Establishments as a conditional use in the Commercial Zone.

Ordinance#3-26 Introduction Vote

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

ORDINANCE#4-26

INTRODUCTION

ORDINANCE OF THE TOWN OF GUTTENBERG, IN THE COUNTY OF HUDSON, NEW JERSEY, PERMITTING THE OPERATION OF AND TAXING OF CLASS 2 MANUFACTURER AND CLASS 5 RETAILER CANNABIS BUSINESSES, WITH CONDITIONS, AND AMENDING CHAPTERS OF THE TOWN CODE

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 Town 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, Section 31a the Act authorizes municipalities to adopt by ordinance regulations governing the number of Cannabis Establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of 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 Town, 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 Town Council desires to amend the Town Code to permit one Class 2 Cannabis Manufacturer establishment and one Class 5 Cannabis Retailer establishment to operate within the Town, with strict requirements and conditions to ensure the health, safety and welfare of the Town’s residents; and

WHEREAS, Section 40 of the Act authorizes municipalities by ordinance to adopt regulations which establish limited taxation of the above classes of activity within the municipality; 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 one Class 2 Cannabis Manufacturer establishment and one Class 5 Cannabis Retailer establishment to operate within the Town as conditional uses, with strict requirements and conditions to ensure the health, safety and welfare of the Town’s residents, and subject to the requirements of New Jersey State statutes or Administrative Code regulations, as may be adopted and amended, and requirements of the New Jersey Cannabis Regulatory Commission (“CRC”), and only if such Cannabis Establishment has first obtained a State license issued by the CRC and a Town Cannabis License (“TCL”) as set forth herein, and to allow for the collection of a cannabis tax within the Town;

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:

CANNABIS ADVISORY BOARD

Means the board appointed to act as the body responsible for review of all applications for Town Cannabis Licenses.

PERMITTED CANNABIS OPERATION

Means Class 2 Manufacturers and Class 5 Retailers possessing an annual operating license from the New Jersey Cannabis Regulatory Commission and a Town Cannabis License for the same class of cannabis activity.

Town Cannabis License

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

SECTION TWO. The Town Code § 28-5.20 “Cannabis Establishments, Distributors and Delivery Services Prohibited” is hereby repealed in its entirety.

SECTION THREE. The Town Code is hereby amended and supplemented by adopting a new Chapter 32 “Cannabis,” as follows:

§ 32-1. Purpose

This chapter is enacted to regulate the commercial production, storage, sale and dispensing of regulated cannabis in the Town of Guttenberg (“Town”) in accordance with the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act comprising Chapter 16 of the Laws of 2021 and its supplements and amendments (the “Act”), and also comprising N.J.S.A. 24:6I-31 et seq., and any amendments or supplements thereto, and in accordance with the rules and regulations of the New Jersey Cannabis Regulatory Commission (“CRC”), and to further provide rules governing the local licensure of cannabis establishments and distributors, as well as regulations governing the location, manner, and times of operation of such businesses operating within the Town.

§ 32-2. Definitions

Unless specifically defined otherwise, any terms used herein shall incorporate the definition of that term set forth in Town Code § 28-2.2. In the event of a conflict in the meaning of words or phrases as between the Town Code and state law, including the Act and the rules and regulations of the New Jersey Cannabis Regulatory Commission., State law, rules and regulations shall control.

§ 32-3. Permitted Cannabis Operations

A. Cannabis Cultivators, Wholesalers, Distributors, and Delivery Services Prohibited.

1. Cannabis Cultivators, Wholesalers, Distributors, and Delivery Services, as said terms are defined in section 3 the Act, shall be prohibited in all zones of the Town, but the delivery of

cannabis items and related supplies by a Cannabis Retailer in the Town and by licensed Class 6 Delivery Services is permissible in accordance with the Act.

B. Cannabis Manufacturers and Cannabis Retailers Permitted.

1. A total of one (1) Cannabis Manufacturer and two (2) Cannabis Retailers shall be permitted to operate in the Town. For purposes of this chapter, such businesses shall be referred to as “Permitted Cannabis Operations” or “PCOs”.
2. PCOs shall be permitted as a conditional use in accordance with this Chapter. All PCOs are subject to Conditional Use approval.
- 3.

C. Conditions and Standards.

1. PCOs that operate within the Town shall comply with the Act and shall meet the following conditions and standards when permitted as a conditional use. To the extent the Act and the below conditions and standards conflict, the Act shall control.

A. Location.

1. A PCO shall be permitted as a conditional use only within the Commercial Zone in the Town, and only at those locations with direct access to Bergenline Avenue or Park Avenue.
2. No PCO shall be located on the same lot as any residential use or any residentially-zoned property.
3. A PCO 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.

B. Buildings. All PCOs shall be fully indoors and enclosed in heated/airconditioned permanent buildings, not trailers, outdoors, moveable kiosks, carts, sheds, tents, etc.

C. 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 and shall not depict or resemble a cannabis leaf, cannabis paraphernalia, or any cannabis product. A “No Loitering” sign shall be posted on the outside of the building.

D. Accessibility. Any PCO 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. This requirement may be waived by the Town Council only upon written recommendation from the Fire Safety Officer.

E. Hours of operation. PCO hours of operation shall be limited to not earlier than 9:00 a.m. to not later than 9:00 p.m Monday through Friday and 10:00 a.m. to not later than 10:00 p.m. on Saturday and Sunday.

F. Interior security. PCOs shall provide a secure location for storage of products with minimum products in any customer service area.

- G. Exterior loitering and security. People shall not be permitted to congregate, loiter, or wait in line to access the PCO. 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.
- H. Curbside and drive-through sales prohibited. There shall be no curbside retail sales or drive-through sales of cannabis permitted in Town.
- I. Product consumption. No cannabis or cannabis related products shall be permitted to be consumed on site at any PCO. "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.
- J. Compliance. All PCOs shall be in compliance with all applicable New Jersey State requirements, licenses and permits as well as all applicable local ordinances and regulations.
- K. Gifting prohibited. Under no circumstance shall any commercial business, individual, PCO or cannabis license holder, under any class of license, engage in gifting cannabis. Any commercial business, individual, PCO 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.
- L. 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.
- M. Odor control devices and techniques shall be incorporated in all PCOs. PCOs shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the PCO 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 PCO. The ventilation system must be approved by the Building Department and may be subject to periodic inspection by the Building Department or any other municipal official or department designated by the Town Administrator.
- N. 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. Such equipment shall be review by the Town Construction Department as part of the CAB review process.
- O. Persons under the age of twenty-one (21) years shall not be allowed on the premises of a PCO. 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 PCO.
- P. All PCOs shall be required to comply with all municipal cannabis tax requirements.
- Q. All PCOs shall be subject to inspections by a representative of the Town designated by the Town Administrator during business hours or outside business hours upon reasonable advance notice. Such inspections shall be conducted subject to applicable security and access requirements and restrictions as set forth in the Act and implementing regulations.

- R. All PCOs 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 Department, Fire Prevention Officer, and the Town Health Inspector, if applicable.
- S. The premises of all PCOs shall be operated in a manner that does not cause any harm to the public health, safety, and welfare, and PCOs shall not be operated in an unlawful manner.
- T. Consistent with the requirements of the Act, Cannabis Retailers in the Town may deliver cannabis products and may contract with Class 6 Cannabis Delivery Service licensees to perform delivery services within the Town in accordance with the Act and all state and local law. The Town Council shall be permitted to impose additional conditions in their discretion.
- U. Mobile cannabis facilities shall not be permitted.
- V. Samples of cannabis products offered for sale may be displayed on shelves, counters, and display cases. No cannabis or cannabis related products shall be permitted to be consumed on site. All bulk cannabis products shall be locked within a separate vault or safe, securely fastened to a wall or floor. During the CAB review process, the Town Police Department shall review the security plan and the safe design, location, and logistics and recommend changes or approve the secure storage plan.
- W. Failure to comply with any of these requirements, or any other requirements imposed by this Chapter 32 may result in suspension, revocation, or the imposition of conditions on the PCO's Town Cannabis License ("TCL") by the Town Council. If the Health Officer, Chief of Police, or Construction Code Official determines that a TCL holder, the business, or its employees or agents are operating, acting, or allowing its premises to be used in a way that is detrimental to the public safety, health, and welfare of the Town or in an unlawful manner, the TCL may be suspended or revoked in accordance with §32-5 of the Town Code.

§ 32-4. Licensing

A. Laws applicable. All applications for licenses, all licenses issued and all proceedings under this chapter shall be in accordance with the laws, rules and regulations referred to in § 32-1, and all other applicable laws of the State of New Jersey or the United States.

B. It is the intent of this Chapter that no PCO may lawfully operate in the Town without the issuance and possession of a valid State license and full regulatory oversight of the PCO by the CRC or other designated state licensing authority, as well as oversight by the Town and issuance of a Town Cannabis License by the Town in accordance with the provisions of this Chapter.

C. Town Cannabis Licenses.

1. Subject to the authority of the Cannabis Regulatory Commission to approve and issue cannabis licenses authorized by law, any person or entity desiring to conduct business as a PCO within the Town shall be required to separately obtain the approval of the Town

Council for a local license pursuant to the Town's local authority under N.J.S.A. 24:6I-45(c)(2). Such local licenses shall be referred to as “Town Cannabis Licenses” or “TCLs”.

2. **Maximum Number of Licenses.** The number of TCLs available shall be one (1) TCL for Class 2 Cannabis Manufacturers and two (2) TCL 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.
3. The TCL shall be displayed at all times. The effectiveness and validity of any TCL issued by the Town pursuant to this Chapter shall be contingent on the PCO’s receipt and maintenance of an annual cannabis operating license from the CRC for the same class or type of regulated cannabis activity.
4. **Fees and Escrows.**
 - a. The initial application fee shall be \$7,500, made payable to the Town of Guttenberg, for an applicant seeking initial approval of a TCL. This fee shall cover the CAB review as well as the Town Council review.
 - b. The application fee for TCL renewal (see subsection 5) shall be \$5,000.
 - c. An escrow in the initial amount of \$5,000 shall be established by the TCL applicant upon initial application for a TCL. This escrow shall be used for administrative and professional fees related to review of the initial application. Upon denial of the TCL, any unused funds in the escrow account shall be refunded to the applicant. If a TCL is issued, remaining escrow funds shall be used by the Town for fees and costs relating to administrative and professional oversight during the term of the TCL and shall be replenished upon request.
 - d. Nothing in this section shall override any fees imposed by a local land use board or any other municipal agency.
5. **Renewal.**
 - a. Except where expressly provided otherwise, all TCLs shall expire on the anniversary of the date of issue at 12:00 midnight. Applications for the renewal of licenses shall be submitted prior to the close of business sixty (60) days prior to the expiration of the TCL. 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.
 - b. The Town Council shall review and render a decision on all renewal applications within 45 days of submission of the renewal application. The Town Council may delegate review of the renewal application to the CAB who shall issue a recommendation to the Town Council based on their review. The Town Council and the CAB shall be permitted to retain administrative and professional assistance in the review of the renewal application. Those administrative and professional costs shall be paid from the applicant’s escrow account.
 - c. The Town Council may consider any disciplinary actions, or suspensions of the TCL holder throughout the course of its licensure and may consider any actions by the applicant which tend or tended to degrade the public health, safety, and welfare, when considering the application for renewal.

6. All TCLs shall be conditional and the effectiveness of TCLs shall be contingent upon the PCO's acquisition of an annual operating license from the CRC.
7. 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.
8. All TCLs shall be specific to the property location authorized and approved by the Town and shall not be transferable with respect to location. Should an applicant change the location of the Cannabis Establishment, a new TCL application specifically pertaining to that new location must be submitted and approved. Should a TCL licensee sell its approved Cannabis Establishment, the new owner shall submit a new TCL application for approval.

D. Cannabis Advisory Board

1. A Town Cannabis Advisory Board ("CAB" or "Board") as appointed below will act as the body responsible for review of all applications for TCLs and related recommendations to the Town Council. The authority and responsibility to adopt resolutions of support and/or issue TCLs remains with the Town Council. The CAB's work shall be made consistent with the criteria outlined in this chapter but the CAB has discretion to deviate from same.
2. Members of the CAB shall include, at a minimum:
 - a. Town Administrator or designee;
 - b. Town Police Chief or designee;
 - c. Two additional Town Council Members; and
 - d. Town Construction Code Official.
3. Conflicts of Interest.
 - a. CAB members are prohibited from:
 - i. Holding an ownership interest in a TCL applicant, licensee, or any entity or business that operates a Cannabis Establishment in the State of New Jersey;
 - ii. Being employed by or a contractor to a TCL applicant, licensee, or any entity or business that operates a Cannabis Establishment in the State of New Jersey;
 - iii. Representing or consulting on behalf of a TCL applicant, licensee, or any entity that operates a Cannabis Establishment in the State of New Jersey.
 - b. CAB members shall recuse themselves if:
 - i. The member's employer, client, business partner, or immediate family member has a financial interest in any applicant who has submitted a TCL application to the Town, regardless of whether that application is currently before the CAB; or
 - ii. The member has any other real or perceived conflict of interest which may cause the appearance of impropriety.
 - iii. The CAB shall be empowered to impose further requirements and to issue a Code of Conduct for CAB members, which must be ratified by the Town Council.

4. To the extent necessary and in their sole discretion, the CAB may retain other legal, planning, and other review professionals. The CAB may request additional resources as necessary to effectuate the responsibilities of the CAB. 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 that end, TCL applicants shall deposit and fund an escrow in the amount prescribed in § 32-4(c)(4) for the costs of said professionals. To the extent that the escrow is exhausted, the TCL applicant shall provide any replenishment amount required by the CAB within 10 calendar days of a replenishment request.

E. Town Cannabis License Application Requirements

1. Any person or entity seeking a license to operate a PCO 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.
2. The Town, through its Town Clerk, shall begin accepting TCL applications 30 days following final passage of this article.
3. To be deemed complete, a TCL application must be accompanied by the following:
 - a. 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 PCO.
 - b. 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 PCO, including any notices of qualification or disqualification.
 - c. A copy of all review letters received from Town officials as part of the CAB recommendation process.
 - d. The property location, including address and lot and block on the official tax map and zone identification.
 - e. Proof that the applicant has or will have lawful possession of the premises proposed for the PCO, 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 PCO seeks to operate.
 - f. 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.) as well as all odor mitigation equipment; and the location of all fire exits.
 - g. A scale drawing showing the proposed plan of evacuation for the premises in the event of an emergency.
 - h. 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 Town Police Department. The information provided for purposes of this section shall be maintained by the Town Police Department as confidential information and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction.

- i. A business plan outlining the proposed operations of the PCO including up-front costs, real estate costs, operational expenses.
- j. 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.
- k. 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.
- l. Conditional use approval from the appropriate land use board.
- m. 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.
- n. 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).
- o. 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:
 1. storage of products and currency;
 2. physical security;
 3. video surveillance;
 4. security personnel;
 5. visitor management;
 6. plans regarding means of preventing smoke, odors, debris, dust, fluids, and other substances from exiting the cannabis business premises;
 - 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;
 7. plans regarding proper disposal of all cannabis materials and other substances in a safe and sanitary manner in accordance with state law and regulations; and
 8. 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.
- p. Applicant's or its owners' demonstrated commitment or sufficient experience as responsible employers, defined as the applicant entity being committed to a local program or organization committed to the well-being of residents, including but not limited to the Town and surrounding service area. This can be demonstrated with evidence of applicant's past activities within the Town and surrounding service area as

well as with clearly defined commitments and plans for future involvement in activities or organizations whose goal is to improve civic, community, and resident well-being. Failure to live up to commitments to community benefits activities as described in the application can result in suspension or non-renewal of the TCL.

- q. Summary of the applicant's environmental impact/mitigation, and sustainability plan and/or any recognitions from or registrations with federal or New Jersey state environmental regulators for innovation in sustainability.
 - r. Applicant's demonstrated commitment to diversity in its ownership composition and hiring practices.
 - s. Any certifications as a New Jersey minority-owned, women-owned, or veteran-owned business held by the applicant entity
 - t. 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.
 - u. The initial application fee and escrow amount required.
 - v. Written acknowledgement that the applicant 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 Planning Board or Zoning Board approvals or requests for variances within the Town.
 - w. A signed hold harmless and indemnification agreement in favor of the Town as approved by the Town Attorney by which the TCL applicant agrees to (1) indemnify, defend at applicant's sole cost and expense and hold harmless the Town, its officers, officials, employees, representatives, and agents from any and all claims, losses, damages, injuries, liabilities or losses, which arise out of or are in any way related to, the Town's issuance of the TCL or the process used by the Town in making its decision to issue or deny the TCL, and (2) reimburse the Town for costs and expenses, including, but not limited to, attorney fees, litigation costs, and court costs which the Town may be required to pay as a result of any legal challenge related to the Town's approval of the applicant's TCL or related to the Town's approval of a cannabis activity. Any participation by the Town at its own expense in the defense of any such action shall not relieve or release the applicant(s) from any obligations imposed under this section.
4. 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 CAB.

F. Town Cannabis License Application Review

- 1. TCL Application Rejection. The Town Clerk shall reject a TCL application for any of the following reasons:
 - a. 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.

- b. The Town has already issued the maximum number of conditional TCLs for the proposed class of PCO.
2. Upon receipt of a complete application for a new TCL or TCL renewal, the Town Clerk shall forward same for review to the CAB.
3. TCL applications shall be reviewed by the CAB in the order they are received and determined to be complete by the Town Clerk. The Town Clerk shall maintain a list of additional applications that have been submitted 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.
4. The CAB shall provide its recommendation regarding the application to the Town Clerk within forty-five (45) days of receipt from the Town Clerk.
5. 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 at a regular Council meeting.
6. Upon making a determination that the applicant has satisfied the requirements of this section, the Town Council may issue a conditional TCL and a Resolution of Support to the applicant but shall not be required to do so.
7. Upon an affirmative vote of a majority of the full authorized membership of the Town Council, a conditional TCL and a Resolution of Support shall be issued to the applicant by the Town Clerk.
8. 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 conditional TCL.
9. The Town Council shall issue a conditional TCL only after receiving:
 - a. A Resolution of Support issued to the TCL applicant by the Town Council.
 - b. A copy of the TCL applicant's annual cannabis business operating license issued by the CRC.

- c. A certificate of occupancy for the premises to be used by the PCO.

§ 32-5. 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.
 - d) Each day a violation continues after notification that it exists shall constitute a separate offense.
2. Suspension of License.
 - a. The Town Council may suspend or revoke the TCL for cause after notice and hearing by majority vote of the Town Council if the Town Council determines:
 - i. There was fraud, misrepresentation, or false statements contained in the initial application or renewal;
 - ii. A licensee or owner of the business holding the license is convicted of a crime or felony;
 - iii. The licensee is conducting a business activity in an unlawful manner that violates this chapter, federal law, state law, any Town ordinance, or in any manner that may constitute a breach of the peace, menace to the public health, public safety, and public nuisance; or
 - iv. Failure to comply with the provisions of this Chapter or for any other good and sufficient cause.
 - b. The Chief of Police or Health Officer may revoke the TCL without prior notice and hearing if the Chief of Police or Health Officer determines that it would be detrimental to the health, safety, and welfare of the residents of the Town to permit the continued operation of the licensee's activity until notice of a formal hearing can be given. If the TCL is revoked in this manner, the licensee shall be entitled to a hearing at the next regularly scheduled meeting of the Town Council.
 - c. The hearing shall follow the same format and requirements as the hearing described in § 4-12.2 of the Town Code, unless this Chapter or applicable state law imposes a different procedure.
 - d. Should the State of New Jersey, or any of its commissions, agencies, departments or divisions, including without limitation the CRC, suspend, revoke or terminate the license of a PCO, such suspension, revocation or

termination shall automatically revoke any TCL previously issued to the PCO and the PCO will be prohibited from operating within the Town. No refund will be issued by the Town with respect to any suspended, revoked or terminated TCL.

- e. A revocation order shall be in writing and shall state the reason(s) therefore. The TCL licensee shall be afforded an opportunity to be heard before or after the suspension or revocation, as described in this Section.
- f. 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.

§ 32-6. 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 PCO.
- 2. Every PCO 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 PCO. Except as may otherwise be determined by the Town Council, these security measures shall include compliance with all State security regulations required under the PCO'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 PCO. Except as may otherwise be determined by the Town Council, these security measures shall include compliance with all state security regulations required under the PCO's annual operating cannabis license issued by the CRC, as those regulations may be amended from time to time.
- 4. Surveillance system.
 - a. PCOs 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 PCO, 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 PCO 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 PCOs premises during all hours of operation.
8. Storage of currency. All currency over \$1,000 shall be stored within a separate vault or safe securely fastened to a wall or floor, as approved by the Town Police Department.
9. No products to be visible from public places. Cannabis plants, products, accessories, and associated paraphernalia contained in any PCOs 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 or cannabis products shall be allowed or permitted on the premises or adjacent grounds of a PCO.
13. Every PCO 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 PCO shall cooperate with the Town whenever the Chief of Police or his/her designee makes a request, upon reasonable notice to the PCO, to inspect or audit the effectiveness of any security plan or of any other requirement imposed pursuant to this subsection.
15. Every PCO 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 PCO or any agent or employee of the PCO.
- c) The loss or unauthorized alteration of records related to cannabis, or employees or agents of the PCO.

§ 32-7. Recordkeeping.

- A. Each PCO 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 PCO shall file a sworn statement detailing the number of sales by the PCO 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.
- B. Each PCO 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 PCO, and all officers, managers, employees, agents and volunteers currently or formerly employed or otherwise engaged by the PCO. 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 PCO, 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.
- C. Each PCO in the Town shall maintain an inventory control and reporting system as required by state law. Upon request, the PCO shall provide a copy of same to the Town within three (3) business days of said request.
- D. Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPAA) regulations, each PCO 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 FOUR. 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 FIVE. 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 SIX. 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.

SUMMARY OF ORDINANCE

This ordinance authorizes certain Cannabis Establishments in Town and creates the Cannabis Advisory Board and provides guidelines and procedures for when a Cannabis Establishment may receive a Town Cannabis License.

Ordinance#4-26 Introduction Vote

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

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

Adjournment:

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

Meeting was adjourned at 4:40 P.M.

Respectfully Submitted,

Dr. Cosmo A. Cirillo, RMC
Town Clerk