

MINUTES

Regular meeting of the Mayor and Council of the
Town of Guttenberg at Town Hall, 6808 Park Avenue, Guttenberg, New Jersey
on Wednesday, January 28, 2026, Second Floor

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

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

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

Members Present:

Councilpersons: Richard Delafuente, Monica Fundora, John Habermann, William Hokien and Mayor Wayne D. Zitt, Jr.

Sunshine Law:

As presiding officer of this Regular Meeting of the Mayor and Town Council of the Town of Guttenberg, held on January 28, 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 Star Ledger and the Bergen Record and publicly posted on the Municipal Bulletin Board the annual resolution showing the date, time and place of each regular meeting.

Approval of Minutes:

- Caucus Meeting of December 17, 2025
- Regular Meeting of December 17, 2025
- Sine-Die Meeting of January 5, 2026
- Reorganization Meeting of January 5, 2026

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

Approval of consent agenda Resolution #41-2026 through Resolution#52-2026:

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

Resolution:

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #41-2025

RESOLUTION AUTHORIZING SETTLEMENT AGREEMENT AND GENERAL
RELEASE OF CLAIMS WITH IBETH DAVILA

WHEREAS, the Town of Guttenberg (“Town”) is defendant in *Ibeth Davila v. -Town of Guttenberg et. al*, Docket No. HUD-L-530-23; and

WHEREAS, the firm of DECOTIIS, FITZPATRICK, COLE & GIBLIN, LLP (Decotiis) represents the Town in the litigation; and

WHEREAS, based on the recommendation of Decotiis and the review of the Town Attorney, the Town deems it in its best interests to negotiate and execute a Settlement Agreement and General Release, involving payment to plaintiff of not more than \$175,000.00; and

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

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

1. The above recitals are incorporated as if fully set forth herein.
2. Decotiis is hereby authorized to negotiate and draft a form of Settlement Agreement and General Release incorporating the terms described herein, and the Mayor and Town Administrator are hereby authorized to execute such agreement on behalf of the Town, in a form acceptable to the Town as evidenced by his signature thereon in furtherance thereof.
3. Neither this Resolution nor the Settlement Agreement and General Release and the terms thereof shall be considered as an admission of liability or responsibility.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #42-2026

AUTHORIZING TAX EXEMPTION FOR DISABLED VETERAN ACCOUNT

WHEREAS, Benjamin Williams, who resides at and is the owner of certain real estate in the Town of Guttenberg, County of Hudson, State of New Jersey known as Block 43, Lot 33 located at 7002 Boulevard East, Unit 33L, Guttenberg, New Jersey was deemed a 100% permanently and totally disabled veteran in accordance with the provisions of N.J.S.A. 54:4-3.30; and

WHEREAS, Benjamin Williams made the appropriate claim for tax exemption through the Tax Assessor for the Town of Guttenberg, Hudson County, State of New Jersey as a totally and permanently disabled veteran approved through the Veteran’s Administration.

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 43, Lot 33 located at 7002 Boulevard East, Unit 33L, Guttenberg, New Jersey, is hereby designated as a tax-exempt

property for the property owner, Benjamin Williams, who is a totally and permanently disabled veteran and therefore all property taxes on said are hereby cancelled for the duration of his ownership.

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#43-2026
AUTHORIZE CONTRACT WITH DMR TO CONDUCT A FEASIBILITY
STUDY FOR TOWN PROPERTIES

WHEREAS, the Town of Guttenberg (the “Town”) owns property located at 6823 Bergenline Avenue, Guttenberg, County of Hudson, New Jersey 07093, currently being used as a bank building (the “Property”); and

WHEREAS, the Town desires to study the feasibility of an adaptive reuse of the Property to relocate many municipal services, including the Police Department, Administration, and Municipal Court from the existing Town Hall, located at 6808 Park Avenue; and

WHEREAS, the Town desires to retain an architecture firm to prepare a Feasibility Study for the Project; and

WHEREAS, the Town received a proposal dated November 6, 2025, from DMR to provide such services in the annual not to exceed amount of \$25,500 at the rates set forth in the proposal; and

WHEREAS, the Finance Director, having reviewed the proposal submitted by DMR with offices located at 777 Terrace Avenue, Hasbrouck Heights, Bergen County, New Jersey 07604, recommends DMR be awarded the contract.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that DMR be awarded a contract to prepare a Feasibility Study, in the annual not to exceed amount of \$25,500.00 at the rates set forth in the proposal.

BE IT FURTHER RESOLVED, that the Town Administrator is hereby authorized to execute any contract required for the grant administration services and any and all documents necessary to implement this Resolution.

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies that funds are available for the appropriation from Current Fund- ADMIN & EXEC OE 01-2010-20-1002-001

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #44-2025
AUTHORIZING THE HIRING OF EMPLOYEES FOR THE TOWN OF GUTTENBERG

WHEREAS, there is a need to hire full-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 full-time employees of the Town of Guttenberg as of the following dates:

1. Cindy Trejo, hired January 5, 2026, for full-time employment in the human services department;
2. Andy Reynoso Ortega, hired January 5, 2026, for full-time employment in the police department as a police officer;
3. Lesley Avila Vallejo, hired January 5, 2026, for full-time employment in the police department as a police officer;
4. Denis Medina, hired January 6, 2026, for full-time employment in the police department as a parking enforcement officer.

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 appropriations.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #45-2026
AUTHORIZING PURCHASE ORDER CONFIRMING PAYMENT FOR MONUMENT PARK
RENOVATIONS

WHEREAS, by Resolution, the Mayor and Council of the Town of Guttenberg awarded a contract to William J. Guarini, Inc., with offices located at 430 Danforth Avenue, Jersey City, New Jersey 07305, for Monument Park renovations; and

WHEREAS, William J. Guarini, Inc., now submits Purchase Order in the amount of \$653,200.00; and

WHEREAS, Remington & Vernick Engineers, the Town Engineer, has reviewed said payment request in the amount of \$653,200.00 and recommends payment thereof or work performed on the above referenced project.

NOW THEREFORE, BE IT RESOLVED, that Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, authorize payment to William J. Guarini, Inc., with offices at 430 Danforth Avenue, Jersey City, New Jersey 07305, in an amount not to exceed \$653,200.00, for Monument Park renovations pursuant to Purchase Order; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer, certifies that funds are available for the appropriation from Capital Fund – Monument Park Renovations-04-2150-55-2537.

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

RESOLUTION #46-2026

AUTHORIZING PAYMENT REQUEST NO. 5 TO UNDERGROUND UTILITIES CORP. FOR 2023-24 FOR VARIOUS SEWER IMPROVEMENTS

WHEREAS, by Resolution, the Mayor and Council of the Town of Guttenberg awarded a contract to Underground Utilities Corp., of 711 Commerce Road, Linden, New Jersey 07036, for 2023-24 Various Sewer Improvements; and

WHEREAS, Underground Utilities Corp. now submits Payment Request No. 5 in the amount of \$250,154.80; and

WHEREAS, Remington & Vernick Engineers, the Town Engineer, has reviewed said payment request in the amount of \$250,154.80 and recommends payment thereof or work performed on the above referenced project; and

NOW THEREFORE, BE IT RESOLVED, that Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, authorize payment to Underground Utilities Corp. with offices at 711 Commerce Road, Linden, New Jersey 07036, in an amount not to exceed \$250,154.80, for 2023-24 Various Sewer Improvements pursuant to Payment Request No. 5; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer, certifies that funds are available for the appropriation from Capital Fund – 08-2023 Various Sewer Improvements Acct# 04-2150-55-2305.

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

RESOLUTION #46-2026

AUTHORIZING PAYMENT REQUEST NO. 5 TO UNDERGROUND UTILITIES CORP. FOR 2023-24 FOR VARIOUS SEWER IMPROVEMENTS

WHEREAS, by Resolution, the Mayor and Council of the Town of Guttenberg awarded a contract to Underground Utilities Corp., of 711 Commerce Road, Linden, New Jersey 07036, for 2023-24 Various Sewer Improvements; and

WHEREAS, Underground Utilities Corp. now submits Payment Request No. 5 in the amount of \$250,154.80; and

WHEREAS, Remington & Vernick Engineers, the Town Engineer, has reviewed said payment request in the amount of \$250,154.80 and recommends payment thereof or work performed on the above referenced project; and

NOW THEREFORE, BE IT RESOLVED, that Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, authorize payment to Underground Utilities Corp. with offices at 711 Commerce Road, Linden, New Jersey 07036, in an amount not to exceed \$250,154.80, for 2023-24 Various Sewer Improvements pursuant to Payment Request No. 5; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer, certifies that funds are available for the appropriation from Capital Fund – 08-2023 Various Sewer Improvements Acct# 04-2150-55-2305.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION#48-2026

AUTHORIZE CONTRACT WITH PLANET TECHNOLOGIES, INC., FOR E-MAIL HOSTING/MANAGEMENT SERVICES

WHEREAS, the Town of Guttenberg (“Town”) presently receives e-mail hosting/management services from Planet Technologies, Inc.; and

WHEREAS, the Town received a proposal dated January 23, 2026 from Planet Technologies, Inc. to continue providing such services in the annual not to exceed amount of \$24,816.00 at the rates set forth in the proposal; and

WHEREAS, said software support services do not exceed the bid threshold amount pursuant to N.J.S.A. 40A:11-3; and

WHEREAS, the Finance Director, having reviewed the proposal submitted by Planet Technologies, Inc. located at 9801 Washingtonian Blvd, Suite 360, Gaithersburg, MD 20878 in the amount of \$24,816.00 and recommends Planet Technologies, Inc., be awarded the contract.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson. State of New Jersey, that Planet Technologies, Inc., LLC, with offices located at 9801 Washingtonian Blvd, Suite 360, Gaithersburg, MD 20878, be awarded a contract to provide e-mail hosting/management, in the not to exceed amount of \$24,816.00 at the rates set forth in the proposal; and

BE IT FURTHER RESOLVED, that the Town Administrator is hereby authorized to execute any contract for the e-mail hosting/management services and any and all documents necessary to affect the purchase of same.

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies that funds are available for the appropriation from Current Fund - Technology Account 01-2010-32-4705-001.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION#49-2026

RESOLUTION AUTHORIZING SUBMISSION OF A STRATEGIC PLAN FOR THE GUTTENBERG MUNICIPAL ALLIANCE GRANT PURSUANT TO THE GOVERNOR’S COUNCIL ON SUBSTANCE USE DISORDER FOR GRANT YEAR JULY 1, 2026 TO JUNE 30, 2027

WHEREAS, the Governor’s Council on Substance Use Disorder established the Municipal Alliances for the Prevention of Substance Use Disorder in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent substance use disorder in communities throughout New Jersey.

WHEREAS, The Town Council of the Town of Guttenberg, County of Hudson, State of New Jersey recognizes that substance use disorder is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Town Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent substance use disorder in our community; and,

WHEREAS, the Town Council has applied for funding to the Governor's Council on Substance Use Disorder through the County of Hudson;

NOW, THEREFORE, BE IT RESOLVED by the Town of Guttenberg, County of Hudson, State of New Jersey hereby recognizes the following:

1. The Town Council does hereby authorize submission of a strategic plan for the Guttenberg Municipal Alliance grant year July 1, 2026 to June 30, 2027 in the amount of:

- 2.

GCSUD GRANT FUNDED	\$3,324.00
Cash Match	\$ 831.00
In-Kind	\$ 2,493.50

3. The Town Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
Wayne D. Zitt, Mayor

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #50-2026

AUTHORIZING THE TOWN OF GUTTENBERG TO SEEK FAIR AND OPEN
PROCESS IN COMPLIANCE WITH THE PAY TO PLAY STATUTES FOR THE
RECEIPT OF QUALIFICATIONS FOR VARIOUS SERVICES RETURNABLE ON
FEBRUARY 24, 2026 AT 10:00 AM

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

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

**Special Counsel- Redevelopment
Construction Management Consultant**

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

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

1. The aforesaid recitals are incorporated herein as though fully set forth at length;
2. The Town Clerk is authorized and directed to publish and advertise a Request for Qualifications for the various legal/professional services as may be needed by the Town, for each separate board or entity requiring separate legal/professional services, including but not limited to:
3. Such Request for Qualifications (s) shall be published and advertised in accordance with a Fair and Open Process at least ten (10) days in advance, of the opening of the responses to the Requests for Qualifications received such opening to take place on or before the next regularly scheduled meeting of the Mayor and Council, on or before which time all Statements of Qualifications must be submitted by interested parties, for consideration by the Review Committee herein established; and
4. The Procurement Committee, and Town Attorney all in an advisory capacity, will review all Statements of Qualifications and to make recommendations to the Mayor and Council of the Town of Guttenberg prior to its next regularly scheduled meeting.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION#51-2026
AWARDING CONTRACT TO DECOTIIS AND DOYLE LLP AS SPECIAL COUNSEL
ATTORNEY
(JANUARY 1, 2026 – FEBRUARY 1, 2026)

WHEREAS, the Town of Guttenberg (“Town”) received a proposal for a contract for special counsel; and

WHEREAS, the Town evaluated the proposals received and determined the proposal provided by DeCotiis and Doyle LLP, is legally sufficient and in the best interests of the Town; and

WHEREAS, the Town’s request for proposals for these services provided a rate of \$150.00 per hour; and

WHEREAS, this term of contract will be from February 1, 2026 through March 1, 2026; and

NOW THEREFORE, BE IT RESOLVED that the Mayor and the Council of the Town of Guttenberg do hereby appoint DeCotiis and Doyle LLP as special counsel attorney and authorize a contract with the law firm of DeCotiis and Doyle for special counsel services from February 1, 2026 through March 1, 2026.

BE IT FURTHER RESOLVED, that the Town shall pay DeCotiis and Doyle LLP a rate of \$150.00 per hour, and the contract shall have a not to exceed amount of \$15,000.00.

BE IT FURTHER RESOLVED, that the Mayor or Town Administrator is authorized to execute a contract for rent control attorney and the Town Clerk or Deputy Town Clerk is authorized to attest to the execution of the agreements executed by the Mayor or Town Administrator.

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies that the funds necessary for payments covering the contract period are available from account Current Fund Legal Services 01-2020-20-1552-001.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION#52-2026

RESOLUTION AWARDDING CONTRACT FOR FY 2025 PALISADE AVENUE TRAFFIC
SIGNAL IMPROVEMENTS TO AA BERMS LLC

WHEREAS, the Town of Guttenberg (“Town”) publicly advertised and sought bids for FY 2025 Palisade Avenue Traffic Signal Improvements (“Project”); and

WHEREAS, the Town received three (3) bids for the Project for the Base Bid on the quantities for Items #1-55 inclusive, at the public bid opening on December 5, 2025; and

WHEREAS, the Town has the option of awarding a contract for the Project for the Base Bid on the quantities for Items #1-55 inclusive; and

WHEREAS, the Town will award a contract for the Project Base Bid on the quantities for Items #1-55 inclusive; and

WHEREAS, Zuccaro Inc. of Garfield, New Jersey submitted the lowest Base Bid on the quantities for Items #1-55 inclusive at the public bid opening, for the total bid of \$372,106.00; and

WHEREAS, AA Berms LLC of Belleville, New Jersey submitted the second lowest Base Bid on the quantities for Items #1-55 inclusive, for the total bid of \$376,538.50; and

WHEREAS, the Town has determined to disqualify Zuccaro Inc. based on prior negative experience with the FY 2019/2020 NJDOT Bergenline Avenue Intersection Improvement and Park Avenue Roadway Project; and

WHEREAS, the Town previously used Zuccaro Inc. for the above referenced project and there were multiple delays and change orders associated with the project, as well as a general lack of contact from the contractor; and

WHEREAS, the Town was named in a lawsuit filed by Nadia Saliba related to negligent work completed by Zuccaro, Inc. on the above referenced project; and

WHEREAS, in that lawsuit, a resident broke her wrist after tripping on an item which was protruding from the sidewalk which Zuccaro, Inc. had negligently installed related to the above-referenced project; and

WHEREAS, Zuccaro, Inc. has been provided notice of its disqualification from this Project and an opportunity to be heard on its disqualification, pursuant to N.J.S.A. 40A:11-4; and

WHEREAS, based on the prior negative experience with Zuccaro Inc., the Town's decision to disqualify Zuccaro Inc., and the \$4,432.50 difference between the lowest bid and the second lowest bid, the Town has determined that AA Berms LLC is the lowest responsible bidder for the Project in consultation with the Town Engineer, the Town Attorney, and the Town Administrator.

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 hereby awards a contract for the Project to AA Berms LLC, in the amount of \$376,538.50, for the total Base Bid on the quantities for Items #1-55 inclusive.

BE IT FURTHER RESOLVED, that the Mayor and Town Clerk are authorized to take such other steps as are necessary to effectuate the purposes of this Resolution, including the execution of the contract for the Project.

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies that sufficient funds are available for this contract in account Traffic Signal 69th & Palisade -04-2150-55-2507.

Ordinances:

ORDINANCE #1-26

ADOPTION

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

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 Adoption Vote

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

Adriana Polities- GPs

- DPW and Police Department did a great job with all the snow removal

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

ORDINANCE #2-26
ADOPTION

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

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:

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.

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.

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 Adoption Vote

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

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

ORDINANCE#3-26 **ADOPTION**

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 Adoption Vote

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

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

ORDINANCE#4-26

ADOPTION

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

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 Adoption Vote

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

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

ORDINANCE #5-26

INTRODUCTION

AN ORDINANCE AUTHORIZING AND IMPOSING AN OCCUPANCY TAX ON CERTAIN RENTALS IN TOWN OF GUTTENBERG

WHEREAS, pursuant to N.J.S.A. 40:48F-1, the Town of Guttenberg may impose a tax not exceeding 3% on charges of rent for every occupancy of hotel rooms or transient accommodations obtained through a transient accommodation marketplace; and

WHEREAS, the Town of Guttenberg has reviewed the matter and determined that it is appropriate, and in the Town of Guttenberg best interest, that the Town of Guttenberg impose a Municipal Occupancy Tax consistent with the provisions of N.J.S.A. 40:48F-1, et seq.,

NOW, THEREFORE BE IT ORDAINED by the Town of Guttenberg as follows:

Section 1. Purpose; statutory authority.

It is the purpose of this section to implement the provisions of N.J.S.A. 40:48F-1 et seq., as amended by P.L. 2018, c. 49, which authorizes the governing body of a municipality to adopt an ordinance imposing a tax at a uniform percentage rate not to exceed 3% on charges of rent for every occupancy of a room or rooms in a hotel or transient accommodation, subject to taxation pursuant to Subsection (d) of N.J.S.A. 54:32B-3, which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the occupancy of a hotel room or transient accommodation. The definitions of "transient accommodation", "transient space marketplace", "obtained through a transient space marketplace" and "professionally managed unit" in N.J.S.A. 54:32B-2(ggg) through (jjj) are incorporated herein by reference.

Section 2. Tax established.

There is hereby established an occupancy tax which shall be fixed at a uniform percentage rate of

3% on charges of rent for every occupancy of a hotel or motel room or transient accommodation in the Town of Guttenberg that is subject to taxation pursuant to N.J.S.A. 54:32B-3d.

Section 3. Tax is in addition to other taxes and fees.

The Municipal Occupancy Tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the occupancy of a hotel room or transient accommodation.

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Section 4. Exemptions.

The Municipal Occupancy Tax authorized herein shall not be imposed on the rent for an occupancy if the purchaser, user, or consumer is an entity exempt from the tax imposed on an occupancy under the Sales and Use Tax Act pursuant to N.J.S.A. 54:32B-9. Furthermore, a "transient accommodation" subject to this tax include those entities defined as "transient accommodations" in N.J.S.A. 54:32B-2 and shall not include those entities excluded from that definition.

Section 5. Regulations pertaining to vendors, violations, and penalties.

In accordance with the requirements of N.J.S.A. 40:48F-2:

- A. All taxes imposed by this ordinance shall be paid by the purchaser.
- B. A vendor shall not assume or absorb any tax imposed by this ordinance.
- C. A vendor shall not in any manner advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the tax will be assumed or absorbed by the vendor, that the tax will not be separately charged and stated to the customer, or that the tax will be refunded to the customer.
- D. Each assumption or absorption by a vendor of the tax shall be deemed a separate offense, and each representation or advertisement by a vendor for each day that the representation or advertisement continues shall be deemed a separate offense.
- E. Penalties as fixed in the ordinance, for the violation of foregoing provisions.

Section 6. Collection of tax.

The tax imposed by this article shall be collected on behalf of Town of Guttenberg by the person collecting the rent from the hotel or motel or transient accommodation customer. Each person required to collect the tax herein imposed shall be personally liable for the tax imposed, collected or required to be collected hereunder. Any such person shall have the same right in respect to collecting the tax from a customer as if the tax were a part of the rent and payable at the same time; provided that the Chief Financial Officer of the Town of Guttenberg shall be joined as a party in any action or proceeding brought to collect the tax.

Section 7. Repealer.

All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

Ordinance#5-25 Introduction Vote

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

Payment of Claims:

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

NO PUBLIC COMMENTS

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

Adjournment:

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

Meeting was adjourned at 4:55 P.M.

Respectfully Submitted,

Dr. Cosmo A. Cirillo, RMC
Town Clerk