

MINUTES

Regular meeting of the Mayor and Council of the
Town of Guttenberg at Town Hall, 6808 Park Avenue, Guttenberg, New Jersey
on Wednesday, February 25, 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 Councilman Hokien was made by Councilperson Fundora seconded by Councilperson Delafuente Ayes: Councilpersons Delafuente, Fundora, Habermann, Malave and Mayor Zitt Nays: None Abstain: None

Members Present:

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

Sunshine Law:

As presiding officer of this Regular Meeting of the Mayor and Town Council of the Town of Guttenberg, held on February 25, 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 January 28, 2026
- Regular Meeting of January 28, 2026

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

Approval of consent agenda Resolution #53-2026 through Resolution#60-2026:

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

Resolution:

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION#53-2026
AUTHORIZING HIRE OF A SPECIAL LAW ENFORCEMENT OFFICER I

WHEREAS, Andrea Ortiz is already certified as a Special Law Enforcement Officer I (“SLEO I”) and has the requisite skills, training, and experience to perform the duties of an SLEO I; and

WHEREAS, the Police Committee of the Town of Guttenberg has recommended that Andrea Ortiz be hired as an SLEO I Dispatcher as of February 2, 2026; and

WHEREAS, Andrea Ortiz has successfully completed a background check, medical evaluation, stress test and drug testing, and has met all standards set by the Police Training Commission.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Andrea Ortiz is hereby hired to the position of SLEO I Dispatcher within the Police Department of the Town of Guttenberg. The annual salary shall be as set forth in the Salary Ordinance of the Town of Guttenberg; and

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available for the appropriation Current-Fund – Police Salary & Wages 01-2010-25-2401-001.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #54-2026
WAIVING THE INTEREST ON 6800-02 POLK STREET LLC

WHEREAS, NJSA 54:4-99 allows governing body of a municipality to make such abatement, revision, alteration, adjustment and settlement of any past due taxes, assessments and other municipal charges, both of principal and of any and all interest, as it shall deem equitable and just and be for the best interests of the municipality and;

WHEREAS, it is determined that waiving the interest on Block P0010 Lot 00001.1 located at 6800-02 Polk Street owned by 6800-02 Polk Street LLC is equitable and just and is in the best interest of the Town;

THEREFORE, BE IT RESOLVED, that interest on said property is waived and the Tax Collector is instructed to make the appropriate ledger entries.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #55-2026
RESOLUTION AWARDING CONTRACT TO PENN CREDIT AS AN APPROVED
COLLECTION AGENCY FOR COLLECTION SERVICES FOR THE TOWN’S MUNICIPAL
COURT

WHEREAS, the Town of Guttenberg (“Town”) authorized the Chief Financial Officer to pursue Collection Services for the Guttenberg Municipal Court pursuant to the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq.; and

WHEREAS, Penn Credit Corporation is a State of New Jersey Superior Court approved vendor for court collections through the Administrative Office of the Courts (AOC); and

WHEREAS, the Mayor and Council of the Town of Guttenberg agree to accept the recommendation of the Chief Financial Officer; and

WHEREAS, there will no costs to the Town of Guttenberg for these court collections and all administrative fees (22%) are paid to Penn Credit Corporation at the time of collection from the debtor.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Guttenberg, County of Hudson State of New Jersey, that the contract be awarded to Penn Credit Corporation located at 2800 Commerce Drive, Harrisburg, PA 17110.

TOWN OF GUTTENBERG, COUNTY OF HUDSON, STATE OF NEW JERSEY
RESOLUTION #56-2026

AUTHORIZATION TO EXTEND COLLECTION AND DISPOSAL OF SOLID WASTE SERVICES AND RECYCLING COLLECTION AND DISPOSAL SERVICES CONTRACTS FOR THE TOWN OF GUTTENBERG 2026-2027

WHEREAS, the Town of Guttenberg (“Town”) received bids for the collection and disposal of Solid Waste and Recyclable Materials services on January 18, 2023; and

WHEREAS, Cali Carting, Inc. located at 450 Bergen Ave, Kearny, NJ 07032 was the only bidder; and

WHEREAS, the bid was reviewed and deemed legally sufficient; and

WHEREAS, Cali Carting, Inc. the Town awarded the contract to Cali Carting on February 1, 2023, for Solid Waste and Recyclable Materials disposal services (the “Contract”); and

WHEREAS, the Town extended the Contract for a term of two (2) years effective February 1, 2024, with the option that the parties may further extend such period for additional one (1) year periods but not to exceed two (2) extensions for solid waste and recyclable materials disposal services with Cali Carting Inc.; and

WHEREAS, the Town seeks to amend and extend the Contract for a term of one (1) year with the option that the parties may further extend such period for an additional one (1) year period for solid waste and recyclable materials disposal services with Cali Carting Inc.; and

WHEREAS, N.J.S.A. 40A:11-15(3) permits agreements for the collection and disposal of solid waste and recyclable material for any term not exceeding in the aggregate, five (5) years; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that the Mayor and Town Administrator are authorized to extend the Contract with Cali Carting, Inc. located at 450 Bergen Ave, Kearny, NJ 07032, for the provision of collection and disposal of Recyclable Materials services; and

BE IT FURTHER RESOLVED, this contract shall be effective February 1, 2026, through January 31, 2027.

BE IT FURTHER RESOLVED, that the Chief Financial Officer certifies that the funds necessary for this contract are available from Current Fund Solid Waste/Garbage 01-2010-26-3062-001.

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

RESOLUTION #57-2026

APPOINTING ASHLEY VALDEZ AS THE GUTTENBERG DEPUTY REGISTRAR OF VITAL STATISTICS PURSUANT TO NEW JERSEY STATUTE 26:8-17

WHEREAS, The Town of Guttenberg is required pursuant to New Jersey Statute 26:8-11 to have a person to be the Town of Guttenberg's Registrar of Vital Statistics; and

WHEREAS, Johanna Fermaint has been appointed to the position of Guttenberg Registrar of Vital Statistics; and

WHEREAS, it is the recommendation of Johanna Fermaint, that Ashley Valdez be appointed as the Deputy Guttenberg Registrar of Vital Statistics with a salary pursuant to the Guttenberg salary ordinance.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg County of Hudson State of New Jersey that on the recommendation of the Guttenberg Registrar of Vital Statistics, Ashley Valdez is hereby appointed Deputy Guttenberg Registrar of Vital Statistics and that said appointment shall be subject to the approval of New Jersey State Registrar with a salary pursuant to the Guttenberg salary ordinance.

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

RESOLUTION#58-2026

AUTHORIZING HIRE OF A SPECIAL LAW ENFORCEMENT OFFICER I

WHEREAS, Andrea Ortiz is already certified as a Special Law Enforcement Officer I ("SLEO I") and has the requisite skills, training, and experience to perform the duties of an SLEO I; and

WHEREAS, the Police Committee of the Town of Guttenberg has recommended that Andrea Ortiz be hired as an SLEO I Dispatcher as of February 2, 2026; and

WHEREAS, Andrea Ortiz has successfully completed a background check, medical evaluation, stress test and drug testing, has met all standards set by the Police Training Commission, and is an employee in good standing with the Town of Guttenberg.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Andrea Ortiz is hereby hired to the position of SLEO I Dispatcher within the Police Department of the Town of Guttenberg. The annual salary shall be as set forth in the Salary Ordinance of the Town of Guttenberg; and

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available for the appropriation Current-Fund – Police Salary & Wages 01-2010-25-2401-001.

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

RESOLUTION #59-2026

AUTHORIZE AWARD OF CONTRACT TO CPA ARCHITECTURE LLC AS SPECIAL PROJECTS ARCHITECTS TO THE TOWN OF GUTTENBERG

WHEREAS, the Town of Guttenberg solicited qualifications-proposals under a fair and open process for a contract for Special Projects Architecture Services; and

WHEREAS, the Town evaluated the proposal and determined that the proposal from CPA Architecture LLC with offices located at 6401 Park Avenue, West New York, New Jersey 07093, was legally sufficient and the most cost effective and comprehensive proposal, and that CPA Architecture LLC can provide the services required by the Town for Special Architecture Services; and

WHEREAS, this contract will commence on February 1, 2026 and continue until December 31, 2026.

WHEREAS, the proposal for these services provide a schedule of rates which is contained in their proposal.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, do hereby authorize a contract with CPA Architecture LLC with offices located at 6401 Park Avenue, West New York, New Jersey 07093, as Special Architecture Projects, commencing February 1, 2026 until December 31, 2026.

BE IT FURTHER RESOLVED, that the Mayor and Town Administrator are authorized to execute the contract for these architecture services.

BE IT FURTHER RESOLVED, that a Notice of Contract Award shall be published and maintained in the office of the Town Clerk.

BE IT FURTHER RESOLVED, the Town shall pay the Special Architecture Projects in accordance with the rate schedule in their proposal for a total contract amount not to exceed \$17,500.00 for the year and the Chief Financial Officer, certifies that funds are available for the appropriation from Current Fund – Special Projects 01-2010-22-1942-002.

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

RESOLUTION #60-2026

RESOLUTION AUTHORIZING THE TOWN OF GUTTENBERG UEZ TO SUBMIT AN APPLICATION TO THE NEW JERSEY URBAN ENTERPRISE ZONE AUTHORITY FOR FUNDING IN THE AMOUNT NOT TO EXCEED \$9,175 FOR GUTTENBERG UEZ ADMIN BUDGET FY26: 07-01-25 TO 06-30-26.

WHEREAS the Town of Guttenberg wishes to apply for funding from the New Jersey Urban Enterprise Zone Authority in the amount not to exceed \$9,175 for funding for GUTTENBERG UEZ ADMIN BUDGET FY26: 07-01-25 TO 06-30-26.

NOW THEREFORE BE IT RESOLVED that the Council of the Town of Guttenberg that the Mayor and Clerk are hereby authorized to execute the application for such funds and any other documents necessary in connection herewith.

BE IT FURTHER RESOLVED that the Council recognizes and accepts that the Urban Enterprise Zone Authority may offer a lesser or greater amount and therefore, upon receipt of the project agreement from the New Jersey Urban Enterprise Zone Authority, does further authorize the execution of any such agreement, and upon receipt of the fully executed agreement from the Authority, does further authorize the expenditure of funds pursuant to the terms of the agreement by and between the Town of Guttenberg and the New Jersey Urban Enterprise Zone Authority.

Ordinances:

ORDINANCE #5-26

ADOPTION

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#5-26 Adoption Vote

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

NO COMMENTS

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

ORDINANCE #6-26
INTRODUCTION

ORDINANCE AMENDING CHAPTER 7 TRAFFIC, SECTION 3.10 ON IMPROPER PARKING AND SECTION 14 ON VIOLATIONS AND PENALTIES OF THE TOWN CODE

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

WHEREAS, the Town of Guttenberg (“Town”) recognizes that illegal parking has the effect of increasing traffic congestion in certain sections of the Town; and

WHEREAS, there is a continuing need to deter such illegal parking for the betterment of the standard of living of the community and for the promotion of commerce; and

WHEREAS, there exists a need to amend Chapter 7, Section 3.10—Improper Parking and Section 14—Violations and Penalties to ensure the ongoing deterrent value of such violations and penalties.

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

SECTION ONE

§ 7-3.10. Improper Parking shall now read as follows (edits underlined):

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

- c. The operator of a vehicle shall not park parallel with the edge of the roadway headed in the direction of traffic if, because of the vehicle length, the vehicle extends past the permitted demarcated parking space lines.
- d. The operator of a vehicle shall not park in a way that blocks, impedes, or in any way impacts the flow of pedestrian, vehicle, or bicycle traffic on any portion of the sidewalk, public walkway, or other public or Town property whether parked on the street or in an off-street parking space or driveway.
- e. The operator of a vehicle shall not park within five feet of a crosswalk unless within a marked, delineated on-street parking space.
- f. The operator of a vehicle shall not park within 10 feet of a fire hydrant.
- g. The operator of a vehicle shall not park on the roadway side of any vehicle stopped or parked at the edge or curb of a street (double parking).
- h. Penalties. Any person who violates any provision of this subsection shall, upon conviction thereof, be liable to penalties as described in § 7-14 of the Revised General Ordinances of the Town of Guttenberg.

§ 7-14. VIOLATIONS AND PENALTIES.

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

Code Number	Payable Violation Description	Amount
7-3.2	Parking During Emergencies	<u>\$65</u>
7-3.3	Prohibited Parking on Certain Streets at All Times	<u>\$65</u>
7-3.4	Prohibited Parking on Certain Streets at Certain Hours	<u>\$65</u>
7-3.5	Prohibited Stopping or Standing on Certain Streets at Certain Hours	<u>\$65</u>
7-3.6	Parking Time Limited on Certain Streets	<u>\$65</u>
7-3.7	Parking Prohibited for Certain Vehicles 6,000 pounds., 8 feet high	<u>\$124</u>
7-3.9	Prohibited Parking on Alternate Sides of Certain Streets on Certain Hours [Ord. No. 15-2017]	<u>\$40</u>
<u>7-3.10(a)-(c)</u>	<u>Improper Parking</u>	<u>\$65</u>
<u>7-3.10(d)</u>	<u>Parking that blocks sidewalk</u>	<u>\$65</u>
<u>7-3.12</u>	<u>Non-resident Parking Time Limits</u>	<u>\$120</u>
<u>7-3.10(e)</u>	<u>Parking that blocks crosswalk</u>	<u>\$75</u>
<u>7-3.10(f)</u>	<u>Parking near fire hydrant</u>	<u>\$75</u>
<u>7-3.10(g)</u>	<u>Double Parking</u>	<u>\$65</u>

7-4, 7-4.1	Prohibited Parking for Designated Weight and Designated Height of Vehicles on Certain Streets	<u>\$134</u>
7-7	Prohibited Parking in Loading Zones	<u>\$65</u>
7-8	Prohibited Parking in Taxi Zones	<u>\$65</u>
7-9	Prohibited Parking in Bus Stops	<u>\$65</u>
7-10	Turns Prohibited	\$85
7-11	No Turn on Red	\$85
7-13	Handicapped Parking (See N.J.S.A. 39:4-197)	\$273

SECTION TWO

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

SECTION THREE

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

SECTION FOUR

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

SECTION FIVE

When Effective. This Ordinance shall take effect upon passage and publication as required by law. Pursuant to N.J.S.A. 40:55D-26 this amendment to Chapter 28 is hereby referred to the Town Joint Zoning & Planning Board for review to provide comment on whether the proposal is substantially consistent with the Master Plan.

SUMMARY OF ORDINANCE

This Ordinance amends to amend Chapter 7, Section 3.10—Improper Parking and Section 14—Violations and Penalties to update fines and penalties.

Ordinance#6-26 Introduction Vote

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

ORDINANCE #7-26

INTRODUCTION

AMENDING CHAPTER VII ENTITLED “TRAFFIC” SUBSECTION 7-3.4 ENTITLED “PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS” OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF GUTTENBERG

WHEREAS, Chapter 7-3.4 of the Code of the Town of Guttenberg (“Code”) entitled “Parking Prohibited During Certain Hours on Certain Streets” was enacted to ensure no person park a vehicle between the hours specified below on any day when school is in session upon any of the following described streets or parts of streets; and

WHEREAS, the Town of Guttenberg seeks to amend the areas of prohibited parking around the area of the Anna L. Klein School.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Chapter 7-3.4 of the Code of the Town of Guttenberg (“Code”) entitled “Parking Prohibited During Certain Hours on Certain Streets,” is hereby amended, as follows:

SECTION I.

Chapter 7-3.4 of the Code of the Town of Guttenberg (“Code”) entitled “Parking Prohibited During Certain Hours on Certain Streets” shall be amended as follows [Amendments are underlined]:

ECTION I. Parking Prohibited During Certain Hours on Certain Streets.

No person shall park a vehicle between the hours specified below on any day when school is in session upon any of the following described streets or parts of streets.

- a. Penalties: Any person who violates any provision of this subsection shall, upon conviction thereof, be liable to penalties as described in § 7-14 of the Revised General Ordinances of the Town of Guttenberg.
- b. Parking shall be prohibited in the following locations at the prescribed times:

Name of Street	Side	Hours	Location
Bergenline Avenue Monday and Thursday	East	8:00 a.m. to 9:00 a.m.	6708 to 7008 Bergenline Avenue
Bergenline Avenue Tuesday and Friday	West	8:00 a.m. to 9:00 a.m.	6707 to 7003 Bergenline Avenue

Hudson Avenue [Amended 12-28-2020 by Ord. No. 34-20]	West	7:00 a.m. to 4:30 p.m.	From the southwest corner of Hudson Avenue and 69th Street to 289 feet south
69th Street [Amended 12-28-2020 by Ord. No. 34-20]	South	7:00 a.m. to 4:30 p.m.	From the southwest corner of 69th Street and Hudson Avenue to 332 feet west
<u>68th Street</u>	<u>North</u>	<u>7:00 a.m. to 4:30 p.m.</u>	<u>From the northeast corner of 68th Street and Hudson Avenue to 332 feet west</u>

SECTION II.

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 III.

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 IV.

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

Summary of Ordinance

This purpose of this ordinance is to is add a no parking area on 68th Street so that both sides of Anna L. Klein School have a no parking zone.

Ordinance#7-26 Introduction Vote

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

ORDINANCE#8-26
INTRODUCTION

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

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

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

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

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

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

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

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

WHEREAS, Section 31a the Act authorizes municipalities to adopt by ordinance regulations governing the number of Cannabis Establishments (defined in section 3 of the Act as

“a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of the Act authorizes municipalities to prohibit by ordinance the operation of any one or more classes of Cannabis Establishments, distributors or delivery services anywhere in the Town, except for the delivery of Cannabis items and related supplies by a delivery service based and initiated from outside of the municipality; and

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

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

WHEREAS, the Mayor and Council forwarded a copy of Ordinance 3-2026, which was introduced at the January 5, 2026 meeting of the Mayor and Town Council (“Cannabis Zoning Ordinance”), to the Joint Planning/Zoning Board of Adjustment of the Town of Guttenberg (“Planning Board”) for review; 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 a resolution confirming that permitting up to two (2) cannabis establishments in the Town is consistent with the Master Plan. Resolution 2026-06 was adopted by the Planning Board at its January 21, 2026 meeting; and

WHEREAS, The Joint Planning/Zoning Board of Adjustment Resolution 2026-06 recommended certain amendments to re-organize the Cannabis Zoning Ordinance; and

WHEREAS, the Mayor and Town Council reviewed Resolution 2026-06 and noted that the Planning Board had determined that its adoption would be consistent with the Master Plan; and

WHEREAS, the Town Attorney and the Planning Board attorney consulted and determined that while the amendments recommended by the Planning Board were meritorious and would ultimately improve the administration of the Cannabis Zoning Ordinance, the value to the Town interest of maintaining its schedule for preparing to review and process Town Cannabis License applications outweighed the desire to make changes to clarify certain requirements and to better blend the Cannabis Zoning Ordinance with Chapter 28 of the Town Code, “Zoning;” and

WHEREAS, the Town shall re-submit this amended Cannabis Zoning Ordinance to the Planning Board for review for consistency with the Master Plan; and

WHEREAS, the Planning Board completed its review and determined that this ordinance is consistent with the Master Plan and memorialized its finding in Resolution [#####], adopted at its [DATE] meeting.

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

Within the Town Code of Guttenberg, § 28-4.9. District Regulations for C Commercial Zone shall be amended as follows:

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 Retailers and Cannabis Manufacturers. (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.
 -

SECTION TWO

§ 28-5.20. Cannabis Establishments, Distributors and Delivery Services Prohibited is hereby amended as follows:

- a. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), (“the Act”), Except to the extent that cannabis manufacturers and cannabis retailers are permitted pursuant to § 28-4.9(a)(3)(e), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Town and shall also be considered prohibited uses for all purposes under this chapter, and for purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., in all zones, districts and areas of the Town, except for the delivery of cannabis items and related supplies by a licensed cannabis delivery service based and initiated from a cannabis delivery service licensed location outside of the Town.

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

SECTION THREE

§ 28-9.3. Standards Applicable to Particular Conditional Uses shall be amended to add the following:

j. Cannabis Manufacturers and Cannabis Retailers.

1. Cannabis manufacturers and cannabis retailers shall be conditionally permitted uses in the C Zone only and shall comply with the bulk requirements of the C Zone defined by § 29-4.9(b)(1).
2. There shall be only two (2) cannabis retailers in the Town. No more than one cannabis retailer shall be permitted in the C Zone fronting on Bergenline Avenue, and no more than one cannabis retailer shall be permitted in the C Zone fronting on Park Avenue.
3. A cannabis manufacturer shall be permitted only as an accessory use to a cannabis retailer.
4. Any cannabis manufacturer and cannabis retailer in the C Zone is permitted only with all approvals required by Chapter 32 of the Town Code and all other applicable New Jersey State statutes and regulations. Any cannabis manufacturer and cannabis retailer that does not hold a valid, current Town Cannabis License and all appropriate State licenses shall not be permitted in the C zone, even if previously approved by the Planning Board or the Zoning Board of Adjustment. Violation of this condition shall invalidate any land use approval and render the use unlawful.
5. Any Cannabis Manufacturer or Cannabis Retailer shall comply with all other Town Ordinances and all State statutes and regulations and applicable to the operation of such businesses.

SECTION FOUR

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 FIVE

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 Ordinance 03-2026 to implement changes recommended by Planning Board.

Ordinance#8-26 Introduction Vote

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

Payment of Claims:

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

- **Mayor Zitt abstained to – PO 260205, 260255,260414**
- **Councilwoman Fundora abstained to – PO 260210**
- **Councilman Haberman abstained to – PO 242235**
- **Councilman De la Fuente abstained to – PO 260240, 260312**

Public Portion:

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

Daniel Morgan, 397 West, New York-

- Cannabis Interest

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

Adjournment:

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

Meeting was adjourned at 4:46 P.M.

Respectfully Submitted,

Dr. Cosmo A. Cirillo, RMC
Town Clerk