



**CITY OF PASSAIC NEW JERSEY  
CITY COUNCIL  
REGULAR MEETING AGENDA  
FEBRUARY 12, 2008  
7:00 P.M.**

**IN ACCORDANCE WITH CHAPTER 231 PUBLIC LAWS OF 1975, ADEQUATE NOTICE OF THIS MEETING WAS PROVIDED BY RESOLUTION OF THE MUNICIPAL COUNCIL ADOPTED ON JUNE 14TH, 2007 SETTING FORTH A SCHEDULE OF REGULAR MEETINGS FOR THE YEAR 2007-2008, WHICH WAS PLACED ON THE CITY HALL BULLETIN BOARD BY THE OFFICE OF THE CITY CLERK.**

- I. ROLL CALL**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE**
- IV. MINUTES – JANUARY 8, 2008 COUNCIL MEETING.**
- V. HEARING OF CITIZENS**

*In Accordance with the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.). The Council opens every public meeting for comments of the public. However, in accordance with N.J.S.A. 10:4-12 “nothing in this Act shall be construed to limit the discretion of a public body to permit, prohibit or regulate the active participation at any meeting,.....”.*

*Therefore, please be advised that the Council will not entertain any comments from persons who communicate obscene material, make statements which are considered bias intimidation in which a person intends to intimidate any individual or group because of race, color, religion, gender, handicap, sexual orientation or ethnicity or makes comments intending to harass or speak any offensive language. The person who makes these statements will relinquish their allotted five minutes for public discussion.*

**VI. ORDINANCES FOR SECOND AND FINAL READING (PUBLIC HEARING REQUIRED)**

- 1. ORDINANCE NO. 1747-08** ORDINANCE AUTHORIZING VACATION OF SEVENTH STREET. (Public hearing to be adjourn for February 12, 2008 Council Meeting)
- 2. ORDINANCE NO. 1748-08** ORDINANCE AMENDING CHAPTER 89 OF THE CODE OF THE CITY OF PASSAIC “AUTO BODY REPAIR FACILITIES”.
- 3. ORDINANCE NO. 1749-08** ORDINANCE OF THE CODE OF THE CITY OF PASSAIC REGULATING “WILDLIFE FEEDING”.
- 4. ORDINANCE NO. 1750-08** ORDINANCE OF THE CODE OF THE CITY OF PASSAIC ENTITLED “ILLICIT CONNECTION”.
- 5. ORDINANCE NO. 1751-08** ORDINANCE OF THE CODE OF THE CITY OF PASSAIC REGULATING PET WASTE.
- 6. ORDINANCE NO. 1752-08** ORDINANCE CONCERNING CONTAINERIZED YARD WASTE.
- 7. ORDINANCE NO. 1753-08** ORDINANCE OF THE CODE OF THE CITY OF PASSAIC REGULATING “IMPROPER DISPOSAL OF WASTE”.
- 8. ORDINANCE NO. 1754-08** ORDINANCE AMENDING CHAPTER 179 “LITTERING” AND CHAPTER 123 “DUMPING” OF THE CODE OF THE CITY OF PASSAIC.

9. **ORDINANCE NO. 1755-08** A STORMWATER CONTROL ORDINANCE.

**VII. COMMUNICATIONS AND PETITIONS**

10. City Clerk's Office submitting Raffle License application for the following churches:
  - Our Lady of Mt. Carmel Church, 10 St. Francis Way
  - St. Nicholas Ukrainian Catholic Church, 216 President Street
11. The Salvation Army, 550 Main Avenue, submitting application to hold a Flea Market in their Cafeteria on Feb 2, 2008 from 9:00 AM to 2:00 PM. **(Contingent upon Police Department Approval).**
12. The Avenue Grill, 427 Van Houten Avenue, submitting application to renew their Entertainment License for the year 2008.
13. El Rio Sports Lounge, 67 Passaic Street, submitting application to apply for a New Entertainment License for the year 2008.
14. El Tesoro Bar and Restaurant, 35 Broadway, submitting application to renew their Entertainment License for the year 2008.
15. El Alamo, 262 Passaic Street, submitting application to renew their Entertainment License for the year 2008.
16. Temptations, 426 Van Houten Avenue, submitting application to renew their Entertainment License for the year 2008.
17. Albert Lawson VFW, 135 Summer Street, submitting application to renew their Entertainment License for the year 2008.
18. My Way Lounge, 583 Main Avenue, submitting application to renew their Entertainment License for the year 2008. **(With previous conditions as per Resolution no. 07-03-076)**
19. The Palace, 691 Main Avenue, submitting application to renew their Entertainment License for the year 2008. **(With previous conditions as per Resolution no. 06-12-245)**
20. Rosa's Sports Bar, 317 Broadway, submitting application to renew their Entertainment License for the year 2008.
21. Fiesta Night Club, 115 President Street, submitting application to renew their Entertainment License for the year 2008.
- 21a. **Stolarz Tavern, 83 Passaic Street, submitting application to renew their Entertainment License for the year 2008.**

**ALL MATTERS LISTED HEREUNDER ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION ANY COUNCIL MEMBER MAY REQUEST THAT AN ITEM BE REMOVED FOR SEPARATE CONSIDERATION.**

22. Memorandum from City of Passaic Zoning Board of Adjustment Secretary Re: Commissioner Edward Fortyz resignation.
23. Genaro Delgado, Passaic Redevelopment Agency, submitting his letter of resignation effective immediately.
24. Correspondence regarding consideration for Council Seat vacancy from the following persons:
  - Martha Cole, 80 8<sup>th</sup> Avenue, nominating Brenda Wheeler – 17 Vineyard Place for the vacant City Council seat.
  - Bharat Rana-101 Passaic Ave.
  - Giovanni Regalado – 561 McKinley Street
  - Mary Guzman – 353 Madison Street
  - Jeffrey Dye – 443 Howe Street

25. PSE&G -80 Park Plaza, Newark, NJ Re: Information request for 2008 construction plans Due March 30, 2008.
26. NJ Department of Environment Protection, submitting the following:
  - Correspondence Re: Biennial Report for Deed Notice and Engineering Controls – Temco Home Health Care Products
27. Passaic Housing Authority submitting the following:
  - Notice rescheduling their January 8, 2008 meeting to January 16, 2008.
  - Agenda of their January 16, 2008 meeting.
28. Passaic Alliance/ Prevention and Intervention Services submitting the following:
  - Revised Notice Setting the Meeting Dates for the 2008 Calendar Year.
29. Borough of Totowa submitting the following:
  - Resolution In Opposition To The Actions of the Passaic County Board Of Chosen Freeholders Authorizing An Emergency Appropriation In The Amount Of \$10,000,000.00
  - Resolution Requesting the Passaic County Board of Chosen Freeholder to Pass a Resolution Authorizing a Ballot Question Concerning the Creation of a Charter Study Commission To Make Recommendations Regarding the Changes to the Form of government of the County of Passaic.
- 29a. Correspondence from Hon. Gary S. Schaer, Assemblyman, 36<sup>th</sup> District  
Re: Response to City of Passaic residents regarding New Jersey Transit bus shelters.
- 29b. **Hon. Samuel Rivera, Mayor, submitting correspondence Re: Appointing Jeffrey Dye to the Redevelopment Board to fill the unexpired of Genaro Delgado, his term will commence immediately and expire on June 30, 2009.**
- 29c. **Hon. Gary Schaer, Assemblyman, submitting correspondence from the NJ Department of Community Affairs, Re: 2008 Budget Analysis.**
- 29d. **Personnel actions for November 2007, December 2007, and January 2008.**
- 29e. **Hon. Samuel Rivera, Mayor submitting correspondence from Mr. Tidwell  
Re: Letter of resignation to the Planning Board.**

**VII. RESOLUTIONS:**

30. RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION OF THE CITY COUNCIL OF PASSAIC ON FEBRUARY 12, 2008 AT 7:00 P.M. OR ANYTIME THEREAFTER TO DISCUSS PENDING LITIGATION, CONTRACT NEGOTIATIONS, AND PERSONNEL MATTERS.
31. RESOLUTION DESIGNATING RESTRICTED PARKING FOR USE BY HANDICAPPED PERSONS.
32. RESOLUTION RE-APPOINTING VARIOUS MEMBERS TO THE PASSAIC ENTERPRISE ZONE DEVELOPMENT CORPORATION BOARD OF TRUSTEES.
33. RESOLUTION AUTHORIZING THE DEPARTMENT OF RECREATION AND CULTURAL AFFAIRS TO ACCEPT A GRANT FROM THE PASSAIC COUNTY CULTURAL AND HERITAGE COUNCIL AT THE PASSAIC COUNTY COMMUNITY COLLEGE FOR THE PURPOSE OF PROVIDING A CULTURAL PROGRAM TO THE CITIZENS OF PASSAIC.
34. RESOLUTION AUTHORIZING EXECUTION OF GRANT AGREEMENT BETWEEN THE COUNTY OF PASSAIC, DIVISION OF ALCOHOLISM, DRUG ABUSE AND ADDICTION SERVICES AND THE PASSAIC MUNICIPAL ALLIANCE FOR THE PREVENTION, EDUCATION AND/OR PUBLIC AWARENESS ACTIVITIES RELATED TO ALCOHOL/DRUG ABUSE AND ADDICTION.
35. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87) NJ CHILDHOOD LEAD PREVENTION \$120,000

36. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87)  
PASSAIC CO.: HOUSING OPPORTUNITY (HOPWA) \$10,588.12
37. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87)  
NJ HIGHWAY TRAFFIC SAFETY OVER THE LIMIT UNDER ARREST \$5,000
38. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87)  
UEZA: 07-155 MARKET ST. RECONSTRUCTION \$1,463,300
39. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87)  
UEZA: 07-179 SECURITY PATROL PHASE V \$531,758
40. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87)  
UEZA: 08-ADM ADMINISTRATIVE BUDGET \$426,783.46
41. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87)  
STATE RECORDS COMMITTEE – PARIS \$49,500
42. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87)  
RYAN WHITE TITLE I \$56,679
43. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87)  
N.J. OFFICE OF INFORMATION TECHNOLOGY \$28,000
44. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87)  
DOJ OF JUSTICE PROGRAM: BYRNE MEMORIAL JUSTICE ASSISTANCE  
\$319,594
45. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87)  
DOJ OFFICE OF JUSTICE PROGRAM: BYRNE MEMORIAL JUSTICE  
ASSISTANCE \$210,089
46. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87)  
NJ DRUNK DRIVING ENFORCEMENT \$32,322.54
47. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87)  
NJ DOH: WOMEN, INFANT & CHILDREN \$660,664
48. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87)  
NJ DOT MUNICIPAL AID: MARKET STREET \$322,000
49. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87)  
UEZA: 08-34 COMMERCIAL REDEVELOPMENT IV \$1,416,000
50. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87)  
RECYCLING TONNAGE \$13,081.10
51. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87)  
NJ HIGHWAY TRAFFIC: PEDESTRIAN SAFETY \$22,000
52. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87)  
PASSAIC CO.: HOUSING OPPORTUNITY (HOPWA) \$37,097
53. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87)  
RYAN WHITE TITLE I \$42,474
54. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87)  
PASSAIC CO.: MUNICIPAL ALLIANCE \$46,300.00
55. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87)  
JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT \$19,865
56. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87)  
JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT \$2,207

57. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87) PASSAIC CO.: NARCOTIC TASK FORCE \$19,398
58. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87) NJ DOLPS: STATIONHOUSE ADJUSTMENT PROGRAM \$37,538
59. RESOLUTION – CORRECTION TO SFY 08 BUDGET – PASSAIC CO. MUNICIPAL ALLIANCE \$11,575.00
60. RESOLUTION AUTHORIZING THE CITY OF PASSAIC TO PARTICIPATE IN COOPERATIVE PRICING WITH CRANFORD POLICE DEPARTMENT SERVING AS THE LEAD AGENCY.
61. RESOLUTION REJECTING BIDS FOR ARCHIVES AND RECORDS MANAGEMENT PERMANENT/HISTORICAL RECORDS SURVEY NEEDS ASSESSMENT AND TREATMENT PLAN CITY OF PASSAIC.
62. RESOLUTION APPROVING 2008 ENTERTAINMENT LICENSE FOR EL RODEO RESTAURANT WITH CONDITIONS.
63. RESOLUTION APPROVING 2008 ENTERTAINMENT AND LICENSE FOR TULCINGO’S RESTAURANT WITH REVISED CONDITIONS.
64. RESOLUTION RE-APPOINTING CITY OF PASSAIC MUNICIPAL CLERK
65. RESOLUTION SELECTING MEMBERS OF THE AD HOC COMMITTEE ON ENERGY ISSUES.
66. RESOLUTIONS APPOINTING MEMBERS TO THE ZONING BOARD OF ADJUSTMENT. (FOUR SEATS) 1; 2; 3; 4
- 66A. RESOLUTIONS APPOINTING ALTERNATE MEMBERS TO THE ZONING BOARD OF ADJUSTMENT (FOUR SEATS). ALT-1; ALT-2; ALT-3, ALT-4**
67. RESOLUTION APPOINTING MEMBERS TO THE PASSAIC HOUSING AUTHORITY.
- 68. RESOLUTION CONSENTING TO THE URBAN ENTERPRISE ZONE FY 2009 ADMINISTRATION BUDGET.**
- 69. RESOLUTION APPROVING AN AGREEMENT WITH THE PASSAIC CITY EMPLOYEES ASSOCIATION – TRAFFIC GUARD UNIT AND AUTHORIZING THE MAYOR TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT COVERING JULY 1, 2006 TO JUNE 30, 2011.**
- 70. RESOLUTION APPOINTING PETER CEDENO-CASTRO AS A COMMISSIONER TO THE PASSAIC REDEVELOPMENT AGENCY.**
- 71. RESOLUTION APPOINTING JEFFREY DYE AS A COMMISSIONER TO THE PASSAIC REDEVELOPMENT AGENCY.**
- 72. RESOLUTION AUTHORIZING AGREEMENT FOR PROVISION OF TREATMENT SERVICES FOR STATE OF NEW JERSEY DIVISION OF YOUTH AND FAMILY SERVICES.**
- 73. RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS RESULTING FROM TAX COURT JUDGMENT.**
- 74. RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS RESULTING FROM COUNTY BOARD JUDGMENT.**
- 75. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87) PASSAIC CO.: NARCOTIC TASK FORCE \$38,946**
- 76. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87) NJ DLPS: 2007 BODY ARMOR REPLACEMENT \$20,629.29**

77. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87) NJ TRANSPORTATION TRUST: PARKER AVE, HOLDSWORTH CRT, HOWE AVE \$75,000
  78. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87) UEZA: 08-95 UEZ LANDSCAPE MAINTENANCE PROJECT PH I \$48,110
  79. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87) UEZA: 08-83 GRAFFITI ERADICATION PHASE VII \$89,037
  80. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87) UEZA: 08-82 PROJECT CLEAN SWEEP PHASE VII \$342,450
  81. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87) UEZA: 07-27 COMMERCIAL REDEVELOPMENT III \$90,000
  82. RESOLUTION TO AMEND SFY 2008 MUNICIPAL BUDGET (N.J.S.A. 40A:4-87) N.J. DEPT OF HEALTH & HUMAN SERVICES: HEPATITIS B INOCULATION \$5,000
  83. RESOLUTION ENDORSING THE CITY OF PASSAIC'S APPLICATION FOR NEW JERSEY DEPARTMENT OF TREASURY, OFFICE OF EMERGENCY TELECOMMUNICATIONS SERVICES ENHANCES 9-1-1 GRANT FUNDING PROGRAM GENERAL ASSISTANCE GRANT.
  84. RESOLUTION ENDORSING THE CITY OF PASSAIC'S APPLICATION FOR NEW JERSEY DEPARTMENT OF TREASURY, OFFICE OF EMERGENCY TELECOMMUNICATIONS SERVICES ENHANCES 9-1-1 GRANT FUNDING PROGRAM EQUIPMENT GRANT.
  85. RESOLUTION AUTHORIZING A CHANGE ORDER TO A CONTRACT WITH JC LANDSCAPE CONSTRUCTION & MANAGEMENT COMPANY FOR PARKS IMPROVEMENT AT THIRD WARD PARK, BENSON AVE. BASKETBALL COURT, SCHEVCHENKO PARK & COLONEL JOHNSON PARK CITY OF PASSAIC.
  86. RESOLUTION AUTHORIZING THE CITY OF PASSAIC TO APPLY TO THE NEW JERSEY URBAN ENTERPRISE ZONE AUTHORITY FOR AN ADDITIONAL \$336,585.00 FOR THE MARKET STREET RECONSTRUCTION PROJECT.
  87. RESOLUTION APPROVING GRANT AGREEMENT WITH DEPARTMENT OF ENVIRONMENTAL PROTECTION TO FUND STROM WATER ACTIVITIES.
  88. RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE CITY OF PATERSON DIVISION OF HEALTH AND THE CITY OF PASSAIC DIVISION OF HEALTH TO PROVIDE THE PUBLIC HEALTH SERVICES WITH REGARDS TO TUBERCULOSIS.
- VIII. ORDINANCES FOR INTRODUCTION AND FIRST READING
89. ORDINANCE TO AMEND CHAPTER 317, "ZONING" OF THE CITY OF PASSAIC (RECOMMENDED BY THE PLANNING BOARD).
  90. ORDINANCE ESTABLISHING POSITION OF HISTORIAN.
- IX. APPLICATIONS REQUIRING A HEARING DATE:
91. Alex Perez and Rick Doren submitting application for Exemption and/or Abatement for the Improvement, Conversion of Construction of property, for 87-91 Market Street.
  92. New Tropical Night Club, 52 Garden Street, submitting application to renew their Entertainment License for the year 2008. (With previous conditions as per Resolution no. 07-03-075).

93. Mr. Sixto de la Cruz/La Mia Supermarket – 322 Madison Street, submitting request for a loading zone.

**X. PAYMENT OF BILLS**

**XI. ADMINISTRATOR'S REPORT**

**XII. MAYOR'S REPORT**

**ADJOURNMENT**