

April 20, 2016 Minutes

A WORK-SESSION WAS HELD ON WEDNESDAY APRIL 20, 2016 AT 5:40 PM IN THE MAYOR'S CONFERENCE ROOM, SECOND FLOOR CITY HALL 330 PASSAIC ST., PASSAIC, NJ.

Amada D. Curling, City Clerk, read the following notice into record:

PURSUANT TO THE OPEN PUBLIC MEETING ACT, BE ADVISED THAT THE CITY COUNCIL OF THE CITY OF PASSAIC HAS SCHEDULED WORK SESSION MEETING FOR WEDNESDAY APRIL 20, 2016 AT 5:30 P.M. TO BE HELD IN THE MAYOR'S CONFERENCE ROOM, SECOND FLOOR, CITY HALL 330 PASSAIC STREET, PASSAIC, NEW JERSEY. FUTUREMORE, FOLLOWING THE WORK SESSION, THE REGULAR MEETING WILL BE HELD AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF PASSAIC CITY HALL, 330 PASSAIC STREET, PASSAIC, NJ.

ROLL CALL:

PRESENT: Garcia, Polanco, Schwartz, Council President Schaer

ABSENT: Love, Melo, Munk

ALSO PRESENT: Rick Fernandez, Business Administrator;  
Christopher Harriott, City Counsel

Council President on the chair

Addendums to the agenda were discussed at this time followed by an informal discussion regarding items on the agenda

Councilwoman Melo and Councilman Munk walked into the meeting.

At this point in the meeting, Vicky Malloy and Liza partners from the Utility Consultant Company Concord discussed the various concerns regarding the energy program and the savings to the residents.

After brief discussion, upon motion made by Councilwoman Polanco and seconded by Councilwoman Melo the work session was adjourned 6:55 p.m.

ROLL CALL:

PRESENT: Garcia, Melo, Munk, Polanco, Schwartz, Council President Schaer

ABSENT: Love

A REGULAR PUBLIC MEETING OF THE CITY COUNCIL OF THE CITY OF PASSAIC WAS HELD ON WEDNESDAY, APRIL 20, 2016 AT 7:00 P.M. IN THE COUNCIL CHAMBERS IN CITY HALL.

Amada D. Curling, City Clerk, read the following notice into record:

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 23, 2015 SETTING FORTH A SCHEDULE OF REGULAR MEETINGS FOR THE YEAR 2015-2016, WHICH WAS PLACED ON THE CITY HALL BULLETIN BOARD BY THE OFFICE OF THE CITY CLERK

April 20, 2016 Minutes

**PRESENT:** Garcia, Melo, Munk, Polanco, Schwartz, Council  
President Schaer  
**ABSENT:** Love

**ALSO PRESENT:** Rick Fernandez, Business Administrator;  
Christopher Harriott, City Counsel.

Invocation was rendered by Councilwoman Melo followed by the  
Pledge of Allegiance

-----  
**Council President Schaer advised addendums to agenda; attachemt  
to #38; removal of item #39; addition of 39a and 39b.**

-----  
Council Meeting Minutes April 5, 2016 submitted for  
approval.

Upon motion made by Councilman Garcia and seconded by  
Councilwoman Melo the aforementioned meeting minutes  
were approved.

**ROLL CALL**

**AYES:** Garcia, Melo, Munk, Polanco, Schwartz, Council President  
Schaer  
**ABSENT:** Love

-----  
**Councilwoman Melo stepped off dais.**

**HEARING OF CITIZENS:**

Council President Schaer opened the public portion of the meeting  
with the following statement for the record:

*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.*

**Joe Conoscenti, 170 Broadway:** presented Council with handout  
listing issues by letter and number corresponding with  
photographs: Dundee Island Park missing handrails; Parking  
meters read 8 a.m. to 6 p.m. Monday thru Sunday 24/7; #4 reads  
please take receipt with you; 2 Parking meter reads 8 a.m. to 6  
p.m; Prospect St/River Dr. in need of a new street sign; Dundee  
Island Park missing plaque; Third Ward Park (Broadway side) 219-  
15-16 issues; obnoxious growth tree removal (looking down hill);  
Shevchenko Park water fountain in need of repair or replacement;  
Pulaski Park water fountain in need of replacement; Dundee  
island park water fountain in need of repairs; Third Ward Park  
water fountain in need of repairs; park in need of a full  
cleanup; Armory Park monument in need of full cleanup; POW flag

in need of replacement; Fencing in need of repair and/or replacement; Over the fence areas in need of a full cleanup; i.e. removal of trash etc; Revolutionary site monument to Capt. John H. Post in need of a full cleanup. Multiple pictures re trash along fence lines in need of cleanup. Parking meters at Armory Park and elsewhere in need of inspection/repair and/or replacement. Listed various issues at Colonel Johnson Park, Columbia Avenue Park and Latona Griffin Park

**Steve Siklosi; 23 Orchard Street:** Inquired as to why questions are recorded as part of the minutes but not the answers; Newspapers/advertisements thrown on property; is there a way to get around first amendment rights and stop what he considers littering his property; What are the advantages with replacement of meters; Item #6: asked if there is alcohol involved, if so how is City handling?; Item #17; Item #25 re donation of sports equipment; Item #33 and 34 what is the value of this; Item #32 what is this and what does it entail; #39a; area in need of rehabilitation.

**Councilwoman Melo stepped down from dais**

After ample opportunity given and no one else responding on motion by Councilman Garcia and seconded by Councilman Schwartz the public portion of the meeting was closed.

**ROLL CALL**

**AYES: Garcia, Munk, Schwartz, Polanco, Council President Schaer**

**ABSENT: Love, Melo**

-----  
**ORDINANCE(S) FOR SECOND AND FINAL READING (PUBLIC HEARING REQUIRED)**

Council President Schaer called up for the second and final reading Ordinance entitled:

**CITY OF PASSAIC**

**PASSAIC COUNTY, NEW JERSEY**

**ORDINANCE NO. 2048-16**

**AN ORDINANCE AUTHORIZING THE CITY OF PASSAIC TO REVERT TO A CALENDAR FISCAL YEAR FROM A STATE FISCAL YEAR**

Councilman Schwartz moved the ordinance be TABLED to May 24, 2016 which motion was seconded by Councilman Garcia and approved upon a call of the roll

**ROLL CALL**

**AYES: Garcia, Munk, Polanco, Schwartz, Council President Schaer**

**ABSENT: Love, Melo**

**ORDINANCE(S) FOR SECOND AND FINAL READING (PUBLIC HEARING REQUIRED)**

Council President Schaer called up for the second and final reading Ordinance entitled:

**CITY OF PASSAIC**

**ORDINANCE NO. 2049-16**

**ORDNANCE AMENDING THE DESIGNATING RESTRICTED PARKING FOR USE  
BY HANDICAPPED PERSONS RESTRICTED BY NJ LICENSE PLATE NUMBER**

Councilwoman Polanco moved a public hearing to be held on Ordinance. Motion was seconded by Councilman Garcia, So Ordered. The Council President then announced that all interested parties would be given an opportunity to be heard for or against the adoption of the Ordinance.

**ROLL CALL**

**AYES: Garcia, Munk, Polanco, Schwartz, Council President Schaer**

**ABSENT: Love, Melo**

Councilwoman Melo took seat on dais.

**Steve Siklosi; 23 Orchard Street:** are we adding or taking away and how many of each.

After ample opportunity given and no one else responding on a motion by Councilman Garcia and seconded by Councilwoman Melo, public hearing on said ordinance was closed.

**ROLL CALL**

**AYES: Garcia, Melo, Munk, Schwartz, Council President Schaer**

**ABSENT: Love**

Councilwoman Polanco moved the ordinance be adopted on second reading and final passage which motion was seconded by Councilwoman Melo and adopted upon a call of the roll

**ROLL CALL**

**AYES: Garcia, Melo, Munk, Schwartz, Council President Schaer**

**ABSENT: Love**

**ORDINANCE(S) FOR SECOND AND FINAL READING (PUBLIC HEARING  
REQUIRED)**

Council President Schaer called up for the second and final reading Ordinance entitled:

**City of Passaic**

**Ordinance No. 2050-16**

**BOND ORDINANCE APPROPRIATING \$4,500,000, AND  
AUTHORIZING THE ISSUANCE OF \$4,285,000 BONDS OR  
NOTES OF THE CITY, FOR VARIOUS IMPROVEMENTS  
OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY  
THE CITY OF PASSAIC, IN THE COUNTY OF PASSAIC,  
NEW JERSEY.**

Councilwoman Melo moved a public hearing to be held on Ordinance. Motion was seconded by Councilwoman Polanco, So Ordered. The Council President then announced that all interested parties would be given an opportunity to be heard for or against the adoption of the Ordinance.

**ROLL CALL**

**AYES: Garcia, Melo, Munk, Schwartz, Council President Schaer**

**ABSENT: Love**

**Councilman Munk stepped down from dais**

**Steve Siklosi; 23 Orchard Street:** is this to being used to retire some outstanding bonds.

After ample opportunity given and no one else responding on a motion by Councilman Garcia and seconded by Councilwoman Melo, public hearing on said ordinance was closed.

**ROLL CALL**

**AYES: Garcia, Melo, Polanco, Schwartz, Council President Schaer**

**ABSENT: Love, Munk**

Councilwoman Polanco moved the ordinance be adopted on second reading and final passage which motion was seconded by Councilwoman Melo and adopted upon a call of the roll

**ROLL CALL**

**AYES: Garcia, Melo, Polanco, Schwartz, Council President Schaer**

**ABSENT: Love, Munk**

-----

**COMMUNICATIONS AND PETITIONS**

**THE FOLLOWING ITEM(S) WERE VOTED ON BY ONE MOTION**

On motion made by Councilwoman Polanco and seconded by Councilman Garcia the following item(s) were received and placed on file:

Amada D. Curling, City Clerk, submitting Raffle License application for the following organizations:

- Holy Rosary RC Church, 6 Wall Street
- Our Lady of Fatima Church, 32 Exchange Place

City of Passaic Department of Recreation and Cultural & Senior Affairs, 330 Passaic Street, submitting the following applications:

- Mother's Day Gardening Event, in Third Ward Park, on May 14, 2016 from 10:00 a.m. to 12:00 p.m.
- Relay for Life, in Third Ward Park, on June 5, 2016 from 4:00 p.m. to 8:00 p.m.
- Autism Awareness Event, in Third Ward Park, on May 15, 2016 from 1:00 p.m. to 4:00 p.m. Rain Date: May 22, 2016
- Summer Concert Series, in Christopher Columbus Park, on July 7,21 and August 4,18, 2016 from 7:00 p.m. to 9:00 p.m. and July 14,28, and August 11, 2016 from 7:00 p.m. to 9:00 p.m. in Third Ward Park.  
*(Contingent Upon Departmental Approval)*

Moving Passaic Forward, 11 Van Winkle Avenue, submitting application to hold a 5 de Mayo Cultural Event, at 1 Jefferson Street (private property), on May 8, 2016 from 3:00 p.m. to 8:00 p.m. *(Contingent Upon Departmental Approval)*

Philippine Day Organizing Council, P.O. Box 1954, Passaic, submitting the following applications:

- Flag Raising, in front of City Hall on June 12, 2016 from 10:00 a.m. to 10:30 a.m.
- Parade, June 12, 2016 from 10:30 a.m. to 11:30 a.m. The parade commence on the corner of Passaic and State Streets and travel Passaic Street to Passaic Avenue ending at Third Ward Park
- Festival, June 12, 2016, in Third Ward Park, from 12:00 p.m. to 7:00 p.m.  
*(Contingent Upon Departmental Approvals)*

Passaic African American Committee, 5 Spring Street, Passaic, submitting applications to hold

the following:

- Festival in Christopher Columbus Park, on June 4, 2016 from 12:00 p.m. to 6:00 p.m.
- Parade June 4, 2016 from 10:00 a.m. to 12:00 p.m. The parade will commence at Passaic City Hall travel to Passaic Street to Main Avenue to Monroe Street ending at Public School No. 11.  
*(Contingent Upon Departmental Approvals)*

Pastor Melanie Gleabes, Angels Watchin Me Int'l Ministries, 396 Highland Avenue, Passaic, submitting application to hold a City Wide Prayer, in Ellen Square, on May 14, 2016 from 12:00 p.m. to 3:00 p.m. Rain Date: May 21, 2016 *(Contingent Upon Departmental Approvals)*

Brothers United in Christ Church, 60 Summer Street, submitting application to hold Outdoor Religious Assemblies in their church parking lot (private property), during the months of May thru September, 2016 on Tuesday thru Saturdays from 7:00 p.m. to 10:00 p.m. and Sundays from 1:00 p.m. to 4:00 p.m. *(Contingent upon departmental approvals)*

St. Anthony's of Padua Church, 101-103 Myrtle Avenue, Passaic, submitting application to hold a Procession on July 16, 2016 from 8:45 p.m. to 10:00 p.m. The Procession is to commence at the Church on Oak Street travel Gregory Avenue, to Monroe Street to Myrtle Avenue, ending back at the Church on Oak Street. *(Contingent Upon Departmental Approvals)*

Organizacion del Carnaval De Huejotzingo de Passaic, 64 Summer Street, submitting application to hold a Parade, on May 5, 2016 from 11:00 a.m. to 1:00 p.m. The parade will assemble in front of Passaic City Hall and travel to Main Avenue to Lexington Avenue to Monroe Street to Market Street to Mercer Street to Jefferson Street ending on Canal Street. *(Contingent upon departmental approvals)*

St. Nicholas Ukrainian Catholic Church, 217 President Street, submitting application to hold their Parish Picnic in their church parking lot (private property) on September 18, 2016 from 12:00 p.m. to 10:00 p.m. *Contingent upon departmental approvals)*

Mayordomia Guadalupana, 152 Market Street, Passaic, submitting application to a Religious Celebration, on May 28, 2016 from 5:00p.m. to 10:00 p.m. at the corner of Hope Avenue and Madison Street. *(Contingent Upon Departmental Approvals)*

Club Dominicano Inc. Maria Trinida Sanchez, 565 Main Avenue, submitting application to hold a Flag Raising in front of City Hall on August 21, 2016 from 12:00 p.m. to 1:00 p.m. *Contingent Upon Departmental approvals)*

North Jersey Arts and Science Charter Schools Educational Foundation, 465 Boulevard, Elmwood Park, submitting application to hold a Tag Day, May 7, 2016 in Shoprite, 503 Paulison Avenue. *(Contingent Upon Departmental Approvals)*

**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**

**THE FOLLOWING ITEM(S) WERE VOTED ON BY ONE MOTION**

On motion made by Councilwoman Polanco and seconded by Councilwoman Melo the following item(s) were received and placed on file:

State of New Jersey Department of Community Affairs, submitting correspondence Re: Resolution No. 16-01-007 designating areas in need of redevelopment (condemnation)

State of New Jersey Department of Transportation, submitting correspondence re: Safe Routes to School Request for Applications

Price Meese Shulman D'Arminio, submitting correspondence re: Application for Preliminary and Final Site Plan Approval Yeshiva Ktana of Passaic, Inc. Clifton Zoning Board of Adjustment Block 59.01, Lots 8,11,13,15 &17-288,292,296,300 & 304 South Parkway

North Jersey District Water Supply Commission submitting the following:

- Notice of rescheduling their April 27, 2016 meeting to April 22, 2016.
- Minutes of their February 24, 2016 meeting.
- Notice and Agenda of their March 23, 2016 meeting.

Borough of North Haledon, submitting correspondence re: Historic Preservation Trust.

Passaic Valley Water Commission, submitting notice of their April 20, 2016 meeting.

Passaic County Mosquito Control, submitting correspondence re: Passaic County Mosquito Control Questions and Answers.

**ROLL CALL**

**AYES: Garcia, Melo, Polanco, Schwartz, Council President Schaer**

**ABSENT: Love, Munk**

-----

**RESOLUTION(S) :**

**THE FOLLOWING RESOLUTION(S) WAS REMOVED**

RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION OF THE CITY COUNCIL OF PASSAIC ON APRIL 20, 2016 AT 7:00 PM OR ANYTIME THEREAFTER TO DISCUSS PENDING LITIGATION, CONTRACT NEGOTIATIONS AND PERSONNEL MATTERS.

-----

**THE FOLLOWING RESOLUTION(S) WERE VOTED ON SEPARATELY BY ONE MOTION**

On a motion by Councilman Schwartz and seconded by Councilwoman Melo the following **RESOLUTION(S) WERE OFFERED FOR ADOPTION:**

**CITY OF PASSAIC  
RESOLUTION # 16-04-090**

**RESOLUTION AUTHORIZING A SHARED SERVICE AGREEMENT WITH PASSAIC BOARD OF EDUCATION FOR EMERGENCY USE OF SCHOOL BUILDINGS AND FACILITIES**

**WHEREAS**, City of Passaic and Passaic Board of Education wish to enter into a Shared Services Agreement for the emergency use of Board of Education buildings and facilities pursuant to N.J.S.A. 40A:65-1, et seq.; and

**WHEREAS**, under the Shared Service Agreement, the Board of Education will permit the City of Passaic to utilize School # 6 and School #19 as emergency shelters; and

**WHEREAS**, the term of the Shared Service Agreement shall commence on July 1, 2016 and expire on June 30, 2017..

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the City of Passaic is hereby authorized to enter into the a Shared Services Agreement with Passaic Board of Education for the emergency use of Board of Education buildings and facilities subject to the terms and conditions thereof; and

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk shall execute the Shared Services Agreement attached hereto; and

**BE IT FURTHER RESOLVED** that copies of this Resolution and a copy of the executed Shared Services Agreement shall be forwarded to Passaic Board of Education to commence the Shared Services Agreement; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution and a copy of the executed Amended Shared Services Agreement shall be forwarded to the Division of Local Government Services pursuant to N.J.S.A. 40A:65-4.

-----  
**CITY OF PASSAIC  
RESOLUTION # 16-04-091**

**RESOLUTION AUTHORIZING A SHARED SERVICE AGREEMENT WITH PASSAIC BOARD OF EDUCATION FOR USE OF SCHOOL & CITY FACILITIES**

**WHEREAS**, City of Passaic and Passaic Board of Education wish to enter into the attached Shared Services Agreement for the shared use of Board of Education facilities and City of Passaic fields and facilities pursuant to N.J.S.A. 40A:65-1, et seq.; and

**WHEREAS**, under the Shared Service Agreement, City of Passaic and Board of Education will provide each other with a list, semi-annually, of the facilities and fields to be used and dates and times requested and agree that their use of each other's facilities shall not interfere or conflict with that other party's use of its own facilities; and

**WHEREAS**, under such Shared Service Agreement, the City of Passaic and Board of Education agree to waive any fees and forms for the use of each other's fields and facilities; and

**WHEREAS**, under such Shared Service Agreement, the City of Passaic and Board of Education shall mutually indemnify and hold harmless each other and shall also obtain the appropriate liability coverage naming each other as an additional insured for the use of each other's fields and facilities; and

**WHEREAS**, the term of the Shared Service Agreement shall commence on July 1, 2016 and expire on June 30, 2017.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the City of Passaic is hereby authorized to enter into the attached Shared Services Agreement with Passaic Board of Education for the shared use of Board of Education facilities and City of Passaic fields and facilities and subject to the terms and conditions thereof; and

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk shall execute the Shared Services Agreement attached hereto; and

**BE IT FURTHER RESOLVED** that copies of this Resolution and a copy of the executed Shared Services Agreement shall be forwarded to Passaic Board of Education to commence the Shared Services Agreement; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution and a copy of the executed Amended Shared Services Agreement shall be forwarded to the Division of Local Government Services pursuant to N.J.S.A. 40A:65-4.

**ROLL CALL**

**AYES: Garcia, Melo, Schwartz, Council President Schaer**

**ABSTAIN: Polanco**

**ABSENT: Love, Munk**

-----  
**Councilman Munk took seat on dais**

On motion by Councilwoman Polanco and seconded by Councilwoman Melo the following **RESOLUTION(S) WERE OFFERED FOR ADOPTION:**

CITY OF PASSAIC  
RESOLUTION #16-04-092

RESOLUTION AUTHORIZING RECEIPT OF DONATION OF ATHLETIC EQUIPMENT  
FROM MURPH'S SPORTS SHOP

WHEREAS, Murph's Sports Shop, 629 Valley Road, Montclair, New Jersey is closing its business and wishes to donate certain athletic equipment to the City of Passaic for use by the Department of Parks, Recreation, Senior and Cultural Affairs; and

WHEREAS, such donation includes approximately one hundred (100) pairs of athletic cleats, thirty-six (36) youth helmets, fifty (50) baseball and softball gloves and miscellaneous baseball equipment such as heart guards, bases, scorebooks with a total approximate value of \$13,200.00.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the City of Passaic is hereby authorized to accept the donation by Murph's Sports Shop, 629 Valley Road, Montclair, New Jersey of certain athletic equipment as described herein; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized and directed to execute any applications and/or other documents necessary to effectuate this Resolution.

-----

CITY OF PASSAIC  
RESOLUTION#16-04-093

**RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS  
RESULTING FROM TAX COURT JUDGMENT**

WHEREAS, the Tax Court of New Jersey based on a judgment from a rendered decision for the below listed properties; and

WHEREAS, the hereafter mentioned properties based on a judgment from the Tax Court of New Jersey have overpaid their taxes; and;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Passaic, that the Chief Financial Officer, be and is hereby authorized to make the following refund(s) as provided by the judgment attached hereto;

Block	Lot	Qual.	Name	Year	Amount
1297	1		John Lloyd, atty for Ray Parker, LLC	2012	\$1,776.75
				2013	\$1,828.25
				2014	\$1,858.50
				2015	\$1,514.60
1029	20		Andrew Kessler atty for Noah Realty Corp	2011	\$9,647.40
				2012	\$9,949.80
				2013	\$8,775.60
				2014	\$8,920.80
				2015	\$9,087.60
2150	24		Kevin H.Giordano, atty for Verizon New Jersey	2012	\$9,239.10
				2013	\$9,506.90
				2014	\$9,664.20
				2015	\$9,844.90
4072	33		Ameri & Associates for Yarlin Rodriguez	2014	\$594.72
				2015	\$605.84
4089	45		Ameri & Associates for Oscar Perez	2014	\$1,115.10
				2015	\$1,135.95

1084	42	Ameri & Associates for	2014	\$669.06
		Erika Rodriguez	2015	\$681.57
3286	1	Ameri & Associates for	2014	\$1,115.10
		Oscar Perez	2015	\$1,135.95
4091	13	Ameri & Associates for	2014	\$1,115.10
		JSL Rod Prop LLC	2015	\$1,135.95
1044	4	Ameri & Associates for	2014	\$2,230.20
		121-123 Third St LLC	2015	\$2,271.90
1003	11	Ameri & Associates for	2014	\$1,263.78
		114 Third St LLC	2015	\$1,287.41
4089	41	Ameri & Associates for	2014	\$1,189.44
		28 Vreeland Ave LLC	2015	\$1,211.68
4089	38	Ameri & Associates for	2014	\$1,189.44
		22-24 Vreeland Ave LLC	2014	\$1,211.68
1130	5	Blau & Blau atty for	2009	\$7,933.90
		Canals Wholesale Corp	2010	\$8,901.10
			2011	\$8,958.30
			2012	\$9,239.10
			2013	\$9,506.90
			2014	\$9,664.20
			2015	\$9,844.90
4104.01	53	Hajer Basuf, pro se	2011	\$1,378.20

-----

**CITY OF PASSAIC  
RESOLUTION # 16-04-094**

**RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING BY AND  
BETWEEN THE CITY OF PASSAIC AND PASSAIC PLAZA ASSOCIATES  
LLC/JEMSTONE GROUP LLC FOR USE OF 122 8TH ST, PASSAIC, NJ FOR  
COMMERCIAL DRIVER’S LICENSE TRAINING**

**WHEREAS**, City of Passaic and Passaic Plaza Associates LLC/Jemstone Group LLC, (“Landlord”), having an office at 358 Fifth Avenue, Suite 1405, New York, NY 10001, wish to enter into the attached Memorandum of Understanding, (“MOU,”) under which the City shall be permitted to utilize the parking lot at premises located at 122 8<sup>th</sup> Street, Passaic, NJ to conduct commercial driver’s license (“CDL”) training for the City of Passaic Fire Department; and

**WHEREAS**, pursuant to the attached MOU, the Landlord agrees to allow the City to utilize such premises at no cost to the City in exchange for the City agreeing to indemnify and hold the Landlord harmless and shall also obtain the appropriate liability coverage naming the Landlord as an additional insured for the use of the Premises; and

**WHEREAS**, the term of the MOU shall be from April 1, 2016 through July 15, 2016.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the City of Passaic is hereby authorized to enter into the attached memorandum of Understanding with Passaic Plaza Associates LLC/Jemstone Group LLC the use of the parking lot at premises located at 122 8th Street, Passaic, NJ to conduct commercial driver’s license training for the City of Passaic Fire Department subject to the terms and conditions thereof; and

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk shall execute the Memorandum of Understanding attached hereto.

-----

**CITY OF PASSAIC**

RESOLUTION#16-04-095

**RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS**

WHEREAS, the below mentioned tax payers have over paid their taxes and a refund is due to them;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Passaic, that the Chief Financial Officer, be and is hereby authorized to make the following refund(s);

BLOCK	LOT	QUAL.	NAME	YEAR	AMOUNT
1292	7		White, JoAnn & Mason, Robert	2016	
\$681.56			43 Van Houten Ave		

-----  
CITY OF PASSAIC  
RESOLUTION #16-04-096

**RESOLUTION AUTHORIZING THE CITY OF PASSAIC/  
PASSAIC ALLIANCE TO RENEW THE CONTRACT WITH THE STATE OF NEW  
JERSEY FOR THE FEE FOR SERVICE INITIATIVES OF DRUG COURT, DRIVING  
UNDER THE INFLUENCE (DUI), MUTUAL AGREEMENT PROGRAM-STATE  
PAROLE BOARD (MAP-SPB), AND THE SUBSTANCE ABUSE INITIATIVE (SAI)  
AS FUNDING SOURCES FOR THE SUBSTANCE ABUSE OUTPATIENT  
TREATMENT PROGRAM AT THE PASSAIC ALLIANCE.**

WHEREAS, the State of New Jersey, Department of Human Services, Division of Mental Health and Addiction Services, and the City of Passaic, Passaic Alliance have had a contract to provide outpatient substance abuse treatment under the above named fee for service initiatives (Resolutions 09-06-159, 10-12-356, 11-04-064, 12-03-060 and 14-04-053); and

WHEREAS, the City of Passaic, through the Passaic Alliance currently provides substance abuse treatment services through the above named initiatives on a Fee-For-Service basis; and

WHEREAS, the continuation of these services will better serve the citizens of the City of Passaic; and

WHEREAS, the Passaic Alliance is the sole agency in Passaic County providing a full Spanish Language out-patient treatment program; and

WHEREAS, the City of Passaic through the Passaic Alliance wishes to continue to provide substance abuse treatment,

WHEREAS, the State of New Jersey, Department of Human Services, Division of Addiction Services, shall provide reimbursement to the City of Passaic for the services provided in accordance with their fee schedule, as follows:

- Individual Session (1 hour) \$49.00
- Individual Session (½ hour) \$ 26.00
- Group Session \$ 23.00
- Intensive Outpatient \$71.00 per diem

**NOW, THEREFORE, BE IT RESOLVED that the City of Passaic and Passaic Alliance shall renew the contract to provide treatment services on a fee-for-service basis for clients referred to the City of Passaic through the Driving Under the Influence Initiative (DUII), Drug Court, and the Mutual Agreement Program State Parole Board (MAP-SPB) and the Substance Abuse Initiative (SAI). This agreement shall commence on July 1, 2016 and continue through June 30, 2018.**

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk and the Passaic Alliance are hereby authorized to execute all necessary documents and to carry out the terms and provisions of the contract.

-----  
**CITY OF PASSAIC  
RESOLUTION NO. 16-04-097**

**RESOLUTION AUTHORIZING THE CITY OF PASSAIC  
TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE STATE OF  
NEW JERSEY, OFFICE OF EMERGENCY MANAGEMENT FOR FEDERAL  
EMERGENCY MANAGEMENT AGENCY (“FEMA”) PUBLIC  
ASSISTANCE/HAZARD MITIGATION PROGRAMS**

**WHEREAS,** the City of Passaic has applied for and received Federal Emergency Management Agency (“FEMA”) public assistance/hazard mitigation funds from the State of New Jersey, Office of Emergency Management; and

**WHEREAS,** as a condition of receipt of such funds, the City of Passaic must execute the attached Memorandum of Understanding.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the City of Passaic is hereby authorized to enter into the attached Memorandum of Understanding with the State of New Jersey, Office of Emergency Management for Federal Emergency Management Agency (“FEMA”) public assistance/hazard mitigation funds and subject to the terms and conditions of same; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to execute the attached Memorandum of Understanding and/or any other documents required for same.

-----  
City of Passaic  
Resolution No. 16-04-098

**SHARED SERVICES AGREEMENT BETWEEN  
COUNTY OF PASSAIC AND CITY OF PASSAIC  
FOR HI-SPEED INTERNET SERVICES**

**WHEREAS,** the County of Passaic ("County") is a corporate body politic with its principal place of business located at 401 Grand Street, Paterson, New Jersey, 07505; and

**WHEREAS,** the City of Passaic is a New Jersey municipality in the County, with its principal place of business located at 330 Passaic Street, Passaic, NJ 07055; and

**WHEREAS,** the County of Passaic constructed a private fiber-optic network, offering technology services that converges voice, data, and radio communications onto a single infrastructure reducing the overall cost of information technology; and

**WHEREAS,** the private fiber-optic network allows the City of Passaic to offer, among other services, hi-speed internet, wireless hot spots, and community web portals at a greatly reduced cost than private providers, saving money and providing a more secure hi-speed internet service; and

**WHEREAS**, the County and City of Passaic reached an agreement authorized by N.J.S.A. 40A65:1, et seq. ("Uniform Shared Services and Consolidation Act"), whereby the County would provide hi-speed internet services to the City of Passaic as outlined herein; and

**WHEREAS**, the term of contract shall be for five (5) years taking effect May 2, 2016 and expiring on May 1, 2021. The City of Passaic shall have the right to exercise one (1) five (5) year option upon sixty (60) days notice to the County prior to the conclusion of the lease term; and

**WHEREAS**, the County shall provide hi-speed internet services, as set forth in detail in **Appendix A** of this Agreement, to the City of Passaic, 330 Passaic Street, Passaic, NJ 07055; and

**WHEREAS**, the County shall charge the City of Passaic five hundred dollars, (\$ 500.00) per month, for a total yearly cost of six thousand dollars ( \$ 6,000.00). The County shall invoice the City of Passaic on the first business day of each month and payment must be rendered within thirty (30) days of the billing; and

**WHEREAS**, the County shall provide technical and maintenance support to the City of Passaic as required, with the County MIS Department serving as the main point of contact for the City of Passaic. The County of Passaic shall designate one (1) person and one (1) backup person to serve as its designated agent to the City of Passaic; and

**WHEREAS**, the County of Passaic shall indemnify, hold harmless, and defend the City of Passaic, its elected and appointed officials, employees, officers, and agents against all liability, claims, suits, losses, damages, costs, and demands on account of bodily injury, death or property damage, arising out of or connected with the performance of any service authorized by this Agreement. However, the County of Passaic shall not indemnify, hold harmless, and defend the City of Passaic, its electe4d and appointed officials, employees, officers, and agents for breaches or other claims, suits, losses, damages, costs caused by same; and

**WHEREAS**, this agreement is subject to the availability and appropriation of sufficient funds in the fiscal years in which the services are provided.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Passaic that a contract be awarded to County of Passaic, in the amount of \$ 6,000.00/year for a five (5) year period commencing May 2, 2016.

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk are authorized to execute a contract for the above on a form approved by City Attorney.

**CERTIFICATION OF FUNDS**

Funds for the above are available in Administration OE, Acct. #6-01-20-100-ADM-020.

-----

**CITY OF PASSAIC  
RESOLUTION NO.16-04-099**

**RESOLUTION ESTABLISHING CITY OF PASSAIC ADOPT-A-SPOT PROGRAM**

**WHEREAS**, the City of Passaic has a need to maintain landscaping and beautify various public properties within the City; and

**WHEREAS**, such services are currently provided by municipal employees and/or pursuant to contract with private entities at the City's sole cost and expense; and

**WHEREAS**, the City desires to establish an Adopt-a-Spot program under which local individuals, business entities and/or non-profit organizations would perform such services for the

City at designated sites in exchange for the opportunity to be acknowledged as the provider of such services on signage erected at the location where such services are to be provided; and

**WHEREAS**, the City will provide the appropriate signage at its cost and expense, but will have no additional financial burden in relation to the provision of the landscaping and maintenance services for those designated areas; and

**WHEREAS**, the Adopt-a-Spot program will provide local individuals, business entities and/or non-profit organizations with an opportunity to showcase their landscaping abilities and obtain recognition from the City for their contribution to the beautification of municipal property that will be enjoyed by the public; and

**WHEREAS**, the value of the concession for each potential public site has been determined in relation to the estimated cost to the City for municipal employees to perform the landscaping and maintenance services at such site and/or for the City to contract for such services at such site; and

**WHEREAS**, the estimated value of each planned concession is less than the City’s bid threshold; and

**WHEREAS**, the program rules require the Adopt-a-Spot participant to meet minimum standards for landscaping and maintenance services at the designated location, to follow established safety standards and procedures, to provide the City with evidence of an insurance policy endorsement naming the City as an additional insured under the participant’s liability insurance coverage, and to release the City from liability in connection with the provision of the Adopt-a-Spot services; and

**WHEREAS**, the program rules provide for termination of the concession upon thirty (30) days written notice if it is determined by the Department of Public Works and the program coordinator that the adopter has failed to comply with the conditions of the concession; and

**WHEREAS**, the City intends to award adoption concessions pursuant to the submission of informal quotations unless such quotations exceed the bid threshold, in which case such concessions will be awarded pursuant to public bid or competitive contracting.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Passaic that the City of Passaic is hereby authorized to establish the City of Passaic Adopt-a-Spot Program; and

**BE IT FUTHER RESOLVED** that the Mayor and City Clerk are hereby authorized and directed to execute any documents necessary to effectuate the purpose of this Resolution.

-----

**CITY OF PASSAIC**

**RESOLUTION NO. 16-04-100**

**RESOLUTION SETTING MEETING DATES OF THE CITY COUNCIL OF THE CITY OF PASSAIC FOR THE SFY YEAR - 2016**

**BE IT RESOLVED**, by the City Council of the City of Passaic that the following is the schedule of meetings of the City Council for the remaining SFY year 2016

**BE IT FURTHER RESOLVED** with the exception of the July 1<sup>st</sup>. 2016 Reorganization meeting which will take place at 12:00 noon in the Council Chambers, all public work session meetings will be held at 5:30p.m. in the Mayor’s Conference Room (second floor).Furthermore, following the work session the Regular Meetings will be held at 7:00 p.m. in the Council Chambers of Passaic City Hall, 330 Passaic St. Passaic, NJ 07055

**July 1st, 2016\* RE-ORG MEETING**

July 19, 2016
August 2, 2016 (There will one regular meeting during the month of August)
September 6, 2016 September 20, 2016
October 6, 2016* Thursday October 20, 2016* Thursday
November 1, 2016 November 22, 2016
December 6, 2016 December 20, 2016

**BE IT FURTHER RESOLVED** that closed session meetings may be held during any of the public meetings set forth upon passage of an appropriate Resolution.

-----

**CITY OF PASSAIC  
RESOLUTION# 16-04-101**

**RESOLUTION AWARDING CONTRACT FOR  
BURGESS PLACE DRAINAGE IMPROVEMENTS  
CITY OF PASSAIC**

**WHEREAS**, bids were received by the Director of Purchasing on Thursday, April 14, 2016 for Burgess Place Drainage Improvements; and

**WHEREAS**, bids were received as per the attached; and

**WHEREAS**, the lowest responsible, responsive bid was received from Your Way Construction of Irvington, NJ in the amount of \$ 36,983.74; and

**WHEREAS**, it is the recommendation of Olga Garcia, City Engineer that the contract be awarded to Your Way Construction of Irvington, NJ in the amount of \$ 36,983.74.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the contract for Burgess Place Drainage Improvements be awarded to Your Way Construction of Irvington, NJ in the amount of \$ 36,983.74.

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk are authorized to execute a contract for the above on a form approved by City Attorney.

**CERTIFICATION OF FUNDS**

Funds for the above are available in CDBG Account #B-12-41-BG5-932-9RD .

-----

CITY OF PASSAIC  
RESOLUTION # 16-04-102

**RESOLUTION AUTHORIZING AN AMENDMENT TO A CONTRACT  
WITH SUBURBAN CONSULTING FOR DESIGN  
AND CONSTRUCTION ADMINISTRATION/INSPECTION  
PULASKI PARK IMPROVEMENTS 2015**

**WHEREAS**, on May 11, 2015 the City Council of the City of Passaic adopted Resolution #15-05-085 (attached) approving a contract in the amount of \$26,515.00 with Suburban Consulting for Design and Construction Administration/Inspection Pulaski Park Improvements 2015; and

**WHEREAS**, on September 21, 2015, the City Council of the City of Passaic adopted Resolution #15-09-224 (attached) approving an amendment to the contract for an additional amount of \$459.95, which increased the contract total to \$26,974.95; and

**WHEREAS**, on February 23, 2016, the City Council of the City of Passaic adopted Resolution #16-02-0240 (attached) approving an amendment to the contract for an additional amount of \$ 6,920.00, for a final total of \$ 33,894.95.

**WHEREAS**, the City of Passaic revised the plans and specifications for rebidding purposes, which resulted in an additional \$ 2,200.00; and

**WHEREAS**, the additional services will result in a revised contract total of \$ 36,094.95.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the amendment to the contract between the City of Passaic and Suburban Consulting for Design and Construction Administration/Inspection Pulaski Park Improvements 2015 is ratified and accepted, adjusting the contract to the revised total amount of \$ 36,094.95.

**BE IT FURTHER RESOLVED** that the City is hereby authorized to execute this amendment in a form approved by City Attorney and that the amendment be filed in the City Clerk's Office.

**CERTIFICATION OF FUNDS**

Funds for the above are available in CDBG Account # B-12-40-BG4-885-9PP.

-----

**CITY OF PASSAIC  
RESOLUTION#16-04-103**

**RESOLUTION AWARDING CONTRACT FOR  
PULASKI PARK PARTIAL SITE REMEDIATION  
CITY OF PASSAIC**

**WHEREAS**, bids were received by the Director of Purchasing on Tuesday, April 19, 2016 for Pulaski Park Partial Site Remediation; and

**WHEREAS**, bids were received as per the attached; and

**WHEREAS**, the lowest responsible, responsive bid was received from Delgado Brothers, of Passaic, NJ in the amount of \$ 131,345.25 , inclusive of Option Item # 2; and

**WHEREAS**, it is the recommendation of Olga Garcia, City Engineer that the contract be awarded to Delgado Brothers of Passaic, NJ in the amount of \$ 131,345.25, inclusive of Option Item #2.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the contract for Pulaski Park Partial Site Remediation be awarded Delgado Brothers of Passaic, NJ in the amount of \$ 131,345.25, inclusive of Option Item #2.

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk are authorized to execute a contract for the above on a form approved by City Attorney.

CERTIFICATION OF FUNDS

Funds for the above are available in CDBG 14 - Acct. #B-12-40-BG4-885-9PP.

-----  
**CITY OF PASSAIC  
RESOLUTION # 16-04-104**

**RESOLUTION DESIGNATING PROPERTY DESIGNATED AS BLOCK 3247 LOT 13 ON THE TAX MAP AND LOCATED AT 274 BROADWAY, PASSAIC, NJ (OLD FIRE HOUSE) AS AN AREA IN NEED OF REHABILITATION**

**WHEREAS**, the City Council of the City of Passaic adopted Resolution #16-02-041 authorizing and directing the Planning Board of the City of Passaic (the “Planning Board”) to undertake a preliminary investigation as to whether the property designated as Block 3247, Lot 13 on the Tax Map of the City of Passaic and located at 274 Broadway, Passaic, New Jersey (Old Fire House) (the “Study Area”) should be delineated as an area in need of rehabilitation pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-14 et seq.; and

**WHEREAS**, the Planning Board held a public hearing on March 9, 2016 on notice as required pursuant to N.J.S.A. 40A:12A-6; and

**WHEREAS**, by Resolution adopted April 13, 2016, a copy of which is annexed hereto (the “Resolution”), the Planning Board has recommended to the City Council that the Study Area be designated as an area in need of redevelopment by the City Council; and

**WHEREAS**, as set forth in the Resolution adopted April 13, 2016, the Planning Board’s recommendation was based upon its findings that the Study Area contains the following conditions as set forth in N.J.S.A. 40A:12A-14:

**The property located at Block 3247, Lot 13 is an area in need of rehabilitation. In particular, this lot meets the statutory requirement for designation of an area in need of rehabilitation as the building is older than fifty (50) years, a significant portion of the structure is in deteriorated or substandard condition and the majority of the water and sewer infrastructure in the area is at least fifty (50) years old and is need of repair or substantial maintenance; and**

**WHEREAS**, the City Council believes that the redevelopment of the Study Area is in the best interest of the City of Passaic, is in furtherance of the health, safety, morals and welfare of its residents and in accordance with the public purposes and provisions of the Local Redevelopment and Housing Law and all other applicable state and local law.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Passaic that the uncontroverted findings of the Planning Board as set forth in the attached Resolution are hereby adopted; and

**BE IT FURTHER RESOLVED** that the property designated as Block 3247, Lot 13 on the Tax Map of the City of Passaic and located at 274 Broadway, Passaic, New Jersey (Old Fire House) (the “Study Area”) be and the same are hereby designated as an area in need of rehabilitation pursuant to N.J.S.A. 40A:12A-14 and

**BE IT FURTHER RESOLVED** that a true copy of this Resolution be forwarded to the Planning Board of the City of Passaic and the County of Passaic.

**BE IT FURTHER RESOLVED** that a true copy of this Resolution be forwarded to the Commissioner of the New Jersey Department of Community Affairs for review.

-----  
**CITY OF PASSAIC  
RESOLUTION # 16-04-105**

**RESOLUTION AUTHORIZING A SHARED SERVICE AGREEMENT WITH PASSAIC  
ARTS AND SCIENCE CHARTER SCHOOLS FOR USE OF SCHOOL & CITY  
FACILITIES**

**WHEREAS**, City of Passaic and Passaic Arts and Science Charter Schools, located at 7 Saint Francis Way, 40 Tulip Street and 6 Wall Street, Passaic, New Jersey, respectively (collectively “Charter Schools,”) wish to enter into the attached Shared Services Agreement for the shared use of Charter Schools’ facilities and City of Passaic fields and facilities pursuant to N.J.S.A. 40A:65-1, et seq.; and

**WHEREAS**, under the Shared Service Agreement, City of Passaic and the Charter Schools will provide each other with a list, semi-annually, of the facilities and fields to be used and dates and times requested and agree that their use of each other’s facilities shall not interfere or conflict with that other party’s use of its own facilities; and

**WHEREAS**, under such Shared Service Agreement, the City of Passaic and the Charter Schools agree to waive any fees and forms for the use of each other’s fields and facilities; and

**WHEREAS**, under such Shared Service Agreement, the City of Passaic and the Charter Schools shall mutually indemnify and hold harmless each other and shall also obtain the appropriate liability coverage naming each other as an additional insured for the use of each other’s fields and facilities; and

**WHEREAS**, the term of the Shared Service Agreement shall commence on April 1, 2016 and expire on March 31, 2017.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the City of Passaic is hereby authorized to enter into the attached Shared Services Agreement with Passaic Arts and Science Charter Schools, located at 7 Saint Francis Way, 40 Tulip Street and 6 Wall Street, Passaic, New Jersey, respectively for the shared use of Board of Education facilities and City of Passaic fields and facilities and subject to the terms and conditions thereof; and

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk shall execute the Shared Services Agreement attached hereto; and

**BE IT FURTHER RESOLVED** that copies of this Resolution and a copy of the executed Shared Services Agreement shall be forwarded to each of the respective Charter Schools to commence the Shared Services Agreement; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution and a copy of the executed Amended Shared Services Agreement shall be forwarded to the Division of Local Government Services pursuant to N.J.S.A. 40A:65-4.

**ROLL CALL**

**AYES:** Garcia, Melo, Munk, Polanco, Schwartz, Council President Schaer

**ABSENT:** Love

-----

**ORDINANCE(S) FOR INTRODUCTION AND FIRST READING**

Council President Schaer read said Ordinance by title.

Councilwoman Polanco moved the Ordinance be approved on first reading. Motion was seconded by Councilwoman Melo the public hearing be held on May 10, 2016.

**CITY OF PASSAIC**

ORDINANCE NO# 2051-16

**ORDINANCE AMENDING THE DESIGNATING RESTRICTED PARKING FOR USE BY HANDICAPPED PERSONS RESTRICTED BY NJ LICENSE PLATE NUMBER**

BE IT ORDAINED by the City Council of the City of Passaic and State of New Jersey that Chapter 295 ARTICLE XII Schedule XV shall be amended as follows:

SECTION 1

**295-33.Ord. Handicapped Parking Spaces Restricted by New Jersey License Plate Number.** shall be amended by the inclusion of the following:

DELETION:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>	<u>PLATE #</u>
25 Linden Street	West	Beginning at a point 113 feet south of the southerly curblineline of Howe Avenue and extending to a point 24 feet southerly therefrom	S83ERW
41 Sherman Street	South	Beginning at a point 214 feet east of the easterly curblineline of Hope Avenue and extending to a point 22 feet easterly therefrom	K78BXX

ADDITION:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>	<u>PLATE #</u>
53 Henry Street	South	Beginning at a point 260 feet west from the westerly curblineline of Leonard Place and extending to a point 25 feet westerly therefrom	F23EGS

25 Linden Street	West	Beginning at a point 113 feet south of the southerly curblineline of Howe Avenue and extending to a point 24 feet southerly therefrom	5808HC
16 Quincy Street	North	Beginning at a point 192 feet west from the westerly curblineline of Parker Avenue and extending to a point 22 feet westerly therefrom	N55CKY
41 Sherman Street	South	Beginning at a point 214 feet east of the easterly curblineline of Hope Avenue and extending to a point 22 feet easterly therefrom	R41GKZ
77 Tulip Street	East	Beginning at a point 44 feet south of the southerly curblineline of Sherman Street and extending to a point 22 feet southerly therefrom	W47DFR

**ROLL CALL**

**AYES: Garcia, Melo, Munk, Polanco, Schwartz, Council President Schaer**

**ABSENT: Love**

-----

Council President Schaer read said Ordinance by title.

Councilman Schwartz moved the Ordinance be approved on first reading. Motion was seconded by Councilwoman Polanco the public hearing be held on May 10, 2016.

**City of Passaic**  
**Ordinance No. 2052-16**  
**ORDINANCE AMENDING CHAPTER 317 OF THE CODE OF THE CITY OF PASSAIC, "ZONING," ARTICLE XVI, "FEES AND ESCROW DEPOSITS," TO REVISE PROCESS FOR PAYMENT OF ESCROW DEPOSITS**

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

**WHEREAS**, the City Code of the City of Passaic, Chapter 317, "Zoning," Article XVI, "Fees and Escrow Deposits," Section 76, "Payment of standard fee and escrow fee," currently provides that the initial escrow fee for professional services shall be three (3) times the standard fee; and

**WHEREAS**, the City of Passaic believes it to be in the best interests of good of government and efficiency to amend the City Code of the City of Passaic, Chapter 317, "Zoning," Article XVI, "Fees and Escrow Deposits," Section 76, "Payment of standard fee and escrow fee," to provide that the initial escrow fee for professional services shall be five (5) times the standard fee; and

**WHEREAS**, the City Code of the City of Passaic, Chapter 317, "Zoning," Article XVI, "Fees and Escrow Deposits," Section 78, "Payments; statements, insufficient funds," currently

sets forth the procedure for the replenishment of an escrow account for insufficient funds but does not define, specifically, when such replenishment is to occur; and

**WHEREAS**, the City of Passaic believes it to be in the best interests of good of government and efficiency to amend the City Code of the City of Passaic, Chapter 317, "Zoning," Article XVI, "Fees and Escrow Deposits," Section 78, "Payments; statements, insufficient funds," to provide that an escrow account must be restored to it's full balance once it has fallen below twenty five percent (25%) of the initial escrow deposit.

**NOW, THEREFORE BE IT ORDAINED**, by the City Council of the City of Passaic that the Code of the City of Passaic, Chapter 317, "Zoning," Article XVI, "Fees and Escrow Deposits," shall be amended as follows:

**SECTION I**

**NEW SECTIONS ARE UNDERLINED  
ALL DELETIONS ARE NOTED**

**§ 317-76 Payment of the standard fee and escrow fee.**

At the time of filing an application for development, the applicant shall pay to the Board Secretary the standard fee and an initial deposit for professional services. The initial deposit for professional services, called the "escrow fee," shall be ~~three~~ five (5) times the standard fee. Deposits shall be made by check, money order or cash.

**SECTION II**

**NEW SECTIONS ARE UNDERLINED  
THERE ARE NO DELETIONS**

**§ 317-78 Payments; statements; insufficient funds.**

A. Each payment charged to the deposit for review of applications, review and preparation of documents and inspection of improvements shall be pursuant to a voucher from the professional, which voucher shall identify the personnel performing the service and each date the services were performed, the hours spent to one-fourth-hour increments, the hourly rate and the expenses incurred. All professionals shall submit vouchers to the Chief Financial Officer of the municipality on a monthly basis in accordance with the schedules and procedures established by the Chief Financial Officer. The professional shall send an informational copy of all vouchers or statements submitted to the Chief Financial Officer of the municipality simultaneously to the applicant and the municipal agency for whom said services were performed.

B. The Chief Financial Officer shall prepare and send to the applicant a statement which shall include an accounting of funds listing all deposits, interest earnings, disbursements and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are \$1,000 or less, or on a monthly basis, if monthly charges exceed \$1,000.

C. If an escrow account or deposit contains insufficient funds to enable the municipality or approving authority to perform required application reviews or improvement inspections, the Chief Financial Officer shall provide the applicant with a notice of the insufficient escrow or deposit balance. In order for work to continue on the development or the application, the applicant shall, within a reasonable time period, post a deposit to the account in an amount to be agreed upon by the municipality or approving authority and the applicant. In the event the balance falls below twenty five percent (25%) of the initial escrow deposit, such account must be restored to it's full balance. In the interim, any required health and safety inspections shall be made and charged back against the replenishment of funds.

**SECTION III**

If any section of provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**SECTION IV**

All ordinances or parts of ordinances to inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION V**

This ordinance shall take effect upon publication as provided by law.

**ROLL CALL**

**AYES: Garcia, Melo, Munk, Polanco, Schwartz, Council President  
Schaer**

**ABSENT: Love**

-----

**HEARING:**

On advice of Counsel, motion made by Councilwoman Polanco and seconded by Councilman Garcia, said hearing was ADJOURNED until May 10, 2016

El Bohio Sports bar & Restaurant t/a Cloud 9, 4 Market Street, submitting application to renew their entertainment license for the year 2016. *(Police Department Objection)*

**ROLL CALL**

**AYES: Garcia, Melo, Munk, Polanco, Schwartz, Council President  
Schaer**

**ABSENT: Love**

-----

**PAYMENT OF BILLS**

On a motion by Councilwoman Polanco and seconded by Councilwoman Melo the **PAYMENT OF BILLS WERE ACCEPTED AND ENGROSSED.**

**ROLL CALL**

**AYES: Garcia, Melo, Munk, Polanco, Schwartz, Council President  
Schaer**

**ABSENT: Love**

Council President Schaer opened floor to members of the council for their comments)

There being no further business to come before the Council on a motion by Councilman Garcia and seconded by Councilwoman Polanco the meeting adjourned at 8:00 p.m.

**ROLL CALL**

**AYES: Garcia, Melo, Munk, Polanco, Schwartz, Council President  
Schaer**

**ABSENT: Love**

**ATTEST:**

**APPROVED:**

---

Amada D. Curling, City Clerk

Gary S. Schaer, Council President