

A WORK-SESSION WAS HELD ON TUESDAY, FEBRUARY 9, 2016 AT 5:45 PM IN THE MAYOR'S CONFERENCE ROOM, SECOND FLOOR CITY HALL 330 PASSAIC ST., PASSAIC, NJ.

Madeline Rios , Secretarial Assistant, 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 TUESDAY, FEBRUARY 9, 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:** Melo, Polanco, Schwartz, Council President Schaer

**ABSENT:** Munk, Love, Melo

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

**Council President on the chair**

Addendum Item No. 27A was discussed at this time followed by an informal discussion regarding items on the agenda

Councilwoman Melo and Councilman Love took their seats.

On a motion by Councilwoman Polanco and Seconded by Councilman Love the following **RESOLUTION WAS OFFERED FOR ADOPTION**

**CITY OF PASSAIC  
RESOLUTION NO. 16-02-021WS**

**RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION OF THE CITY COUNCIL OF THE CITY OF PASSAIC ON FEBRUARY 9, 2016 AT 5:30 PM OR ANYTIME THEREAFTER TO DISCUSS PENDING LITIGATION; CONTRACT NEGOTIATIONS AND PERSONNEL MATTERS**

**RE: Police Officer Pending Litigation**

**HEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exists:

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Passaic, County of Passaic, State of New Jersey, as follows;

1. The public shall be excluded from discussion of an action upon the hereinafter specified subject matters;
2. The general nature of the subject matter to be discussed is as follows:
  - a. Litigation
  - b. Personnel

c. Contract Negotiations

3. It is anticipated at this time that the above stated subject matter will be made public when deemed appropriate.

This Resolution shall take effect immediately

**ROLL CALL:**

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

**ABSENT:** Munk,

A brief discussion was held regarding the matter of Police Officer's pending litigation

Upon motion made by Councilman Garcia and seconded by Councilman Love, closed executive session was closed and work session was reconvened.

**ROLL CALL:**

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

**ABSENT:** Munk

At this point in the meeting Council President Schaer stepped down from the chair

Councilman Love on the chair  
Councilman Garcia stepped out

Upon motion made by Councilwoman Polanco and seconded by Councilwoman Melo the work session was adjourned at 6:58 p.m.

**ROLL CALL:**

**PRESENT:** Munk Love, Melo, Polanco, Schwartz

**ABSENT:** Garcia, Council President Schaer

A REGULAR PUBLIC MEETING OF THE CITY COUNCIL OF THE CITY OF PASSAIC WAS HELD ON TUESDAY, FEBRUARY 9, 2016 AT 7:00 P.M. IN THE COUNCIL CHAMBERS IN CITY HALL.

Madeline Rios , Secretarial Assistant,, 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

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

**ABSENT:** Love, Munk

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

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

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Council President Schaer advised addendum to agenda Item 27 A.

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Councilman Love too seat on dais

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Council Meeting Minutes January 26, 2016 submitted for approval.

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

**ROLL CALL**

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

**ABSENT:** Munk

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**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:** Poster #1 99 Bird Way/Gregory Avenue Poster 2: Gregory Avenue; garbage; Poster #3 100 Passaic Ave-6 televisions in front of apartment building. How many homeless are in City of Passaic, has City ever done census of homeless.

**Steve Siklosi; 23 Orchard Street:** asked if hearing on old Saint Mary's property will be held tonight. #7 PVWC; are any officers representing City of Passaic and if so who are they; #9 final site approval; what is status of Clifton's application objection: Item #16 What is anticipated salary Animal cruelty investigator; #17 Rejection of Mc Donald Brook flood project; why rejected/what was bid and what is the projected cost; item # 18 and 19 are the revised totals higher or lower and by how much?; #21 revised total what is the net difference. #23 what is cancellation of ordinance balance; #24: why amending and what does 250K cover; Item #29 asked for commentary and asked about possible posting on website regarding specific directions to public for impending storms and need to move cars; any idea as

to cost for YMCA roof; commended Administration, Council et al for making decision to file appeal regarding a personnel suit.

**Mr. Jaroslaw Jackiw; 266 Lafayette Ave:** Asked if the City administration hired a new planning office to attend board of adjustment meetings; still having issues obtaining meeting minutes of 2014/2015 from Board of Adjustment and Planning Board despite multiple and repeated OPRA requests; when will Cut administration or whomever is in charge comply with OPRA requests.

**Peter Ruiz; 139 9<sup>th</sup> Street:** Representing members of Serpentine Volunteer Group thanking Mayor, Fire Department for approving their organization, currently recruiting new members.

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

**ROLL CALL**

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

**ABSENT:** Munk

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**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 2033-15**

**AN ORDINANCE ACCEPTING THE RECOMMENDATION OF THE PLANNING BOARD OF THE CITY OF PASSAIC REGARDING A PROPOSED AMENDMENT TO SCATTERED SITE REDEVELOPMENT PLAN FOR PENNINGTON AVENUE PROPERTIES/FORMER ST. MARY'S HOSPITAL PROPERTIES**

Councilwoman Polanco moved a public hearing to be held on Ordinance. Motion was seconded by Councilwoman Melo, 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.

**Steve Siklosi, 23 Orchard Street:** reminded all present that what is to be considered is an increase in units; what abatement is being entertained; is this part of negotiation. Reiterated previous comment that leaving said property unaddressed would lower surrounding property values and commented that he does not believe this to be the case.

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

**ROLL CALL**

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

**ABSENT:** Munk

Council President Schaer advised that this ordinance will be tabled this evening until March 8, 2016 at the request of developer.

Councilman Garcia moved the ordinance be TABLED to March 8, 2016 (with no further notice) which motion was seconded by Councilwoman Polanco and approved upon a call of the roll

**ROLL CALL**

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

**ABSENT:** Munk

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

**CITY OF PASSAIC**

ORDINANCE NO# 2036-16

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

Councilman Garcia 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, Love, Melo, Polanco, Schwartz, Council President Schaer

**ABSENT:** Munk

**Steve Siklosi, 23 Orchard Street:** asked how many additional spaces does this ordinance adds and what will this bring the approximate total count.

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, Love, Melo, Polanco, Schwartz, Council President Schaer

**ABSENT:** Munk

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

**ROLL CALL**

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

**ABSENT:** Munk

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**COMMUNICATIONS AND PETITIONS**

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

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

Amada D. Curling, City Clerk submitting raffle application for St. Anthony of Padua Church, 101-103 Myrtle Avenue.

St. Anthony's of Padua Church, 101-103 Myrtle Avenue, submitting the following applications:

Procession on March 20, 2016 from 12:30 p.m. to 1:00 p.m. The Procession will commence on the corner of Madison Street and Paulison Avenue travel to Gregory Avenue to Monroe Street to Myrtle Avenue ending at the church 101-103 Myrtle Avenue.

Procession March 25, 2016 from 11:30 a.m. to 1:00 p.m. The Procession will commence on the corner of Oak Street and Myrtle Avenue travel to Gregory Avenue to Monroe Street to Myrtle Avenue ending at the corner of Oak Street.

Procession on March 27, 2016 from 6:00 a.m. to 6:30 a.m. The Procession will be as follows: Group one will commence on Oak Street travel to Grove Street to Myrtle Avenue to Oak Street ending at the church 101-103 Myrtle Avenue. Group two will commence on Oak Street travel to Tulip Street to Chestnut Street ending on Myrtle Avenue.( Contingent Upon Departmental Approvals)

St. Anthony of Padua Church, 101-103 Myrtle Avenue, submitting application to hold a Parish Festival/Carnival in their parking lot (private property), on the following dates:

June 3, 2016 from: 6:00 p.m. To: 12:00 a.m.

June 4, 2016 from: 4:00 p.m. To: 12:00 a.m.

June 5, 2016 from: 1:00 p.m. To: 10:00 p.m.

(Contingent upon departmental approvals)

Junta Central Electoral, 152 Market Street, Paterson, NJ, submitting application to hold Dominican Republic Elections, in the Senior Center, 330 Passaic Street, on May 15, 2016 from 7:00 a.m. to 9:00 p.m. (Contingent upon departmental approvals)

**ROLL CALL**

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

**ABSENT: Munk**

**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:

Passaic Valley Water Commission submitting the following:

Notice of their meeting dates for the year 2016.

Notice of their January 20, 2016 Reorganization meeting.  
Commissioner Slate of Officers for the year 2016. Minutes of their December 16, 2015 meeting.

North Jersey District Water Supply Commission submitting the following:

Notice and agenda of their January 22, 2016.

Notice and agenda of their December 16, 2015

Frank A. Carlet, Esq. t/a Yeshiva Ktana of Passaic Inc., submitting notice of their Application of Preliminary and Final Site Plan Approval re: 288,292,296,300 and 304 South Parkway.

Passaic Valley Sewerage Commission submitting the following:

Revised notice of their meeting dates for the year 2016.

Passaic Valley Sewerage Commission Bond Resolutions.

Parking Authority of the City of Passaic, submitting minutes of their December 16, 2015 meeting.

Alcoholic Beverage Control Board of the City of Passaic, submitting minutes of their December 16, 2015 meeting.

**ROLL CALL**

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

**ABSENT: Munk**

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**RESOLUTION(S) :**

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

RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION OF THE CITY COUNCIL OF PASSAIC ON FEBRUARY 9, 2016 AT 7:00 PM OR ANYTIME THEREAFTER TO DISCUSS PENDING LITIGATION, CONTRACT NEGOTIATIONS AND PERSONNEL MATTERS.  
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**THE FOLLOWING RESOLUTION(S) WERE VOTED ON BY ONE MOTION**

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

**CITY OF PASSAIC**

**RESOLUTION NO. 16-02-022**

**RESOLUTION VOIDING PROPERTY TAXES MISTAKENLY ASSESSED AGAINST CITY-OWNED PROPERTY LOCATED AT 264 SHERMAN AVENUE, PASSAIC, NJ**

**WHEREAS**, under N.J.S.A. 54:4-3.3, et seq., "the property of the State of New Jersey, and the property of the respective counties, school districts and taxing districts...shall be exempt from taxation;" and

**WHEREAS**, the City of Passaic is the owner of real property identified on the tax map as Block 2178, Lot 30 and located at 264 Sherman Avenue, Passaic, New Jersey under the Neighborhood Stabilization Program ("NSP"); and

**WHEREAS**, the real property located at 264 Sherman Avenue was inadvertently listed on the City's tax rolls as a Class-2 residential property.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Passaic that any property taxes assessed against and/or due or owing for the property identified on the tax map as Block 2178, Lot 30 and located at 264 Sherman Avenue, Passaic, New Jersey are hereby voided in their entirety; and

**BE IT FURTHER RESOLVED** that the Tax Assessor and/or Tax Collector are hereby authorized and directed to immediately undertake any and all actions necessary to effectuate this Resolution; and.

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CITY OF PASSAIC

RESOLUTION NO# 16 02-023

**RESOLUTION AMENDING THE DESIGNATING RESTRICTED PARKING FOR USE BY HANDICAPPED PERSONS**

BE IT RESOLVED by the City Council of the City of Passaic and State of New Jersey that:

Chapter 295 of the Code of the City of Passaic be amended by the inclusion of the following restricted parking for use by Handicapped Persons (Part 2 - Art. XIII, Section 295-33).

SECTION 1

WHEREAS, it appears that individuals affected by these Resolutions have either deceased: have moved, does not drive anymore, updated to personalized, or have failed to provide recent verification of their handicapped New Jersey State Motor Vehicle registration;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Passaic that all Resolutions listed below, insofar as they designate restricted parking for use by handicapped persons at the listed locations, are hereby repealed and/or rescinded only to the extent that they apply to these locations.

DELETION:

<u>ADDRESS</u>	<u>RESOLUTION NUMBER</u>	<u>REASON</u>
92 Meade Avenue	13-11-279	Update to Personal ized

SECTION 2

BE IT FURTHER RESOLVED that the handicapped locations referenced in this Resolution shall be removed to the existing list of Handicapped Parking Restrictions and be deleted in the Code of Passaic Chapter 295-33 (Part 2 - Art XIII, Section 295-33).

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**CITY OF PASSAIC  
RESOLUTION # 16-02-024**

**RESOLUTION APPOINTING ANIMAL CRUELTY INVESTIGATOR  
PASSAIC, NJ**

**WHEREAS**, the City of Passaic desires an animal cruelty investigator; and

**WHEREAS**, Brian Gunderson is qualified in all respects to hold such a position; and

**WHEREAS**, such position will not result in any additional cost or expenditure by the City of Passaic.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that Brian Gunderson be appointed to the position of Animal Cruelty Investigator for the City of Passaic for the term of February 1, 2016 through January 31, 2017; and

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

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**CITY OF PASSAIC  
RESOLUTION NO. 16-02-025**

**RESOLUTION REJECTING BIDS FOR  
MCDONALD'S BROOK FLOOD CONTROL PROJECT  
CITY OF PASSAIC**

**WHEREAS**, bids were received by the Director of Purchasing on Tuesday, January 26, 2016 for McDonald's Brook Flood Control Project; and

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

**WHEREAS**, in addition to the attached, specifications and plans were picked up by the following, none of whom submitted bids:

Sita Construction Co. Goshen, NY	Tomco Construction Mt. Arlington, NJ	Sparwick Contracting Lafayette, NJ
Sanitary Construction Co. Rockaway, NJ	Tony & Son Rahway, NJ	Underground Utilities Linden, NJ
John Garcia Construction Clifton, NJ	Konkus Corp. Chester, NJ	Vollers North Branch, NJ
CMS Construction Plainfield, NJ	Barbella Contractors Somerville, NJ	Earthworks Farmingdale, NJ
Mugrase Construction West Caldwell, NJ	T.S. Builders New Milford, NJ	Anselmi & DeCicco Maplewood, NJ
Your Way Construction Irvington, NJ	Marbro General Contractor West End, NJ	Colonelli Brothers Hackensack, NJ

**WHEREAS**, the bids received substantially exceeds the City of Passaic’s appropriation for this project which also makes it necessary to revise the specifications; and

**WHEREAS**, it is the recommendation of Boswell Engineering, Hackensack, NJ that this project be rejected and rebid.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the contract for McDonald's Brook Flood Control Project be rejected and the City of Passaic re-advertise.

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CITY OF PASSAIC  
RESOLUTION #16-02-026

RESOLUTION AUTHORIZING A CHANGE ORDER TO A CONTRACT  
BETWEEN TEC- CON CONTRACTORS AND THE CITY OF PASSAIC  
IMPROVEMENTS TO PULASKI PARK

**WHEREAS**, on September 8, 2015, the City Council of the City of Passaic adopted Resolution #15-09-215 approving a contract with Tec-Con Contractors in the amount of \$ 233,823.00; and

**WHEREAS**, a change order was necessary as follows:

Original Contract	\$ 233,823.00
Increase in Quantities plus Supplemental Work	+ 37,084.00
Decrease in Quantities	- 9,900.00
<b>TOTAL CHANGE ORDER</b>	<b>+ 27,184.00</b>

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the change order to the contract between the City of Passaic and Tec-Con Contractors for Improvements to Pulaski Park is ratified and accepted, adjusting the contract to the revised total amount of \$ 261,007.00.

**BE IT FURTHER RESOLVED** that the City is hereby authorized to execute this Change Order in a form approved by City Attorney.

CERTIFICATION OF FUNDS

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

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CITY OF PASSAIC  
RESOLUTION #\_16-02-027

RESOLUTION AUTHORIZING A CHANGE ORDER TO A CONTRACT  
BETWEEN A+ TECHNOLOGY AND THE CITY OF PASSAIC  
ROUTE 21 SURVEILLANCE CAMERA INSTALLATIONS

**WHEREAS**, on October 21, 2014, the City Council of the City of Passaic adopted Resolution #14-10-242 approving a contract with A+ Technology in the amount of \$ 122,056.12; and

**WHEREAS**, a change order was necessary as follows:

Original Contract	\$ 122,056.12
Additional Work	15,196.92
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<b>TOTAL CHANGE ORDER</b>	<b>\$ 137,253.04</b>

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the change order to the contract between the City of Passaic and A+ Technology for Route 21 Surveillance Camera Installations is ratified and accepted, adjusting the contract to the revised total amount of \$ 137,253.04.

**BE IT FURTHER RESOLVED** that the City is hereby authorized to execute this Change Order in a form approved by the City Attorney.

**CERTIFICATION OF FUNDS**

Funds for the above are available in Acct. # G-02-40-BM4-000-061, Byrne Memorial Grant – \$ 8,698.21, Acct. #G-02-40-BM3-000-061, Byrne Memorial Grant - \$ 6,498.71.

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***CITY OF PASSAIC***  
**RESOLUTION#16-02-028**

**RESOLUTION AUTHORIZING EXTENSION OF CURRENT  
CONTRACT FOR MARKETING OF RECYCLABLE MATERIALS**

**WHEREAS**, on March 18, 2014 the City Council adopted Resolution #14-03-049 (attached) approving a contract with Atlantic Coast Fibers, of Passaic, NJ for Marketing of Recyclable Materials; and

**WHEREAS**, on January 20, 2015, the City Council Adopted Resolution #15-01-010 (attached) extending the first additional one year term through February 29, 2016; and

**WHEREAS**, the City of Passaic wishes to exercise its option to extend the contract for the second additional one year term with the same terms and conditions; and

**WHEREAS**, it is the recommendation of Theodore Evans, Director of Public Works that the contract be extended for the second additional One (1) year with the same terms.

**WHEREAS**, the contract period shall be March 1, 2016 through February 28, 2017.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the contract for Marketing of Recyclable Materials be extended for the second additional one (1) year term, commencing on March 1 2016 and expiring on February 28, 2017.

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk are authorized to execute a contract for these services, on a form approved by Corporation Counsel.

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CITY OF PASSAIC  
RESOLUTION # 16-02-029

RESOLUTION AUTHORIZING A CHANGE ORDER TO A CONTRACT  
BETWEEN SMITH SONDY ASPHALT AND THE CITY OF PASSAIC  
RESURFACING OF PASSAIC STREET AND FACTORY STREET

**WHEREAS**, on October 21, 2014, the City Council of the City of Passaic adopted Resolution #14-10-248 approving a contract with Smith SONDY Asphalt in the amount of \$232,674.00; and

**WHEREAS**, a change order was necessary as follows:

Original Contract	\$232,674.00
Increase in Quantities plus Supplemental Work	+41,821.89
Decrease in Quantities	-14,827.65
<b>TOTAL CHANGE ORDER</b>	<b>+ 26,994.24</b>

**WHEREAS**, it is the recommendation of Olga Garcia, City Engineer that this change order be approved; and

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the change order to the contract between the City of Passaic and Smith SONDY Asphalt for Resurfacing of Passaic Street and Factory Street is ratified and accepted, adjusting the contract to the revised total amount of \$259,668.24.

**BE IT FURTHER RESOLVED** that the City is hereby authorized to execute this Change Order in a form approved by City Attorney.

CERTIFICATION OF FUNDS

Funds for the above are available in Acct. #B-12-39-BG3-852-9RD.

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CITY OF PASSAIC  
REOLUTION # 16-02-030

**RESOLUTION APPROVING “OFF CAMPUS AGREEMENT” BY AND BETWEEN  
THE CITY OF PASSAIC AND BERKELEY COLLEGE TO PARTICIPATE IN AN OFF-  
CAMPUS FEDERAL WORK STUDY PROGRAM.**

**WHEREAS**, the City of Passaic seeks to provide work experience for students who have been deemed eligible by Berkeley College for a Title IV award under the Federal Work Study Program hereinafter referred to as (“FWS”); and

**WHEREAS**, Berkeley College will be solely responsible for compensating the student for services rendered in accordance with the FWS program and for all payments due as an employer’s contribution under the State or local worker’s compensation laws, Federal or State Social Security laws, or other applicable laws; and

**WHEREAS**, the training and employment experience opportunities provided at City Hall and other facilities provides valuable experience for the students; and

**WHEREAS**, adequate supervision is available at City Hall to ensure work experience and accountability for the students participating in said program; and

**WHEREAS**, the students participating in said program will provide valuable services to the City's operations.

**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 "Off Campus Agreement" with Berkeley College for participation in the off-campus Federal Work Study Program; and

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

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**CITY OF PASSAIC**

**RESOLUTION No.16-02-031**

**RESOLUTION AUTHORIZING CANCELLATION OF  
ORDINANCE BALANCE**

WHEREAS, the City Finance Officer has determined that the City of Passaic currently has a balance left in the amount of \$405,848.88 in the General Capital Bond Ordinances attached hereto, and

WHEREAS, City of Passaic wishes to cancel all the balances and utilize the money for future capital expenses, and

NOW THEREFORE BE IT RESOLVED by the Council for the City of Passaic that it hereby authorizes the City Finance Officer to cancel **\$405,848.88** and place it in the General Capital Fund balance.

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**CITY OF PASSAIC**

**RESOLUTION NO. 16-02-032**

Resolution to Amend SFY **2016** Municipal Budget (N.J.S.A. 40A:4-87)

**New Jersey State OEM \$250,000.00**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Finance may approve the insertion of any special item been made available by law and the amount thereof was not determined at time of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Passaic hereby request the Director of the Division of Local Finance to approve the insertion of an item of revenue in the budget of the year SFY **2016** as follows:

**New Jersey State OEM \$250,000.00**

BE IT FURTHER RESOLVED, that a like sum be and that same is hereby appropriated as follows:

**New Jersey State OEM \$250,000.00  
Account #G-02-40-EM6-000-000**

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**CITY OF PASSAIC  
RESOLUTION NO. 16-02-033**

Resolution to Amend SFY **2016** Municipal Budget (N.J.S.A. 40A:4-87)

**Passaic Co. Station House Adjustment \$10,000.00**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Finance may approve the insertion of any special item been made available by law and the amount thereof was not determined at time of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Passaic hereby request the Director of the Division of Local Finance to approve the insertion of an item of revenue in the budget of the year SFY **2016** as follows:

**Passaic Co. Station House Adjustment \$10,000.00**

BE IT FURTHER RESOLVED, that a like sum be and that same is hereby appropriated as follows:

**Passaic Co. Station House Adjustment \$10,000.00  
Account #G-02-40-SH5-016-000**

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**CITY OF PASSAIC  
RESOLUTION AUTHORIZING ANNUAL TAX SALE  
RESOLUTION #16-02-034**

WHEREAS, Chapter 99 of the Public Laws of 1997 of the State of New Jersey (P.L. 1997, c.99) was enacted on May 12, 1997; and

WHEREAS, P.L. 1997, c.99 permits municipalities to hold a “tax lien sale” for arrearages in real property taxes and other liens or charges, after the eleventh day of the eleventh month of the fiscal year upon passage of a Resolution permitting the same, by the Governing Body; and

WHEREAS, the fiscal year for the City of Passaic begins on July 1 and ends on June 30;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Passaic, Passaic County, New Jersey, as follows:

1. In accordance with P.L. 1997, c.99 (N.J.S.A. 54:5-19), the City of Passaic, hereby directs that for unpaid real property taxes or other municipal liens or charges, or any part thereof in arrears as of the eleventh day of the eleventh month of the current fiscal year, the Tax Collector shall, subject to the provisions of N.J.S.A. 54:5-19, enforce the lien by selling the property, pursuant to law, provided that the sale is conducted no earlier than in the last month of the fiscal year, but not later than June 30, of the current fiscal year.

2. Such sale shall include only such unpaid taxes or other municipal liens or charges as were in arrears in the current fiscal year.

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**CITY OF PASSAIC**  
**RESOLUTION#16-02-035**

**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	NAME	YEAR	REFUND
1012.01	20	Flores, Felipe	2015	757.30
1015	32	ENLA Properties	2015	3786.50
1015	19	Schechter, Michael	2015	1514.60
1020	33	Mikolajczyk, Zenon	2015	3029.20
1032	16	Sanchez, G&R	2015	1135.95
1035	6	165 Passaic St Realty	2015	1514.60
1042	25	Ross, Hugh	2015	2650.55
1047	29	Ross, Hugh	2015	2650.55
1047	22	Bobs Central	2015	1514.60
1131.01	28	A&N Realty	2015	3786.50
1233	37	Reyes, R&I	2015	1135.95
1262.02	17	Gurevitch, Y&M	2015	3029.20
1262.03	4	Lefton, A&D	2015	1893.25
1290.03	8	C002A Gandhi, A&D	2015	1135.95
1290.03	33	Smith, E	2015	1135.95
1291.01	19	Valentin, N	2015	378.65
1291.03	1	Karfunkel, B	2015	2271.90
1291.03	12	Lipschitz, I&E	2015	378.65
1292.01	3	Herskovitz, J	2015	1514.60
1292.03	6	Trivedi, R&A	2015	2271.90
1295	84	Dunoff, S	2015	757.30
1295.01	28	Garcia, M&O	2015	3029.20
1295.01	86	Suslovich, S&O	2015	1514.60
1296.02	27	Rotte, R&D	2015	757.30
1297.01	19	Kaplan, M	2015	2271.90
1321	47	Brown, L	2015	2271.90
1321.01	3	Sanchez, G&R	2015	1514.60
1323	1	Leiberman, D&C	2015	1893.25
1323	48	Fleischman, E&E	2015	378.65
1327.01	8	Glicksman, J&M	2015	2271.90
1327.01	12	Silva, E&C	2015	1893.25
1329	7	Braun, R&H	2015	1135.95
2143	4	Desai, S	2015	3029.20
2167	4	Aquino, E&J	2015	1893.25
2167	8	Chen Xue Tu	2015	1514.60
2170	3	Singh, R&K	2015	3029.20
2171	28	SYNC,LLC/Then, W	2015	757.30
2172.01	64	Mendoza, M	2015	757.30
2173	14	Triple G Properties	2015	2271.90

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2173	18		Triple G Properties	2015	2923.18
2173	24		Triple G Properties	2015	3786.50
2176	9		Gonzalez, F&A	2015	3627.47
2179	23		Garcia, R&I	2015	3786.50
2183	41		Hazin, S	2015	1893.25
2184	23		Brooks, J	2015	378.65
2195	42		Minhas, A	2015	757.30
2196	38		Mukkatt, S&L	2015	1135.95
2204	28		Anahita LLC	2015	3786.50
3211	24		Rey, C&C	2015	3407.85
3213	43		Schoemann, A&J	2015	2271.90
3213	47.53	C01	Dione, L	2015	757.30
3213	47.53	C05	Smith, N	2015	757.30
3213	47.53	C10	Kaplan, I	2015	757.30
3213	47.53	C12	Whitney, S	2015	757.30
3213	47.53	C17	Atallah, J&E	2015	757.30
3214	36		Gold, M&E	2015	2650.55
3217	26		Aleman, E	2015	1514.60
3219	32		SYNC,LLC	2015	2370.35
3230	25	C000L	Pan Min Feng	2015	3029.20
3230	58.64	C0001	Stern, Y	2015	1135.95
3230	58.64	C0010	Brown, P	2015	1135.95
3231	6		Neurath, M&M	2015	1514.60
3231	14		Seldowitz, J&E	2015	2271.90
3231	37.42	C106	Goodman, S	2015	2271.90
3231	37.42	C304	Moleti, R	2015	1514.60
3231	37.42	C306	Feigin, D	2015	2271.90
3231	37.42	C309	Polanco, J	2015	2271.90
3232	34		Aron, E&C	2015	3786.50
3232	61		Schik, J&D	2015	3786.50
3232	67		Nadler, D&D	2015	3407.85
3235	20		Helmreich, B&D	2015	817.88
3235	37		Saperstein, B&R	2015	2271.90
3235	85		Dicker, C&N	2015	3407.85
3237	28		Buchler, A&S	2015	3786.50
3238	28		Kaganoff, J&S	2015	2271.90
3239	8		Rana, H&N	2015	1135.95
3240	1		Kalis, Y	2015	3786.50
3242	26		Casterlow, W	2015	3029.20
3247	16		Broadway Auto	2015	3407.85
3248	57		Boria, J&G	2015	3786.50
3249	24		Schwartz, P	2015	1135.95
3249.01	21		Singh, H	2015	1893.25
3250	1.7	C003D	Leshin, Gerda	2015	530.11
3250	1.7	C005H	Behnke, David	2015	605.84
3250	1.7	C015A	Naik, M & H	2015	605.84
3252.01	15		Pruzansky, A	2015	3786.50
3255	47		Witty, E	2015	757.30
3256	30		Manela, P&M	2015	378.65
3256	64		Singh, H	2015	1514.60
3258	35		Fox, A&E	2015	2271.90
3258	48		Chait, S	2015	3029.20
3258	50		Bass, L & Anton, J	2015	1514.60
3265	1		Goetz, D&N	2015	757.30
3265	20		Marx, S	2015	3029.20
3265	31		Donrich Assoc	2015	1893.25
3265	37		Tottle, C	2015	3786.50
3267	9		Guevadra, N&L	2015	2271.90
3267.01	9		Cohn, T&Y	2015	3029.20
3267.01	22		Radinsky, E&N	2015	2650.55
3267.02	11		Sanders, M	2015	3029.20
3268	6		Pacheco, M	2015	3029.20

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3268.01	4	Schneck, D&N	2015	3786.50
3272	39	Ahmed, M&S	2015	1135.95
3272	40	Algonquin Holdings`	2015	3029.20
3272.01	1	Perilstein, D	2015	3786.50
3276	13	Rubio, A	2015	3407.85
3278	41	Abelghany, T&M	2015	3029.20
3278	46	Shehadeh, M&M	2015	2271.90
3278	52	Gonzalez, R&J	2015	3029.20
3279.01	49	Greenwald, H	2015	3786.50
3279.01	66	Wilkes, D&C	2015	3786.50
3279.01	69	Bravo, M&R	2015	3786.50
3279.01	77	Aspir, U&N	2015	3786.50
3281.02	8	Mittel, Y&R	2015	1135.95
3282	2	DelRosario, M&M	2015	3029.20
3282	20	Bazemore, T&L	2015	378.65
3282	82	Bleek, N&T	2015	3029.20
3282	108	Coren, A&S	2015	3786.50
3282	122	Ehrman, J&M	2015	3407.85
3284	13	Fitzgerald, G&T	2015	3029.20
3284	15	Young, C&J	2015	1893.25
3284	24	Sarett, R&T	2015	2271.90
3286.02	29	Rivera, D&D	2015	757.30
3286.03	9	Marx, S&A	2015	2271.90
3286.03	37	Baum, S&A	2015	1893.25
3286.03	40	Milchman, P	2015	1514.60
3286.03	56	Miller, S&F	2015	1514.60
3287	23	Mion, D	2015	1893.25
3289	4	Yurowitz, S&S	2015	757.30
3289	75	Gentile, A	2015	3407.85
3289	86	Ghandoni, J&A	2015	3786.50
3289.01	25	Zangara, J&C	2015	2650.55
3289.01	54	Ferrell, E&A	2015	1893.25
3289.01	64	Friedman, J&T	2015	2287.05
3289.02	26	C0002 Slepoy, F&R	2015	1514.60
3298	6	Baumser, D&P	2015	3816.79
3300.01	21	Stroli, A&D	2015	1893.25
3301.01	41	Zoltowski, E	2015	1135.95
3301	12	Kastl, P	2015	1893.25
3301	40.01	Mehl, D&I	2015	378.65
3301	58	Berman, S&M	2015	757.30
3302	23	C001H Dillingham, N	2015	1135.95
3302	23	C002B Howard, J	2015	1135.95
3302	55	Finklestein, D&D	2015	1893.25
3303.01	1	Rabinowitz, R&D	2015	1241.97
3303.02	1	Sossel, J	2015	2650.55
3303.02	34	Klein, J&S	2015	1135.95
3304	32	Strassler, L	2015	1893.25
3305	3	Kantor, M&I	2015	3786.50
3305	9	Kaplan, A&E	2015	3029.20
3305	21	Pernikoff, D&N	2015	2650.55
3305	33	Foxbruner, A&H	2015	2650.55
3306	94	Cahan, P	2015	3029.20
3306	100	Greenman, K&L	2015	2271.90
3306	103	Metzger, D&P	2015	1893.25
3307	12	Lawrence, D&R	2015	1893.25
3307	35	David, E&A	2015	4240.88
3307	48	Stein, S&J	2015	1938.69
3308	100	Gross, E&H	2015	1514.60
3311	16	Adler, B&M	2015	2650.55
3313	27	Reyes, R&N	2015	1514.60
3313.01	10	Miller, E&L	2015	1514.60
3313.01	34	Aberman, R&A	2015	3029.20

3316.01	13	Sukenik, C	2015	757.30
3316.01	17	Falkovsky, B	2015	3786.50
3318	30	Danto, N&A	2015	1135.95
3318.02	19	Berenholz, E&A	2015	1931.12
3318.02	60	Greenberg, Y	2015	2650.55
3334	4	Strober, M	2015	2650.55
3334	12	Baum, D&L	2015	3029.20
3334	25	Kurtz, M	2015	378.65
3337	7	Malaky, H&D	2015	1893.25
3337	37	Buchen, L&R	2015	2650.55
4054	117	Wang,C	2015	378.65
4054	119	Wang, J&C	2015	378.65
4064	31	Mattyasovszky, G	2015	3029.20
4064	11	C0001 Bay, R	2015	1893.25
4069	5	Paredes, J	2015	378.65
4071	12	Kanarski, K	2015	2271.90
4071	13	Karaoglan, M&N	2015	1893.25
4090	46	Waytex LLC	2015	1135.95
4093	26	Singh, G	2015	2650.55
4093	29	Ruiz, W&N	2015	757.30
4098	126	Hidalgo, A	2015	3029.20
4099	129	Ramirez, C	2015	1135.95
4099	82	Colon, M	2015	757.30
4105.01	10	Ovejero, D	2015	757.30
4105.01	54	Salek, T&J	2015	1135.95
4111.01	43	Sanchez, M	2015	3786.50
4112	9	Kafrouni, E	2015	3786.50
4121	6	Abe Berkowitz	2015	3786.50
4123	10	279 Monroe St	2015	3786.50
4123	47	Chang, A	2015	1135.95
4125	8	Schechter, Michael	2015	3029.20
4126	1	Malka, J	2015	3786.50
4128	31	Choi, S	2015	3786.50

TOTAL 420733.16

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**CITY OF PASSAIC**

**RESOLUTION NO. 16-02-036**

**RESOLUTION URGING STATE LEGISLATORS TO FULLY RESTORE LEAD PREVENTION FUNDING TO THE STATE BUDGET**

**WHEREAS**, lead is a heavy metal that is not safe for human contact or ingestion at any level, and lead poisoning is particularly harmful to children as it causes permanent neurological dysfunction and can result in a lifetime of cognitive limitations; and

**WHEREAS**, the dangers of lead poisoning have been known for many years, and as an acknowledgment of this hazard and as a way to help municipalities identify, treat, and/or prevent lead-affected populations, the State of New Jersey instituted a Lead Control Assistance Fund in the year 2004; and

**WHEREAS**, since the Lead Control Assistance Fund was established in 2004, New Jersey's Governors have diverted more than \$50 million from the Lead Hazard Control Assistance Fund into the general state fund, depriving families from assistance and access to abatements when a child is poisoned by lead; and

**WHEREAS**, the City of Passaic does have a Childhood Lead Poisoning and Prevention Program which serves families throughout Passaic County, and while Passaic’s water supply is not contaminated with elevated levels of lead, exposure to lead is still a danger for Passaic children through environmental contaminants including paint, pottery, certain cosmetics, imported foods, or homeopathic remedies; and

**WHEREAS**, a study using the most recent data available from the State found that the prevalence of lead exposure in Passaic’s youth population is among the highest in New Jersey; and

**WHEREAS**, New Jersey State Senator Ronald Rice has introduced legislation, Senate Bill 996, which would fully restore funding to the state’s Lead hazard Assistance Fund; and

**WHEREAS**, the resources of the State’s Lead Control Assistance Fund are desperately needed to address the ongoing crisis of lead exposure throughout New Jersey’s communities.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Passaic does hereby urge the lawmakers representing the City of Passaic in the New Jersey State Legislature to fully fund the State’s Lead Control Assistance Fund in the amount of \$10 million in order to ensure the health and safety of New Jersey’s youngest and most vulnerable residents; and

**BE IT FURTHER RESOLVED**, that the City Clerk will send copies of this resolution to the Office of the Governor of New Jersey as well as all state legislators whose district(s) includes the City of Passaic.

**ROLL CALL**

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

**ABSENT:** Munk

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

Council President Schaer read said Ordinance by title Councilman Garcia moved the Ordinance be approved on first reading. Motion was seconded by Councilwoman Polanco the public hearing be held on February 23, 2016.

**CITY OF PASSAIC**

ORDINANCE NO# 2037-16

**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>
28 Ann Street	North	Beginning at a point 50 feet west of the westerly curblineline of Columbia	A10EBS

165 Burgess Place	East	Avenue and extending to a point 22 feet westerly therefrom Beginning at a point 48 feet south of the southerly curbline of Burgess Place and extending to a point 23 feet southerly therefrom	ZZL71A
122 Park Place	East	Beginning at a point 86 feet south of the southerly curbline of Prospect Street and extending to a point 18 feet southerly therefrom	VDP16U
34 Quincy Street	North	Beginning at a point 140 feet east of the easterly curbline of Hope Avenue and extending to a point 22 feet easterly therefrom	YE730N

ADDITION:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>	<u>PLATE #</u>
28 Ann Street	North	Beginning at a point 50 feet west of the westerly curbline of Columbia Avenue and extending to a point 22 feet westerly therefrom	Y86FZY
165 Burgess Place	East	(Federal Street) Beginning at a point 48 feet south of the southerly curbline of Burgess Place and extending to a point 23 feet southerly therefrom	R83AUU
99 Gregory Avenue	West	Beginning at a point 284 feet east of the easterly curbline of Pennington Avenue and extending to a point 23 feet easterly therefrom	2038HC
347 Harrison Street	South	Beginning at a point 32 feet east of the easterly curbline of Central Avenue and extending to a point 22 feet easterly therefrom	G48FFE
49 Henry Street	South	Beginning at a point 235 feet west of the westerly curbline of Leonard Place and extending to a point 25 feet westerly therefrom	IM89NS
183 Highland Avenue	South	Beginning at a point 303 feet west of the westerly curbline of Hope Avenue and extending to a point 23 feet westerly therefrom	2972HC
368 Highland Avenue	North	Beginning at a point 300 feet west of the westerly curbline of Main Avenue and extending to a point 22 feet westerly therefrom	GI1706
169 Jackson Street	South	Beginning at a point 124 feet east of the easterly curbline of Central Avenue and extending to a point 20 feet easterly therefrom	F97DLB
377 Madison Street	South	Beginning at a point 180 feet west of the westerly curbline of Gregory Avenue and extending to a point 22 feet westerly therefrom	WUN13G
420 Lafayette Avenue	North	Beginning at a point 100 feet west	9935HB

			of the westerly curbline of Grant Street and extending to a point 20 feet westerly therefrom	
3 Lucille Place	West	Beginning at a point 43 feet north of the northerly curbline of Madison Street and extending to a point 20 feet northerly therefrom		D38FNT
92 Meade Avenue	North	Beginning at a point 69 feet east of the easterly curbline of Boulevard and extending to a point 18 feet easterly therefrom		L82EXL
122 Park Place	East	Beginning at a point 86 feet south of the southerly curbline of Prospect Street and extending to a point 18 feet southerly therefrom		U73FJY
185 Parker Avenue	West	Beginning at a point 200 feet north of the northerly curbline of President Street and extending to a point 22 feet northerly therefrom		L95FFW
89 Passaic Street	South	Beginning at a point 102 feet west of the westerly curbline of Eighth Street and extending to a point 22 feet westerly therefrom		T47DZP
189 Summer Street	South	Beginning at a point 198 feet east of the easterly curbline of Spruce Street and extending to a point 22 feet easterly therefrom		5280HC

**ROLL CALL**

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

**ABSENT: Munk**

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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 February 23, 2016.

**CITY OF PASSAIC**

**ORDINANCE NO. 2038-16**

**ORDINANCE AMENDING CHAPTER 255 OF THE CODE OF THE CITY OF PASSAIC “SNOW AND ICE AND OTHER IMPEDIMENTS, REMOVAL OF”**

**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 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 of Passaic desires to amend the Chapter 255 of the City Code of the City of Passaic, “Snow and Ice and other Impediments, Removal of”; and

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that Chapter 255 of the Code of the City of , “Snow and Ice and other Impediments, Removal of” is hereby amended as follows”:

**ALL DELETIONS ARE NOTED  
ALL AMENDMENTS ARE UNDERLINED**

**SECTION I**

**§ 255-4. Violations and penalties; collection.**

A. For any violation of §§ 255-1 and/or 255-2, no court appearance is necessary if the person corrects the condition cited immediately upon the receipt of a summons and pays the fine before the date of the first court appearance.

B. Any residential property owner who violates §§ 255-1 and/or 255-3 shall be fined \$100 for each offense ~~or by imprisonment for a term not to exceed 90 days, or both.~~ Any commercial property owner who violates §§ 255-1 and/or 255-3 shall be fined \$200 for each offense. ~~or by imprisonment for a term not to exceed 90 days, or both.~~

C. The imposition and collection of the penalty or penalties imposed by Subsection A of this section shall not bar the right of the city to collect the costs of removal as provided in § 255-2 hereof.

**SECTION TWO**

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 THREE**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

**SECTION FOUR**

This Ordinance shall take effect upon final adoption and publication in accordance with law.

The above ordinance was introduced and passed at a Regular Meeting of the City Council of the City of Passaic, N.J. held February 9, 2016 and the same will be further considered for final passage by the City Council at the Council Chambers located at 330 Passaic Street, Passaic, NJ. at the meeting of February 23, 2016 at 7:00 p.m. All persons interested will be given the opportunity to be heard concerning this Ordinance.

**ROLL CALL**

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

**ABSENT: Munk**

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Council President Schaer read said Ordinance by title.  
Councilwoman Polanco moved the Ordinance be approved on first reading. Motion was seconded by Councilman Garcia the public hearing be held on February 23, 2016.

**CITY OF PASSAIC**

**ORDINANCE NO. 2039-16**

**ORDINANCE AMENDING CHAPTER 211 OF THE CITY CODE OF THE CITY OF PASSAIC, "PEDDLING, SOLICITING AND CANVASSING," ARTICLE I, "PEDDLING AND HAWKING," SECTION 7, "LICENSE FEES."**

**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 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 of Passaic desires to amend the Chapter 211 of the City Code of the City of Passaic, "Peddling, Soliciting and Canvassing," Article I, "Peddling and Hawking," Section 7, "Fees"; and

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that Chapter 211 of the City Code of the City of Passaic, "Peddling, Soliciting and Canvassing," Article I, "Peddling and Hawking," Section 7, "Fees" is hereby amended as follows":

**ALL DELETIONS ARE NOTED  
ALL AMENDMENTS ARE UNDERLINED**

**SECTION I**

**§ 211-7 License fees.**

- A.** License fees, to be paid prior to the issuance of an initial license and every renewal thereof, shall be as follows:
- (1)** To peddle, hawk or huckster ~~with one helper~~, with or without a vehicle: \$400.
  - (2)** To peddle, hawk or huckster with ~~more than one helper~~: ~~\$100 for each additional helper~~. \$150 additional.
- B.** The fee for a duplicate license shall be \$25.
- C.** Blanket temporary peddler's license: \$150.
- D.** Temporary peddler's license (special event or non fixed location): \$100.

**SECTION TWO**

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 THREE**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

**SECTION FOUR**

This Ordinance shall take effect upon final adoption and publication in accordance with law.

**ROLL CALL**

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

**ABSENT: Munk**

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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 February 23, 2016.

**CITY OF PASSAIC**  
**PASSAIC COUNTY, NEW JERSEY**  
**ORDINANCE No. 2040-16**

**AN ORDINANCE, ALLOCATING THE SUM OF \$305,000.00 FROM THE GENERAL CAPITAL FUND BALANCES FOR THE IMPROVEMENT OF PASSAIC CITY PARKS, IMPROVEMENTS TO JOHN STREET, RETAINING WALL AT WILSCOT STREET AND PUBLIC WORKS GARAGE REMEDIATION.**

BE IT ORDAINED, by the Governing Body City of Passaic, County of Passaic, and State of New Jersey, as follows:

- Section 1.** There is hereby allocated from the General Capital Fund balance, the sum of \$305,000.00 for the above mentioned improvements.
- Section 2.** The Capital Budget of the City of Passaic is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Office of the Clerk and are available for inspection.
- Section 3.** This ordinance shall become effective after final passage by the City Council in accordance with law.

**ROLL CALL**

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

**ABSENT: Munk**

Council President Schaer read said Ordinance by title. Councilman Love moved the Ordinance be approved on first reading. Motion was seconded by Councilwoman Melo the public hearing be held on February 23, 2016.

**City of Passaic**  
**Ordinance No. 2041-16**

**ORDINANCE AMENDING CHAPTER 102 OF THE CITY CODE OF THE CITY OF PASSAIC, "CLOTHING BINS," SECTION 6, "COMPLAINTS AND INVESTIGATION"**

**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 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 of Passaic desires to amend the Chapter 102 of the City Code of the City of Passaic, "Clothing Bins," Section 6, "Complaints and Investigation"; and

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that Chapter 102 of the City Code of the City of Passaic, "Clothing Bins," Section 6, "Complaints and Investigation" is hereby amended as follows":

**ALL DELETIONS ARE NOTED  
ALL AMENDMENTS ARE UNDERLINED**

**SECTION I**

**§ 102-6 Complaints and investigation.**

- A.** The City Clerk, upon receipt of any complaint concerning the donation clothing bin, or his or her designee, shall ~~request the police to investigate~~ conduct an investigation of this complaint within 30 days.
- B.** Any person who places a clothing bin in violation of this chapter or N.J.S.A. 40:48-2.61 shall be given a warning stating that if the violation is not rectified or a hearing with the City clerk is not requested within 45 days, then the bin will be seized and removed at the expense of the person who placed the bin, and any clothing or other donations collected via the bin shall be sold at public auction. This notice shall be placed on the clothing bin and forwarded to any person known to the City who has placed the bin at this location.
- C.** If the person who placed the bin does not rectify the violation or request a hearing within 45 days of the posting of the warning, then the City shall remove the bin or have it removed at the expense of the person who placed the bin and sell at public auction or otherwise dispose of the clothing or donations. The City shall collect all proceeds from the sale of this clothing and shall charge the person who placed the bin all costs and expenses for removal and storage of same.

**SECTION TWO**

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 THREE**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

**SECTION FOUR**

This Ordinance shall take effect upon final adoption and publication in accordance with law.

**ROLL CALL**

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

**ABSENT: Munk**

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**Schedule a Hearing**

El Bohio Sports Bars & Restaurant Inc. t/a Cloud 9 Lounge, 4 Market Street submitting application to renew their Entertainment License for the year 2016. *(police department objections)*

On motion made by Councilman Love and seconded by Councilwoman Polanco, said hearing was set down for April 5, 2016.

**ROLL CALL**

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

**ABSENT: Munk**

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**PAYMENT OF BILLS**

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

**ROLL CALL**

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

**ABSENT: Munk**

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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 Melo the meeting adjourned at 7:55 p.m.

**ROLL CALL**

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

**ABSENT: Munk**

**ATTEST:**

**APPROVED:**

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Amada D. Curling, City Clerk

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Gary S. Schaer, Council President