

March 22, 2016

A WORK-SESSION WAS HELD ON TUESDAY, MARCH 22, 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 TUESDAY, MARCH 22, 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: Munk, Love, Melo,

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

Council President on the chair

Addendums to the agenda were discussed at this time

Kaufman Semeraro & Leibman attorneys, representing the Passaic Pennington LLC, Block 3254 Lot 37, 211 Pennington Avenue and requesting postponement of Ordinance No. 2033-15 to April 5, 2016 meeting.

Vidya Nayak, CFO, Finance Director submitting information correspondence Re: \$300,000, Note sale

Council continue with an informal discussion regarding items on the agenda

Councilman Love and Munk and councilwoman Melo, walked into the meeting.

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

**CITY OF PASSAIC
RESOLUTION NO. 16-03-057 WS**

RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION OF THE CITY COUNCIL OF THE CITY OF PASSAIC ON MARCH 22, 2016 AT 7:00 PM OR ANYTIME THEREAFTER TO DISCUSS PENDING LITIGATION; CONTRACT NEGOTIATIONS AND PERSONNEL MATTERS

**RE: Pending litigation-Rastatter v. C.O.P. and Kanter v. C.O.P. Atty client
Communication settlement of Entertainment license re: Omni Lounge**

WHEREAS, 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:

March 22, 2016

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

On a motion by Councilman Love and seconded by Councilwoman Polanco the work session meeting was reconvene.

ROLL CALL: Garcia, Love, Melo, Polanco, Schwartz, Council President Schaer

ABSENT: Munk

Council President Schaer stepped out of meeting at 6:55 p.m. Councilman Love on the chair

After brief discussion regarding items on the Agenda and upon motion made by Councilman Love and seconded by Councilman Garcia, the work session was adjourned 6:59 p.m.

ROLL CALL:

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

ABSENT: Council President Schaer

A REGULAR PUBLIC MEETING OF TH CITY COUNCIL OF THE CITY OF PASSAIC WAS HELD ON TUESDAY, MARCH 22, 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

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

ABSENT: Munk

March 22, 2016

ALSO PRESENT: Hon. Mayor Dr. Alex D. Blanco, 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 namely #30B, 30C Resolutions and Communications 12A-1 and 12A-2

Council Meeting Minutes March 8, 2016 submitted for approval.

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

ROLL CALL

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

ABSENT: Munk

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.

Councilman Munk took set on dais

Fred Kanter, 81 Hanover Rd. Mountain Lakes: spoke regarding close work session meeting Ethics workshop; ethics rule; and need to answer publics questions or advised when questions will be answered; commented re lawsuit. Why no answer if questioned posed by him with pending lawsuit against Council on trash, sweep cleaners etc; twice was pulled away from podium while speaking at meeting; attorney told police to withdraw him. Stated that he was told that any criticism made against the Council would result in arrest and alluded to the fact that this issue was settled in America at the time of the Revolution.

William Sala; Attorney: 179 Randolph Avenue Is there a late addition to 30B; Will there be discussion regarding the addendum to this resolution. Asked that the council consider disallowing Sunday and possibly revisit the hours that bars can remain open. City attorney contacted him post 3/3/2016 meeting.

March 22, 2016

Joe Conoscenti, 170 Broadway: March 3 resolution re contract for recycling and white trash curbside pick-up, VIP and Coop Car Limo service; lights in courtyard not working. Sign at Prospect and River Drive unreadable; commented on trees that need to be cut by PSEG at 248, 280, 282, 295 and 297 Paulison Avenue; Third Ward Park pond aerators need to be replaced; 2013, 2014, 2015 and 2016 state gave money when will they be installed; 99 Broadway and 260 Gregory avenue that does not exist was supposed to be looked into.

Supreme Alah: last week finally felt part of the community. Thanked all who spoke especially Hank for the football player. As one of the first participants in the program know how it changes his life and remains lifelong friends with the people involved in this program

Henry Rose Jr., 103 Blaine Street: Thanked Council for listing to speaker regarding program last council meeting Youth awareness program presentation; extended invitation March 24, 2016 6 to 8 p.m. Boys and Girls Club, 420 Hudson St

Mr. Jaroslaw Jackiw, 266 Lafayette Ave:

Can the deputy Chief of Police confirm that the PDD received \$10,000. For 20 cameras from Passaic County?; Can the Director of the DPW advise the public as to the starting dates of the full cleanup of block 3285.1, Lot 75. As stated by Ms. Lawrence, Complaints Officer, (Bureau of Legal Services and Stewardship) Block 3285.1- Lot 75 is city owned and Green Acres encumbered parkland. Any use of Parkland for the purpose not in support of recreation or conservation, constitutes a diversion of use. It is my understanding that City of Passaic has an open application with Green Acres on a land exchange(Park); Can the City administration identify the park to be exchanged for Green Acres?; Can General Council advise the public why the city is declining to release listings of all pending cases against the City of Passaic for financial year 2015 as per ORPA requests, if not, why not.

Kevin Foragi, 190 Marieta Ave: spoke re fundraiser for football program. Presently have 2 levels who won championships and would like to have jackets and trophies for these boys; any help or donations is appreciated.

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

ROLL CALL

AYES: Garcia, Love, Melo, Munk, Polanco, Schwartz, Council President Schaar

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 St. Nicholas Ukrainian Catholic Church, 217 President Street.

March 22, 2016

Amada D. Curling, City Clerk, submitting request for a refund to Master Billiards Entertainment, 276 A. Passaic Street, Passaic, in the amount of 250.00 for a Proprietor's License.

My Way Lounge t/a Metropolis, 583 Main Avenue, submitting an application to renew their Entertainment License for the year 2016.

Dona Maria Restaurant, 32 Bergen Street, submitting an application to renew their Entertainment License for the year 2016.

Masters Billiards Entertainment LLC, 276 A Passaic Street, submitting application for a new Entertainment License for the year 2016.

United Puerto Rican Council, 173-175 Passaic Street, submitting application to hold a Flag Raising, in front of City Hall, on July 24, 2015 from 12:00 p.m. to 2:00 p.m. *(Contingent Upon Departmental Approvals)*

Moving Passaic Forward, 115 President Street, submitting application to hold a Festival/Rodeo, at 19 Jefferson Street (Private Property), on April 17, 2016 from 3:00 p.m. to 9:00 p.m. *(Contingent Upon Departmental Approvals)*

Union Baptist Church, 221 Myrtle Avenue, submitting application to hold a Procession on April 2, 2016 from 10:00 a.m. to 12:30 p.m. Procession will commence on 315 Oak Street travel to Myrtle Avenue ending at 221 Myrtle Avenue. *Contingent Upon Departmental Approvals)*

John Miskovsky, Construction Official, submitting request for a refund to Solar City in the amount of \$707.00 for permit no. 2016-100. *(Contingent Upon Departmental Approvals)*

Satellite Sales, 749 Main Avenue, submitting application to renew their Entertainment License for the Year 2016. *(With Conditions as per Resolution No. 9503-03)*

Satellite Sales, 749 Main Avenue, submitting application to renew their Arcade License for the Year 2016.

Jorge Campagn, City of Passaic resident, requesting the Dutch Flag to be hung in front of Passaic City Hall.

ROLL CALL

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

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

Dr. Alex D. Blanco, Mayor, submitting correspondence appointing Jose Balbi to the City of Passaic Parking Authority to fill an unexpired, term shall commence immediately and expire September 12, 2016.

THE FOLLOWING ITEMS WERE ADDED ON AT THE WORK SESSION MEETING

Kaufman Semeraro & Leibman Attorneys, representing the Passaic Pennington LLC, Block 3254 Lot 37, 211 Pennington Avenue and requesting postponement of Ordinance No. 2033-15 to April 5, 2016 meeting.

March 22, 2016

Vidya Nayak, CMFO, Finance Director submitting information correspondence Re: \$300,000, Note sale

Personnel Actions- February 2016

Luis Solano, submitting his letter of resignation from the Zoning Board of Adjustment.

Vividian Environmental Consultants, submitting correspondence re: Public Notification and Outreach Form, Paris Rent A Car, Inc., 761 Main Avenue, Passaic, NJDEP PI# 023569

Public Entity Joint Insurance Fund, submitting notice of their March 22, 2016 public meeting.

Passaic Valley Water Commission, submitting the following: Notice and Agenda of their March 16, 2016 meeting.

Verina Consulting Group, LLC, submitting correspondence re: Sub-Slab Soil Gas Sampling Results at Kurtin's Service Center, 25-27 Passaic Avenue, Passaic, Block 2147.01; Lot 53- Sampling Date: August 20, 2015.

North Jersey District Water Supply Commission, submitting minutes of their January 22, 2016 meeting.

PSEG, submitting correspondence re: NJDEP Division of Regulation Program application submitted by public service and Electric and Gas Company (PSEG) In Support of Repair, Replacement and Maintenance of Natural Gas Distribution and Transmission mains in Public Rights-of-Way Re: Property within the Entire PSE&G Service Area encompassing 15 New Jersey Counties and their 268 Municipalities.

ROLL CALL

AYES: Garcia, Love, Melo, Munk, Polanco Schwartz, Council President Schaar

RESOLUTION(S):

THE FOLLOWING RESOLUTION(S) WAS REMOVED

RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION OF THE CITY COUNCIL OF PASSAIC ON MARCH 22, 2016 AT 7:00 PM OR ANYTIME THEREAFTER TO DISCUSS PENDING LITIGATION, CONTRACT NEGOTIATIONS AND PERSONNEL MATTERS.

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. 16-03-059 (ATTACHMENTS)

AUTHORIZING THE FILING OF THE CITY OF PASSAIC'S 2016-17 ACTION PLAN FOR FEDERAL ASSISTANCE UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG), HOME INVESTMENT PARTNERSHIP PROGRAM (HOME), AND EMERGENCY SOLUTIONS PROGRAM (ESG)

WHEREAS, the City of Passaic is entitled to receive federal financial assistance under the Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME), and Emergency Solutions Grant Program (ESG) for the Program Year 2016-17, which begins July 1, 2016 and ends June 30, 2016;

March 22, 2016

and

WHEREAS, to secure such financial assistance, it is necessary to file a One-Year Action Plan with the US Department of Housing and Urban Development (HUD);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Passaic that:

1. The Program Year 2016-17 Action Plan submission is hereby approved based upon the anticipated amount of **\$2,313,763.00**, which includes an entitlement of **\$1,571,628.00** under the CDBG Program, **\$596,359.00** under the HOME Program, and **\$145,776.00** under the ESG Program. The attached budget is herein incorporated by reference as if fully made a part hereof.
2. The Mayor of City of Passaic, as Certifying Officer, is hereby authorized as follows:
 - (a) Should any comment received during the required public comment period concerning the Action Plan submission so warrant, to request the City Council of the City of Passaic to modify any portion of the attached budget; and
 - (b) To file the 2016-17 Action Plan submission with HUD; and
 - (c) To serve as the authorized representative of the City of Passaic in connection with the application and to provide such additional information as may be required; and
 - (d) To execute contracts with HUD allowing for the expenditure of said funds pursuant to the terms of said contract; and
 - (e) To execute agreements with agencies indicated as recipients of the Action Plan funds in the attached "Listing of Proposed Projects" for the purposes specified therein on forms to be approved by the Community Development Attorney; and
 - (f) To execute agreements with eligible developers approved for assistance under the City's HOME-eligible affordable projects/activities in a form to be approved by the Community Development's Attorney.

The Secretary of Housing and Urban Development is hereby assured of full compliance by the City of Passaic.

**CITY OF PASSAIC
RESOLUTION # 16-03-060**

**RESOLUTION AUTHORIZING ACCEPTANCE OF UNIFORM GRANT FROM
MAJOR LEAGUE BASEBALL RBI PROGRAM**

WHEREAS, the City of Passaic has applied for and received a Uniform Grant from Major League Baseball’s RBI Program which will provide two hundred and forty (240) uniform tops and pants from Majestic, the official uniform supplier for Major League Baseball.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that City of Passaic is hereby authorized to receive a Uniform Grant from Major League Baseball’s RBI Program which will provide two hundred and forty (240) uniform tops and pants from Majestic, the official uniform supplier for Major League Baseball; and

BE IT FURTHER RESOLVED that the Director of Recreation, Senior and Cultural Affairs and City Clerk are hereby authorized and directed to execute any documents necessary to effectuate the purpose of this Resolution.

**CITY OF PASSAIC
RESOLUTION # 16-03-061**

**RESOLUTION AUTHORIZING THE CITY OF PASSAIC TO ACCEPT GRANT
FUNDING FROM “DIG IN!” CITY GREEN, INC. AND PASSAIC COUNTY
COMMUNITY GARDEN AND NEIGHBORHOOD FARMING PROGRAM FOR
ESTABLISHMENT OF COMMUNITY GARDEN**

WHEREAS, the City of Passaic applied for grant funding from the “Dig In!” Passaic County Community Garden and Neighborhood Farming Program implemented by City Green Inc., a non-profit organization, for the purpose of establishing a community garden within the City of Passaic; and

WHEREAS, the City of Passaic believes that the establishment of a community garden will provide a benefit to residents of all ages by creating outdoor activities, encouraging health, wellness and increasing access to fresh foods; and

March 22, 2016

WHEREAS, the City of Passaic has been awarded \$2,500.00 under the “Dig In!” program for Spring 2016.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the City of Passaic is hereby authorized to accept \$2,500.00 in grant funding from the “Dig In!” Passaic County Community Garden and Neighborhood Farming Program implemented by City Green Inc., a non-profit organization, for the purpose of establishing a community garden within the City of Passaic

BE IT FURTHER RESOLVED that the Director of Recreation, Senior and Cultural Affairs and City Clerk are hereby authorized to execute any documents necessary to receive such grant funding.

**CITY OF PASSAIC
RESOLUTION#16-03-062**

**RESOLUTION AWARDING CONTRACT FOR
RESURFACING OF MORRIS STREET
CITY OF PASSAIC**

WHEREAS, bids were received by the Director of Purchasing on Tuesday, March 8, 2016 for Resurfacing of Morris Street; and

WHEREAS, bids were received as per the attached; and

WHEREAS, the lowest responsible, responsive bid was received from American Asphalt & Milling Services, LLC of Kearny, NJ in the amount of \$73,993.50; and

WHEREAS, it is the recommendation of Olga Garcia, City Engineer that the contract be awarded to American Asphalt & Milling Services, LLC of Kearny, NJ in the amount of \$73,993.50.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the contract for Resurfacing of Morris Street be awarded to American Asphalt & Milling, LLC of Kearny, NJ in the amount of \$73,993.50.

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#16-03-063**

**RESOLUTION AUTHORIZING EXTENSION OF
CURRENT CONTRACT FOR FURNISHING OF
ELECTRONIC PAYMENT SERVICES**

WHEREAS, on November 19, 2013 the City Council adopted Resolution #13-12-295 (attached) approving a contract with Blackstone Merchant Services, Inc. for Furnishing of Electronic Payment Services; and

WHEREAS, the contract was for a period of two (2) years with the provisions to extend the contract an additional two (2) years; and

WHEREAS, the City of Passaic wishes to exercise their option to extend the contract for an additional two (2) years with the same terms and conditions as the original contract; and

March 22, 2016

WHEREAS, the additional two (2) year contract shall commence on March 23, 2016 through March 22, 2018.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the contract for Furnishing of Electronic Payment Services with Blackstone Merchant Services, Inc. shall be extended for a period of two (2) years, commencing on March 23, 2016 and expiring on March 22, 2018.

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

**CITY OF PASSAIC
RESOLUTION NO. 16-06-064**

**RESOLUTION ACCEPTING PARTIAL FUNDING FOR 2016
RYAN WHITE PART "A" AND MINORITY AIDS INITIATIVE FOR HIV/AIDS
GRANT**

WHEREAS, the City of Passaic/ Passaic Alliance has submitted an application for funding for 2016-2017 Ryan White Part A- and Minority AIDS Initiative grant for the delivery of HIV care targeting persons living with HIV/AIDS in the Passaic/Bergen regional area; and

WHEREAS, the City of Passaic/ Passaic Alliance had been approved for partial funding for its program in the amount of \$143,303.00 for the delivery of coordinated care targeting persons living with HIV/AIDS in the Passaic and Bergen County region; and

WHEREAS, the City of Passaic/ Passaic Alliance has been awarded funds for:
Part "A" funding,

- 1) Substance Abuse-\$5,000.00
- 2) Mental Health-\$6,000.00
- 3) Case Management Community- \$20,000.00.
- 4) Housing Assistance-\$1316.00
- 5) Outreach-\$5,000.00
- 6) Health Insurance Premium Assistance-\$60,336.00

Total Part "A" Funding-\$97,652

Minority AIDS Initiative funding,

- 1) Case Management MAI- \$30,000.00
- 2) Outreach- \$9,600.00
- 3) Health Education-\$2,051.00

Total Minority AIDS Initiative funding-\$45,651.00

Total \$143,303.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Passaic that the City of Passaic does hereby accept grant funds in the total amount of \$143,303.00 for HIV/AIDS coordinated care .

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

**CITY OF PASSAIC
RESOLUTION NO. 16-05-065**

WHEREAS, additional measures are needed to further improve litter abatement efforts; AND

WHEREAS, the Board of the Passaic Enterprise Zone Development Corporation at their November 3, 2015 meeting has adopted a resolution providing for the use of \$269,821 of funds for the clean sweep program during calendar year 2016.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Passaic that the Council consents to the clean sweep project as proposed by the Passaic Enterprise Zone Development Corporation resolution providing for the use of \$269,821 of funds for calendar year 2016.

**CITY OF PASSAIC
RESOLUTION # 16-03-068**

**RESOLUTION APPROVING THE ENTERTAINMENT LICENSE OF
CAZADONRES BAR T/A MANDALA SPORTS WITH CONDITIONS**

WHEREAS, Cazadores Bar LLC, t/a Mandala Sports, 246 Third Street, Passaic, New Jersey (“Licensee”) applied for the renewal of its Entertainment License for the year 2016 pursuant to Chapter 129 of the City Code of the City of Passaic; and

WHEREAS, Licensee was notified that the Police Department objected to the renewal of such license based on the large number of incidents requiring police intervention and that a hearing would be scheduled for March 8, 2016 before the City Council of the City of Passaic; and

WHEREAS, subsequent to the Police Department’s objection, Licensee appeared before the City of Passaic’s Board of Alcoholic Beverage Control on January 20, 2016, at which time Licensee plead guilty to numerous violations of the laws of the State of New Jersey, as set forth in the Division of Alcohol Control Act N.J.S.A. 33:1-1 et seq. and regulations promulgated thereto, and accepted an eighteen (18) day suspension which was served in January and February 2016;

WHEREAS, prior to the commencement of a hearing before the City Council on the Police Department’s objection to the renewal of the entertainment license, Licensee Club consented to the imposition of conditions upon its Entertainment License and waived it’s right to a hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Passaic that Cazadores Bar LLC, t/a Mandala Sports, 246 Third Street, Passaic, New Jersey, shall be granted a renewal of its Entertainment License for the year 2016 subject to strict compliance with the following conditions:

Licensee shall maintain a minimum at least one (1) licensed security officer during hours of operation on Friday and Saturday, Legal Holidays and Special Events, who shall be responsible for checking identification of all patrons entering the establishment as well as for crowd control outside the premises to prevent patrons from creating a nuisance and/or disturbing the peace.

BE IT FURTHER RESOLVED that such conditions shall be imposed for a period of six (6) months from the date of this Resolution, at which time the Police Department will review the application and determine whether such conditions, or amendments thereto, are appropriate; and

BE IT FURTHER RESOLVED that should the City of Passaic be presented with any evidence that Licensee and/or its agents and/or employees has violated the terms of this Resolution, the City Council shall schedule a hearing, on notice to Licensee and its counsel, to take further action to suspend or revoke the Entertainment License.

**CITY OF PASSAIC
RESOLUTION #16-03-069**

March 22, 2016

RESOLUTION AUTHORIZING ACCEPTANCE OF GRANT FUNDS FROM STATE OF NEW JERSEY, OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF HIGHWAY TRAFFIC SAFETY FOR DRUNK DRIVING ENFORCEMENT

WHEREAS, the City of Passaic applied to the State of New Jersey, Office of the Attorney General, Department of Law and Public Safety, Division of Highway Traffic Safety for drunk driving enforcement; and

WHEREAS, the City of Passaic has been awarded \$28,628.94 in funding for drunk driving enforcement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Passaic does hereby authorize the City of Passaic to accept \$28,628.94 in grant funding from the State of New Jersey, Office of the Attorney General, Department of Law and Public Safety, Division of Highway Traffic Safety for drunk driving enforcement; and; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized and directed to execute any documents necessary to receive such funding.

ROLL CALL

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

Council President thanked the Ad Hoc sub-Committee for work done on Community Block Grant; part of recommendation includes \$4,000 for recreation initiative.

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

Councilman Garcia moved the ordinance be TABLED to April 5, 2016 which motion was seconded by Councilman Schwartz and approved upon a call of the roll

ROLL CALL

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

NO PUBLIC NOTICE WILL BE GIVEN

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

CITY OF PASSAIC

ORDINANCE NO# 2044-16

March 22, 2016

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 Councilman 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, Munk, Polanco Schwartz, Council President Schaer

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

ROLL CALL

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

Councilwoman Melo 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, Munk, Polanco Schwartz, Council President Schaer

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

CITY OF PASSAIC

ORDINANCE NO# 2045-16

AN ORDINANCE AMENDING CHAPTER 295 OF THE CODE OF THE CITY OF PASSAIC ENTITLED "VEHICLES AND TRAFFIC" TO REMOVE THE NO RIGHT TURN ON RED RESTRICTION AT THE INTERSECTION OF STATE STREET AND PASSAIC STREET, PASSAIC, NJ

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, Munk, Polanco Schwartz, Council President Schaer

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

ROLL CALL

March 22, 2016

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

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

ROLL CALL

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

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

CITY OF PASSAIC

ORDINANCE NO. 2046-16

ORDINANCE AMENDING CODE OF THE CITY OF PASSAIC, CHAPTER 99, "CARNIVALS, BAZAARS AND FAIRS", TO INCLUDE FEE FOR FIRE INSPECTION

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

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

ROLL CALL

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

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

ROLL CALL

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

ORDINANCE(S) FOR INTRODUCTION AND FIRST READING

Council President Schaer read said Ordinance by title. Councilwoman Melo moved the Ordinance be approved on first reading. Motion was seconded by Councilwoman Polanco the public hearing be held on April 5, 2016.

ORDINANCE NO. 2047-16
ORDINANCE AMENDING CODE OF THE CITY OF PASSAIC TO RESTRUCTURE
THE DEPARTMENT OF PUBLIC WORKS

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 currently provides for the Department of Public Works is responsible, amongst other things, for the maintenance and upkeep of all City parks and City buildings; and

WHEREAS, the City of Passaic believes it to be in the best interests of good of government and efficiency to restructure the Department of Public Works so as to remove the responsibility for the maintenance, repair and upkeep of all City parks and re-assign such duties, as well as the employees performing such duties, to the Department of Recreation, Senior and Cultural Affairs, which shall be renamed the Department of Parks, Recreation, Senior and Cultural Affairs under the supervision of the Director of that Department and to remove the responsibility for the operation, maintenance and upkeep of City buildings, including custodial and janitorial duties, and re-assign those duties, as well as the employees performing such duties, to the Department of Administration under supervision of the Business Administrator.

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Passaic that the Code of the City of Passaic shall be amended as follows:

SECTION I

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

Chapter 5 of the City Code, “Administration of Government,” Article VII., “Department of Administration” is hereby amended as follows:

§ 5-60. Building and grounds duties of Department of Public Works.

The Department of Public Works, under the direction and supervision of the Director, shall:

~~A. Operate and maintain public buildings owned by the City.~~

~~B. A.~~ Trim, plant and care for public parks, trees and greens.

~~C. B.~~ Install, maintain and repair parking meters when authorized by ordinance.

~~D.~~ Provide custodial and janitorial services for all City owned buildings.

~~E.~~ Maintain and repair play fields and playgrounds and recreational areas and facilities, as required and pursuant to instructions of the Superintendent of Recreation.

SECTION II

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

Chapter 5, “Administration of Government,” Article XIII.B., “Department of Recreation, Cultural and Senior Affairs” is hereby amended as follows:

§ 5-114.2. Establishment, powers and duties.

There shall be a Department of Parks, Recreation, Cultural Affairs and Senior Services, the head of which shall be the Director. The Department shall survey the quality of human life in the City with particular reference to conditions affecting health, recreation and welfare and the relationship of City services and functions to needs of the community. Within the limits of its legal authority and funds available to it pursuant to law, the Department shall organize and administer programs and activities designed to maintain and improve the quality of human life for those who live, work and visit within the City. The Department shall also include the following functions and responsibilities:

A. Administer and operate the City's parks, playgrounds and playing fields, facilities for indoor and outdoor sports and athletic and recreational programs and activities for children and adults;

B. Administer and operate the City's recreational functions and activities relating thereto;

C. Sponsor and administer cultural affairs activities in cooperation with other public agencies and organizations;

D. Use and operate public school property, upon the approval and agreement of the Board of Education, to the extent that such property may be adaptable and available for recreational programs and purposes of the Division;

E. Plan and develop public recreation areas and facilities, promote and direct a year-round program of leisure activities for children, youth and adults of the City, stimulate the constructive use of leisure time of residents of the City, working toward the reduction of delinquency and the optimum coordination and development of the public recreational facilities within the City;

F. Sponsor and promote a wide variety of cultural events, including but not limited to concerts, art exhibits, festivals, literary events, historical events, dances, parades and other activities;

G. Plan and administer a wide variety of culturally diverse events that promote the different cultures within the City of Passaic; and

H. Work with the Cultural Affairs Advisory Committee to recommend different types of cultural events for the City.

§ 5-114.3. Maintenance of recreation facilities.

Except as may be otherwise authorized by the Business Administrator, the Department of Public Works shall perform the physical maintenance and repair of parks, playgrounds and recreational structures and facilities.

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

Chapter 5, “Administration of Government,” Article VII. , “Department of Administration,” is hereby amended as follows:

§ 5-54.1 Operation, Maintenance and Upkeep of City Buildings:

The Department of Administration shall be responsible for the operation, maintenance and upkeep of City buildings, including custodial and janitorial duties, as well as the employees performing such duties, who shall be under supervision of the Business Administrator.

SECTION III

If any section or 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, Love, Melo, Munk, Polanco Schwartz, Council President Schaer

HEARING:

On motion made by Councilwoman Polanco and seconded by Councilwoman Melo, said hearing was adjourned until April 5, 2016.

Mila Holdings, LLC t/a OMNI Lounge, submitting application to renew their Entertainment license for the year 2016. (Police Department Objection)

ROLL CALL

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

March 22, 2016

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

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

On behalf of entire Council, Council President Schaer congratulated Councilman Munk and Mrs. Munk on their son's recent engagement.

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

ROLL CALL

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

ATTEST:

APPROVED:

Amada D. Curling, City Clerk

Gary S. Schaer, Council President