

A WORK-SESSION WAS HELD ON TUESDAY MAY 10, 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 MAY 10, 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 7:10 P.M. IN THE COUNCIL CHAMBERS OF PASSAIC CITY HALL, 330 PASSAIC STREET, PASSAIC, NJ.

ROLL CALL:

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

ABSENT: 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 followed by an informal discussion regarding items on the agenda

Councilman Love and Melo walked into the meeting

Councilman Love requested a separate vote on item No. 18

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

**CITY OF PASSAIC
RESOLUTION NO. 16-05-106 WS**

RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION OF THE CITY COUNCIL OF THE CITY OF PASSAIC ON MAY 10, 2016 AT 7:00 PM OR ANYTIME THEREAFTER TO DISCUSS PENDING LITIGATION; CONTRACT NEGOTIATIONS AND PERSONNEL MATTERS

RE: Kanter v. City of Passaic, Libertarian for Open Gov. v. City of Passaic Potential Litigation (4th Street Sewer) Personnel (DPW Director)

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:

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, Munk, Polanco, Schwartz, Council President Schaer

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

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

Council President Schaer stepped out of meeting at 6:55 p.m.

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

ROLL CALL:

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

A REGULAR PUBLIC MEETING OF THE CITY COUNCIL OF THE CITY OF PASSAIC WAS HELD ON TUESDAY, MAY 10, 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, Munk, Polanco, Schwartz, Council President Schaer

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

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

Council President Schaer advised addition to bill list

Council Meeting Minutes April 20, 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, Munk, Polanco, Schwartz, Council President Schaer

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.

Jaroslav Jackiw; 266 Lafayette Avenue: Has the BOE transferred \$500,000.00 as per resolution #15-12-262.; Has the City administration assigned the designated contractors for the certain improvements to/rehabilitation of Christopher Columbus Park? Please advise the public as to start/completion dates of the rehabilitation of CC park in 2016?; has the BOE transferred the \$130,956.10 as per resolution #15-12-264. Has the City administration assigned the designated contractors for resurfacing of Lafayette Avenue (Lincoln Middle School cul-de-sac- please advise the public as to the start/completion dates for the resurfacing project in 2016?; Recently it was brought up to DPW (pothole services) that extreme repair are needed on First St. cross Monroe St.- when will the DPW-pothole services have these potholes abated? Please advise public as to the start/completion date; Can the Deputy Chief confirm that all PDD officers have been assigned their new replacement body armor as of 5/10/2016 as per resolution 15-11-249. NOTE: Purchasing department advised OPRA that purchase order is still open; Memorial Fountain Robert Granger Benson -Heritage Plaza at Prospect St. across Passaic Avenue has the following issues that have not been abated by the City administration (DPW) past 2 years. Fence around the Memorial Fountain is in need of repairs: has the City administration filed an insurance claim in the past 2 years for the damage sustained to the fence and if not why not? Will the City administration (DPW) commit their staff to keep the Memorial Fountain free of debris etc?. ; Can the executive director of the UEZ give the public some background on the 1 million dollar plus loan and the \$250,000. Dollar grant for the development of 663 Main Avenue by Hanini Group?

Joe Conoscenti, 170 Broadway: submitted pictures outlining locations in need of repair. Asked about Resolution #45: new soccer field?

COUNCILMAN LOVE stepped off dais.

Alice Bell, 165 Van Buren St : re: 173 Van Buren and houses in the same area in need of police presence secondary to alley way drug sales; 180 and 162 Van Buren: Debris is piled up by the fence as a result of construction; people are not cleaning their properties.

Steve Siklosi; 23 Orchard Street: asked for explanation of 20/21; why was there a special meeting of the Enterprise Zone development Corp; did it Have anything to do with 663 Main Avenue? #31 asked for explanation of what exactly this is? #32 reads as if another position is being created; asked why, details of position and what is the cost. With regard to change from fiscal year to calendar year are the awarded contracts in align with this? #44 is this in addition to previous scattered site plan for this area and if so why; requested explanation; #46 investigation of DPW; asked for explanation; #50a; approving attic bathroom; concerned that this will lead to illegal apartments- why are we doing this. Re: 663 is there an agreement on this; why pursuing 1 million dollar loan; why are we rewarding Trinity partners?

Councilman Love took seat on dais.

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

ROLL CALL

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

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# 2051-16

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, 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, Schwartz, Council President Schaer

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

ROLL CALL

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

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. 2052-16
ORDINANCE AMENDING CHAPTER 317 OF THE CODE OF THE CITY OF PASSAIC, "ZONING," ARTICLE XVI, "FEES AND ESCROW DEPOSITS," TO REVISE PROCESS FOR PAYMENT OF ESCROW DEPOSITS

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

Steve Siklosi; 23 Orchard Street: how were deposits handled in the past, present and what changes for the future.

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

ROLL CALL

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 Councilwoman Melo and adopted upon a call of the roll

ROLL CALL

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

COUNCILWOMAN MELO STEPPED OFF DAIS



COMMUNICATIONS AND PETITIONS

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:

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

- St. Joseph Church; 7 Parker Avenue

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

- Chili Cook-Off Fundraiser, in Third Ward Park (Park Stage), on July 10, 2016 from 1:30 p.m. to 2:30 p.m.
- Movies in Park, July 5, 12, 19, and August 2, 2016 from 7:00 p.m. to 8:30 p.m. in Christopher Columbus Park and July 12, 26, and August 9, 2016 from 7:00 p.m. to 8:30 p.m. in Third Ward Park
- Fitness in the Park, July 6, 20 and August 3, 2016 from 6:00 p.m. to 7:00 p.m. in Christopher Columbus Park and July 13, 27, and August 10, 2016 from 6:00 p.m. to 7:00 p.m. in Third Ward Park
- Summer Camp Olympic Day, August 11, 2016 from 8:30 a.m. to 3:00 pm in Pulaski Park.
- Baseball/Softball Trophy/Picnic Ceremony, August 27, 2016 from 11:00 a.m. to 3:00 p.m. in Third Ward Park.
(Contingent Upon Departmental Approvals)

Moving Passaic Forward, P.O. Box 4149, Passaic, submitting the following applications:

- Festival Rodeo, May 15, 2016 from 3:00 to 8:00 p.m. at 1 Jefferson Street (private property).
- Festival Rodeo, May 30, 2016 from 3:00 to 8:00 p.m. at 1 Jefferson Street (private property).
(Contingent Upon Departmental Approvals)

New Faith Baptist Church, 185 Lexington Avenue, submitting application to hold a Flea Market, in church parking lot (private property), on May 14 and 21, 2016 from 10:00 a.m. to 5:00 p.m. *(Contingent Upon Departmental Approvals)*

Holy Rosary R.C. Church, 6 Wall Street, submitting application to hold their Annual Parish Picnic, in their church parking lot (private property) on September 4, 2016 from 1:00 p.m. to 10:00 p.m. *(Contingent Upon Departmental Approvals)*

St. Joseph Church, 7 Parker Avenue, submitting application to hold their Annual Parish Picnic, in their church parking lot (private property) on June 19, 2016 12:00 p.m. to 11:00 p.m. *(Contingent Upon Departmental Approvals)*

Primera Iglesia Bautista Hispana, 127 Passaic Street, submitting application to hold a Flea Market in their church parking lot (Private Property), on May 28, 2016 from 9:00 a.m. to 4:00 p.m. *Contingent Upon Departmental Approvals)*

Church of Jesus Christ Apostolic Inc., 50 Third Street, submitting application to hold a Flea Market, in their church parking lot (private property), on July 9, 2016 from 11 a.m. to 4:00 p.m. *(Contingent Upon Departmental Approvals)*

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Our Lady of Mt. Carmel Church, 10 St. Francis Way, submitting application to hold a Flea Market, in their church parking lot (private property), on May 21, 22, 2016 from 8:00 a.m. to 4:00 p.m.

ROLL CALL

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

ABSENT: Melo

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) WAS VOTED ON SEPARATELY BY ONE MOTION

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

Passaic Board of Education, submitting notice of their Annual Reorganization meeting scheduled for April 25, 2016.

ROLL CALL

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

ABSTAIN: Polanco

ABSENT: Melo

Councilman Love requested a revote on the above item.

ROLL CALL

AYES: Garcia, Munk, Schwartz, Council President Schaer

ABSTAIN: Love, Polanco

ABSENT: Melo

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

Passaic Police Department, submitting notice of their Public Auction -April 21, 2016.

Public Entity Joint Insurance Fund, submitting notice of their April 26, 2016 public meeting.

Passaic Alcoholic Beverage Control Board, submitting the following:

- Minutes of their January 20, 2016 meeting
- Minutes of their February 17, 2016 meeting
- Agenda of their March 9, 2016 meeting
- Minutes of their March 9, 2016 Meeting
- Agenda of their April 13, 2016 Meeting

Passaic Parking Authority, submitting the following:

- Minutes of their January 20, 2016 meeting.
- Agenda of their March 9, 2016 meeting
- Notice cancelling their April 13, 2016 meeting.

Personnel Actions - March 2016.

Passaic Valley Water Commission submitting the following:

- Minutes of their March 16, 2016 meeting.

- Notice and Agenda of their April 20, 2016 meeting.
- Notice their May 18, 2016 public meeting.

North Jersey District Water Supply Commission submitting the following:

- Notice and agenda of their April 22, 2016 meeting.
- Minutes of their March 23, 2016

NJ Transit, submitting notice of their public meeting scheduled for May 25, 2016.

NJ Department of Environmental Protection, submitting correspondence re: Sub-Slab Sampling at- Passaic Family Head Start Inc., Passaic, NJ, Block 1012, Lot 23.

Arcadis, submitting correspondence re: Sub-Slab Soil Gas and Indoor Quality Monitoring Results -Sampling Date: February 23, 2016 - 270 Passaic Avenue, Passaic, NJ.

NJ Department of Transportation, submitting correspondence re: 2016 Safe Streets to Transit Grant Program.

Passaic Enterprise Zone Development Corporation, submitting notice of their May 4, 2016 Special Meeting.

NJ Department of Environmental Protection, submitting correspondence re: Former Passaic Engraving Company, Inc. Lectro Form., 41 Brook Avenue, Passaic City, Passaic County, Block 1324 Lots: 3,6 -ISRA Case: E20160140-PI 725001

Borough of Totowa, submitting the following correspondence re: Resolution opposing Assembly Bills A1475 and A326.

Borough of North Haledon, submitting correspondence re: Opposition A326 and A1475.

Dr. Alex D. Blanco, Mayor, submitting memorandum appointing Julio Santana to the Urban Enterprise Zone Corporation as proxy to the mayor.

City of Clifton, submitting resolution entitled: Resolution Supporting Allocation of Funds to the New Jersey Historic Trust In the 2017 State Budget for Historic Preservation.

ROLL CALL

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

ABSENT: Melo

RESOLUTION(S):

THE FOLLOWING RESOLUTION(S) WAS REMOVED

RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION OF THE CITY COUNCIL OF PASSAIC ON MAY 10, 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 Councilman Love and seconded by Councilwoman Polanco the following **RESOLUTION(S) WERE OFFERED FOR ADOPTION:**

CITY OF PASSAIC
RESOLUTION #16-05-107

RESOLUTION AWARDING CONTRACT FOR
ENGINEERING SERVICES FOR THE DESIGN OF
SANITARY SEWER CENTRAL AVENUE BETWEEN
VAN BUREN STREET AND SHERMAN STREET
CITY OF PASSAIC

WHEREAS, proposals were received by the Director of Purchasing on Tuesday, April 19, 2016 for Engineering Services for the Design of Sanitary Sewer Central Avenue between Van Buren Street and Sherman Street; and

WHEREAS, the proposals were solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et.seq; and

WHEREAS, proposals were received as per the attached; and

WHEREAS, in addition to the attached, proposals were downloaded from the City of Passaic's website, none of whom submitted proposals:

WHEREAS, the evaluation Committee reviewed the proposals received and recommends that the contract for Engineering Services for The Design of Sanitary Sewer Central Avenue between Van Buren Street and Sherman Street be awarded to of in an amount not to exceed \$.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the contract for Engineering Services for the Design of Sanitary Sewer Central Avenue between Van Buren Street and Sherman Street be awarded to of in an amount not to exceed \$.

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

**Dedication by Rider Resolution
City of Passaic, County of Passaic
Resolution #16-05-108**

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER
FOR SNOW REMOVAL / STORM RECOVERY RESERVE TRUST FUND REQUIRED
BY PL 2001, c.138 AND NJSA 40A:4-62.1**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, NJSA 40A:4-62.1 provides for the establishment of Snow Removal / Storm Recovery Reserve Trust fund by the Municipality to provide for operating costs to administer this act; and

WHEREAS, NJSA 40A:4-39 provides the dedicated revenues anticipated from the Snow Removal / Storm Recovery Reserve Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement; and

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

1. The Governing body of Passaic does here request the permission of the Director of Division of Local Government Services to pay expenditure of the City of Passaic

Snow Removal and Storm Recovery Trust Fund in accordance with NJSA 40A:4-62.1

- 2. Clerk of the City of Passaic, County of Passaic is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

City of Passaic
Resolution # 16-05-109

**RESOLUTION AUTHORIZING INTERLOCAL SERVICES AGREEMENT
WITH THE DOWNTOWN MERCHANTS CORPORATION FOR REDEVELOPMENT
ASSISTANT**

WHEREAS, the City of Passaic maintains the position of Redevelopment Assistant; and

WHEREAS, the Downtown Merchants Corporation conducts programs to support economic development within the City of Passaic; and

WHEREAS, **Downtown Merchants Corporation (DMC) desires to utilize the services of the City of Passaic Redevelopment Assistant on a 35 hour per week basis; and**

WHEREAS, **sharing the time of the Redevelopment Assistant between both the City and the DMC will result in efficiencies to both organizations;**

WHEREAS, **the City and DMC have had a successful history in working together in the operation of programs managed by the DMC; and**

WHEREAS, **the DMC Board of Trustees on March 24, 2015 approved a resolution to enter into an inter-local services agreement with the City of Passaic for the services of the Redevelopment Assistant.**

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Passaic that the Council authorizes the Mayor to enter into an inter-local services agreement with the DMC for the Redevelopment Assistant providing the City with an annual amount of \$50,619 prorated for the period January 1, 2016 through December 31, 2016 for the services of the Redevelopment Assistant.

CITY OF PASSAIC
RESOLUTION#16-05-110

**RESOLUTION AWARDING CONTRACT FOR
HEATING AND AIR-CONDITIONING MAINTENANCE/REPAIR
CITY OF PASSAIC**

WHEREAS, bids were received by the Director of Purchasing on Wednesday, April 20, 2016 for **HEATING AND AIR-CONDITIONING MAINTENANCE/ REPAIR FOR THE CITY OF PASSAIC;** and

WHEREAS, the attached bids were received as outlined; and

WHEREAS, in addition to the attached, specifications were mailed to the following vendors none of whom responded:

H.T. Lyons	Deltek	CMD
Morristown, NJ	Herndon, VA	Norcorss, GA

WHEREAS, the attached prices include the following locations: City Hall, East Side Firehouse, West Side Firehouse, DPW Garage, Senior Citizen Building, Police Building, EMS Building, WIC/Health Clinic and Dog Pound; and

WHEREAS, the lowest responsible, responsive bid was received from C. Dougherty & Company of Paterson, NJ as per the attached prices; and

WHEREAS, the Contract is to run for a Two (2) year period with the option to extend for one (1) two year contracts or two (2) one year contract; and

WHEREAS, it is the recommendation of Doris Dudek, Director of Purchasing, that the contract be awarded to C. Dougherty & Company, of Paterson, NJ.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Passaic that the contract for HEATING AND AIR-CONDITIONING MAINTENANCE /REPAIR FOR THE CITY OF PASSAIC be awarded to C.Dougherty & Company of Paterson, NJ, in the lump sum of \$20,000.00 (2 years) and with the standard hourly rate of \$83.00/hr. for technician, \$80.000/hr. for laborer and with the premium hourly rate of \$110.00/hr. for technician and \$90.00/hr. for laborer for a two (2) year contract The total contract price not to exceed \$150,000.00 for two (2) years.

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

CERTIFICATION OF FUNDS

Funds for the current fiscal year are available in Public Works, Acct. #6-01-26-310-000-029. Funds for the subsequent budget is available, providing that the budget is approved by the governing body.

CITY OF PASSAIC
RESOLUTION #16-05-111

RESOLUTION AWARDDING CONTRACT FOR
LICENSED SITE REMEDIATION PROFESSIONAL (LSRP)
PUBLIC WORKS GARAGE, 870 MAIN AVENUE
CITY OF PASSAIC

WHEREAS, proposals were received by the Director of Purchasing on Tuesday, April 26, 2016 for Licensed Site Remediation Professional (LSRP) Public Works Garage, 870 Main Avenue; and

WHEREAS, the proposals were solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et.seq; and

WHEREAS, proposals were received as per the attached; and

WHEREAS, in addition to the attached, proposals were downloaded from the City of Passaic’s website, none of whom submitted proposals:

Peak Environmental Woodbridge, NJ	Verina Consulting Group Bridgewater, NJ	Suburban Consulting Flanders, NJ
Kenny Environmental Marton, NJ	BSTI Spring Lake Heights, NJ	JM Sorge Somerville, NJ
Midatlantic Engineering Hamilton, NJ	Tectonic Engineering Mountainville, NJ	Hatch Mott McDonald Iselin, NJ
H2M Associates Parsippany, NJ	Envirobidnet Port Charlotte, FL	GZA Environmental Fairfield, NJ

WHEREAS, the evaluation Committee reviewed the proposals received and recommends that the contract for Licensed Site Remediation Professional (LSRP) Public Works Garage, 870 Main Avenue be awarded to Matrix New World of Florham Park, NJ in an amount not to exceed \$36,027.70.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the contract for Licensed Site Remediation Professional (LSRP) Public Works Garage, 870 Main Avenue be awarded to Matrix New World of Florham Park, NJ in an amount not to exceed \$36,027.70.

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

CERTIFICATION OF FUNDS

Funds for the above are available in Ord. #2016 DPW Garage Remediation Account #C-04-55-976-000-PW6.

**CITY OF PASSAIC
RESOLUTION NO. 16-05-112**

**RESOLUTION AWARDING CONTRACT
FOR PUBLIC TRANSIT BENCHES**

WHEREAS, bids were received by the Director of Purchasing on Friday, March 18, 2016 for Public Transit Benches; and

WHEREAS, bids were received as per the attached;

WHEREAS, in addition to the attached, specifications were downloaded from the City of Passaic's website from the following, none of whom submitted bids:

Deltek	Aluminum Lamps
Herndon, VA	Laredo, TX

WHEREAS, the minimum bid that was established in the specifications was as follows: \$350.00 per bench per year or 15% of advertising revenue per bench per year; and

WHEREAS, Creative Outdoor Advertising of America of Sarasota, FL bid is \$375.00/per bench per year; and

WHEREAS, it is the recommendation of Doris Dudek, Director of Purchasing that, Creative Outdoor Advertising of America of Sarasota, FL be awarded the contract; and

WHEREAS, the contract is to run for a period of five (5) years for a lease revenue of \$375.00/per bench/per year with the option to renew for an additional five (5) years.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the contract be awarded to Creative Outdoor Advertising of America of Sarasota, FL for a five (5) year contract with the option to renew for an additional five (5) years; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute a contract for the above services on a firm prepared by City Attorney.

CITY OF PASSAIC

RESOLUTION NO# 16-05-113

**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 location.

DELETION:

<u>ADDRESS</u>	<u>RESOLUTION NUMBER</u>	<u>REASON</u>
267 Madison Street	12-08-216	Updated to Personalized

SECTION 2

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

ADDITION:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
22 Tulip Street	East	Beginning at a point 195 feet south of the southerly curblineline of Oak Street and extending to a point 22 feet southerly therefrom

CITY OF PASSAIC
RESOLUTION # 16-05-114

RESOLUTION AWARDING CONTRACT FOR
GENERAL LEGAL COUNSEL
CITY OF PASSAIC

WHEREAS, proposals were received by the Director of Purchasing on Friday, April 29, 2016 for General Legal Counsel; and

WHEREAS, the proposals were solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq; and

WHEREAS, a proposal was received as per the attached list; and

WHEREAS, in addition to the attached, specifications were downloaded from the City of Passaic’s website by the following vendors, none of whom submitted proposals.

Eric M. Bernstein & Associates, LLC
Warren, NJ

WHEREAS, it is the recommendation of the Evaluation Committee that the contract for General Legal Counsel be awarded to Florio & Kenny, of Hoboken, NJ in the amount of \$

125.00/hour in an amount not to exceed \$ 175,000.00 for the fiscal year July 1, 2016 through December 31, 2016, 2016.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the contract for General Legal Counsel be awarded to Florio & Kenny, of Hoboken, NJ in the amount of \$125.00/hour in an amount not to exceed \$ 175,000.00 for the period July 1, 2016 through December 31, 2016.

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

CERTIFICATION OF FUNDS

Funds for the above are available in TY17 Account #7-01-20-155-000-122 contingent upon approval from the City Council.

CITY OF PASSAIC
RESOLUTION # 06-05-115

RESOLUTION AWARDING CONTRACT FOR
LABOR COUNSEL
CITY OF PASSAIC

WHEREAS, proposals were received by the Director of Purchasing on Friday, April 29, 2016 for Labor Counsel; and

WHEREAS, the proposals were solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq; and

WHEREAS, proposals were received as per the attached list of vendors:

WHEREAS, in addition to the attached, specifications were downloaded from the City of Passaic's website by the following vendors, none of whom submitted proposals.

DeCotiis, Fitzpatrick & Cole
Teaneck, NJ

Schwartz Simon Edelstein & Celso
Whippany, NJ

WHEREAS, it is the recommendation of the Evaluation Committee that the contract for Labor Counsel be awarded to Eric Bernstein of Warren, NJ in the amount of \$120.00/hour amount not to exceed \$75,000.00 for the fiscal year July 1, 2016 through December 31, 2016.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the contract for Labor Counsel be awarded to Eric Bernstein of Warren, NJ in the amount of \$120.00/hour in an amount not to exceed \$75,000.00 for the fiscal year July 1, 2016 through December 31, 2016.

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

CERTIFICATION OF FUNDS

Funds are available in TY17 Acct. #7-01-20-155-000-124 contingent upon approval from the Governing Body.

**CITY OF PASSAIC
RESOLUTION # 16-05-116**

**RESOLUTION AWARDING CONTRACT FOR
MUNICIPAL COURT INTERPRETER
SPANISH/ENGLISH
MONDAY THROUGH FRIDAY
MORNINGS AND AFTERNOONS
PASSAIC, NJ**

WHEREAS, proposals were received by the Director of Purchasing on Thursday, April 28, 2016 for Municipal Court Interpreter, Spanish/English, Regular Sessions; and

WHEREAS, the proposals were solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et.seq; and

WHEREAS, a proposal was received from the attached vendor:

WHEREAS, in addition to the attached, proposals were downloaded from the City of Passaic's website, none of whom submitted proposals:

Deltek	ACSI Translations
Herndon, VA	Washington, District of Columbia

WHEREAS, it is the recommendation of the Evaluation Committee, that the contract for Municipal Court Interpreter Spanish/English – Regular Sessions be awarded to Minerva Perez, of Clifton, NJ in the amount of \$ 127.00 per morning session, and \$ 127.00 per afternoon session for a total contract amount not to exceed \$ 25,000.00 for the period July 1, 2016 through December 31, 2016.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the contract for Municipal Court Interpreter Spanish/English- Regular Sessions be awarded to Minerva Perez, of Clifton, NJ in the amount of \$ 127.00 per morning session, and \$ 127.00 per afternoon session for a total contract amount not to exceed \$ 25,000.00 for the period July 1, 2016 through December 31, 2016.

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

CERTIFICATION OF FUNDS

Funds for the above are available contingent upon TY 17 Budget being approved by the Governing Body, Municipal Court Acct. #7-01-43-490-000-029.

**CITY OF PASSAIC
RESOLUTION # 16-05-117**

**RESOLUTION AWARDING CONTRACT FOR
MUNICIPAL COURT INTERPRETER – SPANISH/ENGLISH
EVENINGS**

WHEREAS, proposals were received by the Director of Purchasing on Thursday, April 28, 2016 for Municipal Court Interpreter, Spanish/English, evenings; and

WHEREAS, the proposals were solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et. seq; and

WHEREAS, a proposal was received as per the attached:

WHEREAS, in addition to the attached, proposals were downloaded from the City of Passaic's website, none of whom submitted proposals:

CERTIFICATION OF FUNDS

Funds for the above are available contingent upon Governing Body approving TY 17 Budget Audit Professional, Consultant, Special Services, Acct. #7-01-20-135-000-028 and Sewer Utility, Acct. #7-07-55-502-000-020.

CITY OF PASSAIC
RESOLUTION # 16-05-119

RESOLUTION AWARDING CONTRACT FOR
PEDIATRIC PHYSICIAN SERVICES

WHEREAS, proposals were received by the Director of Purchasing on Tuesday , May 3, 2016 for Pediatric Physician Services; and

WHEREAS, the Health Division in the City of Passaic, is mandated by the State of NJ to provide Pediatric Physician Services for their child health clinic; and

WHEREAS, the proposals were solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq., and

WHEREAS, proposals were received from the attached list of vendors:

WHEREAS, it is the recommendation of the Evaluation Committee, that Dr. Tadeusz Jedlinski, 50 Mt. Prospect Avenue, Clifton, NJ and Dr. Rodulfo Moises, a member of Allwood Pediatrics, 1040 Clifton Avenue, Clifton, NJ be awarded the contract at a cost of \$ 75.00/hr. for each pediatrician at a total cost not to exceed \$30,000.00 inclusive of both pediatricians for the period July 1, 2016 through December 31, 2016, and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Passaic that a contract for Pediatric Physician Services be awarded to Dr. Jedlinski, and Dr. Rodulfo Moises, a member of Allwood Pediatrics at a cost of \$75.00/hour for each pediatrician, at a total cost not to exceed \$30,000.00 inclusive of both pediatricians for the period July 1, 2016 through December 31, 2016.

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

CERTIFICATION OF FUNDS

Funds for the above are available contingent upon Governing Body approving TY 17 Budget Account #7-01-27-330-000-029.

RESOLUTION NO. 16-05-120

RESOLUTION - TRANSFERS FISCAL YEAR – 2016 BUDGET

BE IT RESOLVED by the City Council of the City of Passaic in the County of Passaic and State of New Jersey, that, the following transfers are made from the Fiscal Year 2016 Municipal Budget Appropriations:

<u>DEPARTMENT</u>		<u>FROM</u>	<u>TO</u>
EMS	S&W	325,000.00	
Admin & Executive	OE		30,000.00
Purchasing	S&W		6,000.00
Clerk	S&W		8,000.00
Vital Statistics	S&W		2,000.00
Audit	OE		8,000.00
Tax Assessor	S&W		25,000.00

Legal Counsel	OE		5,000.00
Housing	S&W	11,500.00	
Health Dept	S&W	50,000.00	
Animal Control	S&W	29,000.00	
Recreation	S&W	4,000.00	
Senior Citizens	S&W	1,500.00	
Handicap Rec	S&W	1,000.00	
FICA Statutory	OE		86,000.00
DCRP	OE		6,000.00
Municipal Court	S&W	40,000.00	
Municipal Court	OE		12,000.00
Planning & Eco.Development	S&W	10,000.00	
Planning & Eco.Development	OE		10,000.00
Streets & Roads	S&W	50,000.00	
Streets & Roads	OE		50,000.00
TOTAL		385,000.00	178,000.00
TOTAL		385,000.00	207,000.00
			385,000.00

City of Passaic

Resolution NO 16-05-121

AN RESOLUTION REFERRING PROPOSED AMENDMENT TO SCATTERED SITE REDEVELOPMENT PLAN FOR 217 BROOK AVENUE TO PLANNING BOARD FOR RECOMMENDATION

WHEREAS, the City of Passaic declared twelve (12) redevelopment areas as an “area in need of redevelopment or an area in need of rehabilitation” pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented, (hereinafter referred to as the “Redevelopment Law”); and

WHEREAS, the City adopted a Scattered Site Redevelopment Plan, City of Passaic, New Jersey, dated February 2, 2004; and

WHEREAS, the City Council adopted Resolution 16-01-007 on January 12, 2016 accepting the recommendation of the City’s Planning Board to designate the real property identified on the tax map of the City of Passaic as Block 3319, Lot 1 (inclusive of the adjacent New Jersey Transit Right-of-Way); Block 3318A, Lots 7 and 20; Block 3318C, Lots 9 and 20; and approximately five (5) feet of Amsterdam Avenue adjacent to 217 Brook Avenue and commonly known 217 Brook Avenue, Passaic, New Jersey as an “Area in Need of Redevelopment” under the “Scattered Site Redevelopment Plan”; and

WHEREAS, the City Planner has prepared the attached Amendment to the Scattered Site Redevelopment Plan to include the redevelopment of 217 Brook Avenue.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Passaic that the attached Amendment to the Scattered Site Redevelopment Plan is hereby referred to the City’s Planning Board for review and recommendation.

**CITY OF PASSAIC
RESOLUTION NO. 16-05-122**

**RESOLUTION SUBMITTING AN APPLICATION FOR FUNDING THROUGH THE
PASSAIC COUNTY OPEN SPACE AND FARMLAND PRESERVATION TRUST
FUND FOR IMPROVEMENTS INCLUDING BUT NOT LIMITED TO THE TURF
BASEBALL/SOCCER FIELD AT CHRISTOPHER COLUMBUS PARK, IN THE
AMOUNT OF \$500,000; AND**

WHEREAS, the Mayor and Council of the City of Passaic are desirous of submitting an application for funding through the Passaic County Open Space and Farmland Preservation Trust Fund for improvements including but not limited to the turf baseball/soccer field at Christopher Columbus Park, in the amount of \$500,000; and

WHEREAS, pursuant to the State Shared Services Act, such funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the City of Passaic;

NOW, THEREFORE BE IT RESOLVED the Mayor and Council of the City of Passaic do hereby confirm endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, the Mayor and Council certify the resolution for the application to be presented to the Passaic County Department of Planning and Economic Development.

**CITY OF PASSAIC
RESOLUTION # 16-05-123**

**RESOLUTION AUTHORIZING CONFLICT COUNSEL FOR THE CITY OF
PASSAIC TO UNDERTAKE AN INVESTIGATION REGARDING THE
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the City of Passaic has been made aware of allegations of improper conduct with respect to the Department of Public Works, specifically, but not limited to, the failure to cooperate with the re-structuring of that Department and its duties; and

WHEREAS, the City of Passaic wishes to retain legal counsel to conduct a fact-finding investigation into such allegations; and

WHEREAS, the law firm of DeCotiis, Fitzpatrick & Cole, LLP, Teaneck, New Jersey has already been retained to serve as Conflicts Counsel for the City of Passaic at the rate of \$150.00 per hour, not to exceed \$5,000.00 per year, for the period of July 1, 2015 through June 30, 2016 and is qualified to conduct such investigation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Passaic that the law firm of DeCotiis, Fitzpatrick & Cole, LLP, Teaneck, New Jersey is hereby authorized and directed to undertake a fact-finding investigation into the allegations of improper conduct with respect to the Department of Public Works, specifically, but not limited to, the failure to cooperate with the re-structuring of that Department and its duties; and be it

FURTHER RESOLVED that DeCotiis, Fitzpatrick & Cole, LLP shall have the power to conduct examination of necessary documents and/or interviews of necessary persons and to do all that is otherwise necessary and proper with respect to the conduct of said investigation; and be it

FURTHER RESOLVED that DeCotiis, Fitzpatrick & Cole, LLP shall undertake such investigation pursuant to the terms and conditions of its Contract with the City of Passaic as

Conflicts Counsel; and be it

FURTHER RESOLVED that DeCotiis, Fitzpatrick & Cole, LLP shall report to the City Attorney as necessary and appropriate.

CITY OF PASSAIC
RESOLUTION # 16-05-124

RESOLUTION AWARDING CONTRACT FOR
ALCOHOL BEVERAGE CONTROL (ABC) PROSECUTOR
CITY OF PASSAIC

WHEREAS, proposals were received by the Director of Purchasing on Wednesday, April 27 , 2016 for Alcohol Beverage Control (ABC) Prosecutor; and

WHEREAS, the proposals were solicited through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et.seq; and

WHEREAS, a proposal was received from the attached list :

WHEREAS, in addition to the attached, proposals were also downloaded from the City of Passaic’s website by the following, none of whom submitted proposals:

- | | |
|------------|----------------------|
| Bidnet | The Ottery Group |
| Albany, NY | Kensington, Maryland |

WHEREAS, it is recommendation of the Evaluation Committee that the contract for Alcohol Beverage Control (ABC) Prosecutor be awarded to Vincenzo Stampone, of Haledon, NJ in the amount of \$ 125/hour with a total contract amount not to exceed \$15,000.00 for the period July 1, 2016 through December 31, 2016.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the contract for Alcohol Beverage Control (ABC) Prosecutor be awarded to Vincenzo Stampone, of Haledon, NJ in the amount of \$ 125.00/hour with a total contract amount not to exceed \$15,000.00 for the period July 1, 2016 through December 31, 2016.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute a contract for the above on a form prepared by Corporation Counsel.

CERTIFICATION OF FUNDS

Funds for the above are available contingent upon Governing Body approving TY 17 budget Prosecutor O.E. Acct. #7-01-25-275-000-029.

CITY OF PASSAIC
RESOLUTION NO. 16-05-125

RESOLUTION APPROVING EMERGENCY WORK ON SANITARY SEWER PIPE
4TH STREET BETWEEN VIRGINIA AND MONROE STREET

WHEREAS, on April 29, 2016, a Sewer Emergency was declared due to a collapse of the Sanitary Sewer pipe on 4th Street, between Virginia and Monroe Street; and

WHEREAS, it was the determination of Olga Garcia, City Engineer, that this posed a serious potential for a safety and health hazard; and

WHEREAS, emergency purchases and contracts may be negotiated and awarded without public advertising for bids pursuant to N.J.S.A. 40A:11-6; and

WHEREAS, this repair was for heavy duty cleaning, vacuuming and camera inspection; and

WHEREAS, the cost for this service was \$ 7,925.00.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that payment to Accurate Waste Systems, Inc. is hereby authorized.

CERTIFICATION OF FUNDS

Funds for the above are available in Acct. # B-1241-BG5-932-9RD.

ROLL CALL

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

ABSENT: Melo

ORDINANCE(S) FOR INTRODUCTION AND FIRST READING

Council President Schaer read said Ordinance by title.

Councilman Schwartz moved the Ordinance be approved on first reading. Motion was seconded by Councilwoman Polanco the public hearing be held on May 24, 2016.

CITY OF PASSAIC

ORDINANCE NO# 2053-16

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

295-32.2.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 Broadway	North	Beginning at a point 159 feet west of the westerly curblineline of Prospect Street and extending to a point 26 feet westerly therefrom	HZ7992
78 Central Avenue	East	Beginning at a point 175 feet north of the northerly curblineline of Quincy Street and extending to a point 22 feet northerly therefrom	SZX54G

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143 Gregory Avenue	South	Beginning at a point 225 feet west of the westerly curblineline of Pennington Avenue and extending to a point 20 feet westerly therefrom	WHY35N
293 Oak Street	South	Beginning at a point 68 feet west of the westerly curblineline of Grove Street and extending to a point 25 feet westerly therefrom	E61AME
80 Passaic Avenue	North	Beginning at a point 105 feet west of the westerly curblineline of Gregory Avenue and extending to a point 20 feet westerly therefrom	MCA47D
80 Paulison Avenue	North	Beginning at a point 35 feet south of the southerly curblineline of High Street and extending to a point 18 feet southerly therefrom	V93APM
222 Paulison Avenue	East	Beginning at a point 185 feet south of the southerly curblineline of Meade Avenue and extending to a point 22 feet northerly therefrom	HW4164
55 Washington Street	South	Beginning at a point 481 feet east of the easterly curblineline of Columbia Street and extending to a point 22 feet easterly therefrom	F10EGS

ADDITION:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>	<u>PLATE #</u>
36 Aycrigg Avenue	North	Beginning at a point 176 feet west of the westerly curblineline of River Drive and extending to a point 20 feet westerly therefrom	W24BWD
427 Broadway	South	Beginning at a point 235 feet east of the easterly curblineline of Pearl Street and extending to a point 22 feet easterly therefrom	VYK33B
78 Central Avenue	East	Beginning at a point 175 feet north of the northerly curblineline of Quincy Street and extending to a point 22 feet northerly therefrom	E87FRY
51 Fourth Street	West	Beginning at a point 133 feet south of the southerly curblineline of Essex Street and extending to a point 20 feet southerly therefrom	VWT30L
101 Grant Street	South	Beginning at a point 174 feet east of the easterly curblineline of Lafayette Avenue and extending to a point 21 feet easterly therefrom	2987HC
143 Gregory Avenue	South	Beginning at a point 225 feet west of the westerly curblineline of	VHY35N

		Pennington Avenue and extending to a point 20 feet westerly therefrom	
512 Gregory Avenue	North	Beginning at a point 122 feet west of the westerly curblines of Kruger Place and extending to a point 22 feet westerly therefrom	P64AKM
453 Harrison Street	South	Beginning at a point 62 feet west of the westerly curblines of Myrtle Avenue and extending to a point 20 feet westerly therefrom	5338HC
267 Madison Street	South	Beginning at a point 76 feet west of the westerly curblines of Leonard Place and extending to a point 22 feet westerly therefrom	LF381R
293 Oak Street	South	Beginning at a point 68 feet west of the westerly curblines of Grove Street and extending to a point 25 feet westerly therefrom	H41GLC
37 Parker Avenue	West	Beginning at a point 36 feet north of the northerly curblines of Jackson Street and extending to a point 22 feet northerly therefrom	G75GKL
133 Parker Avenue	West	Beginning at a point 82 feet south of the southerly curblines of Brinlerhoff Place and extending to a point 22 feet southerly therefrom	BD90LE
80 Passaic Avenue	North	Beginning at a point 105 feet west of the westerly curblines of Gregory Avenue and extending to a point 20 feet westerly therefrom	Y77GND
222 Paulison Avenue	East	Beginning at a point 185 feet south of the southerly curblines of Meade Avenue and extending to a point 22 feet northerly therefrom	5348HC
27 Springs Street	East	Beginning at a point 34 feet north of the northerly curblines of Carlton Place and extending to a point 22 feet northerly therefrom	PFY22N
55 Washington Street	South	Beginning at a point 436 feet east of the easterly curblines of Columbia Street and extending to a point 22 feet easterly therefrom	F10EGS

ROLL CALL

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

ABSENT: Melo

Council President Schaer read said Ordinance by title.

Councilman Schwartz moved the Ordinance be approved on first reading. Motion was seconded by Councilwoman Polanco the public hearing be held on May 24, 2016.

City of Passaic
Ordinance No. 2054-16

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF PASSAIC TO
CREATE CHAPTER 151, "FORECLOSURE PROPERTIES."**

WHEREAS, N.J.S.A. 40:48-2 provides in relevant part that a municipality may make and enforce such ordinances, rules and regulations 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 persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, N.J.S.A. 46:10B-51(a) provides in relevant part that a creditor serving a summons and complaint in an action to foreclose on a mortgage on residential property in this state shall, within ten (10) days of serving the summons and complaint, notify the municipal clerk of the municipality in which the property is located that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property. The notice shall contain the name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations. The notice may contain information about more than one property, and shall be provided by mail or electronic communication, at the discretion of the municipal clerk. The notice shall also include the street address, lot and block number of the property and the full name and contact information of an individual located within the state who is authorized to accept service on behalf of the creditor; and

WHEREAS, N.J.S.A. 46:10B-51(b) provides in relevant part that if the owner of a residential property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a residential property becomes vacant at any point subsequent to the creditor's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the creditor or any other third party, and the property is found to be a nuisance or in violation of any applicable state or local code, the appropriate local municipal official shall notify the creditor of the nuisance or violation. The creditor shall have the responsibility to abate the nuisance or correct the violation in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by state law or municipal ordinance; and

WHEREAS, N.J.S.A. 46:10B-51(c) provides in relevant part that if the municipality expends public funds in order to abate a nuisance or correct a violation on a residential property in situations where the creditor was given notice pursuant to the aforesaid statute but failed to abate the nuisance or correct the violation as directed, the municipality shall have the same recourse against the creditor as it would have against the title owner of the property including, but not limited to, the recourse provided under N.J.S.A. 55:19-100; and

WHEREAS, N.J.S.A. 46:10B-51.1 provides in relevant part that the owner of any non-owner-occupied residential property who takes title to the property as the result of a sheriff's sale or deed in lieu of foreclosure, other than an owner who has previously provided notice to the municipality pursuant to N.J.S.A. 46:10B-51, shall provide notice, within ten (10) business days, to the municipal clerk of the municipality wherein the property is located providing the name and address of the owner. If the owner is not located within New Jersey, then the owner shall designate an agent within New Jersey, including the agent's address, who is authorized to accept service of process on behalf of the property owner; and

WHEREAS, N.J.S.A. 55:19-100 provides in relevant part that with respect to any lien placed against any real property pursuant to the provisions of N.J.S.A. 40:48-2.3 or N.J.S.A. 40:48-2.3a or N.J.S.A. 40:48-2.5 or any receiver's lien pursuant to N.J.S.A. 2A:42-114 et seq., the municipality shall have recourse with respect to the lien against any asset of the owner of the property if an individual, against any asset of any partner if a partnership, and against any asset of any owner of a ten-percent interest or greater if the owner is any other business organization or entity recognized pursuant to law; and

WHEREAS, the City of Passaic finds and declares that residential properties with pending foreclosure proceedings typically become vacant. These vacant properties if not maintained rapidly become eyesores with unkempt lawns and overgrown vegetation, broker doors and windows, and deteriorating structures. These properties create a wide range of negative secondary effects in the neighborhoods where they are located in that they foster criminal activity, create public health problems, and otherwise diminish the quality of life for residents and business operators located in those areas; and

WHEREAS, the City of Passaic finds and declares that residential properties with pending foreclosure proceedings which have become vacant typically are not maintained by the creditor who has filed the foreclosure proceedings. These vacant properties deteriorate by neglect and diminish property values of neighboring properties, increase the risk of property damage through arson and vandalism, and discourage neighborhood stability and revitalization; and

WHEREAS, the City of Passaic finds and declares that there are vacant residential properties located within the City that constitute a nuisance which require the abatement or removal of the nuisance by summary proceedings. Where a creditor has filed a summons and complaint for the foreclosure of a mortgage on a residential property that is vacant, the creditor is responsible for the abatement or removal of the nuisance; and

WHEREAS, the City of Passaic finds and declares that there are vacant residential properties located within the City that have violations of Chapter 219, "Property Maintenance," which require affirmative action to correct the violation to protect the public health, safety or welfare. Where a creditor has filed a summons and complaint for the foreclosure of a mortgage on a residential property that is vacant, the creditor is responsible for the correction of the violation of Chapter 219, "Property Maintenance;" and

WHEREAS, it is the purpose and intent of this Chapter to require the registration of residential properties where a creditor has filed a summons and complaint for the foreclosure of a mortgage on the property so that the City can identify these properties, inspect the structures, monitor the condition of the properties, insure that the properties are maintained, and have a data base of information to contact and provide legal notice to the creditor.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Passaic that the City Code of the City of Passaic is hereby amended to create Chapter 151, "Foreclosure Properties," as follows:

SECTION I

**NEW SECTIONS ARE UNDERLINED
THERE ARE NO DELATIONS**

CHAPTER 151 Foreclosure Properties

§ 151-1 Definitions.

As used in this Chapter, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended..

CREDITOR

A state chartered bank, savings bank, savings and loan association or credit union, any

person required to be licensed under the provisions of the New Jersey licensed Lenders Act, (N.J.S.A. 17:11C-1 et seq.) and any entity action on behalf of the creditor named in the debt obligations, including, but not limited to, servicers.

IMMEDIATE FAMILY MEMBER

Grandfather, grandmother, father, mother, son, daughter, grandson, granddaughter, brother, sister, uncle or aunt.

RESIDENTIAL PROPERTY

A single-family, owner-occupied residential dwelling. It shall also include a single-family residential dwelling which is occupied by an immediate family member of the person who owns the property.

§ 151-2 Property Maintenance.

Chapter 219, "Property Maintenance," is hereby made applicable to all residential properties where a creditor has filed a summons and complaint for the foreclosure of a mortgage.

§ 151-3 Registration.

A. A creditor filing a summons and complaint to foreclose a mortgage on residential property within the City must also register the dwelling with the City through the City Clerk's Office within thirty (30) days from the date the Complaint is filed with the Court.

B. The registration form shall include the full name and contact information of an individual located within the State of New Jersey who is authorized to accept service on behalf of the creditor. The registration form shall be accompanied with a registration fee of \$250.00 for each dwelling for the first year and \$500.00 for each dwelling in each subsequent year. Registration forms shall be available at the City Clerk's Office. Registrants shall deliver the completed and executed form to the City Clerk along with a check made payable to the City of Passaic. A separate registration form is required for each house, commercial property, townhouse, condominium or duplex that is the subject of a foreclosure action.

C. The cost of inspections is included in the fee charged above.

D. Property registration shall be renewed every twelve (12) months. The renewal form shall be due on the anniversary date following the original registration date. Failure to register a property on a timely basis shall result in the assessment of civil penalties. It shall be the responsibility of the registrant to notify the City Clerk in writing whenever there is a change in the contact information of the registrant.

§ 151-4. Responsible Party

A. Both the owner and occupant in possession of the subject property is a responsible party for the upkeep of the property; provided that: if a residential or commercial property becomes a vacant at any point subsequent to the filing of a summons and complaint but prior to vesting of title in the creditor/lender, the creditor/lender is also a responsible party for the upkeep of the property. This obligation includes abatement of a nuisance and correction of violations of the municipal property maintenance code. If a residential or commercial property becomes vacant, the creditor/lender shall be the responsible party thirty (30) days after receiving notice from the municipality that the property has become vacant. Said notice must be sent to the creditor/lender by certified mail. If the certified mail has not been able to be delivered, the thirty (30) days shall run from the time of the property's being posted in a conspicuous place or a notice's being forwarded by regular mail to the last known address of the creditor as noted in the records of the Tax Collector.

§ 151-5. Inspection

Once a home is registered, the City Clerk shall notify the Division of Code

Enforcement who shall send an inspector to the property to determine whether there are any violations of the Chapter 219, "Property Maintenance." After the inspection, a letter shall be sent to the responsible party indicating what problems must be remedied. The letter shall state the time period for the completion of the work. A re-inspection of the property shall take place at the end of that time period to determine whether compliance has occurred.

§ 151-6. Violations and Penalties

It shall be unlawful for any person to be in conflict with, or in violation of, any of the provisions of this Chapter. Each day that a violation continues, after the notice of violation and order for compliance has been served and the time specified in the order has expired, shall constitute a separate offense. Any person who shall violate the regulations contained herein shall be subject to a fine of not less than \$500 nor more than \$1,000 for each offense. Repeat offenders shall be subject to a fine of not less than \$1,000 nor more than \$2,000. Repeat offenders may also be sentenced to a term of community service not extending ninety (90) days.

§ 151-7. Assessment of Lien

If the municipality expends public funds in order to abate a nuisance or correct a violation of Chapter 219, "Property Maintenance," on a residential property in situations in which the creditor was given notice pursuant to this article, but failed to abate the nuisance or correct the violations as directed, the municipality shall have the same recourse against the creditor as it would have against the title owner of the property. The municipality may assess a lien against the subject property for the moneys expended by the municipality. This lien may be enforced and collected in the same manner as real estate taxes are enforced and collected.

SECTION II

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 III

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

SECTION IV

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

ROLL CALL

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

ABSENT: Melo

Council President Schaer read said Ordinance by title.

Councilman Schaer moved the Ordinance be approved on first reading. Motion was seconded by Councilwoman Polanco the public hearing be held on May 24, 2016.

**City of Passaic
Ordinance No.2055-16**

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF PASSAIC,
CHAPTER 125, "DWELLING UNITS," SECTION 3, "UNAPPROVED OCCUPANCY
OF ATTICS PROHIBITED," TO PERMIT ATTIC BATHTUBS.**

WHEREAS, N.J.S.A. 40:48-2 provides in relevant part that a municipality may make and enforce such ordinances, rules and regulations 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 persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the City Code of the City of Passaic, Chapter 125, "Dwelling Units," Section 3, "Unapproved Occupancy of Attics Prohibited," currently limits an attic bathroom to a stall shower, toilet and vanity; and

WHEREAS, the City of Passaic wishes to amend City Code of the City of Passaic, Chapter 125, "Dwelling Units," Section 3, "Unapproved Occupancy of Attics Prohibited," to permit the installation/usage of an attic bathtub.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Passaic that the City Code of the City of Passaic, Chapter 125, "Dwelling Units," Section 3, "Unapproved Occupancy of Attics Prohibited," is hereby amended as follows:

SECTION I

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

§ 125-3 Unapproved occupancy of attics prohibited.

Any residential attic used for other than incidental storage must meet the following criteria:

- A. Under no circumstances shall the attic be offered as a separate dwelling unit, rooming unit or independent rooming unit.
- B. The attic must be an integral part of the dwelling unit below and shall not be leased to any party. Attic occupant(s) shall have full use of the floor below.
- C. Access to the attic shall be through the dwelling unit immediately below the attic. If fire exits are required, only egress shall be allowed. Entrance to the attic through fire exits shall be prohibited, and proper door hardware shall be installed to prevent entry.
- D. The attic shall be limited to having only a stall shower, bathtub, toilet and vanity.
- E. There shall be no kitchen or food cooking/preparing facilities (hotplates, refrigerator, food cabinets or sink) permitted in the attic.
- F. One door leading to the stairwell between the attic and the unit immediately below will be allowed. The door will be at the lower level of the stairwell and will have no locks on the door. The door will be a thirty-minute-fire-resistant-rated door.
- G. Egress windows must be installed in every attic bedroom prior to occupancy.
- H. Fire stopping must be installed throughout the attic at the floor level in all walls which communicate with a lower floor or level; must obtain certificate of occupancy for attic part and parcel.

- I. Preexisting thirty-six-inch width stairways may remain. Any existing stairway less than thirty-six-inch width shall be enlarged to 44 inches in width and no variations of the Uniform Construction Code.
- J. All walls and ceilings in an attic unit must have a minimum one-hour fire rating.
- K. All floors of the building, including any basements, subbasements, cellars, etc., shall have interconnected, hardwired smoke detectors with battery backup. Plans for placement of detectors must be approved by the Fire Department and Fire Subcode Official prior to occupancy of the attic dwelling unit.
- L. An exterior flashing strobe light connected to the smoke detector system shall be installed on the street address side of the building at the peak of the roofline in such a manner as to be visible from the curb line of the building to indicate attic occupancy.
- M. Only family members of the dwelling unit immediately below the attic shall be permitted to occupy the attic. Family members shall include parents, children, grandparents, brothers, sisters, aunts, uncles, nieces and nephews.
- N. The number of occupants permitted in the attic area shall be based on the number of square feet of living space in the attic. This is to avoid overcrowding conditions. Ceiling height must be seven feet for at least 70 square feet of the room or space. Not to be counted is any portion of the room less than five feet in height.
- O. The attic dwelling unit must be inspected and approved by all applicable city agencies before occupancy and may be subject to annual inspections.
- P. Existing legal attic dwelling units are exempt from compliance with this section except for the requirements under Subsections K and L above. Existing attic units will have a period of 90 days after the adoption of this section to come into compliance with Subsections K and L. All existing requirements for the occupancy shall be adhered to. Should renovations of the building exceed 25% of the value of the building or should the attic be damaged due to a fire, that unit must be brought into compliance with this revised section before being reoccupied.
- Q. In addition to the above requirements, the following codes and regulations pertaining to attic use shall be enforced, along with all applicable codes enforced by the City of Passaic.
 - (1) Plans are to be submitted for existing rooms; sub code officials are to determine if they need to be signed and sealed by an architect.
 - (2) Signed and sealed plans are required for the construction of any room.
 - (3) All work performed is to conform to the most recent editions of the following codes:
 - (a) Uniform Construction Code N.J.A.C. 5:23-1.1 et. seq.
 - (b) BOCA Code.
 - (c) National Electrical Code.
 - (d) National Standard Plumbing Code.
 - (4) Observance of the regulations presently in effect is mandatory.
 - (a) Useable floor area of the attic shall not exceed 1/3 of the floor area below.
 - (b) Each room shall have adequate outlets.

- (c) Each bathroom outlet must be a ground fault interrupter (GFI) outlet.
 - (d) Rooms used for sleeping must have an operable window with the minimum clear opening of 5.7 square feet.
 - (5) Necessary permits are to be obtained before any work begins.
 - (6) Rooms are not to be occupied until a Uniform Construction Code (UCC) certificate of occupancy is issued.
 - (7) The entrance to the attic must be through the second floor apartment.
 - (8) Smoke detectors shall be installed within each bedroom, and a second hardwired battery backup interconnected smoke detector shall be installed in the immediate vicinity of the bedrooms, including the floor below. In addition to the above, smoke detectors are to be installed at every floor level, hardwired battery backup.
- R. No portable heating appliances shall be used in the attic.
- S. Privacy locks only will be permitted on bedroom doors.

SECTION II

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 III

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

SECTION IV

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

ROLL CALL

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

ABSENT: Melo

HEARING:

On advice of Counsel, motion made by Councilman Garcia and seconded by Councilwoman Polanco said hearing was ADJOURNED without prejudice until May 24, 2016

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

ROLL CALL

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

ABSENT: Melo

Councilwoman Melo took seat on Dais

PAYMENT OF BILLS

On a motion by Councilwoman Polanco and seconded by Councilwoman Melo the **PAYMENT OF BILLS WERE ACCEPTED AND ENGROSSED** Including add on PO 16-05153

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)

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 8:30 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

