

October 6, 2016 Minutes

A WORK-SESSION WAS HELD ON THURSDAY OCTOBER 6, 2016 AT 5:30 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 THURSDAY, OCTOBER 6, 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: Munk, Polanco, Schwartz, Council President Schaer.

ABSENT: Garcia, Love, Melo

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

Council President on the chair

Council President continued work session with an informal review and discussion regarding agenda items.

Councilman Love walked-in

At the request of Administration the following item (17C) was taken off the agenda:

RESOLUTION AUTHORIZING THE CITY OF PASSAIC TO ENTER INTO SEPARATION AGREEMENT WITH ROSARIO CAPUANA.

The following RESOLUTION WAS ADDED TO THE AGENDA:

RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH 220 PASSAIC STREET ASSOCIATES CORP. FOR PAVING AND IMPROVEMENTS OF A PORTION OF BLOCK 1038 LOT 2 PASSAIC NEW JERSEY

At this point in the meeting, Ricardo Fernandez, conducted a power point presentation regarding "City of Passaic Parking Meters" The presentation indicated the existing parking revenues and the options available through the Proposed MPS Sentry Total System Solution for parking meters and MPS revenue share proposal.

After a brief discussion it was the consensus of the council to consider item 17A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH MUNICIPAL PARKING SERVICES INC. FOR 60 DAY PILOT PROGRAM FOR INSTALLATION, MAINTENANCE AND MANAGEMENT OF SENTRY PARKING METER SYSTEM

Council President Schaer stepped out of the meeting Councilman Love on the chair.

After a brief discussion, on a motion by Councilman Love, and seconded by Councilwoman Polanco the Work-session meeting was adjourned

ROLL CALL:

PRESENT: Love, Munk, Polanco, Schwartz.

ABSENT: Garcia, Melo

A REGULAR PUBLIC MEETING OF THE CITY COUNCIL OF THE CITY OF PASSAIC WAS HELD ON THURSDAY, OCTOBER 6, 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 APRIL 20, 2016 SETTING FORTH A SCHEDULE OF REGULAR MEETINGS FOR THE TRANSITIONAL YEAR SFY 2016-2017, WHICH WAS PLACED ON THE CITY HALL BULLETIN BOARD BY THE OFFICE OF THE CITY CLERK

PRESENT: Love, Polanco, Schwartz, Council President Schaer

ABSENT: Garcia, Melo, Munk

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

Invocation was rendered by Councilman Garcia followed by the Pledge of Allegiance

Council President Schaer advised Council members of addendums: Item No. 17A, 17B, 17D

Item No. 17C was taken off the agenda

Council Meeting Minutes September 20, 2016 submitted for approval.

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

ROLL CALL

AYES: Munk, Love, Polanco, Schwartz, Council president Schaer

Absent: Melo, Garcia

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.

Jessica Rojas; 79 Philip Avenue, Glenrock, NJ

Expressed concerns regarding Lt. Rastatter personnel matter status

Rosa Chin Ortiz; 235 Monroe Street, *expressed concerns regarding her daughter Lt. Rastatter's personnel matter status*

Jen Rivera; 560 Summit Avenue, Hackensack, NJ *Expressed concerns regarding Det. Rastatter personnel matter status*

Mr. Ryan; 157 Division Avenue, Garfield, NJ *expressed concerns regarding Det. Rastatter personnel matter status*

Mr. Sirranok Baldea- President of Pulse Newspaper Paterson, NJ ; *expressed concerns regarding Lt. Rasttater personnel matter status, and questioned the status of the Mayor.*

Lydia Morales, 229 Eighth Street, Bloomfield, NJ *expressed concerns regarding Det. Rastatter personnel matter status*

Luis Santiago, Passaic, NJ, *expressed concerns regarding Det. Rastatter personnel matter status. Questioned Item No. 4 on the agenda re: Taxation and Tax Abatements 2015-16.*

Matthew Caluso, Attorney for Lt. Rasttater: *spoke regarding Lt. Rastatter's personnel status*

Howard , 245 Hope Avenue; *expressed concerns re: Lt. Rasttater Personnel matter status*

Diana, 44 Franklin Place, Totowa, NJ; *expressed concerns re: Lt. Rastatter's personnel matter status.*

Jaroslawn Jackiw; 266 Lafayette Avenue: *Made the following questions: 1) If the Executive Director of the Redevelopment Agency would give the public an update on the Old St. Mary's/Pennington Avenue Properties? 2) Can the Business Administrator advise the public, as to the status of the City of Passaic Web Site updates as of October 6, 2016? 3) Can the Business Administrator give the public and update on the TIGER grant, as of October 6 2016? 4) Can the Business Administrator advise the public, if the City has received any input from the County and other stake holders, to create a River walk at the North Pulaski Park and Dundee Island Park areas as of October 6, 2016? 5) Can the City Finance Director advice the public if any purchase order and or invoices where submitted to the Board of Education in September 2016, as per Shared Services Agreement Resolution No. 15-12-261, for the rehabilitations of Christopher Columbus Park? 6) Can the Director of Community Development & Housing Department, advise the public as to the status of abatement i.e. 219/15/16 issues, at Greenwood Lake*

Properties (between Pulaski Park and Dundee Island Park?, as of October 6, 2016? 7) Can the Director of DPW, advice the public if any action was taken to repair and or replace the damaged fence etc; at the Memorial Fountain-Robert Granger Benson Heritage Plaza, at Prospect Street across Passaic Avenue in September 2016? 8) Can the Director of Parks advice the public if any action was taken in September of 2016, to clean up - repair etc. any of the ancillary parks, within the City of Passaic Park System.

Jeffrey Dye, 443 Howe Avenue; expressed concerns regarding Lt. Rastatter's personnel matter status

Steve Siklosi, 23 Orchard Street: questioned Item No. 4 on the agenda 2015-16? , stated he was glad to see contractors at the 663 Main street Site. Questioned Item No. 16?

Joe Conoscenti, 170 Broadway: requested an update on photos submitted at the last meeting, expressed concerns re: School #11 parking situation on Sundays, re: potholes, missing trees on Passaic Avenue, re: World War II Veterans plaque, the threstle is horrible, missing fence and broken walls. City Hall Police Station lighting. 297 Paulison Avenue trees hanging, and maintenance needed at the parks.

Arnold De Jesus 261 Passaic Street; Spoke regarding the Boys Scout Project to renovate Veterans Memorials.

Jesse Romero 33 Jefferson Street; expressed concerns regarding Lt. Rastatter personnel matter status.

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

ROLL CALL

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

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

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

ORDINANCE NO. 2072-16

ORDINANCE AMENDING CITY CODE OF THE CITY OF PASSAIC, CHAPTER 295, "VEHICLES AND TRAFFIC," ARTICLE XII, "SCHEDULES," TO CREATE SECTION 20.1 "SCHEDULE IIA: OFFICIAL PARKING

Councilman Munk 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: Love, Polanco, Schwartz, Council President Schaer

ABSENT: Garcia, Melo

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

ROLL CALL

AYES: Love, Polanco, Schwartz, Council President Schaer

ABSENT: Garcia, Melo

Councilman Munk 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: Love, Polanco, Schwartz, Council President Schaer

ABSENT: Garcia, Melo

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

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

ORDINANCE NO. 2073-16

ORDINANCE AMENDING THE CITY CODE OF THE CITY OF PASSAIC, CHAPTER 175, "LANDSCAPING," SECTION 6, "LANDSCAPER'S RESPONSIBILITIES," TO ELIMINATE PROVISION ALLOWING DISPOSAL OF LEAVES AT MUNICIPAL DUMP SITE

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

Steve Siklosi, 23 Orchard St: Why are we allowing the Landscapers to bag the leaves and leave them in front of the residents property, other towns banned it altogether. If the Municipality is hired to do the work the Landscapers has the responsibility to dispose them outside the Municipality

After ample opportunity given and no one else responding on a motion by Councilman Munk and seconded by Councilman Love public

hearing on said ordinance was closed.

ROLL CALL

AYES: Love, Polanco, Schwartz, Council President Schaer

ABSENT: Garcia, Melo

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

ROLL CALL

AYES: Love, Polanco, Schwartz, Council President Schaer

ABSENT: Garcia, Melo

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

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

ORDINANCE NO. 2074-16

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

Councilman Munk moved a public hearing to be held on Ordinance. Motion was seconded by Councilwoman Love, 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: Love, Polanco, Schwartz, Council President Schaer

ABSENT: Garcia, Melo

Steve Siklosi, 23 Orchard Street: How many are we adding?

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

ROLL CALL

AYES: Love, Polanco, Schwartz, Council President Schaer

ABSENT: Garcia, Melo

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

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

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

ORDINANCE NO. 2075-16

ORDINANCE AMENDING THE CITY CODE OF THE CITY OF PASSAIC, CHAPTER 275, "TAXATION," ARTICLE II, "TAX ABATEMENT ON RESIDENTIAL, COMMERCIAL AND INDUSTRIAL IMPROVEMENTS AND PROJECTS," TO RE-ADOPT PROVISIONS FOR FIVE YEAR TAX EXEMPTION AND/OR ABATEMENT

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

Steve Siklosi, 23 Orchard Street: This is indicating residential and commercial. Why is it for 5 years?

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

ROLL CALL

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

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

COMMUNICATIONS AND PETITIONS

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

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

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

- Mayors 5K Run, on October 23, 2016 from 7:00 a.m. to 3:00 p.m. commencing in front of Passaic City Hall . (*Contingent Upon Departmental Approvals*)
- Parade on October 29, 2016 from 10:00 a.m. to 12:00 p.m. the Parade will commence at Passaic City Hall, 330 Passaic Street, Passaic Avenue to Gregory Avenue ending in Christopher Columbus Park *Contingent Upon Departmental Approvals*)
- Community Harvest Festival, on October 29, 2016 from 12:00 p.m. to 4:00 p.m. in the Indoor Sports Facility & Christopher Columbus Park *Contingent Upon Departmental Approvals*)
- Santa in the Courtyard, December 4, 2016, from 3:00 p.m. to 6:00 p.m. in the Passaic City Hall Courtyard. (*Contingent Upon Departmental Approvals*)

St. Nicholas R.C. Church, 153 Washington Place, submitting application to hold a Flea Market in their Rectory Yard, on October 15, 2016 from 10:00 a.m. to 4:00 p.m. (*Contingent Upon Departmental Approvals*)

ROLL CALL

AYES: Love, Polanco, Schwartz, Council President Schaer

ABSENT: Garcia, 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) WERE VOTED ON BY ONE MOTION

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

Price, Meese, Shulman, & D'Arminio, submitting the following notice re: Application for preliminary and Final Site Approval Yesiva Ktana of Passaic, Inc. City of Passaic Zoning Board of Adjustment, Block 3334, Lots 65,70,75,84, and 85

Passaic Valley Water Commission, submitting the following:

- Minutes of their August 17, 2016 meeting.
- Minutes of their July 20, 2016 meeting.
- Notice of their September 14, 2016 meeting.
- Notice of their October 19, 2016 meeting.

Montclair State University, submitting notice of their meeting dates for the 2016-2017 year.

North Jersey District Water Supply Commission submitting the following:

- Notice and Agenda of their September 28, 2016.

ROLL CALL

AYES: Love, Polanco, Schwartz, Council President Schaer

ABSENT: Garcia, Melo

RESOLUTION(S) :

THE FOLLOWING RESOLUTION(S) WAS REMOVED

RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION OF THE CITY COUNCIL OF PASSAIC ON OCTOBER 6, 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 Councilman Love the following **RESOLUTION(S) WERE OFFERED FOR ADOPTION:**

RESOLUTION NO. 16-10-267

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

NJ DOH: Women, Infant & Children \$1,065,300

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

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

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Passaic hereby request the Director of the Division of Local Finance to approve the insertion of an item of revenue in the budget of the year **TY2016** as follows:

NJ DOH: Women, Infant & Children \$1,065,300.00

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

**NJ DOH: Women, Infant & Children \$1,065,300
Account #G-02-40-WI6-T16-000**

BE IT FURTHER RESOLVED, that three certified copies of this resolution be forwarded to the Department of Community Affairs, Director of the Division of Local Government Services.

RESOLUTION NO.16-10-268

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

Childhood Lead Prevention Grant \$159,250.00

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

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

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

Childhood Lead Prevention Grant \$159,250.00

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

**NJDOH Childhood Lead Prevention Grant \$159,250.00
Account #G-02-40-CL6-T16-000**

Resolution No. 16-10-269

**RESOLUTION AUTHORIZING A CHANGE ORDER
TO A CONTRAT WITH YOUR WAY CONSTRUCTION
RECONSTRUCTION OF AYCRIGG AVENUE
(BETWEEN RIVER DRIVE AND PENNINGTON AVENUE)**

WHEREAS, on June 23, 2015, the City Council of the City of Passaic adopted Resolution #15-06-151 (attached) approving a contract with Your Way Construction in the amount of \$ 757,804.87; and

WHEREAS, a change order is necessary to adjust the contract as follows:

Original Contract	\$ 757,804.87
Supplemental	2,070.00
Extras (see attached)	+ 55,990.11
Less Reductions(see attached) -	49,248.36
Net Change	8,674.75

Adjusted Contract Amount \$ 766,479.62

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the change order between the City of Passaic and Your Way Construction for Reconstruction of Aycrigg Avenue (Between River Drive and Pennington Avenue) is ratified and accepted, adjusting the contract to the revised total amount of \$ 766,479.62.

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

CERTIFICATION OF FUNDS

Funds for the above are available in CDBG 2015 – B-12-41-BG5-932-9RD.

CITY OF PASSAIC

RESOLUTION # 16-10-270

RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN PASSAIC ALLIANCE AND PB GIANT LLC FOR RENTAL OF PARKING SPACES AT 293 PASSAIC STREET, PASSAIC, NJ

WHEREAS, Passaic Alliance operates a substance abuse treatment program for the residents of the City of Passaic, and

WHEREAS, Passaic Alliance wishes to enter into a Memorandum of Understanding (“MOU”) with PB Giant LLC, 61 Willett Street, Passaic, New Jersey for the lease four (4) parking spaces at 239 Passaic Street, Passaic New Jersey on a month-to-month basis for the total cost of \$320 per month; and

WHEREAS, the cost of leasing such parking spaces shall be covered by Passaic Alliance’s fee-for-service revenues; and

WHEREAS, the attached MOU has been reviewed and approved by the City Attorney.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that Passaic Alliance is hereby authorized to enter into the attached Memorandum of Understanding with PB Giant LLC, 61 Willett Street, Passaic, New Jersey for the lease four (4) parking spaces at 239 Passaic Street, Passaic New Jersey on a month-to-month basis for the total cost of \$320; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized and directed to execute the Memorandum of Understanding attached hereto as well as any other documents necessary to effectuate the purpose of this Resolution.

RESOLUTION # 16-10-271

RESOLUTION AUTHORIZING CONTRACT FOR SPECIAL LEGAL COUNSEL

WHEREAS, the City of Passaic desires the appointment of special legal counsel for handling of various matters as assigned by the City Attorney, and

WHEREAS, N.J.S.A. 40A:11-3 provides that a contract for professional services may be awarded without public advertising when the cost of same does not exceed the total sum of \$17,500; and

WHEREAS, the City of Passaic desires to enter into a contract with Chasan Leyner Lamparello PC, Secaucus, New Jersey as special legal counsel at the rate of \$125 per hour for an amount not to exceed \$12,500; and

WHEREAS, the term of such contract shall be from October 1, 2016 through September 30, 2017.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the City of Passaic is hereby authorized to enter into a contract with Chasan Leyner Lamparello PC, Secaucus, New Jersey as special legal counsel at the rate of \$125 per hour for an amount not to exceed \$12,500 for the period of October 1, 2016 through September 30, 2017; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized and directed to execute such contract as well as any other documents necessary to effectuate the purpose of this Resolution.

CITY OF PASSAIC

RESOLUTION NO# 16-10-272

RESOLUTION AMENDING 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, upgraded to personalized, or have failed to provide recent verification of their handicapped New Jersey State Motor Vehicle registration;

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

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>	<u>RESOLUTION #</u>
29-31 Howe Avenue	East	(Garden Street) Beginning at a point 131 feet south of the southerly curblineline of Howe Avenue and extending to a point 25 feet southerly therefrom	16-08-222
88 Van Winkle Avenue	East	Beginning at a point 140 feet south of the southerly curblineline of Highland Avenue and extending to a point 25 feet southerly therefrom	14-04-069

SECTION 2

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

THE FOLLOWING RESOLUTION WAS ADDED ON TO THE AGENDA

RESOLUTION # 16-10-273

RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH MUNICIPAL PARKING SERVICES INC. FOR SIXTY (60) DAY PILOT PROGRAM FOR INSTALLATION, MAINTENANCE AND MANAGEMENT OF SENTRY PARKING METER SYSTEM

WHEREAS, N.J.S.A. 40A:11-3 provides that a contract may be awarded without public advertising when the cost of same does not exceed the total sum of \$17,500; and

WHEREAS, the City of Passaic and Municipal Parking Services Inc., (“MPS”) with its principal place of business at 12450 Wayzata Blvd., Suite 200, Minnetonka, Minnesota, wish to enter into the attached Memorandum of Understanding (“MOU”) for a sixty (60) day pilot

program under which MPS will provide the installation, maintenance and management of a MPS Sentry Meter system at various agreed-upon locations at no cost to the City of Passaic; and

WHEREAS, MPS shall install the pilot meters at the various agreed-upon locations within the City of Passaic by October 31, 2016. The pilot deployment shall be composed of a 30-day Phase I, which shall include the temporary installation and operation of the MPS meters without ticketing and a 30-day Phase II which shall include the operation of the same meters with ticketing by mail; and

WHEREAS, after the sixty (60) day pilot program expires, the City shall have the option to procure Sentry Link for use throughout the City to be installed in phases, as necessary and determined by the City and MPS.

WHEREAS, the attached Memorandum of Understanding has been reviewed and approved by the City Attorney.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that City of Passaic is hereby authorized to enter into the attached Memorandum of Understanding with Municipal Parking Services Inc. ("MPS") for a sixty (60) day pilot program under which MPS will provide the installation, maintenance and management of a MPS Sentry Meter system at various agreed-upon locations at no cost to the City of Passaic, subject to the terms and conditions therein and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized and directed to execute the Memorandum of Understanding attached hereto as well as any other documents necessary to effectuate the purpose of this Resolution; and

THE FOLLOWING RESOLUTION WAS ADDED ON TO THE AGENDA

RESOLUTION NO. 16-10-274

**RESOLUTION APPROVING PROPERTY TAX EXEMPTION FOR 100%
PERMANENTLY DISABLED WAR VETERAN
341 PAULISON AVENUE, PASSAIC, NJ**

WHEREAS, under N.J.S.A. 54:4-3.30, et seq., 100% permanently and totally disabled war veterans or the unmarried surviving spouses of such disabled war veterans are granted a full property tax exemption on their dwelling house and the lot on which it is situated; and

WHEREAS, to qualify for such exemption, the applicant must be an honorably discharged disabled veteran who had active service in time of war in the US Armed Forces; and

WHEREAS, Carlos Strasser is the owner of real property located at 341 Paulison Avenue, Passaic, New Jersey; and

WHEREAS, Antoine M. Alonzo served in the United States Armed Forces with active service in Operation Iraqi Freedom and received an honorable discharge; and

WHEREAS, Antoine M. Alonzo was declared 100% permanently disabled by the United States Department of Veterans Affairs on November 21, 2015; and

WHEREAS, Antoine M. Alonzo has applied for property tax exemption pursuant to N.J.S.A. 54:4-3.30 for his dwelling house located at 341 Paulison Avenue, Passaic, New Jersey.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Passaic that the application for an exemption for property taxes filed by Carlos Strasser, 341 Paulison Avenue, Passaic, New Jersey is hereby granted and such real property is hereby deemed exempt as of November 21, 2015; and

BE IT FURTHER RESOLVED that Carlos Strasser shall be reimbursed for all property taxes paid to the City of Passaic from November 21, 2015 through the present; and

BE IT FURTHER RESOLVED that the Tax Assessor of the City of Passaic is hereby authorized and directed to undertake any and all other necessary actions to effectuate the above exemption.

THE FOLLOWING RESOLUTION WAS ADDED ON TO THE AGENDA

CITY OF PASSAIC

RESOLUTION # 16-10-275

RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH 220 PASSIC STREET ASSOCIATES CORP. FOR PAVING AND IMPROVEMENT OF A PORTION OF BLOCK 1038 LOT 2, PASSIC, NEW JERSEY

WHEREAS, on October 3, 2012, the City of Passaic Redevelopment Agency, by Resolution 14-09, appointed 220 PASSAIC STREET ASSOCIATES CORP., a New Jersey Corporation, as the redeveloper of real property designated as (i) Block 1076 Lots 1, 8, 12, 18, 37, 39, 55; (ii) Block 1077 Lot 1; and (iii) Block 1038 Lots 1, 5, 33, 40, 50, all as designated on the official tax map of the City of Passaic pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"); and

WHEREAS, the Redevelopment Law, specifically, N.J.S.A. 40A:12A-8(n) provides that a municipality may "do all things necessary or convenient to carry out its powers" therein; and

WHEREAS, in conjunction with their Redevelopment Project, 220 PASSAIC STREET ASSOCIATES CORP., wishes pave and improve a portion of certain real property owned by the City of Passaic designated as Block 1038, Lot 2, on the official Tax Map of the City of Passaic and identified more specifically in the attachment hereto (hereinafter the "Property,"), in anticipation of ultimately acquiring such real property from the City of Passaic as part of the Redevelopment Project; and

WHEREAS, the attached Memorandum of Understanding permits 220 PASSAIC STREET ASSOCIATES CORP. to access, pave or otherwise improve the Property consistent with the site plan approval granted by the Planning Board and provides that all costs and liability for same shall reside solely with 220 PASSAIC STREET ASSOCIATES; and

WHEREAS, the attached Memorandum of Understanding has been reviewed and approved by the City Attorney.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that City of Passaic is hereby authorized to enter into the attached Memorandum of Understanding with 220 PASSAIC STREET ASSOCIATES CORP. to access, pave or otherwise improve the improve certain real property owned by the City of Passaic designated as Block 1038, Lot 2, on the official Tax Map of the City of Passaic and identified more specifically in the attachment hereto consistent with the site plan approval already granted by the Planning Board subject to the terms and conditions therein and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized and directed to execute the Memorandum of Understanding attached hereto as well as any other documents necessary to effectuate the purpose of this Resolution; and

BE IT FURTHER RESOLVED that copies of this Resolution, along with an executed copy of the Memorandum of Understanding, shall be forwarded to City of Passaic Redevelopment Agency.

ROLL CALL

AYES: Love, Polanco, Schwartz, Council President Schaer

ABSENT: Garcia, Melo

ORDINANCE(S) FOR INTRODUCTION AND FIRST READING

Council President Schaer read said Ordinance by title.

CITY OF PASSAIC

ORDINANCE NO. 2076-16

**ORDINANCE AMENDING CITY CODE OF THE CITY OF PASSAIC, CHAPTER 39,
“POLICE DEPARTMENT,” ARTICLE VIII, “OFF-DUTY POLICE SERVICES,”
SECTION 17, “ADMINISTRATIVE FEES AND SERVICES” TO ADD
ADMINISTRATIVE FEE FOR USE OF POLICE VEHICLES**

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

WHEREAS, the City Code of the City of Passaic, Chapter 39, “Police Department,” Article VIII, “Off-Duty Police Services,” Section 17, “Administrative Fees and Services,” establishes the administrative fees charged by the City of Passaic for the processing of requests by persons or entities for off-duty outside police employment services; and

WHEREAS, the City Code of the City of Passaic, Chapter 39, “Police Department,” Article VIII, “Off-Duty Police Services,” Section 17, “Administrative Fees and Services,” does not currently include an administrative fee for the use of police vehicles; and

WHEREAS, the City of Passaic wishes to amend the City Code of the City of Passaic, Chapter 39, “Police Department,” Article VIII, “Off-Duty Police Services,” Section 17, “Administrative Fees and Services,” to include an administrative fee of \$15 per hour for the use of police vehicles; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the City Code of the City of Passaic, Chapter 39, “Police Department,” Article VIII, “Off-Duty Police Services,” Section 17, “Administrative Fees and Services” is hereby amended as follows”:

**ALL AMENDMENTS ARE UNDERLINED
THERE ARE NO DELETIONS**

SECTION I

§ 39-17Administrative services and fees.

The City shall administer the off-duty employment system.

A. In addition to the hourly rates to be paid to the police officers, the City shall be paid \$15 per hour as an administrative fee for processing the payments by the contractors in order to issue additional checks to the police officers. Police vehicles will be billed at an additional charge of \$15 per hour per vehicle. There shall be an account within the trust fund of the City of Passaic to be known as the "Police Vehicle Maintenance & Repair Account," which account shall be

dedicated to the receipt of collected police vehicle usage fees under this section and which shall be utilized solely to fund the purchase and repair of police vehicles.

B. Payment for off-duty employment shall be made by separate check in the next pay period. If the monies are not received from the contractor, then the check shall be paid to the police officer within two weeks of the payment from the contractor.

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 inconsistent herewith are hereby repealed as to such inconsistencies only.

SECTION IV

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

Councilman Munk moved the Ordinance be approved on first reading. Motion was seconded by Councilman Love the public hearing be held on October 20, 2016

ROLL CALL

AYES: Love, Polanco, Schwartz, Council President Schaer

ABSENT: Garcia, Melo

Council President Schaer read said Ordinance by title.

ORDINANCE NO# 2077-16

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

WHERE AS the total number of Handicapped Parking Spaces Restricted by New Jersey License Plate Number as per last ordinance was 394 Handicapped Parking Spaces.

WHERE AS the total number of Handicapped Parking Spaces Restricted by New Jersey License Plate Number as per this ordinance is 394 Handicapped Parking Spaces.

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>
190 Eight Street	East	Beginning at a point 112 feet north of the northerly curbline of Passaic Street and extending to a point 20 feet northerly therefrom	YVK22Y
18-20 Essex Street	North	Beginning at a point 37 feet westerly from the westerly curbline of Fourth Street and extending to a point 20 feet westerly therefrom	T59CRN
317 Lafayette Avenue	South	Beginning at a point 59 feet west of the westerly curbline of Broadway and extending to a point 20 feet westerly therefrom	E62CBW
379 Madison Street	South	Beginning at a point 277 feet east of the easterly curbline of Paulison Avenue and extending to a point 22 feet easterly therefrom	U55FMP
158 Quincy Street	North	Beginning at a point 102 feet west of the westerly curbline of Lexington Avenue and extending to a point 20 feet westerly therefrom	2999HC

ADDITION:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>	<u>PLATE #</u>
18-20 Essex Street	North	Beginning at a point 37 feet west of the westerly curbline of Fourth Street and extending to a point 20 feet westerly therefrom	E44AME
42 Lincoln Street	West	Beginning at a point 168 feet north of the northerly curbline of Paulison Avenue and extending to a point 22 feet northerly therefrom	L29GBM
379 Madison Street	South	Beginning at a point 277 feet east of the easterly curbline of Paulison Avenue and extending to a point 22 feet easterly therefrom	G44HBM
158 Quincy Street	North	Beginning at a point 102 feet west of the westerly curbline of Lexington Avenue and extending to a point 20 feet westerly therefrom	1672HD
74 Westervelt Place	North	Beginning at a point 130 feet west of the westerly curbline of Main Avenue and extending to a point 22 feet westerly therefrom	VTX80U

Councilman Love moved the Ordinance be approved on first reading. Motion was seconded by Councilwoman Polanco the public hearing be held on October 20, 2016.

ROLL CALL

AYES: Love, Polanco, Schwartz, Council President Schaer

ABSENT: Garcia, Melo

Council President Schaer read said Ordinance by title.

ORDINANCE NO. 2078-16

ORDINANCE OF THE CITY OF PASSAIC TO ACQUIRE A PERMANENT EASEMENT OVER A PORTION OF PROPERTY DESIGNATED AS BLOCK 2185 LOT 66 ON THE OFFICIAL TAX MAP OF THE CITY OF PASSAIC FOR CONSTRUCTION, MAINTENANCE AND REPAIR OF RETAINING WALL

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

WHEREAS, the City of Passaic is constructing a retaining wall adjacent to real property designated as Block 2185 Lot 66 on the official Tax Map of the City of Passaic and more specifically identified on the attachment hereto, (the "Property"); and

WHEREAS, the City will require access to the Property in order to construct, maintain and repair the adjacent retaining wall, thus necessitating the acquisition of a permanent easement over a portion of the Property; and

WHEREAS, the owners of the Property have agreed to convey such permanent easement to the City for minimal compensation, provided that the City continues to maintain and repair the retaining wall; and

WHEREAS, pursuant to N.J.S.A. 40A:12-1 et seq., the City has the power to acquire an interest in any real property for a public purpose through negotiated agreement.

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Passaic the acquisition by negotiation of a permanent easement as described hereinabove, for the construction, repair and maintenance of a retaining wall adjacent to real property designated as Block 2185 Lot 66 on the official Tax Map of the City of Passaic and more specifically identified on the attachment hereto;

BE IT FURTHER ORDAINED, that the Mayor and Clerk are hereby authorized and directed to execute the Deed granting such permanent easement and/or any and all other documents necessary to effectuate the acquisition of the easements; and

BE IT FURTHER ORDAINED, that 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.

BE IT FURTHER ORDAINED, that all ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final adoption and publication in accordance with law.

Councilman Love moved the Ordinance be approved on first reading. Motion was seconded by Councilwoman Polanco the public hearing be held on October 20, 2016.

ROLL CALL

AYES: Love, Polanco, Schwartz, Council President Schaer

ABSENT: Garcia, Melo

PAYMENT OF BILLS

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

ROLL CALL

AYES: Love, Polanco, Schwartz, Council President Schaer

ABSENT: Garcia, Melo

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 Love and seconded by Councilwoman Polanco Garcia the meeting adjourned at 9:15 p.m.

ROLL CALL

AYES: Love, Polanco, Schwartz, Council President Schaer

ABSENT: Garcia, Melo

ATTEST:

APPROVED:

Amada D. Curling, City Clerk

Gary S. Schaer, Council President