

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

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

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

ROLL CALL:

PRESENT: Garcia, Polanco, Schwartz, Council President Schaer

ABSENT: Munk, 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 into the meeting.

Councilman Love requested a separate roll call vote on item 4 and 5

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

**CITY OF PASSAIC
RESOLUTION NO. 16-09- 254 WS**

RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION OF THE CITY COUNCIL OF THE CITY OF PASSAIC ON SEPTEMBER 6, 2016 AT 7:00 PM OR ANYTIME THEREAFTER TO DISCUSS PENDING LITIGATION; CONTRACT NEGOTIATIONS AND PERSONNEL MATTERS

RE: Attorney Client Communications re: Investigation of Public Safety 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, Polanco, Schwartz, Council President Schaer

ABSENT: Melo, Munk

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

ROLL CALL:

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

ABSENT: Melo, Munk

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

ROLL CALL:

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

ABSENT: Melo, Munk

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

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

IN ACCORDANCE WITH CHAPTER 231 PUBLIC LAWS OF 1975, ADEQUATE NOTICE OF THIS MEETING WAS PROVIDED BY RESOLUTION OF THE MUNICIPAL COUNCIL ADOPTED ON 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: Garcia, Love, Polanco, Schwartz, Council President Schaer

ABSENT: Melo, Munk

ALSO PRESENT: 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 name: 1 #7, 8, 8A, 22 28, 28A

Council Meeting Minutes September 6, 2016 submitted for approval.-

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

ROLL CALL

AYES: Garcia, Love, Polanco, Schwartz, Council president Schaer
Absent: Melo, Munk

HEARING OF CITIZENS:

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

In Accordance with the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.). The Council opens every public meeting for comments of the public. However, in accordance with N.J.S.A. 10:4-12 "nothing in this Act shall be construed to limit the discretion of a public body to permit, prohibit or regulate the active participation at any meeting,....".

Therefore, please be advised that the Council will not entertain any comments from persons who communicate obscene material, make statements which are considered bias intimidation in which a person intends to intimidate any individual or group because of race, color, religion, gender, handicap, sexual orientation or ethnicity or makes comments intending to harass or speak any offensive language. The person who makes these statements will relinquish their allotted five minutes for public discussion.

Jaroslav Jackiw; 266 Lafayette Avenue: Can the BA advised the public as to the state of the City of Passaic website? When will the digital municipality map be reinstated to the City of Passaic website? Van the CFO confirm that the City of Passaic received 500+K from the BOE in September 2016 as per shared service agreement Resolution (15-12-261) for the rehabilitation of Christopher Columbus Park? Please furnish starting dates for the above project? Can the City administration (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)?; Can the City administration (DPW) advise the public as to the abatement dates for the fence repairs of the Memorial Fountain Robert Granger Benson Heritage plaza, at Prospect St across Passaic Avenue; Excluding the First, second and Third Ward parks that received the major funding from Green Acres Passaic County Open Space and BOE shared services/various grants; could the Director of Parks advise the public when the Parks Department will start to maintain the balance of parks within the City of Passaic Park system. Comment as per OPRA requests-Purchasing Department; The department of Parks has not generated any purchase orders and/or invoices in SFY 2015-2016, for the rehabilitation; repairs and upgrades of all satellite parks due to neglect. Please advise the public as to the starting dates the parks department will start to abate al park issues: note please refer to the information sent by way of e-mail with photo attachments to the Park Department-City administration-in the past 5 months. Can the Director of Community Development advise the public as to

the status of all legal cases i.e; 413-417 Paulison Avenue, (City of Passaic vs nonprofit organization-contractors) When will the Housing Department abate the 219-15/16 issues at 413-417 Paulison Avenue Property?

Councilwoman Melo took seat at 7:11 p.m.

Joe Conoscenti, 170 Broadway: June, July and August updates; Lexington/Main issues; Gregory Avenue corner, nothing but garbage, it is becoming a dumping area; 413-417 Paulison Avenue; Passaic Ave/Prospect St repair of fencing; Christopher Columbus Park drainage issues; flooded; Chestnut St/Myrtle Avenue: obnoxious growth, unable to see any signs. World War I Veterans plaque needs to be replaced, one is upside down and one is torn down. Train station tressle on Passaic Avenue needs lighting and fencing Jewish Community had Sunday Bike run; geese feces was never cleaned up; ran over the feces.

Steve Siklosi, 23 Orchard Street: Last meeting re: Monach ordinance; what is the contingency plan, how does it affect mutal aid: How do we handle a situation if not set up for mutual aid? Who pays for mutual aid?-Monach or City of Passaic? Abatement resolution passed last meeting on 585 building; with 30 some units and no tax received by School system as well as other public services; who makes up this money? #9 are we seeing this position posted on website so public can apply and how does public go about doing so. #13 requested outline as to what is going on #25 DPW purchasing pick-up price given 36,000 in total what is the proposed use of this vehicle. #29 Loading zone for Fancy Fish asked about lost parking spaces, how long loading zone will be.

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

ROLL CALL

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

ABSENT: Munk

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. 2066-16
ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE OF THE CITY OF PASSAIC, "PERSONNEL POLICIES" TO PROVIDE FOR THE REIMBURSEMENT OF VEHICLE-RELATED TRAVEL EXPENSES, INCURRED BY OFFICERS AND EMPLOYEES CONDUCTING OFFICIAL BUSINESS**

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

ROLL CALL

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

After ample opportunity given and no one else 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, Polanco, Schwartz, Council President Schaer
ABSENT: Munk

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

ROLL CALL

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

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. 2067-16

ORDINANCE AMENDING CITY CODE OF THE CITY OF PASSAIC, CHAPTER 39, "POLICE DEPARTMENT," ARTICLE VIII, "OFF-DUTY POLICE SERVICES," SECTION 18, "ESCROW ACCOUNTS" TO REMOVE CERTAIN EXEMPTIONS FOR ADVANCE PAYMENT OF ESCROW AMOUNT

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, Polanco Melo, Schwartz, Council President Schaer
ABSENT: Munk

Steve Siklosi, 23 Orchard St: Will this eliminate all exceptions; everyone will have to provide an invoice including utilities?

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

ROLL CALL

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

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

**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. 2068-16

**ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF THE CITY OF PASSAIC
“POLICE DEPARTMENT” TO CORRECT TYPOGRAPHICAL ERROR IN SECTION
16, “TABLE OF ORGANIZATION”**

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

ROLL CALL

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

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

ROLL CALL

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

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

ROLL CALL

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

**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. 2069-16

ORDINANCE APPROVING THE APPLICATION FOR A LONG TERM TAX
EXEMPTION AND AUTHORIZING THE EXECUTION OF A FINANCIAL
AGREEMENT WITH 663 MAIN URBAN RENEWAL COMPANY, LLC

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

ROLL CALL

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

ABSENT: Munk

Steve Siklosi, 23 Orchard Street; Must this abatements/pilot be for 30 years; someone is giving up public moneys; couldn't this be shortened to 15 or 20 years?

Councilman Schwartz spoke regarding 30 year abatements which in long term benefits the City thus gaining more funds.

Jaroslav Jackiw: What happens if the developer defaults and who will monitor this situation.

Renee Griggs, 23 Aspen Place: After this plan is finalized is any work going to be done; expressed school children passing construction zone.

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

ROLL CALL

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

ABSENT: Munk

Councilman Schwartz 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, Polanco, Schwartz, Council President Schaer

ABSENT: Munk

ABSTAIN: Love, Melo

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

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

CITY OF PASSAIC

ORDINANCE NO# 2070-16

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

ABSENT: Munk

Steve Siklosi: 23 Orchard Street: How many eliminated or being added; total net of spaces.

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

ROLL CALL

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

ABSENT: Munk

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

ABSENT: Munk

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. 2071-16

ORDINANCE AMENDING CHAPTER 122 OF THE CITY CODE OF THE CITY OF PASSAIC TO DESIGNATE ADDITIONAL "DRUG-FREE ZONES"

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

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

ROLL CALL

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

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, Polanco, Schwartz, Council President
Schaer
ABSENT: Munk**

COMMUNICATIONS AND PETITIONS

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

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

City of Passaic Department of Recreation Senior and Cultural Affairs, 330 Passaic Street, submitting application to hold a Young Soldiers Monument Dedication Ceremony, in Third Ward Park, on **November 9, 2016 from 11:00 p.m. to 1 p.m. (Contingent Upon Departmental Approvals)**

Pastor Melanie Gleabes-Angels Are Watching Me Int's Ministries, 396 Highland Avenue, submitting application to hold a Community give Back, in Battery Park, on **October 15, 2016 from 12:00 p.m. to 4:00 p.m. (Contingent Upon Departmental Approvals)**

Zuniga Entertainment, 11 Van Winkle Avenue, submitting application to hold a cultural event on the private parking lot of Fiesta Night Club located at 115 President Street (CONTINGENT UPON DEPARTMENTAL APPROVAL)

ROLL CALL

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

**ALL MATTERS LISTED HEREUNDER ARE CONSIDERED TO BE ROUTINE
IN NATURE AND WILL BE ENACTED BY ONE MOTION ANY COUNCIL
MEMBER MAY REQUEST THAT AN ITEM BE REMOVED FOR SEPARATE
CONSIDERATION**

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

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

Delis Santana submitting his resignation letter from the Passaic Redevelopment Agency as of September 30, 2016.

Passaic County Board of Chosen Freeholders, submitting the following:

- Ordinance to Amend and Consolidate All Ordinances, Sections of Ordinances and Resolution Concerning the Establishment of Rules and Regulations for Protection Safety Conduct, Control and Use of the Reservation Parkways, Playgrounds, Golf Courses and Other Park Property Under the Control of the Board of Chosen Freeholders of the Passaic County Pursuant to N.J.S.A. 40:37-152
- Resolution Authorizing the Clerk to The Board to Publish the Passaic County Park Ordinance as Amended in 2016.

RLG Environmental Inc., submitting Responses Action Outcome-Remedial Action: Unrestricted use- Areas of Concern: 2000 Gallon Fuel Oil UST and 550-gallon fuel oil UST and no other areas-17 Wall Street, Passaic-Activity No. UCL160001

PSE&G, submitting notice of their September 15, 2016 public hearing.

Price, Meese Shulman & D’Arminio, submitting correspondence re: Application for Preliminary and Final Site Approval Yesiva Ktana of Passaic Inc., -Clifton Zoning Board of Adjustment Block59.01, Lots8,11,13,15, 17, 288,292 296, 300 and 304 South Parkway

ROLL CALL

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

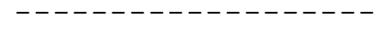
ABSENT: Munk



RESOLUTION(S) :

THE FOLLOWING RESOLUTION(S) WAS REMOVED

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



THE FOLLOWING RESOLUTION(S) WERE VOTED ON 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 NO. 16-09-255**

Resolution to Amend **TY2016** Municipal Budget (N.J.S.A. 40A:4-87)

Baseball Tomorrow \$250,000.00

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

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

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

Baseball Tomorrow \$250,000.00

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

Baseball Tomorrow \$250,000.00
Account #G-02-40-BT6-016-9CC

CITY OF PASSAIC
RESOLUTION NO. 16-09-256

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

NJDHTS Drive Sober or Get Pulled Over \$5,000

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:

NJDHTS Drive Sober or Get Pulled Over \$5,000

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

NJDHTS Drive Sober or Get Pulled Over \$5,000
Account #G-02-40-DS6-016-015

CITY OF PASSAIC
RESOLUTION NO. 16-09-257

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

FEMA: Fire SAFER Program: \$1,094,988

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:

FEMA: Fire SAFER Program: \$1,094,988

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

FEMA: Fire SAFER Program: \$1,094,988
Account #G-02-40-FS6-016-000

CITY OF PASSAIC
RESOLUTION NO. 16-09-258

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

Passaic Co. Open Space: Christopher Columbus Park Improvement \$75,000

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:

Passaic Co. Open Space: Christopher Columbus Park Improvement \$75,000

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

Passaic Co. Open Space: Christopher Columbus Park Improvement \$75,000
Account #G-02-40-OS6-T16-000

**CITY OF PASSAIC
RESOLUTION NO. 16-09-259**

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

Ryan White Part “A” & Minority Aids Initiative Additional \$34,084.00

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:

Ryan White Part “A” & Minority Aids Initiative Additional \$34,084.00

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

Ryan White Part “A” & Minority Aids Initiative Additional \$34,084.00

Account #G-02-40-RWI-016-000

**CITY OF PASSAIC
RESOLUTION NO. 16-09-260**

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

NJ Highway Traffic: Pedestrian Safety \$16,000

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:

NJ Highway Traffic: Pedestrian Safety \$16,000

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

**NJ Highway Traffic: Pedestrian Safety \$16,000
Account #G-02-40-WS6-T16-015**

**CITY OF PASSAIC
RESOLUTION # 16-09-261**

**RESOLUTION APPROVING THE APPLICATION OF MOVING
PASSAIC FORWARD TO HOLD A FIESTATON LIGA MIX/RODEO ON
SEPTEMBER 24, 2016**

WHEREAS, Moving Passaic Forward has made an application to the City of Passaic to hold a Fiestaton Liga Mix/Rodeo on September 24, 2016 from the hours of 2:00 p.m. to 12:00 a.m. on private property located at 1 Jefferson Street, Passaic, New Jersey, and

WHEREAS, Chapter 193 of the City Code of the City of Passaic, “Noise,” Article II, “Noise from Stationary Sources,” Section 13, “Prohibited Acts,” prohibits the use of loudspeakers and public address systems or similar device between the hours of 10:00 p.m. and 8:00 a.m.

WHEREAS, Moving Passaic Forward seeks approval of its application, including permission from the City of Passaic to exceed the 10:00 p.m. restriction set forth in §193-13; and

WHEREAS, Moving Passaic Forward has agreed to limit the broadcast of any music beyond 10:00 p.m., limit the sale of alcohol beyond 9:00 p.m.; and

WHEREAS, Moving Passaic Forward has agreed to meet with the City’s Noise Control Officer to discuss appropriate noise control measures to limit any potential disruption to neighboring properties after 10:00 p.m.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Passaic that the application of Moving Passaic Forward to hold a Fiestaton Liga Mix/Rodeo on September 24, 2016 from the hours of 2:00 p.m. to 12:00 a.m. on private property located at 1 Jefferson Street, Passaic, New Jersey is hereby approved subject to strict compliance with the following conditions:

Moving Passaic Forward shall not be permitted to broadcast any music or musical performance after 10:00 p.m. All alcohol sale and/or consumption shall be limited to the hours of 2:00 p.m. to 9:00 p.m. Moving Passaic Forward shall meet with the City’s Noise Control Officer to discuss appropriate noise control measures to limit any potential disruption to neighboring properties after 10:00 p.m.; and

BE IT FURTHER RESOLVED that Moving Passaic Forward’s failure to comply with any of the foregoing conditions renders this approval null and void.

**CITY OF PASSAIC
RESOLUTION NO. 16-09-262**

**RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT BETWEEN THE
CITY OF PASSAIC AND THE CITY OF CLIFTON FOR CONSTRUCTION OF
DWASLINE ROAD SIDEWALK**

WHEREAS, the City of Clifton is in the process of a road reconstruction project for Dwasline Road involving the construction of new curbing and sidewalks; and

WHEREAS, the municipal boundary line between the City of Clifton and the City of Passaic is located in the vicinity of such road reconstruction project; and

WHEREAS, the City of Passaic has previously reimbursed the City of Clifton for the cost of the construction of the new curbing the area of the Passaic right of way on Dwasline Road; and

WHEREAS, the City of Passaic and the City of Clifton wish to enter into a Shared Services Agreement for the construction of new sidewalks on Dwasline Road in the Passaic right of way between Terhune Avenue and South Parkway pursuant to N.J.S.A. 40A:65-1, et seq., and

WHEREAS, the City of Passaic agrees to reimburse the City of Clifton for the cost of the services provided under the Shared Services Agreement, which shall not exceed \$5,000.00; and

WHEREAS, the City of Clifton will also adopted a Resolution authorizing its participation in this Shared Services Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Passaic that the City of Passaic is hereby authorized to enter into the attached shared Services Agreement with the City of Clifton for the replacement of sidewalks on Dwasline Road in the Passaic right of way, subject to the terms and conditions of same; and

BE IT FURTHER RESOLVED that the Shared Services Agreement shall commence upon execution and expire upon completion of the work performed thereunder; and

BE IT FURTHER RESOLVED that the City of Passaic agrees to reimburse the City of Clifton for the cost of the services provided under the Shared Services Agreement, which shall not exceed \$5,000.00; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized and directed to execute the attached Shared Services Agreement; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the City of Clifton to commence the Shared Services Agreement; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall also be forwarded to the Department of Community Affairs as may be required.

CITY OF PASSAIC

RESOLUTION # 16-09-263

RESOLUTION AUTHORIZING A CHANGE ORDER TO A CONTRACT
FOR 4th STREET SANITARY SEWER REPLACEMENT

WHEREAS, on February 23, 2016, the City Council of the City of Passaic adopted Resolution #16-02-043 (attached), approving a contract with Your Way Construction, in the amount of \$95,820.73; and

WHEREAS, some of the as-built quantities increased during the project, resulting in an increase of \$2,291.10 for a revised contract price of \$98,111.83.

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 is ratified and accepted, increasing the contract \$2,291.10 for an adjusted contract price of \$98,111.83.

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

CITY OF PASSAIC

RESOLUTION NO. 16-09-264

RESOLUTION AWARDING CONTRACT FOR
TURF FIELD MAINTENANCE
PULASKI PARK SOCCER/FOOTBALL FIELD
ROBERTO CLEMENTE BASEBALL FIELD
CHRISTOPHER COLUMBUS PARK INDOOR RECREATION FACILITY
AND CHRISTOPHER COLUMBUS PARK ATHLETIC FIELD

WHEREAS, the Director of Purchasing received proposals on Tuesday, September 13, 2016 for Turf Field Maintenance, Pulaski Park Soccer/Football Field, Roberto Clemente Baseball Field, Christopher Columbus Park Indoor Recreation Facility and Christopher Columbus Park Athletic Field; and

WHEREAS, proposals were received as per the attached; 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; and

Prime Vendor	Edwin A. Reimon
Wilmington, NC	Lyndhurst, NJ

WHEREAS, it is the recommendation of the Evaluation Committee that the contract be awarded to The Landtek Group of Amityville, NY in the amount of \$37,200.00.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the proposal received on Tuesday, September 13, 2016 for Turf Field Maintenance, Pulaski Park Soccer/Football Field, Roberto Clemente Baseball Field, Christopher Columbus Park Indoor Recreation Facility and Christopher Columbus Park Athletic Field be awarded to The Landtek Group of Amityville, NY in the amount of \$37,200.00.

CERTIFICATION OF FUNDS

Funds for the above are available in Recreation Acct. #7-01-28-370-000-029 (\$4,500.00). Remaining Funds will be available in the CY2017 budget contingent upon approval from the governing body.

CITY OF PASSAIC
RESOLUTION # 16-09-265

RESOLUTION AUTHORIZING THE PURCHASE OF
2017 FORD F350 4 X 4 PICK UP TRUCK
8' KNAPEIDE SERVICE BODY
PUBLIC WORKS

WHEREAS, the City of Passaic Public Works Department wishes to purchase one (1) 2017 Ford F350 4 x 4 Pickup truck with 8' Knapheide Service Body offered under NJ State Contract #A88758 from Winner Ford, Chery Hill, NJ; and

WHEREAS, N.J.S.A.40A:11-2 authorizes the purchase of any materials, supplies or equipment under State Contract entered on behalf of the State by the Division of Purchase and Property in the Department of the Treasury without the necessity for public bidding; and

WHEREAS, the vehicle is priced as follows:

One (1) 2017 Ford F350 4 x 4 Pick Up Truck

With 8' Knapheide Service Body

\$ 36,279.00

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that a contract be awarded to Winner Ford, Cherry Hill, NJ in the amount of \$ 36,279.00.

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

THE FOLLOWING RESOLUTION WAS ADDED ON TO THE AGENDA (at the closed work session meeting)

CITY OF PASSAIC

RESOLUTION No. 16-09-266

RESOLUTION AWARDING CONTRACT FOR JANITORIAL CLEANING SERVICES

WHEREAS, bids were received by the Director of Purchasing on Tuesday, August 30, 2016 for Janitorial Cleaning Services; and

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

The Beginning Cleaning Service
Durham, NC

King General Cleaning
Springfield, NJ
Excellent Building Services
Orange, NJ
Meverick Building Services
Rutherford, NJ
Manhattan Maintenance
Fairfield, NJ
Ebon Environmental Services
Newark, NJ

Divine Professional Cleaning
Bronx, NY
Access, NJ
Trenton, NJ
BB Diversified Services
Freehold, NJ
Dublin Maintenance
South Plainfield, NJ
North Jersey Friendship House
Hackensack, NJ

WHEREAS, the lowest responsible, responsive bid was submitted by Best Cleaning Building Services of Ridgefield, NJ in the amount of \$78,240.00/yr.; and

WHEREAS, it is the recommendation of Doris Dudek, Director of Purchasing, that the contract be awarded to Best Cleaning Building Services of Ridgefield, NJ in the amount of \$78,240.00/year for one (1) year with the option to renew this contract for two (2) one year terms or one (1) two-year term.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the contract for Janitorial Cleaning Services be awarded to Best Cleaning Building Services of Ridgefield, NJ in the amount of \$78,240.00/yr. for one (1) year with the option to renew this contract for two (2) one year terms or one (1) two year terms.

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

ROLL CALL

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

ABSENT: Munk



ORDINANCE(S) FOR INTRODUCTION AND FIRST READING

Council President Schaer read said Ordinance by title.

Councilman Garcia moved the Ordinance be approved on first reading. Motion was seconded by Councilwoman Polanco the public hearing be held on October 6, 2016.

CITY OF PASSAIC

ORDINANCE NUMBER 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

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 295, "Vehicles and Traffic," Article II, "Parking, Standing and Stopping," Section 5, "Parking Prohibited During Certain Hours," provides that "No person shall park a vehicle, unless it is an "official" government vehicle, between the hours specified in Schedule IIA (§ 295-21A) of any day upon any of the streets or parts of streets described in said Schedule IIA attached to and made a part of this chapter;" and

WHEREAS, the Division of Engineering and Traffic Division of the Police Department have recommended, in the interest of public safety, that the City Code of the City of Passaic, Chapter 295, "Vehicles and Traffic," Article XII, "Schedules," to amended to create Section 20.1, "Schedule IIA: Official Parking" which shall designate those areas whereat parking shall be limited to "official" government vehicles during certain hours.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Passaic that the City Code of the City of Passaic, Chapter 295, "Vehicles and Traffic," Article XII, "Schedules," is hereby amended as follows:

SECTION I

**ALL ADDITIONS ARE NOTED
THERE ARE NO DELETIONS**

§295-20.1 Schedule IIA: Official Parking.

In accordance with the provisions of § 295-5A, only "official" government vehicles shall be permitted to park between the hours specified upon any of the following streets or parts of street.

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>HOURS/DAY</u>	<u>LOCATION</u>
Grove Street	North	7:00AM to 5:00PM	Beginning at a point 181 feet west of the westerly curblineline of Garden Street and extending to a point 74 feet westerly therefrom

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, Melo, Polanco, Schwartz, Council President
Schaer**

ABSENT: Munk

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 October 6, 2016.

CITY OF PASSAIC

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

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 175, "Landscaping," Section 6, "Landscaper's Responsibilities," currently requires all landscapers to dispose of leaves collected from properties located within the City of Passaic at a municipal site designated by the Director of the Department of Public Works; and

WHEREAS, the City of Passaic has previously designated an area of Third Ward Memorial Park for disposal of leaves by landscapers pursuant to §175-6; and

WHEREAS, such area of Third Ward Memorial Park is no longer available for such use due to environmental concerns and the ongoing reconstruction of McDanold's Brook; and

WHEREAS, the cost of leasing a disposal site and subsequently transporting such leaves for disposal exceeds the amount of money collected by the City through the sale of dumping tickets to landscapers; and

WHEREAS, the City of Passaic desires to amend Chapter 39 of the City Code of the City of Passaic, "Landscaping," Section 6, "Landscaper's Responsibilities," to eliminate the provisions therein which allow landscapers to dispose of leaves at the designated municipal site and instead require all such leaves to be disposed of in a fashion consistent with Chapter 157 of the City Code, "Garbage, Rubbish, Refuse," Article II, "Leaf Disposal," Section 14, "Manner of Collection," and/or privately by the landscaper outside of the City limits.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Passaic that Chapter 157 of the City Code of the City of Passaic, "Landscaping," Section 6, "Landscaper's Responsibilities," is hereby amended as follows:

SECTION I

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

§ 175-6 Landscaper's responsibilities.

Every landscaper operating within the City of Passaic shall have the following responsibilities:

- A. To operate within the City of Passaic only while in possession of a valid, current license.
- B. (Reserved)
- C. To clearly indicate on both sides of all vehicles used within the City of Passaic the name, address and telephone number of the landscaping entity. "Clearly indicate" shall mean through the use of legible characters not less than three inches in height.

~~D. Disposal of leaves. Every landscaper operating within the City of Passaic shall be required to comply with the following:~~

- ~~(1) From October 15 through December 15 of each calendar year, all landscapers shall dispose of leaves at the location and in the manner directed by the Director of the Department of Public Works of the City of Passaic. Said designated municipal sites shall be within the City of Passaic. The landscaper shall only dispose of said leaves from properties located within the City of Passaic. Dumping tickets must be purchased at the Department of Public Works, in advance, according to the following schedule:~~

Quantity	Fee
1 yard	\$5

~~(2) Landscaper shall not be permitted to dispose of sticks, branches, grass clippings, farm material or construction material at designated municipal sites.~~

~~(3) Landscaper shall be prohibited from placing along any of the public streets, highways, parks or other public places in the City or along any curb for garbage collection any leaves, sticks, branches, grass clippings, farm material or construction material. All such material shall be removed and properly disposed of by all landscapers.~~

~~E.~~ To comply with any and all laws, rules, regulations and ordinances adopted by the State of New Jersey, County of Passaic or City of Passaic with regard to the recycling of any vegetative material or other debris directly related to the landscaper's operations.

SECTION TWO

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

SECTION THREE

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

SECTION FOUR

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

ROLL CALL

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

ABSENT: Munk

Council President Schaer read said Ordinance by title.

Councilwoman Polanco moved the Ordinance be approved on first reading. Motion was seconded by Councilman Love the public hearing be held on October 6, 2016

CITY OF PASSAIC

ORDINANCE NO# 2074-16

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 390 Handicapped Parking Spaces.

WHERE AS the total number of Handicapped Parking Spaces Restricted by New Jersey License Plate Number as per this ordinance is 397 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>
187 Howe Avenue	South	Beginning at a point 145 feet west of the westerly curblineline of Paulison Avenue and extending to a point 20 feet westerly therefrom	KJB92J

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201 President Street	South	Beginning at a point 155 feet west of the westerly curbline of Hope Avenue and extending to a point 22 feet westerly therefrom	RY677E
34 Van Buren Street	North	Beginning at a point 261 feet east of the easterly curbline of Hope Avenue and extending to a point 20 feet easterly therefrom	YFG53A

ADDITION:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>	<u>PLATE #</u>
28 Aycrigg Avenue	East	Beginning at a point 105 feet north of the northerly curbline of River Drive and extending to a point 22 feet northerly therefrom	U48FLZ
100 Brook Avenue	North	Beginning at a point 157 feet west of the westerly curbline of Spring Street and extending to a point 22 feet westerly therefrom	P50ERP
143 Highland Avenue	South	Beginning at a point 191 feet east of the easterly curbline of Hope Avenue and extending to a point 22 feet easterly therefrom	E36FSN
187 Howe Avenue	South	Beginning at a point 125 feet west of the westerly curbline of Paulison Avenue and extending to a point 20 feet westerly therefrom	KJB92J
246 Madison Street	North	Beginning at a point 50 feet west of the westerly curbline of Main Avenue and extending to a point 22 feet westerly therefrom	8897HC
54 Market Street	East	Beginning at a point 116 feet south of the southerly curbline of Essex Street and extending to a point 20 feet southerly therefrom	CB4ABW
434 Paulison Avenue	East	Beginning at a point 167 feet north of the northerly curbline of Montgomery Street and extending to a point 22 feet northerly therefrom	1655HD
201 President Street	South	Beginning at a point 155 feet west of the westerly curbline of Hope Avenue and extending to a point 22 feet westerly therefrom	9041HC
34 Van Buren Street	North	Beginning at a point 261 feet east of the easterly curbline of Hope Avenue and extending to a point 20 feet easterly therefrom	G54GZN
88 Van Winckle Avenue	East	Beginning at a point 140 feet south of the southerly curbline of	M35GVY

Highland Avenue and extending to
a point 25 feet southerly therefrom

ROLL CALL

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

ABSENT: Munk

Council President Schaer read said Ordinance by title.

Councilman Garcia moved the Ordinance be approved on first reading. Motion was seconded by Councilwoman Polanco the public hearing be held on October 6, 2016.

CITY OF PASSAIC

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

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 Council of the City of Passaic previously adopted Ordinance No. 1691-06 on May 16, 2016 establishing Chapter 275, "Taxation," Article II, "Tax Abatement on Residential, Commercial and Industrial Improvements and Projects," which set forth the eligibility or non-eligibility of dwellings, multiple dwellings, or commercial and industrial structures for a five (5) year tax abatement and/or exemption pursuant to N.J.S.A. 40A:21-1, et seq., ("Five-Year Exemption and Abatement Law); and

WHEREAS, N.J.S.A. 40A:21-4(a) provides that no application for exemptions or abatements shall be filed for exemptions or abatements to take initial effect in the eleventh tax year after initial adoption or any tax year occurring thereafter, unless the ordinance is readopted by the governing body; and

WHEREAS, the City of Passaic believes it to be in the best interest of the residents of the City of Passaic in that it encourages the improvement of properties within the City by reducing the immediate tax consequences of same.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Passaic that Chapter 275 of the City Code of the City of Passaic, "Taxation," Article II, "Tax Abatement on Residential, Commercial and Industrial Improvements and Projects," is hereby re-adopted as follows:

SECTION I

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

§ 275-5 Agreements with developers authorized.

The City Council may enter into agreements with parties for tax abatements on residential, commercial and industrial improvements or projects pursuant to the State Constitution, Article

VII, Section 1, Paragraph 6, and the provisions of N.J.S.A. 40A:21-1 et seq. providing for exemption from real property taxation of improvements or projects for a period of five years.

§ 275-5.1 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ABATEMENT

That portion of the assessed value of a property as it existed prior to construction, improvement or conversion of a building or structure thereon, which is exempted from taxation pursuant to this Act.

ASSESSOR

The Assessor of the City of Passaic charged with the duty of assessing real property for the purpose of general taxation and appointed pursuant to the provisions of Chapter 9 of Title 40A of the New Jersey Statutes.

COMMERCIAL OR INDUSTRIAL STRUCTURE

Any structure or part thereof used for manufacturing, processing, assembling, research, office, industrial, commercial, retail, recreational, hotel or warehousing purposes.

COMPLETION

Substantially ready for the intended use for which a building or structure is constructed, improved or converted.

DWELLING

A building or part of a building used, to be used, or held for use as a home or residence, including accessory buildings located on the same premises, together with the land upon which such building or buildings are erected and which may be necessary for the fair enjoyment thereof but shall not include any building or part of a building encompassing three or more residential dwellings under the Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A-1 et seq.). A dwelling shall include, if they are separately conveyed to individual owners, individual residences within a cooperative, if purchased separately by the occupants thereof, and individual residences within a horizontal property regime or a condominium, but shall not include general common elements or common elements of such horizontal properties, regime or condominium or of a cooperative if the residential units are owned separately.

IMPROVEMENT

The modernization, rehabilitation, renovation, alteration or repair of a residential, commercial or industrial structure that does not increase the volume of the structure by more than 30%.

PROJECT

The construction of a new facility or facilities to be used or occupied by any person for the manufacturing, processing or assembly of material or manufactured products or for research, office, industrial, commercial, retail, recreational or hotel or motel facilities or warehousing or for any combination thereof and which the governing body determines will tend to maintain or provide gainful employment within the municipality, assist in the economic development of the municipality, maintain or increase the tax base of the municipality and maintain or diversify and expand commerce within the municipality. Project shall also mean an enlargement of the volume of an existing structure by more than 30%. Project shall not include any facility or facilities which are the result of a removal of a facility from any other qualifying municipality.

§ 275-6 Procedures governing agreements.

The following procedures shall govern agreements for tax abatement entered into by the City Council and developers:

A. Improvements.

(1) All improvements, as defined in N.J.S.A. 40A:21-3, shall be eligible for exemption from local real property taxes, if approved by the Tax Assessor after proper

application has been made. Application shall be upon the form approved by the Director of the Division of Taxation, in the Department of the Treasury.

(2) Application time limits; effective date; tax record; assessment provisions.

(a) Applicants shall be encouraged to apply for tax exemption on improvements prior to the commencement of construction of the improvement, provided that the applicant must file a proper application with the Tax Assessor within 30 days, including Saturdays and Sundays, following the completion of the improvement or the effective date of this article, whichever is later. An abatement that is granted shall take effect upon the issuance of a certificate of occupancy to the owner, and it shall be recorded and made a permanent part of the official tax records of the taxing district, which record shall contain a notice of the termination date of the abatement.

(b) The added assessment provisions of Section 3 of P.L. 1941, c. 397 (N.J.S.A. 54:4-63.3) and the omitted assessment provisions of Section 9 of P.L. 1947, c. 413 (N.J.S.A. 54:4-63.20) and Section 1 of P.L. 1968, c. 184 (N.J.S.A. 54:4-63.33) shall not be applicable to any property for which the owner-occupant has been granted a tax abatement under this article. (N.J.S.A. 40A:21-1 et seq.).

(3) Every properly completed application for exemption of one or more improvements which is filed within 30 days of the completion of the improvement shall be allowed by the Assessor not later than 30 days of its filing.

B. Projects.

(1) Applicants for a tax abatement on projects shall provide the City Council with an application setting forth the following information, if applicable to that project:

(a) A general description of the project for which abatement is sought.

(b) A legal description of all real estate necessary for the project.

(c) Plans, drawings and other documents as may be required by the City Council to demonstrate the structure and design of the project.

(d) A description of the number, classes and types of employees to be employed at the project site within two years of completion of the project.

(e) A statement of the reasons for seeking tax abatement on the project and a description of the benefits to be realized by the applicant if tax abatement is granted.

(f) Estimates of the cost of completing such project.

(g) A statement showing the real property taxes currently being assessed at the project site, the estimated tax payments that would be made annually by the applicant on the project during the period of tax abatement and the estimated tax payments that would be made by the applicant on the project during the first full year following the termination of the tax abatement agreement.

(h) A description of any lease agreements between the applicant and proposed users of the project and the history and description of the user's business.

(i) Such other pertinent information as the City council may require.

(2) Upon approval of an ordinance authorizing an agreement for tax abatement for a particular project, the City Council shall enter into a written agreement with the applicant for the

abatement of local real property taxes. The agreement shall provide for the applicant to pay to the City of Passaic, in lieu of full property tax payments, an amount annually to be computed by using either, but not a combination, of the formulas set out in N.J.S.A. 40A:20-10 et seq. Such agreements may also provide for tax phase-in pursuant to N.J.S.A. 40A:20-10 et seq. All tax abatement agreements hereunder shall be in effect for a period of not more than five years, starting with the date of completion of the project, pursuant to N.J.S.A. 40A:21-1 et seq.

(3) No abatement shall be granted with respect to any property for which property taxes are delinquent or remain unpaid or for which penalties for nonpayment of taxes are due (N.J.S.A. 40A:20-1 et seq.). Moreover, it is the express intention of this article that, if a property owner files a municipal tax appeal during any time period of the tax abatement in question, said tax abatement agreement shall become null and void. Thereafter, the abated property shall be assessed free and clear of the abatement municipal agreement.

SECTION TWO

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

SECTION THREE

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

SECTION FOUR

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

ROLL CALL

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

ABSENT: Munk

Schedule a Hearing

Fancy Fish, 32 Central Avenue, Passaic, submitting request to have a Loading Zone placed in front of their business.

On motion made by Councilwoman Polanco and seconded by Councilman Garcia, said hearing was set down for October 20, 2016.

ROLL CALL

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

ABSENT: Munk

PAYMENT OF BILLS

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

ROLL CALL

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

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ABSENT: Munk

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 8:15 p.m.

ROLL CALL

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

ABSENT: Munk

ATTEST:

APPROVED:

Amada D. Curling, City Clerk

Gary S. Schaer, Council President