



Passaic City Council  
February 18, 2020 Minutes

**WORK-SESSION WAS HELD ON TUESDAY, FEBRUARY 18, 2020 AT 5:30 PM IN THE CITY COUNCIL CHAMBERS FIRST FLOOR CITY HALL 330 PASSAIC ST., PASSAIC, NJ.**

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

**IN ACCORDANCE WITH CHAPTER 231 PUBLIC LAWS OF 1975, ADEQUATE NOTICE OF THIS MEETING WAS PROVIDED BY RESOLUTION OF THE MUNICIPAL COUNCIL ADOPTED ON JUNE 6, 2019 SETTING FORTH THE SCHEDULE OF REGULAR MEETINGS FOR THE YEAR 2019-2020, SAID NOTICE WAS PUBLISHED AND POSTED ON THE CITY HALL BULLETIN BOARD BY THE OFFICE OF THE CITY CLERK**

**ROLL CALL**

**AYES: Love, Melo, Patel, Schwartz, Garcia, CP Schaer**

**ABSENT: Munk**

ALSO PRESENT: Hector C. Lora, Mayor, Ricardo Fernandez, Business Administrator, Christian M. Hibinski, Esq., City Attorney; Tax Appeal Atty office of Cleary Ciacobbe Alfieri Jacobs

Council President on the chair.  
After a short discussion on agenda items,

**THE FOLLOWING ITEM WAS VOTED ON BY ONE MOTION**

On a motion by Council Member Garcia and seconded by Council Member Patel the following RESOLUTION WAS OFFERED FOR ADOPTION

**CITY OF PASSAIC  
RESOLUTION NO. 20-02-044WS**

**RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION OF THE CITY COUNCIL OF THE CITY OF PASSAIC ON FEBRUARY 18, 2020 AT 7:00 PM OR ANYTIME THEREAFTER TO DISCUSS PENDING LITIGATION; CONTRACT NEGOTIATIONS AND PERSONNEL MATTERS**

**RE: Contract Negotiations pertaining to agenda Item no. 34 (191 Pennington Ave) and Settlement Agreements for the agenda items 23 through 27**

**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.

4. This Resolution shall take effect immediately.

**ROLL CALL**

**AYES:** Munk, Love, Melo, Patel, Schwartz, Garcia, CP Schaer  
**ABSENT:**

On a motion by Council Member Garcia and seconded by Council Member Patel the public portion of the Work Session meeting was reconvened

**ROLL CALL**

**AYES:** Munk, Love, Melo, Patel, Schwartz, Garcia, CP Schaer  
**ABSENT:**

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**PUBLIC MEETING OF THE CITY COUNCIL OF THE CITY OF PASSAIC WAS HELD ON TUESDAY, FEBRUARY 18, 2020 AT 7:00 P.M. IN THE COUNCIL CHAMBERS IN CITY HALL**

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

**IN ACCORDANCE WITH CHAPTER 231 PUBLIC LAWS OF 1975, ADEQUATE NOTICE OF THIS MEETING WAS PROVIDED BY RESOLUTION OF THE MUNICIPAL COUNCIL ADOPTED ON JUNE 6, 2019 SETTING FORTH THE SCHEDULE OF REGULAR MEETINGS FOR THE YEAR 2019-2020, SAID NOTICE WAS PUBLISHED AND POSTED ON THE CITY HALL BULLETIN BOARD BY THE OFFICE OF THE CITY CLERK**

ON CALL OF THE ROLL THE FOLLOWING COUNCIL MEMBERS RESPONDED:

**ROLL CALL**

**AYES: Love, Melo, Patel, Schwartz, Garcia, CP Schaer**

**ABSENT: Munk,**

ALSO PRESENT: Hector C. Lora, Mayor, Ricardo Fernandez, Business Administrator, Christian M. Hibinski, Esq, City Attorney

Invocation was rendered by Hon. Council Member Melo followed by the Pledge of Allegiance.

Council President stated there are addendums (attachments) to agenda Item Numbers 1, 2, 3, and 4 -no objections from council members

Council President stated that Item No. 34 is being taken off the agenda.

Councilman Munk took his seat on the dais at 7:08 p.m.

**MINUTES**

Council Meeting Minutes for February 4, 2020, submitted for approval.

Upon motion made by Council Member Love and seconded by Council Member Garcia the aforementioned meeting minutes were approved.

**ROLL CALL**

**AYES: Munk, Love, Melo, Patel, Schwartz, Garcia, CP Schaer**

**ABSENT:**

**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, the City Council will not entertain any comments from persons who communicate obscene material, make statements which are considered bias intimidation in which any person attempts to intimidate any individual or group because of race, color, religion, handicap, sexual orientation or ethnicity or makes personally offensive or abusive, defamatory or profane comments, comments intending to harass or speak any offensive or abusive language. The person who makes these statements will relinquish their allotted five minutes for public discussion.

**Daniel Rivera, 246 Third Street**

- He requested to City Engineer to move his handicapped parking one car length forward but was denied. He stated that he is constantly awakened at 2:00 am to move his legally parked car so that trucks can get through. Recently, the police knocked on his door at 1:30 a.m. and told he had to move his legally parked car. He does not want the Passaic Police Department waking him up at all hours of the night to move his car.

**Joe Conoscienti, 170 Broadway**

- At 92 Broadway, a gas station has been turned into a car dealership without any permits and now has about 30 cars parked on the streets. Why are they operating without a permit?
- The property at 76 Henry Street has made an illegal driveway, without permit. Is the city following up?
- The City needs a rent control board.
- What are the protocols for the rent leveling board?
- The viaduct on Broadway is deteriorating, road needs repaving; concrete dividers are separating; the graffiti that needs to be removed; the sidewalks are starting to cave in.

After ample opportunity given and no one else responding on a motion by Council Member Love and seconded by Council Member Garcia the public portion of the meeting was adjourned.

**ROLL CALL**

**AYES:** Munk, Love, Melo, Patel, Schwartz, Garcia, CP Schaer

**ABSENT:**

ORDINANCES 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. 2246-20**

**ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR  
39-41 LEXINGTON AVENUE (BLOCK 4125 LOT 8)  
AS AN AREA IN NEED OF REHABILITATION IN  
THE CITY OF PASSAIC, NEW JERSEY**

Council Member Schwartz moved a public hearing to be held on Ordinance. Motion was seconded by Council Member 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: Munk, Love, Melo, Patel, Schwartz, Garcia, CP Schaer  
ABSENT:**

After ample opportunity given and no one else responding, on a motion by Council Member Love and seconded by Council Member Garcia the public portion of the meeting was closed

**ROLL CALL**

**AYES: Munk, Love, Melo, Patel, Schwartz, Garcia, CP Schaer  
ABSENT:**

Council Member Melo moved the ordinance be adopted on second reading and final passage which motion was seconded by Council Member Patel and adopted upon a call of the roll.

**ROLL CALL**

**AYES: Munk, Love, Melo, Patel, Schwartz, Garcia, CP Schaer  
ABSENT:**

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

**CITY OF PASSAIC**  
**ORDINANCE NO. 2247-20**

**ORDINANCE ADOPTING A REDEVELOPMENT PLAN  
FOR 26-28 CENTRAL AVENUE (BLOCK 4125, LOT 18)  
AS AN AREA IN NEED OF REHABILITATION IN  
THE CITY OF PASSAIC, NEW JERSEY**

Council Member Melo moved a public hearing to be held on Ordinance. Motion was seconded by Council Member 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: Munk, Love, Melo, Patel, Schwartz, Garcia, CP Schaer**  
**ABSENT:**

After ample opportunity given and no one else responding, on a motion by Council Member Melo and seconded by Council Member Love the public portion of the meeting was closed

**ROLL CALL**

**AYES: Munk, Love, Melo, Patel, Schwartz, Garcia, CP Schaer**  
**ABSENT:**

Council Member Patel moved the ordinance be adopted on second reading and final passage which motion was seconded by Council Member Melo and adopted upon a call of the roll.

**ROLL CALL**

**AYES: Munk, Love, Melo, Patel, Schwartz, Garcia, CP Schaer**  
**ABSENT:**

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

**CITY OF PASSAIC**  
**ORDINANCE NO. 2248-20**

**ORDINANCE ADOPTING A REDEVELOPMENT PLAN  
FOR 12 BROADWAY AVENUE (BLOCK 2154, LOT 14)  
AS AN AREA IN NEED OF REHABILITATION IN  
THE CITY OF PASSAIC, NEW JERSEY**

Council Member Schwartz moved a public hearing to be held on Ordinance. Motion was seconded by Council Member 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: Munk, Love, Melo, Patel, Schwartz, Garcia, CP Schaer**  
**ABSENT:**

**Joe Conoscienti, 170 Broadway**

- How many apartments are they planning to build?
- Where will those residents park?

After ample opportunity given and no one else responding, on a motion by Council Member Love and seconded by Council Member Melo the public portion of the meeting was closed

**ROLL CALL**

**AYES: Munk, Love, Melo, Patel, Schwartz, Garcia, CP Schaer**  
**ABSENT:**

Council Member Love moved the ordinance be adopted on second reading and final passage which motion was seconded by Council Member Garcia and adopted upon a call of the roll.

**ROLL CALL**

**AYES: Munk, Love, Melo, Patel, Schwartz, Garcia, CP Schaer**  
**ABSENT:**

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

**CITY OF PASSAIC**  
**ORDINANCE NO. 2251-20**

**ORDINANCE ADOPTING A REDEVELOPMENT PLAN  
FOR 559 MAIN AVENUE (BLOCK 2144, LOT 1)  
AS AN AREA IN NEED OF REHABILITATION IN  
THE CITY OF PASSAIC, NEW JERSEY**

Council Member Love moved a public hearing to be held on Ordinance. Motion was seconded by Council Member 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: Munk, Love, Melo, Patel, Schwartz, Garcia, CP Schaer**  
**ABSENT:**

Council Member Munk stepped down from the dais at 7:35 p.m.

After ample opportunity given and no one else responding, on a motion by Council Member Schwartz and seconded by Council Member Love the public portion of the meeting was closed

**ROLL CALL**

**AYES: Love, Melo, Patel, Schwartz, Garcia, CP Schaer**  
**ABSENT: Munk**

Council Member Love moved the ordinance be adopted on second reading and final passage which motion was seconded by Council Member Garcia and adopted upon a call of the roll.

**ROLL CALL**

**AYES: Love, Melo, Patel, Schwartz, Garcia, CP Schaer**  
**ABSENT: Munk**

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

**CITY OF PASSAIC**  
**ORDINANCE NO. 2253-20**

**ORDINANCE AMENDING THE DESIGNATION OF  
RESTRICTED PARKING FOR DISABLED PERSONS  
BY NJ LICENSE PLATE NUMBER**

Council Member Schwartz moved a public hearing to be held on Ordinance. Motion was seconded by Council Member 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: Love, Melo, Patel, Schwartz, Garcia, CP Schaer**  
**ABSENT: Munk**

After ample opportunity given and no one else responding, on a motion by Council Member Schwartz and seconded by Council Member Patel the public portion of the meeting was closed

**ROLL CALL**

**AYES: Love, Melo, Patel, Schwartz, Garcia, CP Schaer**  
**ABSENT: Munk**

Council Member Patel moved the ordinance be adopted on second reading and final passage which motion was seconded by Council Member Schwartz and adopted upon a call of the roll.

**ROLL CALL**

**AYES: Love, Melo, Patel, Schwartz, Garcia, CP Schaer**  
**ABSENT: Munk**

**COMMUNICATIONS AND PETITIONS:**

On a motion by Council Member Love and seconded by Council Member Melo the following communication was received placed on file and approval granted

Satellite Sales, Inc., 749 Main Avenue, submitting application to renew their Arcade License for the year 2020. (with council conditions as per reso no. 9503-03)

Church of Holy Trinity, 226 Harrison Street, submitting application to hold a Religious Procession on April 10, 2020 from 10 a.m. to 12:30 p.m. Procession will commence at 209 Hope Avenue travel to Harrison Street to Lexington Avenue to President Street to Hope Avenue ending at 209 Hope Avenue. (Contingent Upon Departmental Approvals)

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

- Parish Festival, in their private parking lot on June 5, 2020 from 6:00 p.m. to 12:00 a.m.; June 6, 2020 from 4:00 p.m. to 12:00 a.m.; and June 7, 2020 from 1:00 p.m. to 10:00 p.m. (Contingent Upon Departmental Approvals)
- Procession, on June 13, 2020 from 8:00 p.m. to 9:15 p.m. The Procession will commence at the corner of Oak Street and Myrtle Avenue will travel Oak Street to Gregory Avenue to Monroe Street to Myrtle Avenue ending on the corners of Oak Street and Myrtle Avenue (Contingent Upon Departmental Approvals)

City of Passaic (Administration), 330 Passaic Street, submitting application to hold Street Naming Ceremony "Pastor Jose L. Cruz Place" at the corners of Third Street and Monroe Street, on April 17, 2020 from 10:30 a.m. to 11:00 a.m. (Contingent Upon Departmental Approvals)

St. Mary's Assumption Roman Catholic Church, 63 Monroe Street, correspondence cancelling their Procession scheduled for March 13, 2020.

**ROLL CALL**

**AYES:** Love, Melo, Patel, Schwartz, Garcia, CP Schaer  
**ABSENT:** Munk

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

On a motion by Council Member Love and seconded by Council Member Melo the following communications and petitions were received placed on file and approval granted

Personnel Action Forms January 2020

Millennium Strategies January 2020 Activity Report

Passaic Self Insurance submitting notice rescheduling their February monthly meeting to February 18, 2020.

Redevelopment Agency of the City of Passaic, submitting notice cancelling their February 13, 2020 meeting.

City of Passaic Planning Board, submitting agenda of their February 12, 2020 City Council meeting.

City of Passaic Zoning Board of Adjustment, submitting agenda of their February 11, 2020 City Council meeting.

Hon. Hector C. Lora, submitting memorandum appointed Robert Volinski to the Library Board of Trustees to fill an unexpired term ending December 31, 2020.

**ROLL CALL**

**AYES: Love, Melo, Patel, Schwartz, Garcia, CP Schaer**

**ABSENT: Munk**

**RESOLUTIONS:**

**THE FOLLOWING ITEM WAS VOTED ON BY ONE MOTION**

On a motion by Council Member Patel and seconded by Council Member Melo the following RESOLUTION WAS OFFERED FOR ADOPTION

**CITY OF PASSAIC  
RESOLUTION NO. 20-02-045**

**RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT  
BETWEEN THE CITY OF PASSAIC AND PASSAIC BOARD OF  
EDUCATION FOR SCHOOL RESOURCE OFFICERS 2019**

**WHEREAS**, the City of Passaic, having an office at 330 Passaic Street, Passaic, New Jersey, 07055 ("City"), wishes to enter into a Shared Services Agreement for School Resource Officers ("Agreement") with the Passaic Board of Education, having an office at 101 Passaic Avenue, Passaic, New Jersey 07055 ("Board"); and

**WHEREAS**, the City and Board seek to enter this Agreement pursuant to N.J.S.A. 40A:65-1 et. seq.; and

**WHEREAS**, under this Agreement the services of the Passaic Police Department shall be shared for the school resource officer program and additional security service; and

**WHEREAS**, in addition to the School Resource Officers ("SROs"), there shall be up to seven (7) Special Law Enforcement Officers - Class IIIs ("Special 3s") who shall have the explicit purpose of providing security at schools when schools are in session or occupied by students or staff; and

**WHEREAS**, the City and Board have set forth their intentions within the attached Agreement and mutually agree to the terms therein; and

**WHEREAS**, the Board shall adopt its own Resolution authorizing it to execute the 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 Passaic Board of Education for school resource officers subject to the terms and conditions thereof; and

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

**BE IT FURTHER RESOLVED**, that copies of this Resolution and a copy of the executed Shared Services Agreement shall be forwarded to the Passaic Board of Education to commence the same.

**ROLL CALL**

**AYES:** Munk, Melo, Patel, Schwartz, Garcia, CP Schaer

**ABSTAIN:** Love

**ABSENT:**

**THE FOLLOWING ITEMS WERE VOTED ON BY ONE MOTION**

On a motion by Council Member Melo and seconded by Council Member Garcia the following RESOLUTIONS WERE OFFERED FOR ADOPTION

**CITY OF PASSAIC  
RESOLUTION NO. 20-02-046**

**RESOLUTION AWARDING CONTRACT FOR  
EMERGENCY WATER LINE REPAIR  
FROM PASSAIC AVENUE TO BOAT HOUSE CAFÉ  
THIRD WARD PARK PASSAIC, NEW JERSEY**

**WHEREAS**, on December 31, 2019 there was a water line collapse in Third Ward Park from Passaic Avenue to the Boat House Café; and

**WHEREAS**, it was the determination of the City Engineer, that this water line collapse posed a serious potential for a health and safety hazard; and

**WHEREAS**, a private contractor had to be hired to repair the water line; and

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

**WHEREAS**, the following contractors were contacted and prices obtained:

Delgado Brothers General Contractors Passaic, NJ	\$18,000.00
John Garcia Construction Clifton, NJ	\$19,780.00

**WHEREAS**, additional repair was needed on the water line, which increased the contract an additional \$5,500.00; and

**WHEREAS**, the final cost for this job was \$ 23,500.00.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that payment to Delgado Brothers General Contractor of Passaic, NJ be made in the amount of \$23,500.00.

**CERTIFICATION OF FUNDS**

Funds for the above are available in Account #9-01-28-375-000-057.

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**CITY OF PASSAIC  
RESOLUTION #20-02-047**

**RESOLUTION AWARDING CONTRACT FOR  
TAX MAP MAINTENANCE SERVICES AND  
GEOGRAPHIC INFORMATION SYSTEMS BASE MAP SERVICES  
CITY OF PASSAIC**

**WHEREAS**, proposals were received by the Director of Purchasing on Thursday, February 6, 2020 for Tax Map Maintenance Services and Geographic Information Systems Base Map Services; and

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

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

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

Control Point Associates Warren, NJ	H2M Associates Parsippany, NJ	eRepublic Folsom, CA
Timmons Group Richmond, VA	Stellar Services New York, NY	Geographic Technologies Goldsboro, NC
French & Parello Assoc. Wall Township, NJ	The Sanborn Map Co. Colorado Springs, CO	CJIS Group Tallahassee, FL
DSM Geodata Limited Edinburgh, Edinburgh	Vertical Mapping Mesa, AZ	Synergy Systems Owings Mills, MA
Prime Vendor Wilmington, NC	Envirobidnet Port Charlotte, FL	

**WHEREAS**, the evaluation Committee reviewed the proposals received and recommends that the contract for Tax Map Maintenance Services and Geographic Information Systems Base Map Services be awarded to Suburban Consulting of Flanders, NJ in an amount not to exceed \$ 12,800.00.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the contract for Tax Map Maintenance Services and Geographic Information Systems Base Map Services be awarded to Suburban Consulting of Flanders, NJ in an amount not to exceed \$12,800.00.

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

**CERTIFICATION OF FUNDS**

Funds for the above are available in Account #T-03-56-550-000-MAP

**CITY OF PASSAIC**  
**RESOLUTION NO. 20-02-048**

**RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION  
FOR THE ASSISTANCE TO FIREFIGHTER GRANT PROGRAM**

**WHEREAS**, the City of Passaic wishes to submit an application for the Assistance to Firefighter Grant Program ("Program"); and

**WHEREAS**, the Department of Homeland Security Appropriations Act of 2019 includes \$315 million for the Program; and

**WHEREAS**, the amount of \$315 million will assist first-responder organizations that need support to improve their capability to respond to fires and emergencies of all types under the Program; and

**WHEREAS**, the grant currently available is for equipment, operation and safety and vehicle acquisition; and

**WHEREAS**, the purpose of the Program is to enhance the safety of the public and firefighters with respect to fire and fire-related hazards; and

**WHEREAS**, the Program provides direct financial assistance to eligible fire departments, nonaffiliated emergency medical service organizations, and State Fire Training Academies; and

**WHEREAS**, the funds provided shall provide critically needed resources that equip and train emergency personnel to recognized standards, enhance operational efficiencies, foster interoperability, and support community resilience; and

**WHEREAS**, the City of Passaic is eligible to apply for funding through this Program; and

**WHEREAS**, the City of Passaic wishes to jointly submit this application with the City of Paterson as this is a regional grant; and

**WHEREAS**, a Memorandum of Understanding shall be executed between the City of Passaic and the City of Paterson setting forth the duties of each respective municipality in this application process; and

**WHEREAS**, the City Council of the City of Paterson shall adopt its own Resolution authorizing the submission of the application for this Program.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Passaic that the City of Passaic is hereby authorized to submit an application for the Assistance to Firefighter Grant Program; and

**BE IT FURTHER RESOLVED**, that the Mayor, City Clerk, and Fire Chief are hereby authorized and directed to execute any documents and/or undertake any and all such actions necessary to effectuate the purpose of this Resolution.

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**CITY OF PASSAIC**

**RESOLUTION NO. 20-02-049**

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL  
CAPTIONED AVA AND SHIRA BUCHEN V. CITY OF PASSAIC**

**WHEREAS**, Ava and Shira Buchen have filed a Complaint in Tax Court challenging the assessment of real property designated as Block 3306, Lot 30 on the official Tax Map of the City of Passaic and located at 42 Crescent Avenue, Passaic, New Jersey for the tax years of 2016 through 2019 ("Property"); and

**WHEREAS**, the total approximate refund in the proposed settlement offer is \$7,275.00;

**WHEREAS**, it has been determined that the proposed settlement offer is in the best interest of the City of Passaic;

**WHEREAS**, the City of Passaic wishes to accept the proposed settlement offer of Counsel for the taxpayer.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that City of Passaic is hereby authorized to accept the proposed settlement offer for the matter of Ava and Shira Buchen v. City of Passaic;

**BE IT FURTHER RESOLVED** that the Mayor, City Clerk, and City's Tax Appeal Attorney are hereby authorized and directed to execute any other documents necessary to effectuate the purpose of this Resolution.

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**CITY OF PASSAIC**

**RESOLUTION NO.20-02-050**

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL  
CAPTIONED LESTER ROBBINS, TRUSTEE V. CITY OF  
PASSAIC**

**WHEREAS**, Lester Robbins has filed a Complaint in Tax Court challenging the assessment of real property designated as Block 3221, Lot 1 on the official Tax Map of the City of Passaic and is known as Rear 537-569 Paulison Avenue, Passaic, New Jersey for the tax years of 2017 through 2019 ("Property"); and

**WHEREAS**, the total approximate refund in the proposed settlement offer is \$175, 108.98;

**WHEREAS**, it has been determined that the proposed settlement offer is in the best interest of the City of Passaic;

**WHEREAS**, the City of Passaic wishes to accept the proposed settlement offer of Counsel for the taxpayer.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that City of Passaic is hereby authorized to accept the proposed settlement offer for the matter of Lester Robbins, Trustee v. City of Passaic;

**BE IT FURTHER RESOLVED** that the Mayor, City Clerk, and City's Tax Appeal Attorney are hereby authorized and directed to execute any other documents necessary to effectuate the purpose of this Resolution.

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**CITY OF PASSAIC**

**RESOLUTION NO. 20-02-051**

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL  
CAPTIONED BOTANY PLAZA V. CITY OF PASSAIC**

**WHEREAS**, Botany Plaza has filed a Complaint in Tax Court challenging the assessment of real property designated as Block 4054, Lot 1 on the official Tax Map of the City of Passaic and located at 24 Barbour Avenue, Passaic, New Jersey for the tax years of 2016 through 2019 ("Property"); and

**WHEREAS**, the total approximate refund in the proposed settlement offer is \$212,956.52;

**WHEREAS**, it has been determined that the proposed settlement offer is in the best interest of the City of Passaic;

**WHEREAS**, the City of Passaic wishes to accept the proposed settlement offer of Counsel for the taxpayer.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that City of Passaic is hereby authorized to accept the proposed settlement offer for the matter of Botany Plaza v. City of Passaic;

**BE IT FURTHER RESOLVED** that the Mayor, City Clerk, and City's Tax Appeal Attorney are hereby authorized and directed to execute any other documents necessary to effectuate the purpose of this Resolution.

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**CITY OF PASSAIC**

**RESOLUTION NO. 20-02-052**

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL  
CAPTIONED DANIEL AND HINDY LIFSHITZ V. CITY OF  
PASSAIC**

**WHEREAS**, Daniel and Hindy Lifshitz have filed a Complaint in Tax Court challenging the assessment of real property designated as Block 3282, Lot 118 on the official Tax Map of the City of Passaic and located at 130-136 Ridge Avenue, Passaic, New Jersey for the tax years of 2016 through 2019 ("Property"); and

**WHEREAS**, the total approximate refund in the proposed settlement offer is \$8,934.95;

**WHEREAS**, it has been determined that the proposed settlement offer is in the best interest of the City of Passaic;

**WHEREAS**, the City of Passaic wishes to accept the proposed settlement offer of Counsel for the taxpayer.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that City of Passaic is hereby authorized to accept the proposed settlement offer for the matter of Daniel and Hindy Lifshitz v. City of Passaic;

**BE IT FURTHER RESOLVED** that the Mayor, City Clerk, and City's Tax Appeal Attorney are hereby authorized and directed to execute any other documents necessary to effectuate the purpose of this Resolution.

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**CITY OF PASSAIC**

**RESOLUTION NO.20-02-053**

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL  
CAPTIONED ABE BERKOWITZ, LLC V. CITY OF PASSAIC**

**WHEREAS**, Abe Berkowitz, LLC has filed a Complaint in Tax Court challenging the assessment of real property designated as Block 4121, Lot 6 on the official Tax Map of the City of Passaic and located at 300 Monroe Street, Passaic, New Jersey for the tax years of 2016 through 2019 ("Property"); and

**WHEREAS**, the total approximate refund in the proposed settlement offer is \$40,863.70;

**WHEREAS**, it has been determined that the proposed settlement offer is in the best interest of the City of Passaic;

**WHEREAS**, the City of Passaic wishes to accept the proposed settlement offer of Counsel for the taxpayer.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that City of Passaic is hereby authorized to accept the proposed settlement offer for the matter of Abe Berkowitz, LLC v. City of Passaic;

**BE IT FURTHER RESOLVED** that the Mayor, City Clerk, and City's Tax Appeal Attorney are hereby authorized and directed to execute any other documents necessary to effectuate the purpose of this Resolution.

**CITY OF PASSAIC**  
**RESOLUTION NO.20-02-054**

**RESOLUTION AUTHORIZING NJ LAW AND  
PUBLIC SAFETY STATIONHOUSE ADJUSTMENT SUPPORT  
INITIATIVE GRANT APPLICATION**

**WHEREAS**, the City of Passaic has received notice from the New Jersey Office of the Attorney General Department of Law and Public Safety regarding funding availability through their Stationhouse Adjustment Support Initiative; and

**WHEREAS**, the City of Passaic wishes to submit an application to for funding to provide immediate, short-term sanctions and/or services for low-level juvenile offenders as part of the stationhouse adjustment process; and

**WHEREAS**, the City wishes to request \$50,000.00 in grant funding through said program to cover the total cost of project activities.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Passaic that the City of Passaic is hereby authorized to submit a grant application to the New Jersey Office of the Attorney General Department of Law and Public Safety, Stationhouse Adjustment Initiative.

**BE IT FURTHER RESOLVED** that the Passaic Police Department, Mayor, and City Clerk are hereby authorized to take all necessary actions to file this application and to accept grant funds from the New Jersey Office of the Attorney General Department of Law and Public Safety, Stationhouse Adjustment Support Initiative.

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**CITY OF PASSAIC**  
**RESOLUTION NO.20-02-055**

**RESOLUTION AUTHORIZING SUBMISSION OF  
AN APPLICATION FOR THE DISTRACTED DRIVING  
STATEWIDE CRACKDOWN GRANT THROUGH THE NEW JERSEY  
DEPARTMENT OF HIGHWAY AND TRAFFIC SAFETY**

**WHEREAS**, the City of Passaic Police Department wishes to submit an application for the Distracted Driving Statewide Crackdown Grant ("Grant") that is being offered through the New Jersey Department of Highway and Traffic Safety ("DHTS"); and

**WHEREAS**, through the Grant, the DHTS provides funding to local police departments to conduct enforcement details related to distracted driving; and

**WHEREAS**, funding through this program may only be applied towards reimbursement for police overtime enforcement details conducted between April 1, 2020 and April 31, 2020; and

**WHEREAS**, the City of Passaic Police Department is eligible to apply for funding through this Program; and

**WHEREAS**, the City of Passaic Police Department wishes to apply for the maximum grant award being allotted through this Program.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Passaic that the City of Passaic Police Department is hereby authorized to submit an application for the Distracted Driving Statewide Crackdown Grant; and

**BE IT FURTHER RESOLVED**, that the Mayor, City Clerk, and Chief of Police are hereby authorized and directed to execute any documents and/or undertake any and all such actions necessary to effectuate the purpose of this Resolution.

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**CITY OF PASSAIC**

**RESOLUTION NO.20-02-056**

**RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING  
FOR THE ASSISTANCE TO FIREFIGHTER GRANT PROGRAM**

**WHEREAS**, the City of Passaic Fire Department, having an office at 11 Hope Avenue, Passaic, NJ 07055

("Passaic"), wishes to enter into a Memorandum of Understanding ("MOU") with the City of Paterson Fire Department, having an office of 300 McBride Avenue, Paterson, NJ 07501 ("Paterson") for a joint application to the Assistance to Firefighter Grant Program ("AFG"); and

**WHEREAS**, the purpose of this MOU is to establish the terms and conditions of the representatives of the two fire departments (Passaic and Paterson); and

**WHEREAS**, payment shall be 10% of each City's portion of the assistance to the AFG; and

**WHEREAS**, Paterson shall receive 102 radios and Passaic shall receive 32 radios as per the proposed distribution of grant funded assets; and

**WHEREAS**, Paterson shall be the lead agency to the grant and Passaic shall forward the information to the lead agency as requested;

**WHEREAS**, Passaic and Paterson have set forth their intentions within the attached MOU and mutually agree to the terms therein; and

**WHEREAS**, the City Council of the City of Paterson shall adopt its own Resolution authorizing Paterson to enter the MOU.

**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 Memorandum of Understanding for the joint application to the Assistance to Firefighter Grant Program subject to the terms and conditions thereof; and

**BE IT FURTHER RESOLVED**, that the Mayor, City Clerk, and Fire Chief are hereby authorized to execute any documents and the Memorandum of Understanding to effectuate the purpose of this Resolution; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution and a copy of the executed Memorandum of Understanding shall be forwarded to the City of Paterson

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**CITY OF PASSAIC**  
**RESOLUTION NO. 20-02-057**

**CASH MANAGEMENT PLAN**

**WHEREAS**, NJ.S. 40A:5-14, Local Fiscal Affairs Law, requires that each municipality adopt a Cash Management Plan designed to assure the deposit, investment and proper disbursement of local funds; now, therefore, be it

**RESOLVED**, that the Municipal Council of the City of Passaic does hereby adopt the following Cash Management Plan:

A. DESIGNATION OF DEPOSITORIES

The following institutions are designated as permissible depositories for the deposit of City funds:

BANCO POPULAR	PNC BANK
	TD BANKNORTH
	V ALLEY NATIONAL BANK
CAPITAL ONE	

All depositories must conform to the Governmental Unit Deposit Protection Act ("GUDPA"), and shall provide a Notification of Eligibility from the State of New Jersey, Department of Banking, on a semi-annual basis. In addition, designated depositories shall maintain maximum FDIC or FSLIC coverage of all City funds on deposit.

B. DEPOSIT OF FUNDS

All funds shall be deposited within forty-eight (48) hours of receipt, in accordance with NJ.S. 40A:5-15, into appropriate fund operating accounts. Interest bearing operating and capital accounts shall be regularly monitored for the availability of funds for investment. Debt Service and Trust accounts shall be maintained in accordance with Federal and State statutes regulating such funds. Payroll, Developers' Escrow deposits and other agency funds, which represent funds of individuals and other organizations held by the City, shall be deposited in regular, interest bearing checking accounts unless

applicable State statutes direct otherwise. Grant funds shall be deposited in accordance with regulations of the granting government or agency.

C. INVESTMENT INSTRUMENTS AND PROCEDURES

The City may purchase those investments permitted in NJ.S. 40A:5-15.1, which include:

- United States Treasury Bonds, Notes and Bills
- United States Government Agency and Instrumentality Obligations
- New Jersey Arbitrage Rebate Management Fund
- Savings Bank Deposits and Certificates of Deposit
- State of New Jersey Cash Management Fund

The City may purchase other obligations approved by the Division of Investment of the Department of Treasury for investment by local units.

Investments shall be limited to a maturity of not more than one year unless a longer term is permitted by applicable Federal or State regulations. Allowable investments with maturities which extend beyond the end of the City's fiscal year shall be permitted. The purchase of Certificates of Deposit shall be made based on the availability of funds for investment and the analysis of projected cash flows.

D. DISBURSEMENT OF FUNDS

All funds shall be disbursed as authorized and directed by the Municipal Council, except that the Chief Financial Officer shall have the authority to make the following disbursements prior to receiving the approval of the Municipal Council:

County Taxes	
Payroll Withholding Amounts	
Debt Service	Postage
Insurance Premiums	Purchase of Investments
Interfunds	Salaries and Wages
Petty Cash Reimbursements	School Taxes
Utility Expenses	Statutory Expenses

Any disbursements made prior to Municipal Council approval shall be listed and included in the Payment of Bills for the first available council meeting following said disbursement for Municipal Council approval.

Disbursements shall be executed via electronic wire transfer of funds by the Chief Financial Officer, or designated staff member, when that method of payment will result in an operating and/or financial benefit to the City.

E. PETTY CASH FUND

Reimbursements for expenditures through the Petty Cash Fund shall be made within the limits approved by the Director of the Division of Local Government Services. The Petty Cash Fund shall be maintained in accordance with N.J.S. 40A:5-21. Individual reimbursements from the Petty Cash Fund shall not exceed \$50 per item. The following Petty Cash Funds shall be maintained:

City Clerk	\$300
Fire Department	\$250
Police Department	\$250
Public Works	\$250

F. BONDING

The following officials shall be covered by surety bonds; said surety bonds to be examined by the independent auditor to insure their proper execution:

Chief Financial Officer	Tax Collector
City Clerk	Treasurer
Municipal Court	

Staff members of the Department of Finance and Tax Collection not covered by separate surety bonds shall be covered by a Public Employee's Faithful Performance Bond.

G. COMPLIANCE

The Cash Management Plan of the City of Passaic shall be subject to the approval of the City's Legal Counsel, and shall be subject to the annual audit, conducted pursuant to N.J.S. 40A:5-4.

As stated in N.J.S. 40A:5-14, the official(s) charged with the custody of City funds shall deposit them as instructed by this Cash Management Plan, and shall thereafter be relieved of any liability or loss due to the insolvency or closing of any designated depository.

If, at any time, this Cash Management Plan conflicts with any regulation of the State of New Jersey, or any department thereof, the applicable State regulations shall apply.

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**CITY OF PASSAIC**  
**RESOLUTION NO.20-02-058**

**A RESOLUTION DESIGNATING THE OFFICIAL BANK ACCOUNTS  
AND THE OFFICIAL DEPOSITORIES FOR SUCH BANK ACCOUNTS  
OF THE CITY OF PASSAIC**

**BE IT RESOLVED** by the City Council of the City of Passaic that:

The following bank accounts, at their respective depositories of The City of Passaic shall be continued and shall be as follows:

PNC BANK

Trust Account  
Capital Account  
Dog Trust Account  
Primary General Election Account  
Sewer Capital  
PNC Grant Account  
PNC Claims Account

VALLEY NATIONAL BANK

Current Account  
Redemption Account  
EMS Billing Account  
Problem Solving Account  
FLEX Plan  
D&H Alternative Solutions, Inc. - Worker's Compensation  
Emergency Solutions Grant Account  
Municipal Court Account  
HUD HOME Account

CAPITAL ONE

Agency Account  
Current Account  
Community Development Block Grant Account  
Salary Account  
Tax Sale Premium Account  
Specialty Claims Management - Liability  
Utility Operations  
Regional Contribution Agreement - Savings Account  
Payroll Account  
Credit card account

TD BANKNORTH

Escrow Account  
Norwood RCA Account  
Recreation Officials Fee

BANCO POPULAR

Current Account  
City of Passaic Grant Fund  
City of Passaic Claims Fund

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**CITY OF PASSAIC**  
**RESOLUTION NO. 20-02-059**

**RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT  
BETWEEN THE CITY OF PASSAIC AND CITY OF CLIFTON FOR  
HEALTH OFFICER AND COORDINATOR, HEALTH PROJECTS  
3/GRANT OVERSIGHT SERVICES 2020**

**WHEREAS**, the City of Passaic, having an office at 330 Passaic Street, Passaic, New Jersey, 07055 ("Passaic"), wishes to enter into a Shared Services Agreement for Health Officer and Coordinator, Health Projects 3/Grant Oversight Services ("Agreement") with the City of Clifton, having an office at 900 Clifton Avenue, Clifton, New Jersey 07013 ("Clifton"); and

**WHEREAS**, the City of Clifton shall provide Health Officer Services by its Licensed Officer and shall make those services available to the City of Passaic subject to the terms of the Agreement attached hereto; and

**WHEREAS**, the City of Clifton shall provide a Coordinator, Health Projects 3 to provide grant oversight for the New Jersey Department of Health Childhood Lead Poisoning Prevention grant subject to the terms of the Agreement attached hereto; and

**WHEREAS**, the Agreement shall be funded by the New Jersey Department of Health Lead Grant and shall not cost the City of Passaic additional monies; and

**WHEREAS**, Passaic and Clifton have set forth their intentions within the attached Agreement and mutually agree to the terms therein; and

**WHEREAS**, the City Council of the City of Clifton has adopted its own Resolution on January 21, 2020 authorizing Clifton to enter the 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 Health Officer and Coordinator, Health Projects 3/Grant Oversight Services subject to the terms and conditions thereof; and

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

**BE IT FURTHER RESOLVED**, that copies of this Resolution and a copy of the executed Shared Services Agreement shall be forwarded to the City of Clifton.

**ROLL CALL**

**AYES:** Munk, Love, Melo, Patel, Schwartz, Garcia, CP Schaer  
**ABSENT:**

Council Member Munk took his seat on the dais 7:40 pm

**ORDINANCE FOR INTRODUCTION AND FIRST READING:**

At the request of Administration Item No. 34, was removed from the agenda:

**ORDINANCE APPROVING THE APPLICATION FOR A LONG-TERM TAX EXEMPTION AND AUTHORIZING THE CITY OF PASSAIC TO ENTER INTO A FINANCIAL AGREEMENT WITH PENNINGTON PASSAIC, LLC FOR PROPERTY IDENTIFIED ON THE OFFICIAL TAX MAP OF THE CITY OF PASSAIC AS: BLOCK 3236, LOT 36; BLOCK 3237, LOT 47; AND, BLOCK 3254, LOT 37, (176 PENNINGTON AVENUE; 191 PENNINGTON AVENUE; AND, 199-231 PENNINGTON AVENUE) PASSAIC, NEW JERSEY**

Council President Schaer read said Ordinance by title.

**CITY OF PASSAIC  
ORDINANCE NO.**

**ORDINANCE AMENDING THE CITY CODE OF THE CITY OF PASSAIC, CHAPTER 295, "VEHICLES AND TRAFFIC," TO CREATE PART 9 "RESIDENTIAL PARKING PERMITS"**

Council Member Melo moved the Ordinance be approved on first reading. Motion was seconded by Council Member Love the public hearing be held on March 3, 2020.

**ROLL CALL**

**AYES:** Garcia, Love, Munk, Melo, Patel, Schwartz, CP Schaer  
**ABSENT:**

Councilman Munk had questions regarding the specifics pertaining to the ordinance and requested revisions. After a discussion between the city council and administration,

a motion was made to withdraw the vote for introduction and to table the ordinance.

On a motion by Council Member Melo and seconded by Council Member Love the ordinance introduction was withdrawn.

**ROLL CALL**

**AYES:** Munk, Love, Melo, Patel, Schwartz, Garcia, CP Schaer  
**ABSENT:**

Council Member Munk stepped down from the dais 8:37 p.m.

Council Member Garcia stepped down from the dais 8:49 p.m.

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Council President Schaer read said Ordinance by title.

**CITY OF PASSAIC**  
**ORDINANCE # 2254-20**

**ORDINANCE AMENDING THE CITY CODE OF THE CITY OF  
PASSAIC CHAPTER 143 "FLOOD DAMAGE PREVENTION"**

**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,** it is the recommendation of the Department of Environmental Protection, Bureau of Flood Engineering that the City of Passaic's current Flood Damage Prevention Ordinance ("FDPO") be deleted and replaced with a Model "D Best Available" version; and

**WHEREAS,** in order to continue participation in the National Flood Insurance Program ("NFIP"), the FDPO must be updated to be in compliance with current flood damage prevention standards; and

**WHEREAS,** the City Code of the City of Passaic, Chapter 143 sets forth the flood damage prevention standards and requirements within the City of Passaic; and

**WHEREAS,** in the interest of the promotion of the general welfare and the City's desire to continue

participation in the NFIP, the City Code of the City of Passaic, Chapter 143 "Flood Damage Prevention" shall be amended as set forth below.

**NOW THEREFORE BE IT ORDAINED**, by the City Council of the City of Passaic that the City Code of the City of Passaic Chapter 143 "Flood Damage Prevention" is hereby deleted in its entirety and is replaced as follows:

**SECTION I**

**Chapter 143 FLOOD DAMAGE PREVENTION**

**ARTICLE I                    GENERAL    PROVISIONS    -    STATUTORY  
AUTHORIZATION,    FINDINGS    OF    FACT,    PURPOSE    AND  
OBJECTIVES**

**§143-1 STATUTORY AUTHORIZATION**

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Passaic of Passaic County, New Jersey does ordain as follows:

**§143-2 FINDINGS OF FACT**

- a) The flood hazard areas of the City of Passaic are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

**§143-3 STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a) Protect human life and health;

- b) Minimize expenditure of public money for costly flood control projects;
- c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) Minimize prolonged business interruptions;
- e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### **§143-4 METHODS OF REDUCING FLOOD LOSSES**

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

#### **§143-5 DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**AH Zone-** Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone

**AO Zone-** Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

**Appeal** – A request for a review of the City Engineer's interpretation of any provision of this ordinance or a request for a variance.

**Area of Shallow Flooding** – A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard** – Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

**Base Flood** – A flood having a one percent chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE)** – The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

**Basement** – Any area of the building having its floor subgrade (below ground level) on all sides.

**Best Available Flood Hazard Data** – The most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM.

**Best Available Flood Hazard Data Elevation** – The most recent available preliminary flood elevation guidance FEMA has provided. The Best Available Flood Hazard Data Elevation may be depicted on an Advisory Flood Hazard Area Map, Work Map or Preliminary FIS and FIRM.

**Breakaway Wall** – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

**Development** – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

**Elevated Building** – A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

**Elevation Certificate** – An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

**Erosion** – The process of gradual wearing away of land masses.

**Existing Manufactured Home Park or Subdivision** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**FEMA Publication** – Any publication authored or referenced by FEMA related to building science, building safety, or floodplain management related to the National Flood Insurance Program. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers Standards documents.

**Flood Design Class** – An American Society of Civil Engineers (ASCE) classification of buildings and other structures for determination of flood loads and conditions and determination of minimum elevation requirements on the basis of risk associated with unacceptable performance.

**Flood or Flooding** – A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM)** – The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)** – The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

**Floodplain Management Regulations** – Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion

control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodproofing** – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodproofing Certificate** – Certification by an engineer or architect to certify a floodproofing design for a non-residential building.

**Floodway** – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

**Freeboard** – A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**Highest Adjacent Grade** – The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

**Historic Structure** – Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic

district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved State program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in States without approved programs.

**Lowest Floor** – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

**Manufactured Home** – A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**Manufactured Home Park or Manufactured Home Subdivision** – A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**New Construction** – Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or

after the effective date of the floodplain management regulations adopted by the municipality.

**Preliminary Flood Insurance Rate Map**— The draft version of the FIRM released for public comment before finalization and adoption.

**Recreational Vehicle** — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Start of Construction** — (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** – A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

**Substantial Damage** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**Substantial Improvement** – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Variance** – A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

**Violation** – The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**Water Surface Elevation** – the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes

and frequencies in the flood plains of coastal or riverine areas.

**§143-6 LANDS TO WHICH THIS ORDINANCE APPLIES**

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Passaic, Passaic County, New Jersey.

**§143-7 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard for the City of Passaic, Community No. 340403, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report “Flood Insurance Study, Passaic County, New Jersey (All Jurisdictions)” dated April 17, 2020.
- b) “Flood Insurance Rate Map for Passaic County, New Jersey (All Jurisdictions)” as shown on Index and panels 34031C0238G, 34031C0257G, 34031C0259G, 34031C0276G, 34031C0278G whose effective date is April 17, 2020.
- c) Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement shall prevail.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at 330 Passaic Street Passaic, New Jersey.

**§143-8 PENALTIES FOR NONCOMPLIANCE**

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be subject to such penalty as is provided in Chapter 1, General Provisions, Article II, General Penalty, and, in addition, shall pay all

costs and expenses involved in the case. Nothing herein contained shall prevent the City of Passaic, from taking such other lawful action as is necessary to prevent or remedy any violation.

**§143-9 ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**§143-10 INTERPRETATION**

In the interpretation and application of this ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and,
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

**§143-11 WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the City of Passaic, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**§143-12 ESTABLISHMENT OF DEVELOPMENT PERMIT**

The City of Passaic shall establish and maintain a local development permitting system to determine whether such proposed construction or other development is reasonably safe from flooding. A local Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section 3.2. Application for a Development Permit shall be made on forms furnished by the City Engineer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; a description of the flood design class, and the location

of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to 0 foot elevation NAVD 88 datum, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to 0 foot elevation NAVD 88 datum to which any structure has been floodproofed.
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 5.2-2; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- e) Any forms, plans, or information required pursuant to any applicable FEMA publication.

#### **§143-13 DESIGNATION OF THE LOCAL ADMINISTRATOR**

The City Engineer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

#### **§143-14 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR**

Duties of the City Engineer shall include, but not be limited to:

##### **A. PERMIT REVIEW**

Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

- (1) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- (2) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 5.3 a) are met.
- (3) Review all permit applications to determine whether proposed building sites are reasonably safe from flooding;

- (4) Review all permit applications to determine whether development complies with all applicable FEMA Publications;
- (5) Review all permit applications to determine whether development complies with all applicable New Jersey Land Use requirements;

**B. USE OF OTHER BASE FLOOD AND FLOODWAY DATA**

When base flood elevation and floodway data has not been provided in accordance with section **§143-7**, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the City Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

**C. INFORMATION TO BE OBTAINED AND MAINTAINED**

- (1) Obtain and record on a current Elevation Certificate the actual elevation (in relation to 0 foot elevation NAVD 88 datum) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved floodproofed structures:
  - (a) verify and record on a Floodproofing Certificate the actual elevation (in relation to 0 foot elevation NAVD 88 datum);
  - (b) maintain the floodproofing certifications required in section 4.1 c).
- (3) Record the study date of the Best Available Flood Hazard Data (and other documents) used to determine the actual elevation of the lowest floor (including basement) of all new or substantially improved structures; and
- (4) Maintain for public inspection all records pertaining to the provisions of this ordinance.

**D. ALTERATION OF WATERCOURSES**

- (1) Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Engineering and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

**E. SUBSTANTIAL DAMAGE REVIEW**

- a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Engineering.
- c) Ensure substantial improvements meet the requirements of sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION and 5.2-3, SPECIFIC STANDARDS, MANUFACTURED HOMES.

**F. INTERPRETATION OF FIRM BOUNDARIES**

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section **§143-15**.

**G. REPORT CHANGES IN FLOODING CONDITIONS**

Obtain and record changes in flooding conditions and report the technical or scientific data to the Federal Insurance Administrator on a six (6) month basis or sooner in accordance with Volume 44 Code of Federal Regulations Section 65.3.

**§143-15 APPEAL BOARD**

**A. Appeal Board**

- (1) The Passaic County Construction Board of Appeals as established by Board of Chosen Freeholders shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The Passaic County Construction Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City Engineer in the enforcement or administration of this ordinance.

- (3) Those aggrieved by the decision of the Passaic County Construction Board of Appeals, or any taxpayer, may appeal such decision to the Superior Court, as provided in N.J.S.A. 52:27D-127 et seq.
- (4) In passing upon such applications, the Passaic County Construction Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
  - (a) the danger that materials may be swept onto other lands to the injury of others;
  - (b) the danger to life and property due to flooding or erosion damage;
  - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (d) the importance of the services provided by the proposed facility to the community;
  - (e) the necessity to the facility of a waterfront location, where applicable;
  - (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (g) the compatibility of the proposed use with existing and anticipated development;
  - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
  - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  - (k) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) Upon consideration of the factors of section **§143-15A(4)** and the purposes of this ordinance, the Construction Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (6) The City Engineer shall maintain the records of all appeal actions, including technical information, the justification for their issuance, and report any variances to the Federal Insurance Administration upon request.

## **B. CONDITIONS FOR VARIANCES**

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i.-xi. in section 4.4-1 d) have

been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

- (2) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Variances shall only be issued upon:
  - (a) A showing of good and sufficient cause;
  - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
  - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section **§143-15A(4)**, or conflict with existing local laws or ordinances.
- (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

## **ARTICLE II PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **§143-16 GENERAL STANDARDS**

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

#### **A. ANCHORING**

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

- (2) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

**B. CONSTRUCTION MATERIALS AND METHODS**

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

**C. UTILITIES**

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- (4) For all new construction and substantial improvements, the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**D. SUBDIVISION PROPOSALS**

- (1) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

**E. ENCLOSURE OPENINGS**

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

**§143-17 SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in section 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

**A. RESIDENTIAL CONSTRUCTION**

New construction and substantial improvement of any residential structure located in an A, AE, AO or AH zone shall have the lowest floor, including basement together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the more restrictive of the following:

- (1) For A or AE zones:
  - (a) base flood elevation (published FIS/FIRM) plus one (1) foot;
  - (b) the best available flood hazard data elevation plus one (1) foot;
  - (c) as required by ASCE/SEI 24-14, Table 2-1, or
  - (d) as required by N.J.A.C. 7:13-3.
- (2) For AO or AH zones on the municipality's FIRM to elevate above the depth number specified

in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

- (3) Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

## **B. NONRESIDENTIAL CONSTRUCTION**

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A, AE, AO or AH zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment:

Either:

- (1) Elevated at or above the more restrictive of the following:
  - (a) For A or AE zones:
    - i. base flood elevation (published FIS/FIRM) plus one (1) foot
    - ii. the best available flood hazard data elevation plus one (1) foot
    - iii. as required by ASCE/SEI 24-14, Table 2-1, or
    - iv. as required by N.J.A.C 7:13-3.
  - (b) For AO or AH zones on the municipality's FIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;
  - (c) Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

or

- (2) Be floodproofed so that below the more restrictive of the following:
  - (a) For A or AE zones:
    - i. base flood elevation (published FIS/FIRM) plus one (1) foot;
    - ii. the best available flood hazard data elevation plus one (1) foot;
    - iii. as required by ASCE/SEI 24-14, Table 6-1, or
    - iv. as required by N.J.A.C 7:13-3.

- v. AO or AH zone elevation based upon the highest adjacent grade, plus the depth number specified in feet, plus one (1) foot (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures,
- (b) The structure is watertight with walls substantially impermeable to the passage of water;
- (c) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- (d) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 b) ii.
- (e) Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

#### **C. MANUFACTURED HOMES**

- (1) Manufactured homes shall be anchored in accordance with section 5.1-1 b).
- (2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
  - (a) Be consistent with the need to minimize flood damage,
  - (b) Be constructed to minimize flood damage,
  - (c) Have adequate drainage provided to reduce exposure to flood damage,
  - (d) Be elevated on a permanent foundation such that the top of the lowest floor is at or above the more restrictive of the following:
    - i. base flood elevation (published FIS/FIRM) plus one (1) foot,
    - ii. the best available flood hazard data elevation plus one (1) foot, or
    - iii. as required by ASCE/SEI 24-14, Table 2-1,
    - iv. as required by N.J.A.C 7:13-3.
  - v. AO or AH zone elevation based upon the highest adjacent grade, plus the depth number specified in feet, plus one (1) foot (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures,
  - (e) Record the method and elevation used above and, the Best Available Flood Hazard Design Data elevation, date and revision in the local Development Permit.

- (3) All recreational vehicles located within an area of special flood hazard shall either:
  - a) Be on site for fewer than 180 consecutive days,
  - b) Be fully licensed and ready for highway use,  
or
  - c) Meet the requirements of sections 4.1 and 5.2-3 a) and b) above.

#### **§143-18 FLOODWAYS**

Located within areas of special flood hazard established in section **§143-7** are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If section **§143-18A** is satisfied, all new construction and substantial improvements must comply with section **§143-16** PROVISIONS FOR FLOOD HAZARD REDUCTION and **§143-17** SPECIFIC STANDARDS.
- C. In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, no new construction, substantial improvements, fill, or other development shall be permitted, unless it is demonstrated that the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

#### **§143-19 FEE**

There is hereby established a fee of \$10 for the distribution of floodplain information. The City Engineer shall be authorized to charge and collect said fee for each request.

#### **SECTION II**

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

**SECTION 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.

Council Member Melo moved the Ordinance be approved on first reading. Motion was seconded by Council Member Love the public hearing be held on March 3, 2020.

**ROLL CALL**

**AYES:** Love, Melo, Patel, Schwartz, CP Schaer

**ABSENT:** Munk, Garcia

**SCHEDULE HEARINGS**

Council President Schaer read said Hearing Request by title.

Nicomex, 108 Third Street, submitting request for a loading zone to be placed in front of their establishment. (requesting hearing to be scheduled for March 17, 2020)

On a motion by Council Member Love and seconded by Council Member Melo a public hearing was scheduled for March 17, 2020.

**ROLL CALL**

**AYES:** Love, Melo, Patel, Schwartz, CP Schaer

**ABSENT:** Munk, Garcia

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Council President Schaer read said Hearing Request by title.

Sunny's Liquors, 413 Monroe Street, submitting request for a loading zone to be placed in front of their establishment. (Requesting hearing to be scheduled for April 23, 2020)

Council Member Garcia took his seat on the dais 8:54 p.m.

Council President requested this hearing be scheduled for April 23, 2020

On a motion by Council Member Love and seconded by Council Member Melo a public hearing was scheduled for April 23, 2020.

**ROLL CALL**

**AYES:** Love, Melo, Patel, Schwartz, Garcia, CP Schaer  
**ABSENT:** Munk

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Council President Schaer read said Hearing Request by title.

Knockout Sports Bar & Grill, submitting request for a loading zone to be placed in front of their establishment (requesting hearing to be scheduled for April 2, 2020)

On a motion by Council Member Love and seconded by Council Member Melo a public hearing was scheduled for April 2, 2020.

**ROLL CALL**

**AYES:** Love, Melo, Patel, Schwartz, Garcia, CP Schaer  
**ABSENT:** Munk

**PAYMENT OF BILLS**

On a motion by Council Member Melo and seconded by Council Member Garcia the PAYMENT OF BILLS, was accepted and approved

**ROLL CALL**

**AYES:** Munk, Love, Melo, Patel, Schwartz, Garcia, CP Schaer  
**ABSENT:**

**ADMINISTRATOR'S REPORT**

- An ad hoc committee needs to be established.

**ADJOURNMENT**

There being no further business to come before the Council on a motion by Council Member Patel and seconded by Council Member Melo the meeting was adjourned at 8:50 p.m.

**ROLL CALL**

**AYES:** Munk, Love, Melo, Patel, Schwartz, Garcia, CP Schaer

**ABSENT:**

**ATTEST:**

**APPROVED:**

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Amada D. Curling,  
City Clerk

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Gary S. Schaer,  
Council President