



Passaic City Council  
May 5, 2020 Minutes

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**MEETING WAS CONDUCTED AS A LIVE STREAM VIA FACEBOOK**

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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

PLEASE BE FURTHER ADVISED THAT DUE TO COVID-19 THIS MEETING WILL BE VIRTUAL STREAMED. PUBLIC NOTICE AND INSTRUCTIONS FOR THIS MEETING WAS PUBLISHED IN THE HERALD NEWS AND POSTED ON APRIL 27, 2020 ON THE CITY OF PASSAIC WEBSITE AT: [WWW.CITYOFPASSAIC.COM](http://WWW.CITYOFPASSAIC.COM) (COUNCIL AGENDAS). INSTRUCTIONS ARE ALSO AVAILABLE IN THE LAST PAGE OF THIS AGENDA.

PLEASE BE GUIDED ACCORDINGLY.

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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 (VIA ZOOM)						
AYES:	Munk	Love	Melo	Schwartz	Garcia	CP Schaer
ABSENT:	Patel					

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

Invocation was rendered by Council Member Melo (via Zoom), followed by the Pledge of Allegiance.

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**MINUTES**

Council Meeting Minutes for April 23, 2020, submitted for approval.

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

ROLL CALL (VIA ZOOM)						
AYES:	Munk	Love	Melo	Schwartz	Garcia	CP Schaer
ABSENT:	Patel					

Council president Schaer presented a proposed addendum to the agenda: RESOLUTION EXTENDING GRACE PERIOD FOR DELINQUENT PROPERTY TAXES SECOND QUARTER 2020- no objections from council members.

Hon. Hector C. Lora, Mayor- Updated the City Council and residents regarding COVID-19, services for residents, testing availability, testing and care for the homeless residents, and services provided to the senior citizen community.

**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.***

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

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<b>ROLL CALL (VIA ZOOM)</b>						
<b>AYES:</b>	<b>Munk</b>	<b>Love</b>	<b>Melo</b>	<b>Schwartz</b>	<b>Garcia</b>	<b>CP Schaer</b>
<b>ABSENT:</b>	<b>Patel</b>					

**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. 2262-20**

**ORDINANCE AMENDING THE CITY CODE OF  
THE CITY OF PASSAIC, CHAPTER 295, "VEHICLES AND  
TRAFFIC," TO INCLUDE THE "MONROE STREET  
COMMERCIAL/RESIDENTIAL ZONE"**

Council Member Garcia 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

<b>ROLL CALL (VIA ZOOM)</b>						
<b>AYES:</b>	<b>Munk</b>	<b>Love</b>	<b>Melo</b>	<b>Schwartz</b>	<b>Garcia</b>	<b>CP Schaer</b>
<b>ABSENT:</b>	<b>Patel</b>					

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

<b>ROLL CALL (VIA ZOOM)</b>						
<b>AYES:</b>	<b>Munk</b>	<b>Love</b>	<b>Melo</b>	<b>Schwartz</b>	<b>Garcia</b>	<b>CP Schaer</b>
<b>ABSENT:</b>	<b>Patel</b>					

Council Member Melo 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.

<b>ROLL CALL (VIA ZOOM)</b>						
<b>AYES:</b>	<b>Munk</b>	<b>Love</b>	<b>Melo</b>	<b>Schwartz</b>	<b>Garcia</b>	<b>CP Schaer</b>
<b>ABSENT:</b>	<b>Patel</b>					

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

**CITY OF PASSAIC  
ORDINANCE NO. 2263-20**

**ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR  
135 SUMMER STREET (BLOCK 2180, LOT 27)**

Council Member Garcia 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

<b>ROLL CALL (VIA ZOOM)</b>						
<b>AYES:</b>	<b>Munk</b>	<b>Love</b>	<b>Melo</b>	<b>Schwartz</b>	<b>Garcia</b>	<b>CP Schaer</b>
<b>ABSENT:</b>	<b>Patel</b>					

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

<b>ROLL CALL (VIA ZOOM)</b>						
<b>AYES:</b>	<b>Munk</b>	<b>Love</b>	<b>Melo</b>	<b>Schwartz</b>	<b>Garcia</b>	<b>CP Schaer</b>
<b>ABSENT:</b>	<b>Patel</b>					

Council Member Garcia moved this item be tabled to the May 19, 2020 meeting. Motion was seconded by Council Member Love, So Ordered.

<b>ROLL CALL (VIA ZOOM)</b>						
<b>AYES:</b>	<b>Munk</b>	<b>Love</b>	<b>Melo</b>	<b>Schwartz</b>	<b>Garcia</b>	<b>CP Schaer</b>
<b>ABSENT:</b>	<b>Patel</b>					

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

**CITY OF PASSAIC  
ORDINANCE NO. 2264-20**

**ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR 196-200  
DAYTON AVENUE (BLOCK 4059, LOTS 15, 16 AND 17)**

Council Member Melo moved a public hearing to be held on Ordinance. Motion was seconded by Council Member Schwartz, 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

<b>ROLL CALL (VIA ZOOM)</b>						
<b>AYES:</b>	<b>Munk</b>	<b>Love</b>	<b>Melo</b>	<b>Schwartz</b>	<b>Garcia</b>	<b>CP Schaer</b>
<b>ABSENT:</b>	<b>Patel</b>					

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

<b>ROLL CALL (VIA ZOOM)</b>						
<b>AYES:</b>	<b>Munk</b>	<b>Love</b>	<b>Melo</b>	<b>Schwartz</b>	<b>Garcia</b>	<b>CP Schaer</b>
<b>ABSENT:</b>	<b>Patel</b>					

Council Member Melo moved this item be tabled to the May 19, 2020 meeting. Motion was seconded by Council Member Love, So Ordered.

<b>ROLL CALL (VIA ZOOM)</b>						
<b>AYES:</b>	<b>Munk</b>	<b>Love</b>	<b>Melo</b>	<b>Schwartz</b>	<b>Garcia</b>	<b>CP Schaer</b>
<b>ABSENT:</b>	<b>Patel</b>					

**COMMUNICATIONS AND PETITIONS:**

**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

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Hon Hector C. Lora, Mayor, submitting the following:

- Memorandum re: Police and Fire Departments Swearing In Arrangements

Passaic Municipal Court, submitting their monthly report March 2020

Personnel Actions- April 2020

New Jersey Department of Environmental Protection New Jersey Ground Water Remedial Action Permit - Termination; Site: Pantasote, Inc., A/K/A: Pantasote Polymers, Inc.; Address: 26 Jefferson Street, Passaic, Passaic County, SRP Program Interest (PI) #: 007047; Ground Water Remedial Action Permit Termination #: RAP200001; Terminates Ground Water Remedial Action Permit #: RAP16000; Effective Date of Permit Termination: April 16, 2020

Public Service Electric and Gas Company, submitting notice of their June 1, 2020 public meeting.

PT Consulting Inc., submitting correspondence re: Pantasote, Inc., 226 Jefferson Street, Passaic, NJ, NJDEP Case No. E89344; NJDEP PI#007047- Classification Exception Area/Well Restriction Area

New Jersey Department of Transportation, submitting correspondence regarding Fiscal year 2021 State Aid Programs.

Redevelopment Agency of the City of Passaic, submitting notice of their April 30, 2020 meeting.

New Jersey Department of Environmental Protection submitting correspondence re: Pantasote, Inc., 226 Jefferson Street, Passaic, NJ, NJDEP PI#007047- Ground Water Remedial Action.

North Jersey District Water Supply Commission, submitting notice and agenda of their April 22, 2020 meeting.

Municipal Express Liability Joint Insurance Fund, submitting their MEL Annual Report.

Passaic Valley Water Commission, submitting minutes of their March 11, 2020 meeting.

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<b>ROLL CALL (VIA ZOOM)</b>						
<b>AYES:</b>	<b>Munk</b>	<b>Love</b>	<b>Melo</b>	<b>Schwartz</b>	<b>Garcia</b>	<b>CP Schaer</b>
<b>ABSENT:</b>	<b>Patel</b>					

**RESOLUTIONS:**

**THE FOLLOWING RESOLUTION WAS REMOVED FROM THE AGENDA**

RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION OF THE CITY COUNCIL OF PASSAIC ON PASSAIC ON MAY 5, 2020 AT 5:30 PM OR ANYTIME THEREAFTER TO DISCUSS PENDING LITIGATION, CONTRACT NEGOTIATIONS AND PERSONNEL MATTERS

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

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

**CITY OF PASSAIC**  
**RESOLUTION NO. 20-05-125**

**RESOLUTION AUTHORIZING THE FILING OF THE CITY OF PASSAIC'S 2020-2021 ACTION PLAN AN APPLICATION FOR FEDERAL ASSISTANCE UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP PROGRAMS**

**WHEREAS,** the City of Passaic is entitled to receive federal financial assistance under the Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) for the Program Year 2020-2021, which begins July 1, 2020 and ends June 30, 2021; and

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

1. The Program Year 2020-2021 Action Plan is hereby approved based upon the program allocations as follows:

Community Development Block Grant (CDBG)	\$1,362,949.00
HOME Investment Partnership Program (HOME)	\$ 887,926.00
Total Allocation:	\$2,250,875.00

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2. The attached budget is herein incorporated by reference as if fully made a part hereof.
3. The Mayor of the City of Passaic, as Certifying Officer, is hereby authorized as follows:
  - (a) Should any comment received during the required public comment period concerning the Action Plan submission so warrant, to request the City Council of the City of Passaic to modify any portion of the attached budget; and
  - (b) To file the 2020-2021 Action Plan and submission with HUD; and
  - (c) To serve as the authorized representative of the City of Passaic in connection with the application and to provide such additional information as may be required; and
  - (d) To execute contracts with HUD allowing for the expenditure of said funds pursuant to the terms of said contract; and
  - (e) To execute agreements with agencies indicated as recipients of the Action Plan funds in the attached "Listing of Proposed Projects" for the purposes specified therein on forms to be approved by the Community Development Attorney; and
  - (f) To execute agreements with eligible developers approved for assistance under the City's New Construction HOME eligible activity in a form to be approved by the Community Development's Attorney.

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

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**CITY OF PASSAIC**  
**RESOLUTION NO. 20-05-126**

**RESOLUTION AWARDING CONTRACT FOR WINDOW AND  
SKYLIGHT RESTORATION MUNICIPAL COMPLEX-  
330 PASSAIC STREET PASSAIC, NJ**

**WHEREAS**, bids were received by the Division of Purchasing on Friday, March 20, 2020 for Window and Skylight Restoration - Municipal Complex, 330 Passaic Street, Passaic, NJ; and

**WHEREAS**, the attached bids were received; and

**WHEREAS**, in addition to the attached, specifications were picked up by the following vendors, none of whom submitted bids:

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Spartan Construction South Amboy, NJ	Acisaot LLC Irvington, NJ	Construct Connect Norcross, GA	ZN Construction Saddlebrook, NJ
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Deltek Trenton, NJ	TNS Construction Stanhope, NJ	Northeast Roof Maintenance South Amboy, NJ	DiMaggio Property Nutley, NJ
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**WHEREAS**, it is the recommendation of Coppa Montalbano Architects, Totowa, NJ that the lowest responsible, responsive bidder, Panoramic Window & Door Systems, Stockton, NJ be awarded the contract in the amount of \$ 1,231,000.00 inclusive of Alternate 1 ( Metal Soffits & Lighting) and Alternate 2 (window Shades).

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the contract for Window and Skylight Restoration - Municipal Compex, 330 Passaic Street, Passaic, NJ be awarded to Panoramic Window & Door Systems, Stockton, NJ in the amount of \$ 1,231,000.00 inclusive of Alternate 1 ( Metal Soffits & Lighting) and Alternate 2 (window Shades).

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

**CERTIFICATION OF FUNDS**

Funds for the above are available in Bond Ord. #2169-18 - Acct. #C-04-55-980-018-SKL and Acct. 3C-04-55-980-018-WND.

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**CITY OF PASSAIC  
RESOLUTION NO. 20-05-127**

**RESOLUTION AWARDING CONTRACT FOR MCDANOLD'S BROOK FLOOD CONTROL PROJECT PHASE 6 CITY OF PASSAIC**

**WHEREAS**, bids were received by the Director of Purchasing on Thursday, March 26, 2020 for McDanold's Brook Flood Control Project Phase 6; and

**WHEREAS**, a bid was received from Your Way Construction of Irvington, NJ in the amount of \$ 105,112.51; and

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**WHEREAS**, in addition to the attached, bids were picked up by the following, none of whom submitted bids:

Construct Connect Norcross, GA	Flanagan's Hillsborough, NJ	Salmon Brothers Netcong, NJ
Tomco Construction Mt. Arlington, NJ		

**WHEREAS**, it is the recommendation of Boswell Engineering that the lowest responsible, responsive bidder, Your Way Construction of Irvington, NJ be awarded the contract in the amount of \$ 105,112.51

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the contract for McDanold's Brook Flood Control Project Phase 6 be awarded to Your Way Construction of Irvington, NJ in the amount of \$ 105,112.51.

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

**CERTIFICATION OF FUNDS**

Funds for the above are available in CDBG-DR Account #G-02-40-DR7-017-9MB.

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**CITY OF PASSAIC  
RESOLUTION NO. 20-05-128**

**RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR  
AND ACCEPTANCE OF THE U.S. DEPARTMENT OF JUSTICE  
CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM 2020**

**WHEREAS**, the City of Passaic wishes to submit an application for and subsequently accept the Coronavirus Emergency Supplemental Funding Program being offered through the U.S. Department of Justice ("Program"); and

**WHEREAS**, through the Program, the U.S. Department of Justice supports organizations in preventing, preparing for, and responding to the Coronavirus; and

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**WHEREAS**, eligible expenses include, but are not limited to, overtime, equipment (including law enforcement and medical personal protective equipment), hiring, supplies (such as gloves, masks, and sanitizer), training, travel expenses, and addressing the medical needs of inmate sin state, local and tribal prisons, jails, and detention centers; and

**WHEREAS**, as a municipality identified as eligible for funding under the Fiscal Year 2019 State and Local Edward Byrne Memorial Justice Assistance Grant Program, the City of Passaic is qualified to receive funding through this Program; and

**WHEREAS**, the City of Passaic is eligible for \$128,904.00 in funding for a 24-month project period that may date back until January 20, 2020; and

**WHEREAS**, the City of Passaic wishes to apply for and accept 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 is hereby authorized to submit an application for the U.S. Department of Justice Coronavirus Emergency Supplemental Funding Program subject to the terms and conditions set forth in the grant guidance attached hereto and thereafter accept all awarded funds; and

**BE IT FURTHER RESOLVED**, that the Mayor, City Clerk and Police Department 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. 20-05-129

RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR  
AND ACCEPTANCE OF THE NEW JERSEY DIVISION OF CRIMINAL  
JUSTICE SAFE AND SECURE COMMUNITIES GRANT PROGRAM 2020

**WHEREAS**, the City of Passaic Police Department wishes to submit an application for and subsequently accept the New Jersey Division of Criminal Justice Safe and Secure Communities Grant Program being offered through the New Jersey Division of Criminal Justice ("Program"); and

**WHEREAS**, through the Program, the New Jersey Division of Criminal Justice supports municipal police departments in their efforts to add law enforcement personnel based on the needs of the community; and

**WHEREAS**, as a municipal police department, the City of Passaic Police Department is eligible to receive funding through this Program; and

**WHEREAS**, in order to maintain eligible status, the City of Passaic must pay all fringe benefit costs associated with the personnel hired, as well as all costs in excess of the grant application, and agree that it will not reduce its baseline regular complement of police officers and other law enforcement personnel (as of December 31, 1993 or as reported in the 1993 UCR); and

**WHEREAS**, allocation of funding is formula based; and

**WHEREAS**, the City of Passaic Police Department wishes to apply for and accept 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 New Jersey Division of Criminal Justice Safe and Secure Communities Grant Program subject to the terms and conditions set forth in the grant guidance attached hereto and thereafter accept all awarded funds; and

**BE IT FURTHER RESOLVED**, that the Mayor, City Clerk and Police Department are hereby authorized and directed

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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. 20-05-130**

**RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR  
THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY STATE  
AND COMMUNITY HIGHWAY SAFETY GRANT 2020**

**WHEREAS**, the City of Passaic wishes to submit an application for the State and Community Highway Safety Grant Program being offered through the New Jersey Division of Highway Traffic Safety ("Program"); and

**WHEREAS**, through the Program, the New Jersey Division of Highway Traffic Safety ("NJHATS") provides funds to address pedestrian safety issues; and

**WHEREAS**, the NJHATS has prepared a Highway Safety Plan which identifies the State's traffic safety problems and recommends programs and projects to address those problems, which guides the NJHATS in coordinating funding for state and local projects; and

**WHEREAS**, eligible expenses include, but are not limited to, controlling impaired driving, increasing seat belt usage rates, promoting the proper use of child passenger restraint systems, increasing traffic law enforcement with an emphasis on speed/aggressive and distracted driving, improving safety for bicyclists, pedestrians, motorcyclists, teens and older drivers, providing additional training of state and local personnel, and improving the collection and analysis of traffic crash data; and

**WHEREAS**, the funding may be utilized during a project period of October 1, 2020 to September 30, 2021; and

**WHEREAS**, as a municipality within Passaic County, the City of Passaic is eligible to apply for funding through this Program; and

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**WHEREAS**, there is \$15,000,000 in total funding for the Program and request amounts are predetermined by the State through notification via letter; and

**WHEREAS**, the City of Passaic 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 is hereby authorized to submit an application for the New Jersey Division of Highway Traffic Safety State and Community Highway Safety Grant subject to the terms and conditions set forth in the grant guidance attached hereto; and

**BE IT FURTHER RESOLVED**, that the Mayor, City Clerk and Police Department 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. 20-05-131**

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN  
THE CITY OF PASSAIC AND MCDANIEL BROTHERS SHOWS -  
PULASKI PARK**

**WHEREAS**, the City of Passaic, having an office at 330 Passaic Street, Passaic, New Jersey, 07055 ("City"), wishes to enter into an Agreement with McDaniel Brothers, Inc. d/b/a McDaniel Brothers Shows, having a principal place of business at P.O. Box 293, Lodi, New Jersey 07644 ("McDaniel"), for furnishing and providing amusements, concessions and rides for a carnival or fair; and

**WHEREAS**, McDaniel is in the business of providing amusements, concessions and rides to individuals or organizations for purposes of fundraising or profit; and

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**WHEREAS**, the carnival or fair shall be held at Pulaski Park, 4<sup>th</sup> Street, Passaic, New Jersey 07055 ("fairgrounds"); and

**WHEREAS**, the amusements, concessions and rides shall be furnished by McDaniel upon the fairgrounds for the period of July 1-5, 2020; and

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

**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 Agreement with McDaniel Brothers, Inc. d/b/a McDaniel Brothers Shows subject to the terms and conditions thereof; and

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

**BE IT FURTHER RESOLVED**, that copies of this Resolution and a copy of the executed Agreement shall be forwarded to McDaniel Brothers, Inc. d/b/a McDaniel Brothers Shows.

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**CITY OF PASSAIC**  
**RESOLUTION NO. 20-05-132**

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN  
THE CITY OF PASSAIC AND MCDANIEL BROTHERS SHOWS -  
THIRD WARD VETERANS MEMORIAL PARK**

**WHEREAS**, the City of Passaic, having an office at 330 Passaic Street, Passaic, New Jersey, 07055 ("City"), wishes to enter into an Agreement with McDaniel Brothers, Inc. d/b/a McDaniel Brothers Shows, having a principal place of business at P.O. Box 293, Lodi, New Jersey 07644 ("McDaniel"), for furnishing and providing amusements, concessions and rides for a carnival or fair; and

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**WHEREAS**, McDaniel is in the business of providing amusements, concessions and rides to individuals or organizations for purposes of fundraising or profit; and

**WHEREAS**, the carnival or fair shall be held at Third Ward Veterans Memorial Park, 332 Passaic Avenue, Passaic, New Jersey 07055 ("fairgrounds"); and

**WHEREAS**, the amusements, concessions and rides shall be furnished by McDaniel upon the fairgrounds for the period of September 3-7, 2020; and

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

**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 Agreement with McDaniel Brothers, Inc. d/b/a McDaniel Brothers Shows subject to the terms and conditions thereof; and

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

**BE IT FURTHER RESOLVED**, that copies of this Resolution and a copy of the executed Agreement shall be forwarded to McDaniel Brothers, Inc. d/b/a McDaniel Brothers Shows.

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**CITY OF PASSAIC**  
**RESOLUTION NO. 20-05-133**

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN  
THE CITY OF PASSAIC AND MCDANIEL BROTHERS SHOWS -  
WILLIAM B. CRUISE VETERANS MEMORIAL SCHOOL NO. 11**

**WHEREAS**, the City of Passaic, having an office at 330 Passaic Street, Passaic, New Jersey, 07055 ("City"), wishes to enter into an Agreement with McDaniel Brothers, Inc. d/b/a McDaniel Brothers Shows, having a principal

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place of business at P.O. Box 293, Lodi, New Jersey 07644 ("McDaniel"), for furnishing and providing amusements, concessions and rides for a carnival or fair; and

**WHEREAS**, McDaniel is in the business of providing amusements, concessions and rides to individuals or organizations for purposes of fundraising or profit; and

**WHEREAS**, the carnival or fair shall be held at William B. Cruise Veterans Memorial School No. 11, 390 Gregory Avenue, Passaic, New Jersey 07055 ("fairgrounds"); and

**WHEREAS**, the amusements, concessions and rides shall be furnished by McDaniel upon the fairgrounds for the period of August 6-9, 2020; and

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

**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 Agreement with McDaniel Brothers, Inc. d/b/a McDaniel Brothers Shows subject to the terms and conditions thereof; and

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

**BE IT FURTHER RESOLVED**, that copies of this Resolution and a copy of the executed Agreement shall be forwarded to McDaniel Brothers, Inc. d/b/a McDaniel Brothers Shows.

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MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

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CITY OF PASSAIC  
RESOLUTION NO. 20-05-134

RESOLUTION ACCEPTING FUNDING FROM THE NEW JERSEY STATE  
DEPARTMENT OF AGRICULTURE DIVISION OF FOOD AND NUTRITION  
FOR SUMMER FOOD SERVICE PROGRAM 2020

**WHEREAS**, the Passaic Recreation Department has submitted an application for funding for the Summer Food Service Program being offered through the New Jersey State Department of Agriculture, Division of Food and Nutrition ("Program"); and

**WHEREAS**, the Program provides nutritious meals and snacks to help children in low-income areas get the nutrition they need to learn, play and grow throughout the summer months when they are out of school; and

**WHEREAS**, the Program is a per meal reimbursement program, with monies intended to be viewed as supplemental funding; and

**WHEREAS**, the New Jersey Department of Agriculture, Division of Food and Nutrition ("NJDOA") has acknowledged intent to provide the funds requested by the Passaic Recreation Department in the 2020 application in the total amount of \$226,476.06; and

**WHEREAS**, \$208,398.75 of the funds received shall be used for operational costs of the Program; and

**WHEREAS**, \$18,077.31 of the funds received shall be used for administrative costs of the Program; and

**WHEREAS**, it is the desire of the City of Passaic to accept the funds from the NJDOA in the total amount awarded.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Passaic, that the Passaic Recreation Department is hereby authorized to accept the funds from the New Jersey Department of Agriculture, Division of Food and Nutrition for the Summer Food Service Program in the total amount of \$226,476.06; and

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**MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK**

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**BE IT FURTHER RESOLVED**, that the Mayor, City Clerk and Recreation Department 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. 20-05-135**

**RESOLUTION AUTHORIZING THE CITY OF PASSAIC TO PURCHASE  
SERVERS FOR FIRE AND POLICE DEPARTMENT**

**WHEREAS**, the City of Passaic, wishes to enter into an agreement with SHI International Corp., Somerset, NJ to purchase Servers for Fire and Police Department under Dell Naspo Contract #MNWNC-108, Subcontract #11AHI ; and

**WHEREAS**, the servers will replace three (3) core police servers in order to allow capacity for the Fire Department's CAD (Computer Aided Design) dispatch system and to also upgrade both the Fire Department and the Police Department into the Criminal Information Systems Compliance; and

**WHEREAS**, N.J.S.A. 40A:11-11 authorizes the purchase of any materials, supplies or equipment under Cooperative Pricing System entered on behalf of the City and Property in the Department of the Treasury without the necessity for public bidding; and

**WHEREAS**, the cost for the Servers are \$20,095,80; and

**WHEREAS**, it is the recommendation of Doris Dudek, Director that the contract be awarded to SHI International Corp. in the total amount of \$ 20,095.80.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the purchase of three (3) Servers be awarded to SHI International Corp. in the amount of \$ 20,095.80.

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MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

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

**CERTIFICATION OF FUNDS**

Funds for the above are available in Account #T-03-56-320-000-RSR

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**CITY OF PASSAIC  
RESOLUTION NO. 20-05-136**

**RESOLUTION AUTHORIZING THE CITY OF PASSAIC,  
POLICE DEPARTMENT TO ENTER INTO AN AGREEMENT  
FOR SUPPORT AND MAINTENANCE OF LAWSOFT CAD/RMS AND  
IT SUPPORT OF COMPUTER NETWORK SERVERS, WORKSTATIONS,  
PRINTERS, SWITCHES, FIREWALLS, ROUTERS AND OTHER  
COMPUTER DEVICES AND ONLINE DATA BACKUP**

**WHEREAS**, the City of Passaic, Police Department wishes to enter into an agreement with SHI International Corp., Somerset, NJ for Support and Maintenance of Lawsoft CAD/RMS and IT Support of computer network servers, workstations, printers, switches, firewalls, routers and other computer devices and online data backup under State Contract #A-89851; and

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

**WHEREAS**, the cost for the Support and Maintenance of Lawsoft CAD/RMS is \$31,713.48 and the cost for IT support of computer network servers, workstations, printers, switches, firewalls, routers and other computer devices and online data is \$19,776.00. for a total amount of \$ 51,489.48; and.

**WHEREAS**, it is the recommendation of Louis Guzman, Police Chief, that the contract be awarded to SHI

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International Corp. in the total amount of \$ 51,489.48 for the contract period April 1, 2020 through April 1, 2021

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the contract for Support and Maintenance of Lawsoft CAD/RMS and IT Support of computer network servers, workstations, printers, switches, firewalls, routers and other computer devices and online data back be awarded to SHI International Corp. in the amount of \$ 51,489.48.

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

**CERTIFICATION OF FUNDS**

Funds for the above are available in Account #0-01-25-240-020-024.

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**CITY OF PASSAIC  
RESOLUTION NO. 20-05-137**

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN  
THE CITY OF PASSAIC AND MILLENNIUM STRATEGIES, LLC  
FOR FEMA GRANTS MANAGEMENT AND PROFESSIONAL  
ADMINISTRATIVE CONSULTING SERVICES**

**WHEREAS**, the City of Passaic, having an office at 330 Passaic Street, Passaic, New Jersey, 07055 ("City"), wishes to enter into an Agreement for a consultant to advise on matters related to FEMA grants management and administrative professional services ("Agreement") with Millennium Strategies, LLC, having an office at 60 Columbia Road, Building B, Suite 230, Morristown, New Jersey 07960 ("Consultant"); and

**WHEREAS**, the Governor of New Jersey has declared a State of Emergency via Executive Order #103 on March 9, 2020 due to COVID-19; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-6, a contract may be awarded without public bidding regardless of the bid threshold in circumstances where an emergency

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affecting the public health, safety or welfare of our citizens requires the immediate delivery of goods or the performance of services; and

**WHEREAS**, pursuant to N.J.S.A. 19:44A-20.12, contracts awarded for purposes of emergency response are excepted from Pay-to-Play due to public exigency; and

**WHEREAS**, there shall be a need for consultants to be retained to respond to the COVID-19 public health emergency appropriately; and

**WHEREAS**, the City may be entitled to reimbursement of funds from FEMA or FEMA programs as a result of COVID-19; and

**WHEREAS**, it has been determined that Consultant has the necessary experience and expertise to advise in seeking emergency appropriations from FEMA; and

**WHEREAS**, Consultant shall provide services at a blended rate of \$180.00 per hour; and

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

**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 Agreement with Millennium Strategies, LLC subject to the terms and conditions thereof; and

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

**BE IT FURTHER RESOLVED**, that copies of this Resolution and a copy of the executed Agreement shall be forwarded to Millennium Strategies, LLC.

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**CITY OF PASSAIC**  
**RESOLUTION NO. 20-05-138**

**RESOLUTION AUTHORIZING SUBMISSION OF  
AN APPLICATION FOR FY 2019 FIRE PREVENTION  
AND SAFETY GRANT PROGRAM**

**WHEREAS**, the City of Passaic Fire Department wishes to submit an application for the FY 2019 Fire Prevention and Safety Grant Program ("Program") being offered through the Department of Homeland Security, Federal Emergency Management Agency ("FEMA"); and

**WHEREAS**, the purpose the Program is to fund fire prevention and safety activities designed to reach high risk target groups and mitigate incidences of death, injuries and property damage caused by fire and fire-related hazards; and

**WHEREAS**, as a municipal fire department, the City of Passaic Fire Department is eligible to apply for funding through this Program; and

**WHEREAS**, the City of Passaic Fire Department wishes to apply for \$75,000 in technology related expenditures related to fire prevention and education for distance and remote learning, including but not limited to computers, webcams, software, training for software, distance educational training, and instructor training; and

**WHEREAS**, during the COVID-19 public health emergency, public safety education has ceased; and

**WHEREAS**, obtaining appropriate technology would create the option of distance learning and enable educational programs to be remotely delivered to public audiences.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Passaic that the City of Passaic Fire Department is hereby authorized to submit an application for the FY 2019 Fire Prevention and Safety Grant Program subject to the terms and conditions set forth in the grant guidance attached hereto; and

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**BE IT FURTHER RESOLVED**, that the Mayor, City Clerk and Fire Department 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. 20-05-139**

**RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION  
FOR FY 2019 SAFER GRANT PROGRAM**

**WHEREAS**, the City of Passaic Fire Department wishes to submit an application for the FY 2019 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program ("Program") being offered through the Department of Homeland Security, Federal Emergency Management Agency ("FEMA"); and

**WHEREAS**, the purpose of the Program is to provide funding directly to fire departments and volunteer firefighter interest organizations to assist with increasing the number of firefighters to help communities meet industry minimum standards, to attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments; and

**WHEREAS**, as a municipal fire department, the City of Passaic Fire Department is eligible to apply for funding through this Program; and

**WHEREAS**, the City of Passaic Fire Department wishes to apply for funding for six (6) firefighter positions under this Program; and

**WHEREAS**, the cost share to the City of Passaic for the Program would be 25% in the first year, 25% in the second year, and 65% in the third year over a three (3) year period.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Passaic that the City of Passaic Fire Department is hereby authorized to submit an application

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**MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK**

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for the FY 2019 SAFER Grant Program subject to the terms and conditions set forth in the grant guidance attached hereto; and

**BE IT FURTHER RESOLVED**, that the Mayor, City Clerk and Fire Department 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. 20-05-140**

**RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR  
FY 2020 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM -  
COVID-19 SUPPLEMENTAL (AFG-S)**

**WHEREAS**, the City of Passaic Fire Department wishes to submit an application for the FY 2020 Assistance to Firefighters Grant Program - COVID-19 Supplemental (AFG-S) ("Program") being offered through the Department of Homeland Security, Federal Emergency Management Agency ("FEMA"); and

**WHEREAS**, the purpose of the Program is to provide critically needed resources that equip personnel to respond to the COVID-19 public health emergency and support community resilience; and

**WHEREAS**, as a municipal fire department, the City of Passaic Fire Department is eligible to apply for funding through this Program; and

**WHEREAS**, the City of Passaic Fire Department wishes to apply for \$100,000.00 being allotted through this Program for personal protective equipment related expenditures, including but not limited to masks, gloves, gowns, disinfectant items, and sprayers.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Passaic that the City of Passaic Fire Department is hereby authorized to submit an application for the FY 2020 Assistance to Firefighters Grant Program - COVID-19 Supplemental (AFG-S) subject to the terms and

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**MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK**

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conditions set forth in the grant guidance attached hereto;  
and

**BE IT FURTHER RESOLVED**, that the Mayor, City Clerk and Fire Department 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. 20-05-141**

**RESOLUTION EXTENDING GRACE PERIOD FOR DELINQUENT  
PROPERTY TAXES SECOND QUARTER 2020**

**WHEREAS**, on April 28, 2020, the Governor of the State of New Jersey issued Executive Order #130 permitting a governing body to adopt a Resolution extending the grace period of the May 1, 2020 property tax payment; and

**WHEREAS**, under Executive Order #130, the grace period cannot be extended later than June 1, 2020 for the payment of second-quarter property taxes; and

**WHEREAS**, all prior Resolutions, Ordinances, and Orders a municipality or county may have enacted that conflict with Executive Order #130 are now prohibited from being enforced, including all Resolutions adopted that provided an additional extension of the May 1, 2020 property tax payment, provided a grace period, or attempted to temporarily fix, reduce or retroactively modify the interest rate; and

**WHEREAS**, Executive Order #130 has suspended the provisions of N.J.S.A. 54:4-67(a), N.J.S.A. 54:4-66(a), and N.J.S.A. 54:4-66.1 for the duration of the COVID-19 public health emergency; and

**WHEREAS**, due to the COVID-19 pandemic and the State and Federal declarations of a disaster throughout New Jersey, in accordance with Executive Order #130, the governing body of the City of Passaic wishes to extend the grace period of second-quarter property taxes until June 1, 2020.

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**MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK**

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**NOW THEREFORE, BE IT RESOLVED,** by the City Council of the City of Passaic that the grace period of the May 1, 2020 property tax payment is hereby extended until June 1, 2020 for the payment of second-quarter property taxes; and

**BE IT FURTHER RESOLVED,** a copy of this adopted Resolution shall be filed with the Division of Local Government Services in the Department of Community Affairs; and

**BE IT FURTHER RESOLVED,** that the Mayor, City Clerk and Tax Collector 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.

<b>ROLL CALL (VIA ZOOM)</b>						
<b>AYES:</b>	<b>Munk</b>	<b>Love</b>	<b>Melo</b>	<b>Schwartz</b>	<b>Garcia</b>	<b>CP Schaer</b>
<b>ABSENT:</b>	<b>Patel</b>					

**ORDINANCE FOR INTRODUCTION AND FIRST READING:**

Council President Schaer read said Ordinance by title.

**CITY OF PASSAIC  
ORDINANCE NO. 2265-20**

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

**WHEREAS** the total number of Handicapped Parking Spaces Restricted by New Jersey License Plate Number as per last ordinance was 437 Handicapped Parking Spaces.

**WHEREAS** the total number of Handicapped Parking Spaces Restricted by New Jersey License Plate Number as per this ordinance is 438 Handicapped Parking Spaces.

**BE IT ORDAINED** by the City Council of the City of Passaic and State of New Jersey that Chapter 295 ARTICLE XII Schedule XV shall be amended as follows:

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SECTION 1

**295-32.2.Ord. Handicapped Parking Spaces Restricted by New Jersey License Plate Number** shall be amended by the addition of the following:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>	<u>PLATE #</u>
280 Gregory Avenue	West	(Broadway) Beginning at a point 85 feet north of the northerly curblin of Gregory Avenue and extending to a point 22 feet northerly therefrom	5744HB

Council Member Schwartz moved the Ordinance be approved on first reading. Motion was seconded by Council Member Melo the public hearing be held on May 19, 2020.

ROLL CALL (VIA ZOOM)						
AYES:	Munk	Love	Melo	Schwartz	Garcia	CP Schaer
ABSENT:	Patel					

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Council President Schaer read said Ordinance by title.

**CITY OF PASSAIC**  
**ORDINANCE NO. 2266-20**

**ORDINANCE AMENDING CITY CODE OF THE CITY OF PASSAIC,  
CHAPTER 151 "FORECLOSURE PROPERTIES"**

**WHEREAS**, N.J.S.A. 40:48-2 provides in relevant part that a municipality may make and enforce such ordinances, rules and regulations not contrary to the laws of this state or of the United States as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

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**WHEREAS**, the City of Passaic recognizes properties subject to foreclosure action or foreclosed upon and vacant properties ("Registrable Properties") located throughout the City lead to a decline in community and property value, create nuisances, lead to a general decrease in neighborhood and community aesthetic, create conditions that invite criminal activity, and foster an unsafe and unhealthy environment; and

**WHEREAS**, the City of Passaic has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

**WHEREAS**, the City of Passaic recognizes a more regulated method is needed to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

**WHEREAS**, the City of Passaic has a vested interest in protecting neighborhoods against decay caused by Registrable Property and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements of Registrable Property located within the City to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

**WHEREAS**, the City Code of the City of Passaic, Chapter 151 sets forth the regulations of foreclosures and vacant properties within the City of Passaic; and

**WHEREAS**, in the interest of protecting the public health, safety, and welfare of the citizens and the desire to maintain a high quality of life for the citizens of the City through the maintenance of structures and properties in the City, the City Code of the City of Passaic, Chapter 151 "Foreclosure Properties" 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 151 "Foreclosure Properties" is hereby deleted in its entirety and is replaced as follows:

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ALL ADDITIONS ARE UNDERLINED  
ALL DELETIONS ARE NOTED BELOW

SECTION I

**Chapter 151 REGISTRATION OF FORECLOSING MORTGAGES AND  
VACANT PROPERTY**

**§151-1 PURPOSE AND INTENT**

It is the purpose and intent of the Council to establish a process to address the deterioration, crime, and decline in value of City neighborhoods caused by property with foreclosing or foreclosed mortgages located within the City, and to identify, regulate, limit and reduce the number of these properties located within the City. It has been determined that Owner-occupied structures are generally better maintained when compared to vacant structures, even with a diligent off-site property Owner. Vacant structures or structures owned by individuals who are economically strained and unable to meet their mortgage obligations are often not properly or diligently maintained, which contribute to blight, declined property values, and have a negative impact on social perception of the residential areas where they are located. It is the Council's further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties that are in Foreclosure or Foreclosed, and to provide a mechanism to avert foreclosure actions through timely intervention, education, or counseling of property Owners.

**§151-2 DEFINITIONS**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

**Default** shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

**Enforcement Officer** shall mean any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other

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person authorized by the City to enforce the applicable code(s).

**Evidence of Vacancy** shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

**Foreclosure or Foreclosure Action** shall mean the legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

**Mortgagee** shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities.

**Owner** shall mean every person, entity, or Mortgagee, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Chapter; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The Property Manager shall not be considered the Owner.

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MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

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**Property Manager** shall mean any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Chapter.

**Real Property** shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the City limits.

**Registrable Property** shall mean:

- (a) Any Real Property located in the City, whether vacant or occupied, that is encumbered by a mortgage subject to an ongoing Foreclosure Action by the Mortgagee or Trustee, has been the subject of a Foreclosure Action by a Mortgagee or Trustee and a Judgement has been entered, or has been the subject of a Foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the Foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the Foreclosure Action has been dismissed; or
- (b) Any property that is vacant for more than thirty (30) days or any cancellation of Utility or Service, whichever occurs first.

**Registry** shall mean a web-based electronic database of searchable Real Property records, used by the City to allow Mortgagees and Owners the opportunity to register properties and pay applicable fees as required in this Chapter.

**Semi-Annual Registration** shall mean six (6) months from the date of the first action that requires registration, as determined by the City, or its designee, and every subsequent six (6) months. The date of the initial registration may be different than the date of the first action that required registration.

**Utilities and Services** shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all City codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

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MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

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**Vacant** shall mean any parcel of land in the City that contains any building or structure that is not lawfully occupied.

**§151-3 APPLICABILITY AND JURISDICTION**

This Chapter applies to Foreclosing, Foreclosed, and Vacant property within the City.

**§151-4 ESTABLISHMENT OF A REGISTRY**

The City, or its designee, shall establish a registry consistent with §151-2, which shall catalog each Registrable Property within the City and contain the information required by this Chapter.

**§151-5 INSPECTION AND REGISTRATION OF REAL PROPERTY UNDER FORECLOSURE**

- (a) Any Mortgagee who holds a mortgage on Real Property located within the City shall perform an inspection of the property upon default by the mortgagor as evidenced by the filing of a Foreclosure Action.
- (b) Property inspected pursuant to subsection (a) above that remains in Foreclosure shall be inspected every thirty (30) days by the Mortgagee or Mortgagee's designee. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.
- (c) Within ten (10) days of the date any Mortgagee files a Foreclosure Action, the Mortgagee shall register the Real Property with the City Registry, and, at the time of registration, indicate whether the property is Vacant, and if so shall designate in writing a Property Manager to inspect, maintain, and secure the Real Property subject to the mortgage under a Foreclosure Action. A separate registration is required for each property under a Foreclosure Action, regardless of whether it is occupied or vacant.
- (d) Initial registration pursuant to this section shall contain at a minimum the name of the Mortgagee, the mailing address of the Mortgagee, e-mail address, telephone number and name of the Property Manager and said person's address, e-mail address, and telephone number.
- (e) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration

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fee of five hundred dollars (\$500.00) for each property. Subsequent non-refundable Semi-Annual renewal registrations of properties and fees in the amount of five hundred dollars (\$500.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Defaulted properties, (3) post-closing counseling and Foreclosure intervention limited to Owner-occupied persons in Default, which may not include cash and mortgage modification assistance, and (4) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the City's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter. None of the funds provided for in this section shall be utilized for the legal defense of Foreclosure Actions.

- (f) Each individual property on the Registry that has been registered for twelve (12) months or more prior to the Effective Date shall have thirty (30) days to renew the registration and pay the non-refundable five hundred dollars (\$500.00) Semi-Annual Registration fee. Properties registered less than twelve (12) months prior to the Effective Date shall renew the registration every six (6) months from the expiration of the original registration renewal date and shall pay the non-refundable five hundred dollars (\$500.00) Semi-Annual Registration Fee.
- (g) If the mortgage and/or servicing on a Registrable Property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.
- (h) If the Mortgagee sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including, but not limited to, unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the

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responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Foreclosed Property.

- (i) If the Foreclosing or Foreclosed Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration.
- (j) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee as well as any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.
- (k) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains Registrable Property.
- (l) Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the City.
- (m) If any property is in violation of this Chapter the City may take the necessary action to ensure compliance with and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.

**§151-6 INSPECTION AND REGISTRATION OF REAL PROPERTY THAT IS NOT SUBJECT TO A MORTGAGE IN FORECLOSURE**

- (a) Any Owner of Vacant property located within the City shall within ten (10) days after the property becomes Vacant, register the Real Property with the City Registry.
- (b) Initial registration pursuant to this section shall contain at a minimum the name of the Owner, the mailing address of the Owner, e-mail address, and telephone number of the Owner, and if applicable, the name and telephone number of the Property Manager and said person's address, e-mail address, and telephone number.

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- (c) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of five hundred dollars (\$500.00) for each Vacant property. Subsequent non-refundable Semi-Annual renewal registrations of Vacant properties and fees in the amount of five hundred dollars (\$500.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Vacant properties, and (3) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the City's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter.
- (d) If the property is sold or transferred, the new Owner is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Owner shall register the Vacant property or update the existing registration. The previous Owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the Vacant property.
- (e) If the Vacant property is not registered, or either the registration fee or the Semi-Annual Registration fee is not paid within thirty (30) days of when the registration or Semi-Annual Registration is required pursuant to this section, a late fee shall be equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty (30) day-period, or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent Owners of the Vacant property.
- (f) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is Vacant.
- (g) Failure of the Owner to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the City.
- (h) If any property is in violation of this Chapter the City may take the necessary action to ensure

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compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.

- (i) Properties registered as a result of this section are not required to be registered again pursuant to the Foreclosure mortgage property section.

**§151-7 MAINTENANCE REQUIREMENTS**

- (a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.
- (b) Registrable Property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yards, including landscaping, of Registrable Property shall be maintained in accordance with the applicable code(s) at the time registration is required.
- (d) Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- (f) Pools and spas of shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (g) Failure of the Mortgagee, Owner, and transferees to properly maintain the property as required by this Chapter may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the City. Pursuant to a finding and determination by the City Sheriff, Magistrate or a court of competent

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jurisdiction, the City may take the necessary action to ensure compliance with this section.

- (h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the City.

**§151-8 SECURITY REQUIREMENTS**

- (a) Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- (b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.
- (c) If a property is Registrable, and the property has become vacant or blighted, a Property Manager shall be designated by the Mortgagee and/or Owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the Property Manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.
- (d) In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the City.
- (e) When a property subject to this Chapter becomes Vacant, it shall be posted with the name and twenty-four (24) hour contact telephone number of the Property Manager. The Property Manager shall be available to be contacted by the City Monday through Friday between 9:00 a.m. and 5:00 p.m., legal holidays excepted. The sign shall be placed in a window facing the street and shall be visible from the street. The posting shall be no less than eighteen (18) inches by twenty-four (24) inches and shall be of a font that is legible from a distance of forty-five (45) feet. The posting shall contain the following language with supporting information:

THIS PROPERTY IS MANAGED BY \_\_\_\_\_.  
AND IS INSPECTED ON A REGULAR BASIS. \_\_\_\_\_.  
THE PROPERTY MANAGER CAN BE CONTACTED \_\_\_\_\_.  
BY TELEPHONE AT \_\_\_\_\_.  
OR BY EMAIL AT \_\_\_\_\_.

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- (f) The posting required in subsection (e) above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.
- (g) Failure of the Mortgagee and/or property Owner of record to properly inspect and secure a property subject to this Chapter, and post and maintain the signage noted in this section, is a violation and shall be subject to enforcement by any of the enforcement means available to the City. The City may take the necessary action to ensure compliance with this section, and recover costs and expenses in support thereof.

**§151-9 PROVISIONS SUPPLEMENTAL**

The provisions of this Chapter are cumulative with and in addition to other available remedies. Nothing contained in this Chapter shall prohibit the City from collecting on fees, fines, and penalties in any lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

**§151-10 PUBLIC NUISANCE**

All Registrable Property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the City.

**§151-11 ADDITIONAL AUTHORITY**

- (a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the code Enforcement Officer may temporarily secure the property at the expense of the Mortgagee or Owner, and may bring the violations before the code enforcement, Council or special magistrate as soon as possible to address the conditions of the property. Nothing herein shall limit the City from abating any nuisance or unsafe condition by any other legal means available to it.

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- (b) The Sheriff, code enforcement, Council or special magistrate shall have the authority to require the Mortgagee or Owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- (c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Sheriff, code enforcement, Council or special magistrate may direct the City to abate the violations and charge the Mortgagee or Owner with the cost of the abatement.
- (d) If the Mortgagee or Owner does not reimburse the City for the cost of temporarily securing the property, or of any abatement directed by the Sheriff, code enforcement officer, code enforcement, Council or special magistrate, within thirty (30) days of the City sending the Mortgagee or Owner the invoice then the City may lien the property with such cost, along with an administrative fee as determined in the City's fee ordinance to recover the administrative personnel services. In addition to filing a lien the City may pursue financial penalties against the Mortgagee or Owner.
- (e) The City may contract with an entity to implement this Chapter, and, if so, any reference to the Enforcement Officer herein shall include the entity the City contract with for that purpose.

**§151-12 OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY**

Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

**§151-13 IMMUNITY OF ENFORCEMENT OFFICER**

Any Enforcement Officer or any person authorized by the City to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Chapter.

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**§151-14 PENALTIES**

Unless otherwise provided for in this Chapter, a violation of this Chapter is declared unlawful.

**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 Love moved the Ordinance be approved on first reading. Motion was seconded by Council Member Melo the public hearing be held on May 19, 2020.

<b>ROLL CALL (VIA ZOOM)</b>						
<b>AYES:</b>	<b>Munk</b>	<b>Love</b>	<b>Melo</b>	<b>Schwartz</b>	<b>Garcia</b>	<b>CP Schaer</b>
<b>ABSENT:</b>	<b>Patel</b>					

**PAYMENT OF BILLS**

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

<b>ROLL CALL (VIA ZOOM)</b>						
<b>AYES:</b>	<b>Munk</b>	<b>Love</b>	<b>Melo</b>	<b>Schwartz</b>	<b>Garcia</b>	<b>CP Schaer</b>
<b>ABSENT:</b>	<b>Patel</b>					

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**ADMINISTRATOR'S REPORT**

- Thanked all staff members for all their hard work during the COVID-19 pandemic.

**MAYOR'S REPORT**

- Mayor Lora thanked the Governor, congressional representative, first responders, and assembly member Schaer for endorsing a bill to have first responders who lost their lives while on duty during the COVID-19 pandemic get the benefits.
- He reminded everyone to return their mail-in ballots.
- He thanked all the non-profit organizations that helped and donated during the COVID-19 pandemic.
- He acknowledged the holiday Cinco de Mayo.

**COUNCIL REMARKS :**

- Council President Schaer reminded everyone to mail their mail-in ballot for the Passaic Board of Education Election before May 12, 2020, and to complete their census applications.
- Councilman Love requested a moment of silence for Dr. Gerald Glisson and former mayor Samuel Rivera.

**ADJOURNMENT**

There being no further business to come before the Council on a motion by Council Member Garcia and seconded by Council Member Melo the meeting was adjourned at 8:28 p.m.

<b>ROLL CALL (VIA ZOOM)</b>						
<b>AYES:</b>	<b>Munk</b>	<b>Love</b>	<b>Melo</b>	<b>Schwartz</b>	<b>Garcia</b>	<b>CP Schaer</b>
<b>ABSENT:</b>	<b>Patel</b>					

**ATTEST:**

**APPROVED:**

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Amada D. Curling,  
City Clerk

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Gary S. Schaer,  
Council President