



Passaic City Council  
January 21, 2020 Minutes

**WORK-SESSION WAS HELD ON TUESDAY, JANUARY 21, 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: Melo, Schwartz, Garcia, CP Schaer**  
**ABSENT: Love, Munk, Patel**

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

Council President Schaer on the chair.

Council President, started the review of items on the agenda

At this point Councilman Love took his seat on the dais at 5:45 p.m.

Councilman Patel took his seat on the dais at 6:02 p.m.

Council President Schaer announce that at the request of Administration item no. 40 is off the agenda:

ORDINANCE AMENDING CITY CODE OF THE CITY OF PASSAIC, ARTICLE III "CATS" SECTION 117-19 (D) "GENERAL REGULATIONS"

**After the agenda review, the work session meeting remained open.**

**PUBLIC MEETING OF THE CITY COUNCIL OF THE CITY OF PASSAIC WAS HELD ON TUESDAY, JANUARY 21, 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 Schaer stated for the record that Item #40 entitled "ORDINANCE AMENDING CITY CODE OF THE CITY OF PASSAIC, ARTICLE III "CATS" SECTION 117-19(D) "GENERAL REGULATIONS" is being removed from the agenda

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**REV. DR. MARTIN LUTHER KING CELEBRATION DAY 2020**

Council Member Love opened the 2020 Martin Luther King Celebration.

After the conclusion of the Celebration Comments were offered by Hon. Hector C. Lora and Members of the City Council.

At this time Council President Schaer called for a ten-minute recess at 8:56 p.m.

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Upon motion made by Council Member Melo and seconded by Council Member Patel the public meeting was opened at 9:06 p.m.

**ROLL CALL**

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

**MINUTES**

Council Meeting Minutes for January 7, 2020, submitted for approval.

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

**ROLL CALL**

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

**ABSENT:** Munk, Love

**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.*

Council Member Love took his seat on the dais at 9:12 pm

**Evelyn T. Robinson – 222 6<sup>th</sup> St.**

- She thanked the Council for a fantastic program.
- She thanked the Mayor for his support in maintaining the neighborhood downtown and the fencing.
- Is gentrification on its way to downtown Passaic? What is happening to the people in Passaic?
- What are the guarantees to the working-class neighborhood that they will be able to afford these new apartments?
- The sidewalks need to be designated.

**Minnie Hilliard-Cousins, 368 Highland Avenue**

- She thanked the Mayor, City Council and Councilman Love for the MLK presentation.
- She stated that the VFW POST #10117 needs to close the for safety issues.

Council Member Patel stepped down from the dais at 9:44 pm

Council Member Patel took his seat on the dais at 9:49 pm

**James Myer – 4 Pine St.**

- He thanked Council President Schaer for being a friend and for his inspirational words.
- He was inspired by the MLK presentation.

**Joe Conoscenti, 170 Broadway**

- What is the status of the Italian flag on the Christopher Columbus monument?
- Did the City Council approve the New Director of Finance?
- As of 1/21/2020, Data Entry Staff has not updated COP Website- Director of Finance.
- Why did the COP rent leveling Board of Commission not hold any meetings in CY2019?
- What are the protocols for the Rent Leveling Board?
- Is the Fire Department in need of a new boat?
- Why did COP stop the historian informational update on the IE History City Website after May 30, 2016? What is the state of the Passaic City Historian for CY2020?
- Re Item 32: What happened to the two Hummers that the city purchased?

**Edwin Garcia- 65 Blaine St.**

- He quoted MKL and updated the council on the student council getting people to vote and showing the importance of voting and the Census.

**Steve Siklosi, 23 Orchard Street**

- He thanked the Mayor and Council for MLK Presentation.
- Item #11 - has the City Council considered anything in the COP to put a limitation on those type of things? What is in the works?
- Item #26 - where is the property located? Is it a residential or commercial property?
- Item #27 - is updating the website costing the city anything?
- Item #30 - is there an increase or decrease in the contract? What exactly is changing?
- Item # 41 - what is being amended? How is it changing? Is there a "penalty" increasing or going away?

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 adjourned.

**ROLL CALL**

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

**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. 2241-19**

**ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR BLOCK  
5000 LOT 1, BLOCK 5000.01 LOT 1 AND BLOCK 5000.02  
LOT 1 (AKA 99-111 PASSAIC STREET) AS AN AREA IN NEED  
OF REDEVELOPMENT 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: Love, Melo, Patel, Schwartz, Garcia, CP Schaer**  
**ABSENT: Munk**

**Steve Siklosi, 23 Orchard Street**

- Is there an update with regards to the removing of the train tracks?  
Response from Council president -this question does not pertain to the Ordinance.

**Evelyn T. Robinson – 222 6<sup>th</sup> St.**

- Is there a way to see the proposed plan?

After ample opportunity given and no one else responding, on a motion by Council President Schaer and seconded by Council Member Schwartz, 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 Melo and adopted upon a call of the roll.

**ROLL CALL**

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

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

**CITY OF PASSAIC  
ORDINANCE NO. 2245-20**

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

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

**Evelyn T. Robinson – 222 6<sup>th</sup> St.**

- What is the change in the designation?

**Steve Siklosi, 23 Orchard Street**

- What is the net effect in the deletion and the addition, what are the total spaces?

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

Council Member Schwartz moved the ordinance be adopted on second reading and final passage which motion was seconded by Council Member Love 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

Amada D. Curling, City Clerk, submitting application for a Raffle License from the following organization:

- St. Nicholas Ukrainian Catholic Church, 217 President Street.

Sports Bar Inn, 161 8th Street, submitting application to renew their Entertainment License for the year 2020.

Jaguar Nite Club, 165 Passaic Street, submitting application to renew their Entertainment License for the year 2020.

BLP Investors, LLC t/a Bar El Anochecer, submitting application to renew their Entertainment License for the year 2020.

GV Entertainment, LLC t/a Garden Vista, 29-31 Howe Avenue, submitting application to renew their Entertainment License for the year 2020.

D 'Bar Liquors, LLC, 898 Main Avenue, submitting application to renew their Entertainment License for the year 2020.

The Guest List, LLC, 829 Main Avenue, submitting application to renew their Entertainment License for the year 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

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

- Memorandum appointing Amanda Rivera to the Alcoholic Beverage Control Board, term to commence immediate and end of June 30, 2022.
- Memorandum re: Fire Fighters Swearing -in arrangements

City of Garfield, submitting Ordinance entitled "An Ordinance To Ban Short Term Rental Dwellings For Periods Less Than (30) Days in Any Zone District.

Township of New Milford, submitting Resolution No. 2020-063 entitled "Resolution Of The Township Of West Milford, County Of Passaic And State Of New Jersey Supporting Assembly Bill A-5726 To Increase The Wages Of Poll Workers To Be Paid By The State Of New Jersey

Alcoholic Beverage Control Board of the City of Passaic, submitting the following:

- Agenda of their January 16, 2020 meeting

Parking Authority of the City of Passaic, submitting the following:

- Notice cancelling their January 15, 2020 meeting.

Redevelopment Agency of the City of Passaic, submitting the following:

- Agenda of their January 9, 2020 Re-Organization meeting
- Meeting dates for year 2020.

Advanced Geo Services, submitting, correspondence re: Scope Remediation: Ethan Allan Realty. LLC, 1 Market Street, Passaic, NJ

Excel Environmental Resources, Inc., submitting correspondence re: ISRA Industrial Establishment - Quality Machine Co. Inc., 115 Myrtle Avenue. Passaic, NJ

Passaic Valley Water Commission, submitting the following:

- Notice of their January 15, 2020 Reorganization meeting and Regular meeting

SESI Consulting Engineers, submitting the following:

- Coastal Zone GP No. 5 Application Package that SESI Consulting Engineers (On file for review in the City Clerk's Office)

New Jersey Department of Environmental Protection, submitting the following:

- Suspected Hazardous Substance Discharge Notification  
NJDEP Case Number: 20-01-09-1542-36

Passaic Municipal Court Monthly Report December 2019

Passaic Board of Education, submitting notice changing the location of their January 27, 2020 meeting.

Zoning Board of the City of Passaic, submitting the following:

- Minutes for their November 13, 2019
- Minutes for their December 4, 2019

**ROLL CALL**

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

**RESOLUTIONS:**

**THE FOLLOWING RESOLUTION WAS TAKEN OFF THE PUBLIC AGENDA**

RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION OF THE CITY COUNCIL OF PASSAIC ON PASSAIC ON JANUARY 21, 2020 AT 5:30 PM OR ANYTIME THEREAFTER TO DISCUSS PENDING LITIGATION, CONTRACT NEGOTIATIONS AND PERSONNEL MATTERS

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

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

**CITY OF PASSAIC  
RESOLUTION #20-01-023**

**RESOLUTION AUTHORIZING THE CITY OF PASSAIC/  
PASSAIC ALLIANCE TO CONTRACT WITH THE COUNCIL  
ON COMPUSIVE GAMBLING TO PROVIDE OUT-PATIENT  
TREATMENT FOR GAMBLING ADDICTION**

**WHEREAS,** the council on compulsive gambling is seeking treatment providers to expand their treatment network, and

**WHEREAS,** the City of Passaic, through the Passaic Alliance currently has counselors who have completed

the required 30 hour training to treat gambling addiction,  
and

**WHEREAS,** the provision of treatment for gambling addiction will better serve the citizens of the City of Passaic; and

**WHEREAS,** the Council on Compulsive Gambling shall provide reimbursement to the City of Passaic for the services provided in accordance with their fee schedule, as follows:

- Intake/Evaluation \$126.22
- Individual Session (40-50 minutes) \$81.23
- Individual Session (½ hour) \$61.39
- Group Session \$24.75
- Family Therapy \$102.55

**NOW, THEREFORE, BE IT RESOLVED** that the City of Passaic and Passaic Alliance shall contract to provide treatment services on a fee-for-service basis for clients referred to the City of Passaic through the Council on Compulsive Gambling.

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk and the Passaic Alliance are hereby authorized to execute all necessary documents and to carry out the terms and provisions of the contract.

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**CITY OF PASSAIC**  
**RESOLUTION #20-01-024**

**RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS**  
**RESULTING FROM COUNTY TAX COURT JUDGMENT**

**WHEREAS,** the Passaic County Tax Court of New Jersey based on a judgment to appeal the Added/Omitted assessments for 2018/2019 for the below listed property; and

**WHEREAS,** the hereafter mentioned properties based on a judgment from the Passaic County Tax Court of New Jersey have overpaid their taxes; and;

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

the City of Passaic, that the Chief Financial Officer, be and is hereby authorized to make the following refund(s) and the Tax Collector to adjust her records accordingly;

Block	Lot	Qual.	Name	Year	Amount
3251	51	-	Pruzansky, Abraham	2019	\$32,521.96

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**CITY OF PASSAIC**  
**RESOLUTION NO. 20-01-025**

**RESOLUTION AUTHORIZING UPDATE TO CITY WEBSITE  
TO REFLECT AMERICANS WITH DISABILITIES ACT (ADA)  
POLICY COMPLIANCE**

**WHEREAS**, the Americans with Disabilities Act of 1990 (ADA) is landmark federal legislation that opens up services and employment opportunities to Americans with disabilities and affects access to employment, state and local government programs and services, transportation, and access to places of public accommodation such as businesses, non-profit service providers, and telecommunications; and

**WHEREAS**, New Jersey Transit requires that recipients of their transportation funds follow ADA standards and reflect such policy compliance on their respective public websites; and

**WHEREAS**, the Passaic Senior Center accepts funding from New Jersey Transit for bus transportation services for activities sponsored by the Passaic Senior Center; and

**WHEREAS**, the City of Passaic is committed to ensuring that no person is excluded from participation in or denied the benefits of services on the basis of their disability as provided by the ADA; and

**WHEREAS**, the City of Passaic recognizes that disabilities are as diverse as the individuals they serve and recognizes the need to make reasonable modifications to its policies regarding assistance offered to passengers who may require additional assistance to use its services; and

**WHEREAS**, under Title II of the ADA, state and local governments are required to make reasonable modifications to policies, practices and procedures where necessary to avoid discrimination; and

**WHEREAS**, the City of Passaic acknowledges compliance with ADA policy and shall publish all such requisite compliance, including complaint policy, on the City website.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Passaic that the City of Passaic is hereby authorized to update the City of Passaic website to reflect the City's compliance with the Americans with Disabilities Act policies; and

**BE IT FURTHER RESOLVED**, that the Mayor and City Clerk 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. 20-01-026**

**RESOLUTION AWARDING CONTRACT THROUGH NEGOTIATIONS  
MUNICIPAL COURT INTERPRETER - SPANISH & ENGLISH  
MORNING & AFTERNOON SESSIONS**

**WHEREAS**, the City of Passaic solicited proposals for Municipal Court Interpreter - Spanish & English - Morning & Afternoon Sessions; and

**WHEREAS**, bids were received on November 19, 2019 but were rescinded as the vendor who submitted the lowest proposal withdrew their prices and the next lowest proposal exceeded the budget for this service; and

**WHEREAS**, proposals were again received on January 7, 2020 but no proposers responded; and

**WHEREAS**, N.J.S.A. 40a:11-5 (3)(b) provides that any contract in excess of the bid threshold may be negotiated and awarded by Resolution of the governing body where bids have been rejected by the governing body on two occasions

because it was determined that they were not reasonable as to price; and

**WHEREAS**, the Director of Purchasing has made a reasonable effort to determine that the same goods and services, at a price lower than the negotiated price, are not available from any agency or authority of the United States, the State of New Jersey, the County of Passaic or any local municipality; and

**WHEREAS**, the terms, conditions, restrictions and specifications set forth in the negotiated contract are not substantially different from those which were the subject of the original bid document; and

**WHEREAS**, the negotiations conducted by Doris Dudek, Director of Purchasing resulted in the following prices:

Carlos Collazo	\$ 225.00/session
Sol's Interpreting Services	\$ 195.00/session

**WHEREAS**, the City of Passaic wishes to enter into a contract with Sol's Interpreting Services, North Bergen, NJ for Municipal Court Interpreter-Spanish & English-morning and afternoon sessions in the amount of \$ 195.00/session with a not to exceed amount of \$ 58,500.00.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the City of Passaic is hereby authorized to enter into a contract with Sol's Interpreting Services, North Bergen, NJ for Municipal Court Interpreter-Spanish & English-morning and afternoon sessions in the amount of \$ 195.00/session with a not to exceed amount of \$ 58,500.00.

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

**CERTIFICATION OF FUNDS**

Funds for this project are available in Account # 0-01-43-490-000-029 contingent upon funds being approved by the Governing Body

**CITY OF PASSAIC**  
**RESOLUTION NO. 20-01-027**

**RESOLUTION AUTHORIZING THE CITY OF PASSAIC  
TO ENTER INTO A CONTRACT FOR SOFTWARE LICENSING FOR  
HEALTH DEPARTMENT, CODE ENFORCEMENT, TAX ASSESSOR  
AND DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the City of Passaic, wishes to enter into an agreement with SHI International of Somerset, NJ for Software Licensing (Spatial Data Logic) for Health Department, Code Enforcement, Tax Assessor and Department of Public Works under State Contract #A-89851; and

**WHEREAS**, the software license is the primary database that performs functions and services for inspections and tracking; 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 software license is \$ 42,500.000 for the period October 1, 2019 through September 30, 2020.

**WHEREAS**, it is the recommendation of Doris Dudek, Director of Purchasing, that the agreement be entered into with SHI International for Software Licensing (Spatial Data Logic) in the total amount of \$ 42,500.00 for the period October 1, 2019 through September 30, 2020.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the contract for Software Licensing (Spatial Data Logic) for Health Department, Code Enforcement, Tax Assessor and Department of Public Works be awarded to SHI International in the amount of \$ 42,500.00.

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

**CERTIFICATION OF FUNDS**

Funds for the above are available in Health Department, Code Enforcement, Tax Assessor and Department of Public Works Accounts. Funds for the subsequent budget years are available providing approval by the governing body.

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**CITY OF PASSAIC**  
**RESOLUTION # 20-01-028**

**RESOLUTION AWARDING CONTRACT FOR PLANNING SERVICE -  
MAIN AVENUE PROJECT CITY OF PASSAIC**

**WHEREAS**, proposals were received by the Purchasing Department on Thursday, November 21, 2019 for Planning Service - Main Avenue Project; 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:

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

Murillo Consulting, Passaic, NJ

**WHEREAS**, it is the recommendation of the Evaluation Committee that the contract for Planning Service - Main Avenue Project be awarded to Topology, Newark, NJ, in the amount in the of \$ 56,525.00 for a one (1) year period commencing upon signing of the contract.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that subject to the consent of the NJ Department of Community Affairs the contract for Planning Service - Main Avenue Project be awarded to Topology NJ, LLC, Newark, NJ in the amount of \$ 56,525.00 for a one (1) year period commencing upon signing of the contract.

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

**CERTIFICATION OF FUNDS**

Funds are available in Neighborhood Preservation Acct.  
#G-02-40-NPP-019-046

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**CITY OF PASSAIC  
RESOLUTION NO.20-01-029**

**RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION  
FOR THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION VOLKSWAGEN SETTLEMENT GRANT PROGRAM**

**WHEREAS,** the City of Passaic wishes to submit an application for the Volkswagen Settlement Grant Program ("Program") that is being offered through the New Jersey Department of Environmental Protection ("DEP") for funding the purchase of an electric vehicle charging station; and

**WHEREAS,** through the use of Volkswagen Settlement funds, the DEP is providing funding support to organizations for projects that reduce oxides of nitrogen (NOx) emissions in a cost-effective and technically feasible manner; and

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

**WHEREAS,** the electric vehicle charging station being sought by the City of Passaic is an eligible project that meets the criteria of the Consent Decree; and

**WHEREAS,** as a government applicant, this Program shall not require any matching contribution from the City of Passaic.

**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 Department of Environmental Protection Volkswagen Settlement Grant Program for funding the purchase of an electric vehicle charging station; and

**BE IT FURTHER RESOLVED,** that the Mayor and City Clerk 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. 20-01-030**

**RESOLUTION REAUTHORIZING THE PARTICIPATION  
IN THE UNITED STATES DEPARTMENT OF DEFENSE (DOD)  
1033 PROGRAM**

**WHEREAS**, federal law, informally known as the "1033 Program" permits the United States Department of Defense ("DOD") to transfer surplus property at little or no cost to local law enforcement agencies that the DOD deems suitable for use by local law enforcement activities, including use for counterdrug and counterterrorism activities; and

**WHEREAS**, pursuant to State of New Jersey P.L. 2015, c.23 (S2364) requires municipal governing body approval of both a law enforcement agency's application for enrollment in the DOD "1033 Program," and the subsequent acceptance by a law enforcement agency of any surplus equipment made available from the DOD; and

**WHEREAS**, the City Council of the City of Passaic has adopted a Resolution approving the City of Passaic Police Department to enroll in the DOD "1033 Program" and to apply for surplus property made available under same; and

**WHEREAS**, due to updated NJ LESO policy effective January 1, 2020, a new Resolution is required from the civilian governing body to authorize participation in the 1033 Program; and

**WHEREAS**, in compliance with updated policy and pursuant to P.L. 2015, c. 23, the City of Passaic wishes to reauthorize participation in the 1033 Program; and

**WHEREAS**, the City desirous of maintaining in its possession one (1) MRAP (Mine Resistant Ambush Protected) Armored Military Vehicle bearing the VIN# 4VZKU2M997C058858 ("Vehicle") which has been granted as surplus property through a prior Resolution.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the City of Passaic is hereby reauthorized to participate in the United States Department of Defense "1033 Program" as per updated NJ LESO policy; and

**BE IT FURTHER RESOLVED** that the City shall maintain in its possession the Vehicle that has been granted to the City as surplus property for use of the City of Passaic Police Department; and

**BE IT FURTHER RESOLVED** that the City of Passaic hereby acknowledges the terms and conditions for the application and acquisition of such surplus property as set forth in P.L. 2015, c 23 and the updated NJ LESO policy; and

**BE IT FURTHER RESOLVED** that the Mayor, City Clerk, and necessary officers are hereby authorized and directed to execute grant applications for surplus property made available under the "1033 Program" on behalf of the City and to sign any other documents necessary in connection therewith.

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**CITY OF PASSAIC  
RESOLUTION # 20-01-031**

**RESOLUTION AUTHORIZING AMENDMENT OF CONTRACT FOR  
CITY OF PASSAIC MUNICIPAL PROSECUTOR**

**WHEREAS**, on December 17, 2019, the City Council of the City of Passaic adopted a Resolution awarding a contract for City of Passaic Municipal Prosecutor to the firm of Law Office of Vincenzo Stampone, 10 Tilt Street, 1st Floor Haledon, New Jersey 07058 for the period of January 1, 2020 through December 31, 2020; and

**WHEREAS**, all services under the contract have previously been performed by Domenick Stampone, Esq.; and

**WHEREAS**, Domenick Stampone, Esq. is no longer associated with the Law Office of Vincenzo Stampone and is now Of Counsel to the firm of Law Office of Rajeh A. Saadeh, Esq., 50 Division Street, Somerville, New Jersey; and

**WHEREAS**, the City of Passaic wishes to assign the contract for City of Passaic Municipal Prosecutor directly to Domenick Stampone, Esq. for performance of all duties and responsibilities thereunder; and

**WHEREAS**, no other provisions of the Contract shall be affected hereby.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the City of Passaic hereby authorizes an amendment to the contract for City of Passaic Municipal Prosecutor to assign such duties and responsibilities from the Law Office of Vincenzo Stampone directly to Domenick Stampone, Esq. for the period of January 1, 2020 through December 31, 2020; and be it

**FURTHER RESOLVED** that the Mayor and City Clerk are hereby authorized and directed to execute the Amended Contract and any other documents necessary to effectuate the purpose of this Resolution.

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**CITY OF PASSAIC**  
**RESOLUTION NO. 20-01-032**

**RESOLUTION APPOINTING COMMISSIONER TO THE PASSAIC  
ALCOHOL BEVERAGE CONTROL BOARD (AMANDA RIVERA)**

**WHEREAS**, pursuant to the Code of the City of Passaic, Section 5-28, members of the Board of Alcohol Beverage Control shall be appointed by the advice and consent of the Council; and

**WHEREAS**, the Mayor has appointed Amanda Rivera for a three (3) year term; and

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Passaic that the Mayor's appointment with the advice and consent of the City Council of the City of Passaic Amanda Rivera to a three (3) year term on the Passaic Board of Alcohol Beverage Control is hereby approved. Such term shall begin on January 21, 2020 and end on June 30, 2022.

**CITY OF PASSAIC**  
**RESOLUTION NO. 20-01-033**

**RESOLUTION APPROVING THE APPLICATION  
OF HAMLET ENTERTAINMENT, LLC D/B/A MAMASUSHI  
RESTAURANT AND LOUNGE FOR SEASONAL OUTDOOR SEATING  
IN JOE BUGA PARQUE**

**WHEREAS**, Chapter 194 of the City Code of the City of Passaic permits daytime and early evening outdoor dining on private property and sidewalks adjacent to local restaurants for the enjoyment of restaurant patrons without disturbing the immediate neighborhood or pedestrian traffic from April 15<sup>th</sup> through November 1<sup>st</sup>; and

**WHEREAS**, the Hamlet Entertainment, LLC d/b/a Mamasushi Restaurant and Lounge ("Mamasushi"), identified as Block 2155, Lot 1 on the official Tax Map of the City of Passaic and located at 663 Main Avenue, Passaic, New Jersey has submitted the attached application for seasonal outdoor restaurant seating on the adjacent property (Joe Buga Parque); and

**WHEREAS**, the Application has been reviewed by the City Engineer; and

**WHEREAS**, Mamasushi shall comply with all requirements/comments of the City Engineer and Construction Official as well as all requirements set forth in Chapter 194 of the Passaic City Code and the New Jersey Administrative Code at N.J.A.C. 8:24-1.1 et seq ; and

**WHEREAS**, Mamasushi shall maintain the Joe Buga Parque in a careful and clean manner, assuring that there is no unsightly debris and that any walkways open to the public are free and clear from any impediments and/or hazards and shall return the Joe Buga Parque to its original condition upon expiration of the permit for seasonal outdoor seating; and

**WHEREAS**, Mamasushi shall obtain and maintain the appropriate general liability insurance and workers compensation insurance covering the use of Joe Buga Parque by Mamasushi and listing the City as an additional insured thereunder; and

**WHEREAS**, Mamasushi shall indemnify and hold the City, its agents, servants, employees, officials and/or administrators, harmless from any and all claims, lawsuits or other liability of any kind arising out of the use of Joe Buga Parque by Mamasushi, except for claims arising from the sole negligence or intentional acts of the City, its agents, servants, employees, officials and/or administrators.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Passaic that the application of Hamlet Entertainment, LLC d/b/a Mamasushi Restaurant and Lounge for seasonal outdoor seating in Joe Buga Parque is hereby approved subject to the terms and conditions set forth herein; and

**BE IT FURTHER RESOLVED**, that the Mayor and City Clerk 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. 20-01-034**

**RESOLUTION AMENDING RESOLUTION AWARDING CONTRACT  
FOR MUNICIPAL COURT INTERPRETER-SPANISH/ENGLISH  
EVENING SESSIONS**

**WHEREAS**, on December 17, 2019 the City Council approved Resolution #19-12-379, authorizing awarding contract for Municipal Court Interpreter-Spanish/English Evening Sessions; and

**WHEREAS**, the following language needs to be amended:

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Passaic that the contract for Municipal Court Interpreter Spanish/English-Evening Sessions be awarded to Yonny Gomez, Clifton, NJ in the amount of \$ 188.53 per session with a not to exceed amount of \$ 20,738.30.

**ROLL CALL**

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

**ORDINANCE FOR INTRODUCTION AND FIRST READING:**

Council President Schaer read said Ordinance by title.

**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**

**WHEREAS**, the real property identified on the Official Tax Map of the City of Passaic as Block 4125, Lot 8 more commonly known as 39-41 Lexington Avenue (the "Property") has been identified as a location in need of rehabilitation; and

**WHEREAS**, the City Council for the City of Passaic adopted a Resolution directing the City of Passaic Planning Board to conduct a preliminary investigation into whether the Property met the statutory criteria for designation as an Area in Need of Rehabilitation under the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.; and

**WHEREAS**, the City of Passaic Planning Board held a public hearing on the investigation results and adopted a Resolution recommending that the City Council for the City of Passaic designate the Property an Area in Need of Rehabilitation under the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.; and

**WHEREAS**, the City Council for the City of Passaic adopted a Resolution accepting said recommendation of the City of Passaic Planning Board; and

**WHEREAS**, the City of Passaic Planning Board reviewed the proposed Redevelopment Plan and adopted a Resolution finding said Redevelopment Plan to be substantially consistent with the City of Passaic's Master Plan and referring same to the City Council for all appropriate action.

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

Section 1

The recitals set forth above are incorporated herein and made a part hereof as if set forth at length.

Section 2

The City Council of the City of Passaic hereby approves and adopts the attached Redevelopment Plan for the Property as an Area in Need of Rehabilitation.

Section 3

The zoning standards set forth in the Redevelopment Plan for 39-41 Lexington Avenue Area in Need of Rehabilitation shall supersede and replace all underlying zoning standards in accordance with N.J.S.A. 40A:12A-7c, rather than serving as overlay zoning for the said Area.

Section 4

The City of Passaic Zoning Map is hereby amended to include the new Redevelopment Plan for 39-41 Lexington Avenue Area in Need of Rehabilitation, Block 4125, Lot 8, in accordance with N.J.S.A. 40A:12A-7c.

Section 5

All ordinances or portions thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

Section 6

If any portion of this Ordinance is declared to be invalid by a court of competent jurisdiction, it shall not affect the remaining portions of this Ordinance which shall remain in full force and effect.

Section 7

This Ordinance shall take effect in the time and manner prescribed 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 February 18, 2020.

**ROLL CALL**

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

Council President Schaer read said Ordinance by title.

**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**

**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**

**WHEREAS**, the real property identified on the Official Tax Map of the City of Passaic as Block 4125, Lot 18 more commonly known as 26-28 Central Avenue (the "Property") has been identified as a location in need of rehabilitation; and

**WHEREAS**, the City Council for the City of Passaic adopted a Resolution directing the City of Passaic Planning Board to conduct a preliminary investigation into whether the Property met the statutory criteria for designation as an Area in Need of Rehabilitation under the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.; and

**WHEREAS**, the City of Passaic Planning Board held a public hearing on the investigation results and adopted a Resolution recommending that the City Council for the City of Passaic designate the Property an Area in Need of Rehabilitation under the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.; and

**WHEREAS**, the City Council for the City of Passaic adopted a Resolution accepting said recommendation of the City of Passaic Planning Board; and

**WHEREAS**, the City of Passaic Planning Board reviewed the proposed Redevelopment Plan and adopted a Resolution finding said Redevelopment Plan to be substantially consistent with the City of Passaic's

Master Plan and referring same to the City Council for all appropriate action.

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

Section 1

The recitals set forth above are incorporated herein and made a part hereof as if set forth at length.

Section 2

The City Council of the City of Passaic hereby approves and adopts the attached Redevelopment Plan for the Property as an Area in Need of Rehabilitation.

Section 3

The zoning standards set forth in the Redevelopment Plan for 26-28 Central Avenue Area in Need of Rehabilitation shall supersede and replace all underlying zoning standards in accordance with N.J.S.A. 40A:12A-7c, rather than serving as overlay zoning for the said Area.

Section 4

The City of Passaic Zoning Map is hereby amended to include the new Redevelopment Plan for 26-28 Central Avenue Area in Need of Rehabilitation, Block 4125, Lot 18, in accordance with N.J.S.A. 40A:12A-7c.

Section 5

All ordinances or portions thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

Section 6

If any portion of this Ordinance is declared to be invalid by a court of competent jurisdiction, it shall not affect the remaining portions of this Ordinance which shall remain in full force and effect.

Section 7

This Ordinance shall take effect in the time and manner prescribed 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 February 18, 2020.

**ROLL CALL**

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

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Council President Schaer read said Ordinance by title.

**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**

**WHEREAS,** the real property identified on the Official Tax Map of the City of Passaic as Block 2154, Lot 14 more commonly known as 12 Broadway (the "Property") has been identified as a location in need of rehabilitation; and

**WHEREAS,** the City Council for the City of Passaic adopted a Resolution directing the City of Passaic Planning Board to conduct a preliminary investigation into whether the Property met the statutory criteria for designation as an Area in Need of Rehabilitation under the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.; and

**WHEREAS,** the City of Passaic Planning Board held a public hearing on the investigation results and adopted a Resolution recommending that the City Council for the City of Passaic designate the Property an Area in Need of Rehabilitation under the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.; and

**WHEREAS,** the City Council for the City of Passaic adopted a Resolution accepting said recommendation of the City of Passaic Planning Board; and

**WHEREAS**, the City of Passaic Planning Board reviewed the proposed Redevelopment Plan and adopted a Resolution finding said Redevelopment Plan to be substantially consistent with the City of Passaic's Master Plan and referring same to the City Council for all appropriate action.

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

Section 1

The recitals set forth above are incorporated herein and made a part hereof as if set forth at length.

Section 2

The City Council of the City of Passaic hereby approves and adopts the attached Redevelopment Plan for the Property as an Area in Need of Rehabilitation.

Section 3

The zoning standards set forth in the Redevelopment Plan for 39-41 Lexington Avenue Area in Need of Rehabilitation shall supersede and replace all underlying zoning standards in accordance with N.J.S.A. 40A:12A-7c, rather than serving as overlay zoning for the said Area.

Section 4

The City of Passaic Zoning Map is hereby amended to include the new Redevelopment Plan for 12 Broadway Area in Need of Rehabilitation, Block 2154, Lot 14, in accordance with N.J.S.A. 40A:12A-7c.

Section 5

All ordinances or portions thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

Section 6

If any portion of this Ordinance is declared to be invalid by a court of competent jurisdiction, it shall not affect the remaining portions of this Ordinance which shall remain in full force and effect.

Section 7

This Ordinance shall take effect in the time and manner prescribed 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 February 18, 2020.

**ROLL CALL**

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

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Council President Schaer read said Ordinance by title.

**CITY OF PASSAIC**  
**ORDINANCE NO. 2249-20**

**ORDINANCE AMENDING THE CITY CODE OF THE CITY OF  
PASSAIC CHAPTER 29 "LAND DEVELOPMENT PROCEDURES"  
TO CREATE ARTICLE VI "PAYMENT IN LIEU OF PARKING"**

**ORDINANCE AMENDING THE CITY CODE OF THE CITY OF PASSAIC,  
CHAPTER 29 "LAND DEVELOPMENT PROCEDURES," TO CREATE ARTICLE  
VI, "PAYMENT IN LIEU OF PARKING"**

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

**WHEREAS**, the City of Passaic ("City") is committed to finding innovative ways to facilitate the growth and progress of the community; and

**WHEREAS**, the City has considered allowing developers to make a payment in lieu of parking ("PILOP") to the City's Parking Authority for projects the City Planning Board or Zoning Board of Adjustment determines to be acceptable, but which lack sufficient parking, and the City Planning Board or Zoning Board of Adjustment has determined that a variance is justified because the impact of the parking is not detrimental to the immediate area; and

**WHEREAS**, permitting PILOP's will create a mechanism for the Planning Board and Zoning Board of Adjustment to waive parking requirements without burdening resident taxpayers while maximizing potential development opportunities; and

**WHEREAS**, permitting PILOP's will provide potential additional benefits such as creating a level playing field for all developers, allowing for developer flexibility, providing a funding mechanism for public parking improvements and facilities, and creating greater parking for the public at large; and

**WHEREAS**, having considered the benefits the City has determined that allowing PILOP's for worthy projects is in the best interests of the City and its residents.

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Passaic that City Code of the City of Passaic, Chapter 29 "Land Development Procedures" is hereby amended as follows:

#### **SECTION ONE**

#### **ALL NEW SECTIONS ARE SET FORTH BELOW**

#### **ARTICLE VI. PAYMENT IN LIEU OF PARKING**

#### **§29-55 Purpose of parking improvement program.**

When an applicant before the Planning Board or Zoning Board of Adjustment proposes to construct any new building or structure, or enlarge, modify or change the use of any existing building or structure in a manner which results in the applicant being in non-compliance with the off-street parking regulations of the City Zoning Ordinance, the applicant shall, as a condition of obtaining any variance and/or waiver from the off-street parking regulations, contribute to the City's Parking Improvement Program ( PIP) Trust Fund in lieu of such compliance.

#### **[§ 29-56 Areas eligible for participating in parking improvement program](#)**

A. Pursuant to the duly adopted Master Plan for the City of Passaic, all areas and zones set forth therein are eligible for participation in parking improvement program. The City as a whole is in need of additional off-street parking and all areas and zones are adversely affected by the granting of parking waiver variances. Construction of additional off-street parking by the City will serve new and existing residents, and patrons and applicants requesting parking variances.

B. Projects submitted to the Planning Board and/or the Zoning Board of Adjustment that are sited within all areas and zones set forth in the Master Plan for the City of Passaic will be eligible for participating in the parking improvement program.

**§ 26-60 Number of parking spaces for which variance is requested.**

A. The Planning Board and/or Board of Adjustment, when reviewing an application for development which requests a parking space variance, shall determine the number of off-street parking spaces required for the application to conform to the requirements of the City zoning and planning ordinance, and then shall establish the number of parking spaces for which the applicant seeks a variance.

~~B. The provisions of this section of the zoning and planning ordinance creating the parking improvement program shall not allow the waiver of required off-street parking spaces or facilities, where they can be installed by the applicant without undue difficulty or hardship, unless the approving authority, by resolution, agrees in its sole discretion that it has an excess supply of available on or off-street parking in the area of the development project.~~

~~C. The contribution and payment of the PIP fee, in lieu of providing the required off-street parking spaces, shall only be made at the request of an applicant, who would otherwise be required to install off-street parking based upon the applicant's proposed use, and is unable to do so in accordance with the requirements of the zoning and planning ordinance.~~

**§ 29-57 PIP fee for off-tract parking improvements.**

A. The applicant agrees, at its request, to be assessed a PIP fee for each parking space not otherwise provided by the applicant as required by the City zoning and planning ordinance.

B. The City has determined 400 square feet to be the parking industry standard for a nine-foot-by-eighteen-foot parking stall, including drive aisles and other common areas associated with the development of a parking lot or parking garage.

C. The PIP fee to be assessed by the City for each parking space for which the applicant seeks a waiver shall be calculated as follows, until otherwise amended or revised by ordinance:

Affordable rental residential unit	\$2,500
Market rate rental residential unit	\$5,000
Commercial/retail/office lease unit	\$TBD
For sale condominium unit	\$9,000

D. In addition to the per parking space PIP fee assessment, the applicant shall pay pursuant to N.J.S.A. 40:55-D-3.2 the reasonable fees assessed by the municipality or applicable land use board for review of the developer's application and supporting information as well as preparation of documents necessary to effectuate the purpose of this article, including but not limited to attorney review, parking consultant, engineering cost estimates and appraisal services.

E. In the event that the applicant has provided the City with other payments, waived tax appeal rebates, deeded or contributed by nominal lease real property, constructed off-site improvements, constructed replacement parking facilities, etc., the City Council in its sole discretion may credit the applicant with the reasonable value of such payment, contribution and/or improvements toward the PILOP required.

**§ 29-58 Payment of PIP fee by applicant.**

The timing of the PIP fee payment shall be in the discretion of the approving authority. Payment by the applicant of the PIP fee assessed may be imposed as follows:

A. Upon the granting of the variance by the Planning Board or Board of Adjustment.

B. In the case of a development project at the time that the applicant or the successor to the applicant's approvals secures their building permits.

C. Over a term of years, in the event the PIP payment exceeds \$250,000, to be authorized by resolution of the City Council. The payment term shall not be in excess of five years, payable in yearly installments, with legal interest.

D. To secure payment of applicant's obligation to the PIP Trust Fund, a municipal assessment for a local improvement pursuant to N.J.S.A. 40:56 et seq. shall be placed upon applicant's real estate which was the subject of the parking variance.

E. The provisions of N.J.S.A. 40:56 et seq. shall apply in the event of a default or late payment.

**§ 29-59 Collection of PIP fee assessment.**

A. In the event that the Planning Board or Zoning Board of Adjustment approves by resolution payment of the PIP fee by installment, a real estate assessment shall be collected by the municipal tax assessor's office in the manner proscribed by statute and the funds so collected shall be turned over to the City Chief Financial Officer for deposit into the City's Parking Improvement Program Trust Fund.

B. In the event that the applicant is directed by the Planning Board or Zoning Board of Adjustment to pay the PIP fee assessment in a single lump sum, the assessment shall be collected by the City Chief Financial Officer for deposit into the City's Parking Improvement Program Trust Fund.

**§ 29-60 Deposit of PIP Fee Assessment.**

The City may apply to the State of New Jersey, Department of Community Affairs, Local Finance Board pursuant to administrative rule, for its approval and establishment of a dedicated and restricted trust fund for deposit of the PIP fees assessed by the authority pursuant to the parking space variance, as determined by the Planning Board or Zoning Board of Adjustment.

**§ 29-61 Use of PIP Fee Assessment.**

The assessed fees collected and deposited into the Parking Improvement Program Trust Fund shall be dedicated to provide for: engineering and design; traffic and other feasibility studies; acquisition through purchase

or condemnation; erection, construction of or installation of off-street parking facilities, parking structures, or equipment; and other associated parking project development costs. The expenditure of such funds for said purposes shall be made by the Business Administrator or his or her designee at the time and in the manner determined by the City to be in the best interests of the City in providing off-street parking.

## **SECTION TWO**

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 THREE**

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

## **SECTION FOUR**

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

Council Member Garcia moved the Ordinance be approved on first reading. Motion was seconded by Council Member Melo the public hearing be held on February 4, 2020.

### **ROLL CALL**

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

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Council President Schaer read said Ordinance by title.

**CITY OF PASSAIC**  
**ORDINANCE NO. 2250-20**

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

**WHERE AS** the total number of Handicapped Parking Spaces Restricted by New Jersey License Plate Number as per last ordinance was 438. Handicapped Parking Spaces.

**WHERE AS** the total number of Handicapped Parking Spaces Restricted by New Jersey License Plate Number as per this ordinance is 437 Handicapped Parking Spaces.

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

—  
SECTION 1

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

DELETION:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>	<u>PLATE #</u>
36 Aycrigg Avenue	North	Beginning at a point 176 feet west of the westerly curblin e of River Drive and extending to a point 20 feet westerly therefrom	P83KDZ
35 Palmer Street	South	Beginning at a point 98 feet west of the westerly curblin e of River Drive and extending to a point 20	U20JCC

feet westerly therefrom

278 Street	Summer North	Beginning at a point 44 feet west of the westerly curbline of Pretoria Street and extending to a point 20 feet westerly therefrom	VWD90P
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71 Avenue	Van Winkle West	Beginning at a point 140 feet north of the northerly curbline of President Street and extending to a point 18 feet northerly therefrom	V68GHN
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SECTION 2

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

ADDITION:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>	<u>PLATE #</u>
36 Avenue	Aycrigg North	Beginning at a point 176 feet west of the westerly curbline of River Drive and extending to a point 20 feet westerly therefrom	R14LPU
278 Street	Summer North	Beginning at a point 44 feet west of the westerly curbline of Pretoria Street and extending to a point 20	D46LZZ

feet westerly therefrom

71 Van Winkle West Avenue Beginning at a point 140 feet north of the northerly curblinE16LJU of President Street and extending to a point 18 feet northerly therefrom

Council Member Garcia moved the Ordinance be approved on first reading. Motion was seconded by Council Member Melo the public hearing be held on February 4, 2020.

**ROLL CALL**

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

**PAYMENT OF BILLS**

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

**ROLL CALL**

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

**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 10:05 p.m.

**ROLL CALL**

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

**ATTEST:**

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Amada D. Curling,  
City Clerk

**APPROVED:**

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Gary S. Schaer,  
Council President