



Passaic City Council
April 13, 2021 Minutes

MEETING WAS CONDUCTED AS A LIVE STREAM VIA FACEBOOK

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 23, 2020 SETTING FORTH THE SCHEDULE OF REGULAR MEETINGS FOR THE YEAR 2020-2021, SAID NOTICE WAS PUBLISHED AND POSTED ON THE CITY HALL BULLETIN BOARD BY THE OFFICE OF THE CITY CLERK

PLEASE BE FURTHER ADVISED 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 MARCH 24, 2021 ON THE CITY OF PASSAIC WEBSITE AT www.cityofpassaic.com UNDER COUNCIL AGENDAS. INSTRUCTIONS ARE ALSO AVAILABLE IN THE LAST PAGE OF THIS AGENDA.

PLEASE BE GUIDED ACCORDINGLY.

ON CALL OF THE ROLL THE FOLLOWING COUNCIL MEMBERS RESPONDED:

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

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

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

MAYOR'S UPDATE

Munk joined the meeting at 7:32 p.m.

Mayor Hector C. Lora updated the council and residents on the following:

- COVID- Updates Numbers recorded 2020 March - Present:
 - 7764 Positive
 - 287 Passed away due to COVID related
- The city continues providing four testing sites: 122 8th Street, 390 Paulison Ave, 154 Main Ave, and at the corner Jefferson and 1st Street at our City Lot. The city

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

is making sure that all these sites are available for the residents at no cost.

- The mayor emphasizes on how the city of Passaic is always reminding the residents to continue enforcing the guidelines by wearing masks, practicing social distancing, good hygiene and taking care of each other.
- The city of Passaic is one of four cities in Passaic County that never entered "Red Level."
- Mayor Lora thanks the leaders in the community and colleagues, educators, administration, and the community for working together during the pandemic.
- The city has been able to provide over 13,000 residents with the vaccine. Over 4,000 have received two doses; the remaining have received just one so far.
- The city partners with North Hudson Community Action Corporation, Saint Mary's hospital. We have three different locations in the City of Passaic Hospital: 220 Passaic Street, 390 Paulison Avenue, as well as being connected to FEMA, sites and county with St Josephs and NJIT in order to direct people who have emergencies.
- Updates on Johnson & Johnson: we have been requested to pause distribution on the vaccine. In the city, over 90% have had the Moderna vaccine; no large number of residents have received the Johnson & Johnson vaccine.
- The mayor urges residents to continue to follow guidelines and to get all information from their medical professionals.
- The mayor talked about the expectation that he has from the Governor that on April 15, 2021, the city will be able to provide the vaccine to high school seniors aged 16 and older.
- The mayor shared and highlighted the diversity of our community, most recently experiencing and having the opportunity to celebrate Burning of the bread, observing orthodox Jewish community and The Holi festival celebration with the South Asian Indian Community, and with the Our Lady of Fatima procession.
- The budget: the Council, BA, and CFO have worked together cognitively, keeping all the circumstances we as a community have faced throughout the pandemic. The budget takes into account all taxpayers' concerns and will have the best interest of the community.
- The mayor wants the residents to know that The City of Passaic has worked hard to make many improvements all

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

over the city, and that you will see it reflected in the budget. Tangible progress can be seen all over the city.

- The mayor is grateful that even throughout this pandemic, the city was able to work together with administration, zoning board, planning board, redevelopment, and all city departments, never shutting down, always being able to provide to the residents all the help possible during these unprecedented difficult times.

MINUTES

Council Meeting Minutes for March 23, 2021 were submitted for approval.

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

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

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.

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

Cecilia Kingsley, 285 Aycrigg Ave

- Appreciates all the effort and improvements the city has been able to accomplish with the rollout of vaccines and the cleaning of Third Ward Park.
- Has a concern about the maintenance on the buildings and overall area on Passaic Avenue. The lack of cleanup and care of is a concern for a lot of residents and nothing has been addressed.

Aryeh Mack, 187 Howard Ave

- Suggested in having a vaccine center on the upper Third Ward area as it will be more convenient for nearby residents.
- He is also wondering when schools will be open for students to attend.

Josef and Suri Levi, 285 Aycrigg Ave

- Wants to know if the city is doing any construction work, or anything for or of work on 208 Aycrigg Avenue since she keeps seeing trucks and people coming in and out of the location. She sees a lack of upkeep by those people who are working on the area.

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

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

COMMUNICATIONS AND PETITIONS:

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

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

George Chrzanowski, Passaic Proof LLC Corp., Passaic Proof, 33 Central Avenue, Submitting a Taxi Owner Application for the Renewal year 2021(Contingent

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

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 President Melo the following communications and petitions were received placed on file and approval granted

Millenium Strategies Monthly Activity Report: March 2021

Passaic Valley Water Commission, submitting the following:

- Minutes of their February 17, 2021 meeting
- Notice of their April 14, 2021 meeting

North Jersey District Water Supply Commission submitting the following:

- Notice of Meeting Revision of their March 24, 2021 meeting
- Notice of their March 24, 2021 meeting.
- Agenda of their March 24, 2021meeting.

New Jersey Department of Environmental Protection submitting the following:

- Treatment Works Approval No. 20-0469

Passaic Enterprise Zone Dev. Corp, submitting the following:

- Minutes of their December 9, 2020 meeting

ROLL CALL (VIA ZOOM)

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

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

BUDGET INTRODUCTION CY 2021

Council President Schaer read said Ordinance by title.

**CITY OF PASSAIC
ORDINANCE NO. 2294-21**

**CALENDAR YEAR 2021
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

**(First reading to be considered prior to Budget Introduction.
Second reading to be set at introduction)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing Body of the City of Passaic, in the County of Passaic finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Governing Body hereby determines that a 2.5% increase in the budget for said year, amounting to \$2,275,170 in excess of the increase in final appropriations

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the City of Passaic, in the County of Passaic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the City of Passaic shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$3,185,238, and that the CY 2021 municipal budget for the City of Passaic be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Council Member Melo moved the Ordinance be approved on first reading. Motion was seconded by Council Member Garcia the public hearing be held on May 13, 2021.

ROLL CALL (VIA ZOOM)

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

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

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

**CITY OF PASSAIC
RESOLUTION NO. 21-04-085**

**RESOLUTION TO ANTICIPATE MISCELLANEOUS REVENUES
 IN THE 2021 BUDGET USING THE THREE-YEAR AVERAGE OF
 REALIZED REVENUES FROM THE PRIOR THREE YEARS**

WHEREAS, the COVID 19 pandemic had an adverse effect on the anticipated municipal revenues in the 2020 municipal current fund and sewer utility operating budgets; and

WHEREAS, Section 1 of P.L. 2020, c.74 amended N.J.S.A 40A:4-26 authorized the Director of the Division of Local Government Services ("Division") to promulgate new standards for the anticipation of COVID-19 affected revenues in the FY 2021 budget, and, if necessary, in future years and

WHEREAS, for FY 2021, the Director authorizes the use of a three-year average for the calculation of affected revenues; and

WHEREAS, the Chief Financial Officer of the City of Passaic, certifies that the following revenues were affected in 2020 by the COVID 19 pandemic and that the 3 year average of the amounts realized in 2018 - 2020 may be anticipated in the introduced budget for 2021;

Revenue Category	2018	2019	2020	Average
Sewer Rents and Charges	\$5,762,811	\$5,725,727	\$5,381,155	\$5,623,231

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the above referenced revenues be

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

anticipated using the 3 year average as permitted by the amendments to 40A: 4-26, adopted by the P.L. 2020, c. 74.

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

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. 21-04-086

**RESOLUTION AUTHORIZING THE CY 2021 MUNICIPAL BUDGET
TO BE READ BY TITLE ONLY**

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

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

CITY OF PASSAIC
RESOLUTION NO. 21-04-087

INTRODUCTION OF THE MUNICIPAL BUDGET CY 2021

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2021;

BE IT FURTHER RESOLVED, that said Budget be published in The Herald and News in the issue of April 29, 2021

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

RESOLUTIONS:

THE FOLLOWING RESOLUTION WAS TAKEN OFF THE AGENDA

RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION OF THE CITY COUNCIL OF PASSAIC ON PASSAIC ON APRIL 13, 2021 AT 7:00 PM OR ANYTIME THEREAFTER TO DISCUSS PENDING LITIGATION, CONTRACT NEGOTIATIONS AND PERSONNEL MATTERS

THE FOLLOWING ITEM WAS VOTED ON BY ONE MOTION

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

**CITY OF PASSAIC
RESOLUTION NO.21-04-088**

**RESOLUTION AUTHORIZING SALE AND PURCHASE AGREEMENT
BY AND BETWEEN THE CITY OF PASSAIC AND
PASSAIC BOARD OF EDUCATION**

WHEREAS, the City of Passaic, having an office at 330 Passaic Street, Passaic, New Jersey, 07055 ("Buyer") wishes to enter into a Sale and Purchase Agreement ("Agreement") with the Passaic Board of Education, having an office at 663 Main Street, Passaic, New Jersey 07055 ("Seller"); and

WHEREAS, the Buyer and Seller seek to enter into this Agreement pursuant to N.J.S.A. 18A:18A-45(c); and

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

WHEREAS, the Seller owns two (2) Temporary Classroom Units ("TCUs"), which have been decommissioned and for which the Seller has no further use; and

WHEREAS, the Buyer shall purchase the TCUs for a price of One Dollar (\$1.00) per TCU, for a total amount of Two Dollars (\$2.00); and

WHEREAS, the Buyer and Seller have set forth their intentions within the Agreement attached hereto and mutually agree to be subject to the terms and conditions 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 the Passaic Board of Education, 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 a copy of this Resolution and a copy of the executed Agreement shall be forwarded to the Passaic Board of Education.

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

THE FOLLOWING ITEMS WERE VOTED ON BY ONE MOTION

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

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

CITY OF PASSAIC
RESOLUTION #21-03-089

RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS
RESULTING FROM TAX COURT JUDGMENTS

WHEREAS, the Tax Court of New Jersey based on judgments from a rendered decision entered on 12/22/2020 for Block: 2181 Lot 17, also known as 204 Myrtle Ave, Passaic, NJ, property owner: Gars, LLC. The judgment entered reduced the assessed value on the property for tax years 2018, 2019.

WHEREAS, the above-mentioned property, based on same judgments entered from the Tax Court of New Jersey, have overpaid their taxes for tax year 2018, 2019.

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) as provided by the judgment attached hereto and for the Tax Collector to adjust her records accordingly;

BLOCK/LOT	PROPERTY	OWNER	TAX YEAR	REFUND DUE
2181/17	204 Myrtle Ave.	Gars, LLC	2018	\$626.06
			2019	<u>\$915.58</u>
			TOTAL REFUND	\$1,541.64

CITY OF PASSAIC
RESOLUTION NO. 21-04-090

RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION
FOR AND ACCEPTANCE OF NEW JERSEY DIVISION OF
HIGHWAY TRAFFIC SAFETY CLICK IT
OR TICKET MOBILIZATION GRANT PROGRAM 2021

WHEREAS, the City of Passaic Police Department wishes to submit an application for the Click It or Ticket Mobilization Grant Program being offered through the New Jersey Division of Highway Traffic Safety ("Program"); and

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

WHEREAS, the purpose of the Program is to provide support for officer overtime costs to participate in seat belt enforcement campaigns; and

WHEREAS, as a law enforcement agency in the state of New Jersey, the City of Passaic Police Department is eligible to apply for funding through this Program; and

WHEREAS, there is a \$9,000.00 award associated with this Program to be utilized from May 24, 2021 to June 13, 2021.

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 Highway Traffic Safety Click It or Ticket Mobilization 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 to execute any documents and/or undertake any and all such actions necessary to effectuate the purpose of this Resolution.

CITY OF PASSAIC
RESOLUTION NO. 21-04-091

**RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION
FOR THE MAJOR LEAGUE BASEBALL ASSOCIATION AND SCOTTS
COMPANY FIELD REFURBISHMENT GRANT PROGRAM 2021**

WHEREAS, the City of Passaic wishes to submit an application for the Field Refurbishment Grant Program that is being offered through the Major League Baseball Association and Scotts Company ("Program"); and

WHEREAS, the purpose of the Program is to support renovations to youth baseball fields; and

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

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

WHEREAS, there is a 3-month project period associated with the Program set to begin June 2021; and

WHEREAS, the maximum award is a \$50,000.00 in-kind package that may include a new pitcher's mound, new home plate and batter's boxes, and new bases and anchors; 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 Major League Baseball Association and Scotts Company Field Refurbishment 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 Department of Recreation 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.

CITY OF PASSAIC
RESOLUTION NO. 21-04-092

**RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION
FOR THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY
SUSTAINED ENFORCEMENT GRANT PROGRAM FY 2022**

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

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

WHEREAS, the purpose of the Program is to reduce impaired driving crashes in the City of Passaic; and

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

WHEREAS, there is a project period associated with the Program from October 1, 2021 to September 30, 2022; and

WHEREAS, this Program shall not require any matching contribution from the City of Passaic; 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 Sustained Enforcement Grant Program subject to the terms and conditions set forth in the grant guidance attached hereto; 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.

CITY OF PASSAIC
RESOLUTION NO. 21-04-093

**RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION
FOR THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY
PEDESTRIAN SAFETY ENFORCEMENT AND EDUCATION FUND
GRANT PROGRAM FY 2022**

WHEREAS, the City of Passaic wishes to submit an application for the Pedestrian Safety, Enforcement and Education Fund Grant Program that is being offered through

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

the New Jersey Division of Highway Traffic Safety ("Program"); and

WHEREAS, the purpose of the Program is to provide funding to address traditional pedestrian safety issues; and

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

WHEREAS, the request amounts are predetermined by the State; and

WHEREAS, there is a \$35,000.00 award associated with this Program for law enforcement personnel costs to be utilized between October 1, 2021 and September 30, 2022.

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 Pedestrian Safety Enforcement and Education Fund 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 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.

CITY OF PASSAIC
RESOLUTION NO. 21-04-094

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL
CAPTIONED 636 MAIN REALTY, LLC V. CITY OF PASSAIC**

WHEREAS, 636 Main Realty, LLC has filed tax appeals in Tax Court challenging the assessment of real property designated as Block 1131.01, Lot 24 on the official Tax Map

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

of the City of Passaic and located at 638 Main Avenue, Passaic, New Jersey for the tax years 2018, 2019, 2020, and 2021; and

WHEREAS, the total refund/credit for the proposed settlement offer is \$56,070.80; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Passaic that City of Passaic is hereby authorized to accept the proposed settlement offer for the matter of 636 Main Realty, LLC v. City of Passaic.

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

**CITY OF PASSAIC
RESOLUTION NO. 21-04-095**

**RESOLUTION AUTHORIZING A CONTRACT WITH
AUTOMOTIVE BRAKE CO., ROUTE 23 AUTO MALL,
BUY-WISE AUTO PARTS AND SUPERIOR DISTRIBUTORS
FOR THE PURCHASE OF AUTO PARTS FOR ALL CITY VEHICLES**

WHEREAS, the City of Passaic wishes to enter into a contract with the following vendors for auto parts offered under the NJ State Contract;

Automotive Brake Co., Hackensack, NJ	State Contract #A86000
Route 23 Auto Mall, Butler, NJ	State Contract #A86007
Superior Distributors, Elmwood Park, NJ	State Contract #A85999
Buy-Wise Auto Parts, Vauxhall, NJ	State Contract #A85992

WHEREAS, N.J.S.A. 40A:11-11 authorizes the purchase of any materials, supplies or equipment under NJ State Contract

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

entered on behalf of the City and Property in the Department of the Treasury without the necessity for public bidding; and

WHEREAS, the contract period commences February 26, 2021 through February 25, 2022 in an approximate amount of \$ 130,000.00 inclusive of all listed vendors.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that a contract be awarded to Automotive Brake Co., Route 23 Auto Mall, Superior Distributors, and Buy-Wise Auto Parts for the contract period February 26, 2021 through February 25, 2022 in an approximate amount of \$ 130,000.00 inclusive of all listed vendors.

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 account #1-01-26-315-000-034. Funds for subsequent budget year is available pending governing body approval.

**CITY OF PASSAIC
RESOLUTION NO. 21-04-096**

**RESOLUTION DESIGNATING
RACHLES MICHELE OIL COMPANY INC., CLIFTON, NJ
AS THE PROVIDER OF ULTRA LOW SULFUR DIESEL**

WHEREAS, the City of Passaic purchases Ultra Low Sulfur Diesel through New Jersey State Contract; and

WHEREAS, N.J.S.A. 40A:11-12 authorizes the purchase of any materials, supplies or equipment under New Jersey 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

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

WHEREAS, Rachles Michele's Oil Company Inc. of Clifton, NJ has bid with the state for Ultra Low Sulfur Diesel and has been assigned State Contract # T-1845 for the upcharge (vendor profit margin) of \$.0675 cents/gallon; and

WHEREAS, Ultra Low Sulfur Diesel is regulated by the prices listed in the Oil Price Information Service (OPIS) which is averaging \$ 1.8474 cents/gallon; and

WHEREAS, the City of Passaic uses approximately 8,500.00 gallons per month at \$1.9149/gallon which includes the upcharge of \$.0675 totaling \$ 16,276.65./month; and

WHEREAS, the contract expires on March 31, 2025.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the City of Passaic designate Rachles Michele Oil Company Inc. the provider of Ultra Low Sulfur Diesel in an approximate amount of \$16,276.65/month

CERTIFICATION OF FUNDS

Funds are available in Gasoline, Diesel Fuel Acct. #1-01-31-460-000-078. Funds for the subsequent budget years will be available upon Governing Body approval.

**CITY OF PASSAIC
RESOLUTION NO. 21-04-097**

**RESOLUTION AWARDING CONTRACT FOR GEESE CONTROL SERVICES
THIRD WARD MEMORIAL PARK & PULASKI PARK
PASSAIC, NJ**

WHEREAS, proposals were received by the Director of Purchasing on Friday, March 19, 2021 for Geese Controls Services for Third Ward Memorial Park & Pulaski Park; and

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

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

Trailblazer Forestry Services	Construct Connect	Source Management
Stroudsburg, PA	Cincinnati, OH	New York

WHEREAS, it is the recommendation of the Evaluation Committee that the contract for Geese Control Services be awarded to Geese Chasers North Jersey of Great Meadows, NJ in the amount of \$30,576.00 and \$85.00/nest for Egg Addling (as needed) for the contract period April 1, 2021 - March 31, 2022; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the contract for Geese Control Services for Third Ward Memorial Park and Pulaski Park be awarded to Geese Chasers North Jersey in an amount not to exceed \$ 30,576.00 and \$85.00/nest for Egg Addling (as needed) for the contract period April 1, 2021 - March 31, 2022.

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

CERTIFICATION OF FUNDS

Funds are available in Account #1-01-28-375-000-029. Funds for subsequent budget year will be available contingent upon budget approval.

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

CITY OF PASSAIC
RESOLUTION NO. 21-04-098

RESOLUTION AWARDING CONTRACT TO
VERIZON CONNECT, MORRISTOWN, NJ
GPS TRACKING SYSTEM/CITY VEHICLES

WHEREAS, the City of Passaic currently has a GPS tracking system in place for all City Vehicles; and

WHEREAS, N.J.S.A. 40A:11-12 authorizes the purchase of any materials, supplies or equipment under New Jersey 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, Verizon Connect has offered the City of Passaic a more progressive system at a more competitive price under the NJ State Contract for the monthly vehicle tracking subscription and has been assigned State Contract #022217 ;

WHEREAS, the cost for this service is as follows:

152 vehicles \$ 18.95/vehicle \$2,880.40/month \$ 34,564.80/yearly

WHEREAS, commencement of this contract will begin upon installation of devices and expires on June 1, 2022.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the City of Passaic that the contract for GPS Tracking System/City Vehicles be awarded to Verizon Connect, Morristown, NJ in an amount of \$ 34,564.80/yearly.

CERTIFICATION OF FUNDS

Funds are available in Telephone Utilities Acct. #1-01-31-440-000-076. Funds for the subsequent budget years will be available upon Governing Body approval.

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

CITY OF PASSAIC
RESOLUTION NO. 21-04-099

RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL
CAPTIONED PLATINUM REALTY GROUP ASSOCIATES, LLC V. CITY OF
PASSAIC

WHEREAS, Platinum Realty Group Associates, LLC has filed tax appeals in Tax Court challenging the assessment of real property designated as Block 1030, Lot 4 on the official Tax Map of the City of Passaic and located at 79-87 South Street, Passaic, New Jersey for the tax years 2017, 2018, 2019 and 2020; and

WHEREAS, the total refund for the proposed settlement offer is \$60,544.97; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Passaic that City of Passaic is hereby authorized to accept the proposed settlement offer for the matter of Platinum Realty Group Associates, LLC v. City of Passaic.

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

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

CITY OF PASSAIC
RESOLUTION # 21-04-100

RESOLUTION AUTHORIZING A CONTRACT WITH
THE RODGERS GROUP FOR ONLINE TRAINING MODULE FOR
IN-SERVICE TRAINING FOR POLICE ACCREDITATION
POLICE DEPARTMENT

WHEREAS, on July 18, 2017, the City Council of the City of Passaic adopted Resolution #17-07-227 (attached) approving a contract with The Rodgers Group for Consulting Services for Police Accreditation; and

WHEREAS, yearly training is mandatory to maintain accreditation; and

WHEREAS, the Rodgers Group provides Online In-Service Training Module which enables the Police Department to implement the training program with substantial decrease in training expenses; and

WHEREAS, the cost for the Online Training Module is \$17,920.00 for a one year period commencing January 1, 2021 through December 31, 2021.

WHEREAS, it is the recommendation of Police Chief, Luis Guzman that the contract be awarded to The Rodgers Group for Online Training Module for In-Service Training in the amount of \$17,920.00.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the contract for Online Training Module for In-Service Training be awarded to The Rodgers Group in the amount of \$17,920.00.

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

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

CERTIFICATION OF FUNDS

Funds are available in Police Contractual Account #1-01-25-240-020-029.

**CITY OF PASSAIC
RESOLUTION # 21-04-101**

**RESOLUTION AUTHORIZING THE RENEWAL OF
SCHEDULING SOFTWARE (VISUAL COMPUTER SOLUTIONS)
PASSAIC POLICE DEPARTMENT**

WHEREAS, the Passaic Police Department wishes to renew the Scheduling Software (Visual Computer Solutions) offered under NJ State Contract # A-89851 from SHI International, Somerset, NJ; and

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

WHEREAS, SHI International partners with leading manufacturers as a resaler for hardware, software & IT services. SHI International has been awarded NJ State and Cooperative Purchasing Contracts. This allows public entities to streamline their purchases for various IT services; and

WHEREAS, it is recommendation of Police Chief, Luis Guzman, that the contract for Scheduling Software (Visual Computer Solutions) be awarded to SHI International in the amount of \$19,420.71.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that a contract for Scheduling Software (Visual Computer Solutions) be awarded to SHI International, Somerset, NJ, in the amount of \$19,420.71.

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

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 #
1-01-25-240-020-029

**CITY OF PASSAIC
RESOLUTION NO. 21-04-102**

**RESOLUTION AUTHORIZING SALE AND PURCHASE AGREEMENT
BY AND BETWEEN THE CITY OF PASSAIC AND
PASSAIC COUNTY SHERIFF'S OFFICE**

WHEREAS, the City of Passaic, having an office at 330 Passaic Street, Passaic, New Jersey, 07055 ("Seller") wishes to enter into a Sale and Purchase Agreement ("Agreement") with the Passaic County Sheriff's Office, having an office at 435 Hamburg Turnpike, Wayne, New Jersey 07470 ("Buyer"); and

WHEREAS, pursuant to N.J.S.A. 40A:11-36(2), a contracting unit may dispose of personal property no longer needed for public use without public bidding when the sale is made to another government unit; and

WHEREAS, N.J.S.A. 40A:11-5(2) further exempts a purchase from public bidding where such contract is to be made or entered into with the United States of America, the State of New Jersey, county or municipality or any board, body, officer, agency or authority thereof or any other state or subdivision thereof; and

WHEREAS, the Seller owns two (2) Temporary Classroom Units ("TCUs"), which have been decommissioned and for which the Seller has no further use; and

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

WHEREAS, the Buyer shall purchase the TCUs for a price of One Dollar (\$1.00) per TCU, for a total amount of Two Dollars (\$2.00); and

WHEREAS, the Buyer and Seller have set forth their intentions within the Agreement attached hereto and mutually agree to be subject to the terms and conditions 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 the Passaic County Sheriff's Office, 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 a copy of this Resolution and a copy of the executed Agreement shall be forwarded to the Passaic County Sheriff's Office.

**CITY OF PASSAIC
RESOLUTION #_21-04-103**

**RESOLUTION DIRECTING A RECOMMENDATION
FROM THE PASSAIC CITY PLANNING BOARD REGARDING
BLOCK 3220, LOT 27 (437 PAULISON AVENUE) AS AN AREA
IN NEED OF REDEVELOPMENT/REHABILITATION**

WHEREAS, it has been determined by the planning officials of the City of Passaic that certain properties located at 437 Paulison Avenue (Block 3220 Lot 27) in the City of Passaic qualify as an area in need of redevelopment/rehabilitation under the conditions for determination for redevelopment/rehabilitation in N.J.S.A. 40:12A-14; and

WHEREAS, those conditions are that: (1) a program of rehabilitation is expected to prevent further deterioration

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

and promote the overall development of the community; and
(2) the designation will prevent vacancy of properties; and,
(3) to prevent the deterioration which would accompany any
vacancy; and

WHEREAS, this designation as an area in need of
redevelopment/ rehabilitation is not intended to confer the
power of condemnation; and

WHEREAS, the City of Passaic is encouraging the
redevelopment/ rehabilitation of the aforementioned
properties; and

WHEREAS, a designation of an area in need of
redevelopment/rehabilitation would assist the City and
potential developers in the rehabilitation of the area.

NOW, THEREFORE BE IT RESOLVED by the City Council of
the City of Passaic refers to the Planning Board of the City
of Passaic, this matter directing a recommendation after an
Investigation on Designating Block 3220 Lot 27 (437 Paulison
Avenue), as an Area in Need of Redevelopment/Rehabilitation.

**CITY OF PASSAIC
RESOLUTION #21-04-104**

**RESOLUTION DIRECTING A RECOMMENDATION FROM
THE PASSAIC CITY PLANNING BOARD REGARDING
BLOCK 2186, LOT 7 (210 SUMMER STREET) AS AN AREA
IN NEED OF REDEVELOPMENT/REHABILITATION**

WHEREAS, it has been determined by the planning
officials of the City of Passaic that certain properties
located at 210 Summer Street (Block 2186 Lot 7) in the City
of Passaic qualify as an area in need of
redevelopment/rehabilitation under the conditions for
determination for redevelopment/rehabilitation in N.J.S.A.
40:12A-14; and

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

WHEREAS, those conditions are that: (1) a program of rehabilitation is expected to prevent further deterioration and promote the overall development of the community; and (2) the designation will prevent vacancy of properties; and, (3) to prevent the deterioration which would accompany any vacancy; and

WHEREAS, this designation as an area in need of redevelopment/ rehabilitation is not intended to confer the power of condemnation; and

WHEREAS, the City of Passaic is encouraging the redevelopment/ rehabilitation of the aforementioned properties; and

WHEREAS, a designation of an area in need of redevelopment/rehabilitation would assist the City and potential developers in the rehabilitation of the area.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Passaic refers to the Planning Board of the City of Passaic, this matter directing a recommendation after an Investigation on Designating Block 2186, Lot 7 (210 Summer Street), as an Area in Need of Redevelopment/Rehabilitation.

CITY OF PASSAIC
RESOLUTION #21-04-105

**RESOLUTION AUTHORIZING A CONTRACT
WITH SIGNAL CONTROL PRODUCTS
FOR TRAFFIC SIGNAL CONTROLLER PRODUCTS**

WHEREAS, the City of Passaic wishes to enter into a contract with Signal Control Products of Branchburg, NJ for Traffic Signal Controller Products offered under NJ State Contract #19DPP00318 T1473; and

WHEREAS, N.J.S.A. 40A:11-12 authorizes the purchase of any materials, supplies or equipment under New Jersey State Contract entered on behalf of the State by the Division of

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

Purchase and Property in the Department of the Treasury without the necessity for public bidding; and

WHEREAS, the contract period is from April 13, 2021 through October 31, 2022 for a not to exceed amount of \$100,000.00.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that a contract be awarded to Signal Control Products of Branchburg, NJ for Traffic Signal Control Products for the contract period April 13, 2021 through October 31, 2022 in a not to exceed amount of \$100,000.00.

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

CERTIFICATION OF FUNDS

Funds for the above are available in account #1-01-26-290-000-054. Funds for subsequent budget year is available pending governing body approval.

**CITY OF PASSAIC
RESOLUTION NO. 21-04-106**

**RESOLUTION AUTHORIZING SALARY ADJUSTMENT OF
JUDGE RONDA CASSON COTRONEO OF THE MUNICIPAL COURT
OF THE CITY OF PASSAIC**

WHEREAS, Ronda Casson Cotroneo, Esq. ("Judge Cotroneo") has been appointed to be a Judge in the Municipal Court of the City of Passaic; and

WHEREAS, Judge Cotroneo is paid in the amount of \$50,750.00 per year as compensation in her role as Judge of the Municipal Court of the City of Passaic; and

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

WHEREAS, the City of Passaic desires to adjust the salary of Judge Cotroneo from \$50,750.00 per year to \$65,000.00 per year, a net increase of \$14,250.00; and

WHEREAS, this increase is within the parameters set for the position that has been established by the City's salary Ordinance; and

WHEREAS, this salary adjustment shall remain in effect until the conclusion of Judge Cotroneo's term, which is set to expire on February 8, 2024, unless otherwise determined by the City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Passaic that the salary of Judge Cotroneo shall hereby be adjusted to the sum of \$65,000.00 per year as compensation for her role as Judge of the Municipal Court of the City of Passaic; 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.

**CITY OF PASSAIC
RESOLUTION NO. 21-04-107**

**RESOLUTION AWARDING CONTRACT FOR MADISON STREET
AND SIXTH STREET RECONSTRUCTION
CITY OF PASSAIC**

WHEREAS, bids were received by the Business Administrator on Tuesday, April 6, 2021 for Madison Street and Sixth Street Reconstruction, City of Passaic; and

WHEREAS, bids were received as per the attached; and

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

WHEREAS, in addition to the attached, specifications and plans were downloaded from the City's website, none of whom submitted bids:

Bright View Engineering Livingston, NJ	ASG Holmdel, NJ	Road Safety System Shamong, NJ
PKB Engineering Corporation Secaucus Town, NJ	DLS Contracting, Inc Fairfield, NJ	D&L Paving Contractors, Inc. Nutley, NJ
Stanziale Construction Rochelle Park, NJ	Frank Macchione Construction East Orange, NJ	

WHEREAS, the lowest responsible, responsive Bid inclusive of Alternate A (Sixth Street) was received from Smith SONDY Asphalt, Wallington, NJ in the amount of \$ 571,849.60 ; and

WHEREAS, it is the recommendation of Joe Golden, City Engineer, that the contract be awarded to Smith SONDY Asphalt, Wallington, NJ for Madison Street and inclusive of Alternate A (Sixth Street) in the amount of \$ 571,849.60 .

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Passaic that the contract for Madison Street and Sixth Street Reconstruction be awarded to Smith SONDY Asphalt, Wallington, NJ for Madison Street and inclusive of Alternate A (Sixth Street) in the amount of \$ 571,849.60.

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 DOT Account #B-12-45-BG9-000-9RD, Acct. #B-12- 46-BG0-000-9RD and Acct. #0-01-44-905-000-9PK

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

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

ORDINANCE FOR INTRODUCTION AND FIRST READING:

Council President Schaer read said Ordinance by title.

CITY OF PASSAIC
ORDINANCE NO. 2295-21

ORDINANCE AMENDING THE CITY CODE
OF THE CITY OF PASSAIC TO CREATE CHAPTER 232
"RECREATIONAL CANNABIS ESTABLISHMENTS"

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, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act" or "NJCREMM"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer"), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, regulating the manufacture, distribution, and sale of marijuana is of paramount concern to the City of Passaic and must be designed in such a way that that enhances public health, minimizes potential harm to the community and enhances the City's ability to keep marijuana away from minors; and

WHEREAS, the City of Passaic believes it to be 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 to the City of Passaic to create Chapter 232 of the City Code of the City of Passaic, "Recreational Cannabis Establishments" to allow for strict regulation of the legalized marijuana market and industry in the City of Passaic, with stringent quality control and best practices by all licensees that will better ensure a safer product than an unregulated market; and

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

WHEREAS, the City of Passaic seeks to regulate the legalized marijuana market and industry by prohibiting the retail sale or delivery of cannabis within the City of Passaic (Class 5 Cannabis Retailer and/or Class 6 Cannabis Delivery) and permitting the growing and cultivation of cannabis (Class 1 Cannabis Cultivator), manufacturing, preparation and packaging of cannabis items (Class 2 Cannabis Manufacturer), obtaining and selling cannabis items for later resale to other licensed businesses (Class 3 Cannabis Wholesaler) and transporting cannabis from one licensed business to another licensed business (Class 4 Cannabis Distributor)

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Passaic that City Code of the City of Passaic is hereby amended as follows to create Chapter 232, "Recreational Cannabis Establishments":

SECTION I

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

Chapter 232. Recreational Cannabis Establishments

Article I. General Provisions.

§232-1. Purpose and Intent.

It is the purpose and intent of this chapter to promote the health, safety, morals, and general welfare of the residents and businesses within the City of Passaic by regulating the cultivation, processing, extraction, manufacturing, testing, distribution, transportation, sale, and consumption of marijuana, whether for medical or recreational purposes as currently allowed under New Jersey State law. It is the purpose and intent of this chapter to prohibit Cannabis Dispensaries but permit Cannabis Businesses, upon application and approval of a regulatory permit, and in accordance with the criteria and procedures set forth in this Code. It is the purpose and intent of this Chapter to provide opportunities for cannabis businesses to operate in the City, while imposing regulations on the use of land to protect the City's neighborhoods, residents, and businesses from negative impacts. It is a further purpose and intent of this Chapter to regulate the cultivation, manufacturing, processing, testing and

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

transporting of cannabis and cannabis-related products in a manner which is responsible, which protects the health, safety, and welfare of the residents of the City of Passaic, and to enforce rules and regulations consistent with state law. In part to meet these objectives, an annual permit shall be required in order to own and/or to operate a Cannabis Business within the City of Passaic. Nothing in this Chapter is intended to authorize the possession, use, or provision of cannabis for purposes which violate state or federal law. The provisions of this Chapter are in addition to any other permits, licenses and approvals which may be required to conduct business in the City, and are in addition to any permits, licenses and approval required under State, County, or other law.

§232-2. Legal Authority; Application of this Chapter to Cannabis Dispensaries.

Pursuant to the New Jersey Constitution, and the provisions of the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act" or "NJCREMM"), the City of Passaic is authorized to adopt ordinances that establish standards, requirements and regulations for local licenses and permits for cannabis and cannabis-related activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the State of New Jersey, or any of its departments or divisions, shall be the minimum standards applicable in the City of Passaic to cannabis, and/or cannabis-related activity.

§232-3. Compliance with Laws.

It is the responsibility of the owners and operators of the cannabis business to ensure that it is, at all times, operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder, and any specific additional operating procedures or requirements which may be imposed as conditions of approval of the cannabis business permit. Nothing in this Chapter shall be construed as authorizing any actions which violate federal, state law or local law with respect to the operation of a cannabis business.

Article II. Definitions.

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

§232-4. Words and Terms Defined.

When used in this Chapter, the following words shall have the meanings ascribed to them as set forth herein. Any reference to New Jersey statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

(a) "Cannabis" means all parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by the New Jersey Health and Safety Code. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this Chapter, "cannabis" does not mean industrial hemp as that term is defined by the New Jersey Food and Agricultural Code.

(b) "Cannabis business activity" includes cultivation, manufacture, processing, laboratory testing, transporting, delivery, distribution, or sale of cannabis or a cannabis product, within the meaning of New Jersey Business and Professions Code.

(c) "Cannabis concentrate" means manufactured cannabis that has undergone a process to concentrate the cannabinoid active ingredient, thereby increasing the product's potency. An edible cannabis product is not considered food, as defined by the New Jersey Health and Safety Code, or a drug, as defined by the New Jersey Health and Safety Code.

(d) "Cannabis Business" means the businesses of commercial cannabis cultivation, cannabis manufacturer, cannabis testing laboratory, and cannabis distributor.

(e) "Cannabis business permit" means a regulatory permit issued by the City pursuant to this Chapter to

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

a cannabis business and is required before any cannabis activity may be conducted in the City of Passaic. The initial permit and annual renewal of a cannabis business permit is made expressly contingent upon the business' ongoing compliance with all of the requirements of this Chapter, any regulations adopted by the City governing the cannabis activity at issue, compliance with any conditions of approval placed on the use of the Cannabis Business site, and payment of all fees, taxes and any other amounts owed to the City related to the Cannabis Business Activity.

(f) "Cannabis Distributor" means a Cannabis Operator permitted pursuant to this Chapter to operate a location or a facility where a Person conducts the business of procuring Cannabis from permitted Cannabis Cultivation Sites or Cannabis Manufacturers for sale to permitted Cannabis Dispensaries, and the inspection, quality assurance, batch testing by a licensee, storage, labeling, packaging and other processes prior to transport to permitted Cannabis Dispensaries.

(g) "Cannabis License" means a State license issued pursuant to NJCREMM, as may be amended from time to time.

(h) "Cannabis Licensee" means a person issued a Cannabis License under NJCREMM to engage in commercial Cannabis activity.

(i) "Cannabis Nursery" means a location operating as a nursery solely for purposes of supplying immature plants to cannabis cultivation facilities.

(j) "Cannabis Operator" or "Operator" means the person or entity that is engaged in the conduct of any commercial Cannabis use.

(k) "Cannabis Testing Laboratory" means a facility, entity, or site in the State that offers or performs tests of Cannabis or Cannabis Products and is both of the following:

1. Accredited by an accrediting body that is independent from all other Persons involved in the Cannabis Testing Laboratory.
2. Registered with the New Jersey Department of Public Health.

(l) "City" means the City of Passaic, a New Jersey general law city.

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

(m) "Cultivation" means any activity, whether occurring indoors or outdoors, involving the propagation, planting, growing, harvesting, drying, curing, grading, and/or trimming of cannabis plants or any part thereof for any purpose, including cannabis.

(n) "Cultivation site" means a facility where cannabis is cultivated, propagated, planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of those activities, and where the operator holds a valid cannabis business permit for cultivation from the City and, a valid state license for cultivation pursuant to the NJCREMM (as the same may be amended from time to time).

(o) "Delivery" means the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined to be authorized by the State of New Jersey, or any of its departments or divisions, to anyone for any purpose. "Delivery" also includes the use by a dispensary of any technology platform owned, controlled, and/or licensed by the dispensary, or independently licensed by the State of New Jersey under the NJCREMM (as the same may be amended from time-to-time), that enables anyone to arrange for or facilitate the commercial transfer by a licensed dispensary of cannabis or cannabis products.

(p) "Dispensary" means a cannabis business facility where cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, medical cannabis and medical cannabis products as part of a retail sale, and where the operator holds a valid cannabis business permit from the City authorizing the operation of a dispensary, and a valid state license as required by state law to operate a dispensary.

(q) "Dispensing" means any activity involving the retail sale of cannabis or cannabis products from a dispensary.

(r) "Distribution" means the procurement, sale, and transport of medical cannabis or cannabis products between cannabis businesses.

(s) "Distributor" means a person holding a valid cannabis business permit for distribution issued by the City, and a valid state license for distribution,

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

pursuant to the NJCREMM (as the same may be amended from time to time).

(t) "Dried flower" means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

(u) "Edible cannabis product" means manufactured cannabis that is intended to be used, in whole or in part, for human consumption. An edible medical cannabis product is not considered food as defined by Section the New Jersey Health and Safety Code or a drug as defined by the New Jersey Health and Safety Code.

(v) "Indoor structure" means a fully enclosed and secured structure, a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, complies with all odor control and other design standards required by this chapter, and which is accessible only through one or more lockable doors and is inaccessible to minors.

(w) "Indoors" means within a fully enclosed and secure structure. The term indoors includes any indoor structures.

(x) "Live plants" means living cannabis flowers and plants, including seeds, sprouts, immature plants (including unrooted clones), and vegetative stage plants.

(y) "Manufacturer" means a person that conducts the production, preparation, propagation, or compounding of manufactured cannabis, as defined in this section, or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container, where the operator holds a valid cannabis business permit for manufacturing from the City of Passaic and a valid state license for manufacturing pursuant to the NJCREMM (as the same may be amended from time to time).

(z) "Manufactured cannabis" means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate or manufactured product intended for internal consumption or topical application.

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

(aa) "Manufacturing site" means a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid Cannabis business permit for manufacturing from the City, and a valid state license for manufacturing pursuant to the NJCREMM (as the same may be amended from time to time).

(bb) "Marijuana" means "cannabis," as that term is defined in this Chapter.

(cc) "Outdoors" means any location within the City that is not within a fully enclosed and secure structure.

(dd) "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.

(ee) "State license" means a permit or license issued by the State of New Jersey, or one of its departments or divisions, pursuant to the New Jersey Constitution, and the provisions of NJCREMM (as the same may be amended from time to time) to engage in cannabis activity.

(ff) "Topical cannabis" means a product intended for external use. A topical cannabis product is not considered a drug as defined by the New Jersey Health and Safety Code.

(gg) "Transport" means the transfer of cannabis or cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting cannabis activity authorized by the NJCREMM (as the same may be amended from time to time).

(hh) "Transporter" means a person issued a state license, and a cannabis business permit by the City of Passaic, authorizing the transport of cannabis or cannabis products in amounts authorized by the State of New Jersey, or by one of its departments or divisions under NJCREMM.

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

Article III. Permits Required for Owner/Operator and Employees.

§232-5. Cannabis Business Permit Required to Engage in Cannabis business.

No person may engage in any cannabis business, including cultivation, manufacture, processing, laboratory testing, transporting, dispensing or distribution of cannabis or a cannabis product unless the person (1) has a valid cannabis business permit or cannabis dispensary permit from the City of Passaic and (2) is currently in compliance with all applicable state and local laws and regulations pertaining to the cannabis business and the cannabis business activities, including the duty to obtain any required state licenses.

§232-6. Cannabis Business Employee Permit Required.

(a) Any person who is an employee or who otherwise works or volunteers within a cannabis business must be legally authorized to do so under applicable state law.

(b) Any person who is an employee or who otherwise works or volunteers within a cannabis business shall wear a name badge issued by the cannabis business management for identification purposes.

Article IV. Number and Type of Authorized Cannabis Businesses Permitted.

§232-7. Maximum Number of Cannabis Businesses Permitted to Operate within the City.

(a) The maximum number of each type of Cannabis Businesses that shall be permitted to operate in the City at any given time shall be as follows:

Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis:

Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items:

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees:

Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another:

(b) The above sub-section is only intended to create a maximum number of Cannabis Businesses that may be issued permits to operate in the City under each category. Nothing in this Chapter creates a mandate that the City Council must issue any or all of the Cannabis Business Permits potentially available.

Article V. Application for Cannabis Business Permit.

§232-8. Initial Application Procedure.

(a) Any person desiring a license under this chapter shall file with the City Clerk an original and five copies of an application under oath, in writing, on a form furnished by the City Clerk.

(b) The application shall set forth the following information:

(1) The applicant's name, business name and business address.

(2) Whether the applicant is an individual, partnership, corporation or another entity and, if another entity, a full explanation and description thereof.

(3) If the applicant is an individual, the applicant's residence address and date and place of birth.

(4) If the applicant is a partnership, the full names, residence addresses, dates and places of birth of each partner.

(5) If the applicant is a corporation or other entity: in the case of a corporation, the full names, residence addresses, dates and places of birth of each major officer and each stockholder, the name and address of the registered agent and the address of the principal office upon whom and where service of process is authorized to be made (the term "stockholder" as used

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

herein means and includes any person having an interest, either legal or equitable, in 10% or more of the stock issued and outstanding of the applicant corporation); in the case of another entity, the full names, residence addresses, dates and places of birth of each person owning or having any interest, legal or equitable, aggregating in value 10% or more the total capital of the said entity, the name and address of the registered agent, if any, and the address of the principal office, if any, upon whom and where service of process is authorized to be made.

(6) Whether the applicant or any partners, officers or stockholders thereof have ever been convicted of a crime and, if so, the name of the person convicted, the nature of the crime or charge involved and the disposition thereof (the term "officers" as used herein means and includes the president, vice president, secretary and treasurer of a corporate applicant).

(7) The business addresses of the manager of the person in charge of the licensed premises during the five-year period preceding the date of application.

(8) A description of the metes and bounds of the place where the business is to be located and carried on.

(9) A survey or scale drawing of the plot showing the structures and open spaces/areas to be used in the business, approved existing or proposed entrances and exits to and from the place where the business is to be conducted, the location and place of said business and location and size of all structures and fences thereon and the setback thereof from street lines.

(10) A scale drawing of the interior of the premises showing all entrances and exits to and from the place where the business is to be conducted; the location and placement of all antifire equipment, i.e., hoses, extinguishers, sprinkler systems, etc.; and the location of all fire exits.

(11) A scale drawing showing the proposed plan of evacuation in the event of an emergency.

(12) A valid certificate of occupancy for the premises.

(13) A copy of all documents submitted by the applicant to the State in connection with the application for a state operating number and all documents issued by the

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

State indicating that the applicant has been qualified or pre-qualified for a state operating license.

(c) The City's Reservation of Rights: The City reserves the right to reject any or all applications. The City may also modify, postpone, or cancel any request for applications, or the entire program under this Chapter, at any time without liability, obligation, or commitment to any party, firm, or organization. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Chapter, may be cancelled at any time prior to permit issuance. The City further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to any other appropriate reasons for rejection, including but not limited to a failure to comply with any requirement of any State or local law, rule or regulation, an application RISKS BEING REJECTED for any of the following reasons:

(1) Proposal not containing the required elements, exhibits, nor organized in the required format.

(2) Proposal considered not fully responsive to this request for permit application.

§232-9 Processing of application.

(a) Submission by Clerk to departments.

(1) Upon receipt of such application, the City Clerk shall submit same to the Police Department, Fire Department, Department of Code Enforcement, zoning offices and Health Department for reports with references to the compliance or noncompliance of the proposed establishment, with municipal and state rules, regulations, statutes and ordinances and the truth of the matter contained in the application.

(2) The Clerk shall submit each completed application for license or renewal thereof to the various departments within 10 days of receipt of the completed application, and the department shall have 30 days from their receipt to investigate and prepare the reports concerning the license application or renewal, except in the event the Department of Code Enforcement identifies a violation of the premises sought to be used by the license applicant. Notice of the violation

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

shall immediately be given to the applicant who shall have the time afforded by the appropriate municipal ordinance or regulation to correct the violation. The Department of Code Enforcement shall not issue its report to the City Clerk until such time as the period to correct has expired.

(b) Upon return of said application and reports, the City Clerk shall submit same to the City Council for action at its next scheduled City Council meeting. If there are objections to the issuance of the license, the Clerk must submit the application and reports to the Council within 10 days, and the Council must give notice to the applicant within five days of their receipt of the reports concerning this application and within 30 days of the submission a hearing shall be held for the City Council concerning the application to decide to grant or deny the license unless the parties agree to additional time for that decision.

C. Upon the consent and approval of the City Council and upon receipt of a copy of a certificate of occupancy for the licensed premises, the City Clerk shall issue such license.

§ 232-10. License fee; term.

(a) The annual fee for a license under this chapter shall be \$500.

(b) Such license shall run for a period of one year, commencing January 1 and ending December 31 of the year of its issuance.

§232-11. Denial of license.

No license shall be granted by the Council if:

(a) The licensee has failed to comply with the provisions of this chapter;

(b) The licensed premises or use thereof is not permitted by the terms and provisions of the zoning ordinances;

(c) Licensee is in violation of any law, code or regulation involving the business to be licensed;

(d) The individual applicant or the principals and manager of a firm applicant or any of them have been convicted of an offense against the narcotic laws of

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

the State of the New Jersey or a crime involving moral turpitude which touches on the business to be licensed.

§ 232-12. License renewals.

(a) All existing licenses and those that hereafter issue, upon payment of the prescribed license fee and compliance with the terms of this chapter, shall be renewed annually as of January 1. Applications for renewal of an expiring license shall be made with the payment of the annual fee and the filing of an application provided by the City Clerk. The application shall include a statement that no changes have been made in any of the facts or information stated in the original application or to the licensed premises during the preceding licensed period. If there are any material changes, those shall be noted on the application form.

(b) All applications for renewal of an entertainment license shall be submitted to the City Clerk no later than October 1 prior to the January 1 renewal date. If the application for renewal shall not be received by October 1, then there shall be a delay in the processing of the license application. Inasmuch as 90 days is required for the City of Passaic to properly process all applications, then any licensee submitting a renewal after October 1 shall be delayed at least 90 days from submission for processing. The delay in submitting the application for renewal shall cause the license, which expires on January 1, to be suspended on January 1 until the application can be processed by the City. The suspension shall be for the same time frame as the late filing. If the City delays beyond the time frames set forth in this section to review and consider the license application, then the license shall be reinstated temporarily until the Council can consider the license renewal application.

§232-13. Transferability.

The license shall authorize the licensee to conduct business only on the premises specified in the license. Without the consent of the City Council, the license shall not be transferable to any other premises, nor assignable or transferable in any manner or to any other person.

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

§232-14. Suspension or revocation of license.

All licenses are subject to suspension or revocation after due notice and hearing by the City Council for the violation of any of the terms of this chapter, for the violation by the licensee of state and municipal rules, regulations, statutes and/or ordinances or for allowing, suffering and/or permitting the violation of state and municipal rules, regulations, statutes and/or ordinances upon the licensed premises by the servants, agents, employees and/or patrons thereof where the licensee knew or should have known that such violations were being committed by the servants, agents, employees and/or patrons of the licensee.

§232-15. Effect of State License Suspension, Revocation, or Termination.

Suspension of a license issued by the State of New Jersey, or by any of its departments or divisions, shall immediately suspend the ability of a cannabis business to operate within the City, until the State of New Jersey, or its respective department or division, reinstates or reissues the State license. Should the State of New Jersey, or any of its departments or divisions, revoke or terminate the license of a cannabis business, such revocation or termination shall also revoke or terminate the ability of a cannabis business to operate within the City of Passaic.

Article VI. Requirements Before Permittee May Commence Operations.

§232-15. City Business License.

Prior to commencement of operations a cannabis business shall obtain a City of Passaic business license.

§232-15. Building Permits and Inspection.

Prior to commencement of operations a cannabis business shall be subject to a mandatory building inspection and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), fire

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

department approvals, Health Department approvals and other zoning and land use permit(s) and approvals.

§232-15. Certification from Zoning Department.

Prior to commencing operations, a cannabis business must obtain a certification from the Zoning Officer certifying that the business is located on a site that meets all of the requirements of the City's Zoning and Municipal Code.).

§232-15. Right to Occupy and to Use Property.

As a condition precedent to the City's issuance of a cannabis business permit pursuant to this Chapter, any person intending to open and to operate a cannabis business shall provide sufficient evidence of the legal right to occupy and to use the proposed location. In the event the proposed location will be leased from another person, the applicant shall be required to provide a signed and notarized statement from the owner of the property, acknowledging that the property owner has read this Chapter and consents to the operation of the cannabis business on the owner's property.

§232-15. Limitations on City's Liability.

To the fullest extent permitted by law, the City of Passaic shall not assume any liability whatsoever with respect to having issued a cannabis business permit pursuant to this Chapter or otherwise approving the operation of any cannabis business. As a condition to the approval of any cannabis business permit, the applicant shall be required to meet all of the following conditions before they can receive the cannabis business permit:

(a) They must execute an agreement, in a form approved by the City Attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the City of Passaic, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City's issuance of the cannabis business permit, the City's decision to approve the operation of the cannabis business or activity, the process used by the City in making its decision, the alleged violation of any federal, state or local laws by the cannabis business or any of its officers, employees or agents.

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

(b) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the City Attorney.

(c) Reimburse the City of Passaic for all costs and expenses, including but not limited to attorney fees and costs and court costs, which the City of Passaic may be required to pay as a result of any legal challenge related to the City's approval of the applicant's cannabis business permit, or related to the City's approval of a cannabis activity. The City of Passaic may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

Article VII. Operating Requirements for All Cannabis Businesses.

§232-16. Records and Recordkeeping.

(a) Each owner and operator of a cannabis business shall maintain accurate books and records, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a cannabis business permit issued pursuant to this Chapter), or at any time upon reasonable request of the City, each cannabis business shall file a sworn statement detailing the number of sales by the cannabis business during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid.

(b) Each owner and operator of a cannabis business shall maintain a current register of the names and the contact information (including the name, address, telephone number, and percentage of ownership) of anyone owning or holding an interest in the cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the cannabis business. The register required by this paragraph shall be provided to the City Clerk or his/her designee(s) upon a reasonable request. If at any time a corporation, LLC, company, trust or other entity holds an interest in a cannabis business, the register required by this paragraph shall also include the name and contact

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

information of a person designated as being able to answer all questions on behalf of that entity, together with the name of every person holding an interest in that cannabis business. The designated representative shall provide whatever additional information the City Clerk or his/her designee or the Police Department may reasonably request concerning the owners of that entity.

(c) All cannabis businesses shall maintain an inventory control and reporting system as required by state law.

(d) Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPAA) regulations, each cannabis business shall allow City of Passaic officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than two (2) business days after receipt of the City's request, unless otherwise stipulated by the City.

§232-17. Security Measures.

(a) A permitted cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the cannabis business. Except as may otherwise be determined by the City, these security measures shall include compliance with all State security regulations required under the Cannabis Licensee's State cannabis license, as those regulations may be amended from time to time

(b) Every cannabis business and cannabis dispensary shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft. As part of an application for a cannabis use, each applicant shall prepare and submit a security plan for review and approval by the Chief of Police, which approval or denial will be based upon the security standards stated above and in compliance with any security measures agreed upon with Chief of Police. Said plans shall remain updated and secured on file in the protective custody of the Building Department. The information provided for purposes of this section shall be maintained by the Building Department as confidential

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

information and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction.

(c) The City Council may impose further security requirements above and beyond the minimum-security requirements imposed by State regulations, upon the recommendation of the Business Administrator in consultation with the Director and/or Chief of Police based on the unique circumstances associated with a particular cannabis business. Except as may otherwise be determined by the City Council, these security measures shall include compliance with all State security regulations required under the Cannabis Licensee's State cannabis license, as those regulations may be amended from time to time.

(d) A cannabis business shall identify a designated security representative/liaison to the City of Passaic, who shall be reasonably available to meet with the Business Administrator, the City's Police Chief, the City Fire Chief, or their designees, regarding any security related measures or and operational issues.

(e) The cannabis business shall cooperate with the City whenever the Business Administrator or his designee makes a request, upon reasonable notice to the cannabis business, to inspect or audit the effectiveness of any security plan or of any other requirement of this Chapter.

(f) A cannabis business shall notify the Chief of Police and the Business Administrator or his/her designee within twenty-four (24) hours after discovering any of the following:

(1) Significant discrepancies identified during inventory.

(2) Diversion, theft, loss, or any criminal activity involving the cannabis business or any agent or employee of the cannabis business.

(3) The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of the cannabis business.

(g) When more than one cannabis businesses or dispensary is located adjacent to, or in close proximity to another cannabis business or dispensary, the businesses or dispensaries may present a joint

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

security plan to the Chief of Police for review and approval to avoid redundant activity and excess costs, provided the required level of security and effectiveness are not compromised, as determined by the Chief of Police.

§232-18. Restriction on Alcohol Sales.

No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on the premises of the cannabis business. Alcoholic beverages may be consumed on the premise incident to a properly permitted event such as a grand opening or grand-opening or community event.

§232-19. Fees and charges.

(a) No person may commence or continue any cannabis activity in the City, without timely paying in full all fees, taxes and charges required for the operation of a cannabis activity. Fees and charges associated with the operation of a cannabis activity shall be established by resolution of the City Council which may be amended from time to time.

(b) All cannabis businesses authorized to operate under this Chapter shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each cannabis businesses shall be required to cooperate with City with respect to any request to audit the cannabis business' books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

§232-20. Miscellaneous Operating Requirements.

(a) Hours of Operation. Cannabis businesses may be open for access to the public only between the hours of 8:00 A.M. and 9:00 P.M.

(b) Restriction on Consumption. Cannabis shall not be smoked, ingested, used, or otherwise consumed on the premises of a cannabis businesses or elsewhere in the City of Passaic, other than within private residences.

(c) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

cannabis business permit, or on any of the vehicles owned or used as part of the cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.

(d) Emergency Contact. Each cannabis business shall provide the City Clerk or his/her designee(s), the City's Chief of Police, and the City's Fire Chief with the name, telephone number (including mobile number) of one or more on-site employee(s) or owner(s), to whom emergency notice can be provided at any hour of the day.

(e) Signage and Notices.

(1) In addition to the requirements otherwise set forth in this section, business identification signage for a cannabis business shall conform to the requirements of the City of Passaic Municipal Code, including, but not limited to, seeking the issuance of a City sign permit.

(2) No signs placed on the premises of a cannabis business shall obstruct any entrance or exit to the building or any window.

(3) Each entrance to a cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the cannabis business is prohibited.

(4) Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the cannabis business or elsewhere including, but not limited to, the public right-of-way.

(5) Signage shall not be directly illuminated, internally or externally, except that the name and address of the business may be illuminated at night. No banners, flags, billboards or other prohibited signs may be used at any time.

(f) Minors.

(1) Persons under the age of twenty one (21) years shall not be allowed on the premises of a cannabis business

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Chapter for any person to employ any person at a cannabis business who is not at least twenty one (21) years of age.

(2) The entrance to the cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty one (21) years of age is permitted to enter upon the premises of the cannabis business.

(g) Odor Control. Odor control devices and techniques shall be incorporated in all cannabis businesses to ensure that odors from cannabis are not detectable off-site. Cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the cannabis business. As such, cannabis businesses must install and maintain the following equipment, or any other equipment which the City Manager or his/her designee(s) determine is a more effective method or technology:

(1) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;

(2) An air system that creates negative air pressure between the cannabis business's interior and exterior, so that the odors generated inside the cannabis business are not detectable on the outside of the cannabis business.

(i) Display of Permit and City Business License. The original copy of the cannabis business permit issued by the City pursuant to this Chapter and the City issued business license shall be posted inside the cannabis business in a location readily-visible to the public.

(k) Permits and other Approvals. Prior to the establishment of any cannabis business or the operation of any such business, the person intending to establish a cannabis business must first obtain all applicable planning, zoning, building, and other

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such cannabis business intends to establish and to operate.

Article VIII. Additional Requirements for Cultivation Facilities.

§232-20. Operating Requirements.

(a) Outdoor Cultivation Prohibited. The cultivation of all cannabis must occur indoors, and only in a facility holding a valid cannabis business permit from the City under this Chapter. All outdoor cultivation is prohibited. The above restriction against outdoor cultivation specifically includes, but is not limited to, a prohibition on the outdoor cultivation of any plants which an individual may be growing for his/her personal use, if the growth of plants for personal use is authorized under State law.

(b) In no case shall cannabis plants be visible from a public or private road, sidewalk, park or any common public viewing area.

(c) Cannabis cultivation shall be conducted in accordance with state and local laws related to land conversion, grading, electricity, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters.

(d) Pesticides and fertilizers shall be properly labeled and stored to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.

(e) The cultivation of cannabis shall at all times be operated in such a way as to ensure the health, safety, and welfare of the public, the employees working at the cannabis business, visitors to the area, neighboring properties, and the end users of the cannabis being cultivated, to protect the environment from harm to streams, fish, and wildlife; to ensure the security of the cannabis being cultivated; and to safeguard against the diversion of cannabis.

(f) All applicants for a cannabis cultivation permit shall submit the following in addition to the information generally otherwise required for a cannabis business:

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

(1) A cultivation and operations plan that meets or exceeds minimum legal standards for water usage, conservation and use; drainage, runoff, and erosion control; watershed and habitat protection; and proper storage of fertilizers, pesticides, and other regulated products to be used on the parcel, and a description of the cultivation activities (indoor, mixed-light) and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting (indoor, mixed-light).

(2) A description of a legal water source, irrigation plan, and projected water use.

(3) Identification of the source of electrical power and plan for compliance with applicable Building Codes and related codes.

(4) Plan for addressing odor and other public nuisances which may derive from the cultivation site.

Article IX. Additional Requirements for Manufactured Cannabis.

§232-21. Cannabis Manufacturing: Edibles and Other Cannabis Products.

The manufacturing of food or other products infused with or which otherwise contain cannabis shall be permitted. However, such product shall not be available for retail sale or purchase within the City of Passaic.

§232-22. Packaging and Labeling.

(a) Before a cannabis manufacturer delivers any edible cannabis or edible cannabis product to a dispensary, the same shall be labeled and placed in tamper-evident packaging which at least meets the requirements of New Jersey Business and Professions Code Section _____, as the same may be amended from time-to-time or superseded or replaced by subsequent State legislation or by any department or division of the State of New Jersey.

(b) All items to be sold or distributed shall be individually wrapped at the original point of preparation by the business permitted as a cannabis manufacturer.

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

(c) Labeling must include a warning if nuts or other known allergens are used and must include the total weight (in ounces or grams) of cannabis in the package.

(d) The package must have a label warning that the product is to be kept away from children.

(e) The label must also state that the product contains cannabis and must specify the date of manufacture.

(f) Any edible cannabis product that is made to resemble a typical food product must be in a properly labeled opaque (non-see-through) package before it leaves the cannabis manufacturing business.

(g) Deliveries must be in a properly labeled opaque package when delivered.

Council Member Garcia moved the Ordinance be approved on first reading. Motion was seconded by Council Member Melo the public hearing be held on April 27, 2021.

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

Council President Schaer read said Ordinance by title.

CITY OF PASSAIC
ORDINANCE NO. 2296-21

**ORDINANCE AMENDING CHAPTER 317 OF THE CODE
OF THE CITY OF PASSAIC, "ZONING," ARTICLE VI,
"CONDITIONAL USES," SECTION 23 "M-1 AND M-2 ZONES"
TO INCLUDE CANNABIS BUSINESSES**

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 of government, order and protection of person and property, and for the

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the City Code of the City of Passaic, Chapter 317, "Zoning," Article VI, "Conditional Uses," Section 23, "M-1 and M-2 Zones," currently contains the conditional uses for M-1 and M-2 industrial zones within the City of Passaic and

WHEREAS, the City of Passaic believes it to be in the best interests of good of government and efficiency to amend the City Code of the City of Passaic, Chapter 317, "Zoning," Article VI, "Conditional Uses," Section 23, "M-1 and M-2 Zones," to include cannabis businesses as a conditional use in M-1 and M-2 industrial zones as well as in areas of commercial zones immediately adjacent to such industrial zones; and

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Passaic that the Code of the City of Passaic, Chapter 317, "Zoning," Article VI, "Conditional Uses," Section 23, "M-1 and M-2 Zones," shall be amended as follows:

SECTION I

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

Chapter 317. Zoning
Article VI. Conditional Uses

§ 317-23. M-1 and M-2 Zones.

The following conditional uses shall be permitted in the M-1 and M-2 Zones:

A. (Reserved)

B. Parking areas required to meet the minimum requirements and located on a lot other than a lot on which the principal use is located.

(1) Same as in the C Zone and subject to the same requirements.

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

C. Live/work loft.

(1) The definition of "live/work loft" in § 317-10 must be met and preliminary approval obtained from the Zoning Department.

(2) Live/work lofts must be on the upper floors and must not be proposed on the ground floor of a development.

(3) Live/work businesses must be registered and valid in the State of New Jersey.

(4) Live/work businesses must obtain a certificate of occupancy from the City of Passaic Code Enforcement Department under § 100-1 subsequent to site plan approval being granted.

(5) All tenants must be registered under § 185-3 subsequent to site plan approval being granted.

D. Work and live artist studio (WALAS).

(1) The definitions of "artist" and "WALAS" in § 317-10 must be met.

(2) Any individual residing in a WALAS must be a Planning Board certified artist. Certifications are valid for five years. Perennial certifications are allowed. This shall apply to all original and subsequent occupants of a WALAS.

(3) Up to three nonartist family members can reside with the certified artist. The nonartists shall be included in the artist certification application and subject to the same requirements.

E. ~~(Reserved)~~ Cannabis Business.

(1) Must be a licensed "cannabis business" under §232 of the City Code and all conditions/requirements of §232 must be met.

(2) No part of the lot shall be situated within 1,000 feet, measured along the street or highway on which located, of a public facility, park or athletic field and/or public or private school.

(3) May also be located in any pre-existing industrial use within 1,000 feet (measured along the street or highway) of an M-1 or M-2 Zone.

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

F. Gasoline stations, auto or truck rental establishments, used car lots, vehicle repair garages and car washes.

(1) No part of the lot shall be situated within 1,000 feet, measured along the street or highway on which located, of a lot occupied by any of the following uses:

(a) A public or private school or school playground.

(b) A private or public hospital maintaining at least 15 beds.

(c) A church.

(d) A theater containing at least 100 seats.

(e) Any place of public assemblage with a seating capacity of 100 persons or more.

(f) Athletic field or park.

(g) A firehouse.

(h) Any existing gasoline station, auto or truck rental establishment, car wash or repair garage.

(2) Minimum lot area: 10,000 square feet.

(3) Where such use adjoins a residential use, the residence shall be screened by an eight-foot-high hedge of evergreens on the nonresidential lot or a decorative six-foot-high fence, or both, at the discretion of the reviewing board.

(4) Other bulk requirements as per the applicable zone.

G. (Reserved)

H. (Reserved)

I. (Reserved)

J. (Reserved)

K. Tennis courts, racquetball courts, squash courts, roller-skating rinks, ice-skating rinks and health spas in buildings used only for such purpose.

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

(1) Same as in the C Zone and subject to the same requirements.

L. (Reserved)

M. Automobile sales.

(1) Minimum lot area: 20,000 square feet.

(2) Minimum lot width: 200 feet.

(3) Minimum lot dimensions: as per applicable zone.

(4) All repairs are to be conducted indoors.

(5) Where such use adjoins a residential use, the residence shall be screened by a six-foot-high (at time of planting) solid hedge of evergreens planted on the nonresidential lot or a decorative six-foot-high fence on both at the discretion of the reviewing board. See § 317-51F for additional buffer requirements.

(6) No outside storage other than automobiles shall be permitted.

(7) Automobiles shall not be stored or displayed within 10 feet of the front property line. Said ten-foot area is to be treated with curbs and brick pavers or some other physical demarcation acceptable to the reviewing board.

(8) Any proposed used automobile sales shall be conducted on the same site as the new sales.

N. Limousine and charter bus depots.

(1) The use shall comply with the bulk requirements of the applicable zone

O. Body piercing establishments subject to the following conditions:

(1) Minimum lot area of 5,000 square feet; and

(2) No body art establishment shall be located within 500 feet of another body art establishment, church or other religious institution, a public or private school or any residentially zoned area.

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

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 Garcia the public hearing be held on May 13, 2021.

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

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

Council President Schaer read said Ordinance by title.

CITY OF PASSAIC
ORDINANCE NO. 2297-21

**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 432 Handicapped Parking Spaces.

WHEREAS the total number of Handicapped Parking Spaces Restricted by New Jersey License Plate Number as per this ordinance is 430 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>
203 Burgess Place	South	Beginning at a point 140 feet east of the easterly curblines of Pine Street and extending to a point 25 feet easterly therefrom	D34CCU
400 River Drive	West	Beginning at a point 174 feet south of the southerly curblines of Westervelt Place and extending to a point 23 feet southerly therefrom	E52CBW

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

133 Parker Avenue West Beginning at a point 82 feet south of the southerly curblines of Brinkerhoff Place and extending to a point 22 feet southerly therefrom **BD90LE**

185 Parker Avenue West Beginning at a point 200 feet north of the northerly curblines of President Street and extending to a point 22 feet northerly therefrom **L95FFW**

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>
108 Park Place	South	(Across the Street) Beginning at a point 33 feet east of the easterly curblines of Prospect Street and extending to a point 22 feet easterly therefrom	T22MYG
133 Parker Avenue	West	Beginning at a point 82 feet south of the southerly curblines of Brinkerhoff Place and extending to a point 22 feet southerly therefrom	T40NDV

Council Member Love moved the Ordinance be approved on first reading. Motion was seconded by Council Member Melo the public hearing be held on April 27, 2021.

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

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

Council President Schaer read said Ordinance by title.

CITY OF PASSAIC
ORDINANCE NO. 2298-21

**ORDINANCE AMENDING CITY CODE OF THE CITY OF PASSAIC,
CHAPTER 39, "POLICE DEPARTMENT" ARTICLE VI,
"OFF-DUTY POLICE SERVICES" SECTION 39-16,
"PAYMENT FOR OFF-DUTY POLICE SERVICES"**

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

WHEREAS, the City Code of the City of Passaic, Chapter 39, "Police Department," Article VI, "Off-Duty Police Services," Section 39-16, "Payment for Off-Duty Police Services" establishes the hourly rate paid to police officers for off-duty assignments in the City of Passaic; and

WHEREAS, in the interest of the promotion of the general welfare, the City of Passaic wishes to amend the City Code of the City of Passaic, Chapter 39, "Police Department," Article VI, "Off-Duty Police Services," Section 39-16, "Payment for Off-Duty Police Services" to amend the hourly rate paid to police officers for off-duty assignments.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Passaic that the City Code of the City of Passaic Chapter 39, "Police Department," Article VI, "Off-Duty Police Services," Section 39-16, "Payment for Off-Duty Police Services" is hereby amended as follows:

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

ALL ADDITIONS ARE UNDERLINED ALL DELETIONS ARE NOTED BELOW

SECTION I

Chapter 39. Police Department

Article VI. Off-Duty Police Services

§ 39-16 Payment for off-duty police services. —

C.

The hourly rate to be paid to police officers by the City shall be as follows:

(1) Per hour for protective services, traffic enforcement and work zone safety for festivals, parades, carnivals, bazaars, fairs or similar event between the hours of 0700 and -1-700 with an initial four-hour minimum: \$75. Thereafter, any fraction of the hour goes to the next hour.

(2) Per hour for protective services, traffic enforcement and work zone safety between the hours of 1700 and 0700 and work done on weekends and holidays with an initial four-hour minimum: ~~§~~. \$100. Thereafter, any fraction of the hour goes to the next hour.

(3) Per hour for work performed for the City of Passaic Board of Education, with a two-hour minimum: \$45.

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 .

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

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 Garcia the public hearing be held on April 27, 2021.

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

PAYMENT OF BILLS

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

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

MAYOR'S REPORT

Mayor reminded citizens to vote in the Board of education elections.

ADJOURNMENT

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

MEETING WAS CONDUCTED AS A ZOOM LIVE STREAM VIA FACEBOOK

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

ATTEST:

Amada D. Curling,
City Clerk

APPROVED:

Gary S. Schaer,
Council President