

TOWNSHIP COUNCIL MEETING AGENDA

MONDAY, JUNE 25, 2018

6:30 P.M.

SALUTE TO THE FLAG

STATEMENT OF PUBLIC NOTICE - TAKE NOTICE THAT ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED IN ACCORDANCE WITH N.J.S.A. 10:4-8 AND N.J.S.A. 10:4-10 AS FOLLOWS: A NOTICE OF THE MEETING WAS PROMINENTLY POSTED ON THE BULLETIN BOARD AT THE MUNICIPAL BUILDING, LOCATED AT 225 MAIN STREET, LITTLE FALLS, N.J. ON JUNE 21, 2018. A COPY OF THE NOTICE WAS MAILED TO THE NORTH JERSEY HERALD & NEWS AND THE RECORD ON THE SAME DATE. ADDITIONALLY, A COPY OF THE NOTICE WAS FILED IN THE OFFICE OF THE TOWNSHIP CLERK ON SAID DATE.

SWEARING IN OF POLICE LIEUTENANT JAMES BRIGGS

ROLL CALL

MINUTES

APPROVAL OF MINUTES FROM THE WORKSHOP MEETING OF JUNE 11, 2018
AND THE REGULAR MEETING OF MAY 21, 2018

REMARKS FROM THE CHAIR

COUNCIL MEMBER REPORTS

MAYOR'S REPORT

ATTORNEY'S REPORT

PUBLIC COMMENT - AGENDA ITEMS ONLY

ANYONE WISHING TO ADDRESS THE TOWNSHIP COUNCIL MAY DO SO THROUGH THE COUNCIL PRESIDENT. PLEASE GIVE YOUR NAME AND ADDRESS FOR THE RECORD. COMMENTS ARE TO BE LIMITED TO THREE MINUTES, HOWEVER, IF APPROPRIATE, YOU MAY BE GRANTED ADDITIONAL TIME IN THE SOLE DISCRETION OF THE COUNCIL PRESIDENT.

CONSENT AGENDA

ALL ITEMS ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED WITH A SINGLE MOTION. FOR ANY ITEMS UNDER REQUISITIONS THE TREASURER HAS SUPPLIED A CERTIFICATION OF THE AVAILABILITY OF FUNDS.

REPORTS

MUNICIPAL CLERK'S REPORT FOR THE MONTH OF MAY 2018

MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT FOR THE MONTH OF MAY 2018

TAX COLLECTOR'S REPORT FOR THE MONTH OF MAY 2018

RECREATION CENTER REPORT FOR THE MONTH OF MAY 2018

CIVIC CENTER REPORT FOR THE MONTH OF MAY 2018

CONSTRUCTION REPORT FOR THE MONTH OF MAY 2018

APPLICATIONS

RED LIGHT PERMIT APPLICATION, EDMUND POMPONIO, LITTLE FALLS FIRE DEPARTMENT

NJ STATE FIREMEN'S ASSOCIATION, MARIO DIVJAKA, TAYLOR AVENUE, LITTLE FALLS FIRE DEPARTMENT

NJ STATE FIREMEN'S ASSOCIATION, ANTHONY ENGLEHARDT, SINGLE AVENUE, LITTLE FALLS FIRE DEPARTMENT

OUR LADY OF POMPEI CHURCH, TRICKY TRAY, 10/20/18, 6:00 P.M. TO 10:00 P.M., 245 PATERSON AVENUE, LITTLE FALLS

HOLY CROSS CHURCH, TRICKY TRAY, 10/26/18, 6:00 P.M. TO 10:00 P.M., 245 PATERSON AVENUE, LITTLE FALLS

HOLY CROSS CHURCH, OFF-PREMISE 50/50, 10/26/18, 6:00 P.M. TO 10:00 P.M., 245 PATERSON AVENUE, LITTLE FALLS

RESOLUTIONS

RESOLUTION AUTHORIZING THE TREASURER TO ISSUE CHECKS TOTALING \$1,473.55 TO REFUND TAX OVERPAYMENTS IN THE YEAR 2018 ON TWO PROPERTIES [A]

RESOLUTION AUTHORIZING THE TREASURER TO ISSUE VARIOUS CHECKS TOTALING \$8,586.04 TO REFUND TAX OVERPAYMENTS IN THE YEARS 2014, 2015, 2016 AND 2017 ON SEVERAL PROPERTIES DUE TO STATE TAX COURT JUDGMENTS [B]

RESOLUTION AUTHORIZING THE TOWNSHIP TAX COLLECTOR TO PROVIDE ADDITIONAL GRACE PERIOD FOR THE COLLECTION OF TAXES [C]

RESOLUTION AUTHORIZING EXECUTION OF A SETTLEMENT AND MUTUAL RELEASE AGREEMENT WITH JML, INC D/B/A J&M TOWING IN SETTLEMENT OF PENDING LITIGATION [D]

RESOLUTION TO REFER A PROPOSED REDEVELOPMENT PLAN FOR PARCELS WITHIN THE SINGAC INDUSTRIAL ZONE TO THE LITTLE FALLS PLANNING BOARD [E]

RESOLUTION AUTHORIZING ISSUANCE OF FILMAKING PERMIT [F]

RESOLUTION AUTHORIZING ISSUANCE OF FILMAKING PERMIT [G]

RESOLUTION AUTHORIZING THE REVISED APPROPRIATION AND USE OF THE TOWNSHIP'S OPEN SPACE TRUST FUND FOR LIGHTING AND SOUND IMPROVEMENTS IN WILMORE ROAD PARK [H]

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO SALOMONE BROS, INC. FOR WILMORE PARK LIGHTING IMPROVEMENTS IN THE AMOUNT OF \$79,920.00 [I]

RESOLUTION AUTHORIZING THE INSERTION INTO THE 2018 MUNICIPAL BUDGET OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION EACH TITLED MUNICIPAL COURT ALCOHOL EDUCATION REHABILITATION AND ENFORCEMENT FUND GRANT: \$10,252.54 [J]

RESOLUTION APPROVING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES FOR THE PERIOD FROM JULY 1, 2018 THROUGH JUNE 30, 2019 [K]

BILL LIST [L]

NEW BUSINESS

SECOND READING AND PUBLIC HEARING OF ORDINANCE #1327, AN ORDINANCE ENTITLED, "ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, CONCERNING THE PROPER MANAGEMENT OF DISCHARGE AND FLOW LEADERS AND DOWNSPOUTS AMENDING CHAPTER 218 ENTITLED STORMWATER".

SECOND READING AND PUBLIC HEARING OF ORDINANCE #1328, AN ORDINANCE ENTITLED, "AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO AMEND CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS".

PUBLIC COMMENT - GENERAL MATTERS

ANYONE WISHING TO ADDRESS THE TOWNSHIP COUNCIL MAY DO SO THROUGH THE COUNCIL PRESIDENT. PLEASE GIVE YOUR NAME AND ADDRESS FOR THE RECORD. COMMENTS ARE TO BE LIMITED TO THREE MINUTES, HOWEVER, IF APPROPRIATE, YOU MAY BE GRANTED ADDITIONAL TIME IN THE SOLE DISCRETION OF THE COUNCIL PRESIDENT.

ADJOURN

RESOLUTION [A] 18-06-25 # _____

WHEREAS, the following properties in the Township of Little Falls, New Jersey have overpaid real estate taxes in 2018; and

WHEREAS, the Tax Collector is requesting that the Township Council direct the Treasurer to refund said amounts overpaid listed below;

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Little Falls, County of Passaic, State of New Jersey that the following listed tax refunds be made by the Township Treasurer:

<u>Tax Year & Qtr.</u>	<u>Block Lot/Q</u>	<u>Taxpayer/ Location</u>	<u>Payee</u>	<u>Reason</u>	<u>Amount</u>
2018/2	71/96	Pena to Notte 14 William St	Olde School Title Services LLC 247 Franklin Av Nutley NJ 07110	O/P	\$1,182.96
2018/2	143/3	Emmetts, David 160 Lincoln Av	David Emmetts 160 Lincoln Av Little Falls NJ 07424	Exempt HR 2015	<u>290.59</u>
Total Refunds					\$1,473.55

RESOLUTION (B) 18-06-25#_____

WHEREAS, the following properties in the Township of Little Falls, New Jersey have overpaid real estate taxes in the Years 2014, 2015, 2016 and 2017 due to State Tax Court Judgments; and

WHEREAS, the Tax Collector is requesting that the Township Council direct the Treasurer to refund said amounts overpaid listed below;

WHEREAS, these refunds shall be granted on or before July 4, 2018 (60 days from the date of entry of the Tax Court May 4, 2018) waiving interest;

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Little Falls, County of Passaic, State of New Jersey that the following listed tax refunds be made by the Treasurer:

<u>Tax Year & Qtr.</u>	<u>Block Lot</u>	<u>Taxpayer/ Location</u>	<u>Payee</u>	<u>Reason</u>	<u>Amount</u>
2014/4	251/15	Jaloudi Properties LLC 355 Route 46 E	Spiotti & Esposito, PC 271 Highway 46 STE F105-106 Fairfield, NJ 07004	STCJ	\$2,080.83
2015/4	251/15	Jaloudi Properties LLC 355 Route 46 E	Spiotti & Esposito, PC 271 Highway 46 STE F105-106 Fairfield, NJ 07004	STCJ	2,137.82
2016/4	251/15	Jaloudi Properties LLC 355 Route 46 E	Spiotti & Esposito, PC 271 Highway 46 STE F105-106 Fairfield, NJ 07004	STCJ	2,169.10
2017/4	251/15	Jaloudi Properties LLC 355 Route 46 E	Spiotti & Esposito, PC 271 Highway 46 STE F105-106 Fairfield, NJ 07004	STCJ	<u>2,198.29</u>
Total Refund =					\$8,586.04

RESOLUTION [C] 18-06-25 - # _____

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP TAX COLLECTOR TO PROVIDE ADDITIONAL GRACE PERIOD FOR THE COLLECTION OF TAXES FOR THE CURRENT TAX PAYMENT DUE AUGUST 1 2018,

WHEREAS, current tax payments due on August 1, 2018 will be required to be paid within the first 10 days of August 2018, and

WHEREAS, the 10th day of August 2018 will have the municipal offices closed at 12 noon. It is appropriate to provide an additional grace period to consider the payment for these taxes to be made timely.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Township of Little Falls ("Township") that for the 2018 current tax payment due August 1, 2018 levied by the Township, wherein the tax bills were sent to the property, that an extension of the grace period is ordered to include August 13, 2018 for timely payments of the 2018 August 1, current taxes due August 1, 2018, and

BE IT FURTHER RESOLVED that the Tax Collector is directed to accept payments and charge interest in compliance with this extension of the grace period ordered by this resolution. Interest will be charged after 8/13/18 back to the due date of 8/1/18.

BE IT FURTHER RESOLVED that the Clerk of the Township be and is hereby authorized to certify the within resolution and that the provisions thereof are in conformity with the provisions of law. The Township Clerk is directed to file certified copies of this resolution with the Township's Tax Collector, Tax Assessor, Tax Appeal Attorney and the Passaic County Tax Board.

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A SETTLEMENT AND MUTUAL RELEASE AGREEMENT WITH J.M.L., INC., D/B/A J&M TOWING, IN SETTLEMENT OF PENDING LITIGATION

WHEREAS, J.M.L., Inc., d/b/a J&M Towing ("JML") is a corporation organized and authorized to do business in New Jersey, including work related to municipal towing; and

WHEREAS, pursuant to a Request for Proposals ("RFP"), the Township of Little Falls ("Township" or "Little Falls") had awarded JML a rotational towing license to undertaking rotational towing within the Township; and

WHEREAS, disputes subsequently arose between the Parties with respect to the scope and performance related to the subject towing license, and other issues pertaining thereto; and

WHEREAS, those disputes resulted in the commencement of litigation by JML, which is currently pending, on appellate remand, in the Superior Court of New Jersey, Passaic County, and captioned "*J.M.L., Inc. d/b/a J&M Towing v. the Township of Little Falls, et al.*", Docket No. PAS-L-4322-14 (all claims asserted thereunder, the "Litigation"); and

WHEREAS, after ensuing discovery, motion and appellate practice and a consequent remand of this matter, and further discussions between the Parties respecting the subject matter of the Litigation, the Parties have agreed that it is in their respective, best interests to avoid unnecessary, uncertain and continued protracted litigation and its attendant cost, by reaching an accommodation and settlement of the disputes amongst them; and

WHEREAS, as a result, the Parties desire to resolve all claims and disputes amongst them, without any admission of law or fact against or in favor of any Party, by:

1. a) a release of any and all claims the Township has or could have brought against JML (hereafter the "Township Release"); and, b) the Township's payment to JML of the sum of Thirty-Two Thousand Five Hundred Dollars and No Cents (\$32,500.00); and,

2. A release, by JML, of any and all claims, including those asserted in the Litigation, that could have been asserted against the Township from the beginning of time until the date of the Settlement and Release (hereafter the "JML Release") (the Township Release, together with the JML Release, collectively set forth in the "Settlement Release" in substantially the form which accompanies this Resolution), without any admission of law or fact against or in favor of any Party; and

WHEREAS, subject to the foregoing and as set forth herein and in the Settlement and Mutual Release, the Parties have agreed to amicably resolve, settle and compromise all outstanding issues, disputes and differences they have or may have existing as of the date of the Settlement and Mutual Release, including those that are a part of the Litigation and the Recitals as set forth above and in the Settlement and Mutual Release (including without limit those which are the subject of the Litigation, and all of which are incorporated herein by reference as if set forth at length herein), in the manner as set forth herein and in the Settlement and Mutual Release, all as authorized by formal action as required by law; and

WHEREAS, in order to effectuate this Settlement, and the resolution of the Litigation, the Mayor and Council are desirous of executing the Settlement and Mutual Release in substantially the form appended hereto as Exhibit A, and authorizing the Township Attorney and/or special counsel for the Township, to execute a Stipulation of Dismissal as to the Litigation, along with any other necessary filings to effectuate that end.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY OF PASSAIC, as follows:

Section 1. That the Settlement of the Litigation be and hereby is approved on the terms and conditions set forth above, which are incorporated by reference, and which are also reflected within the Settlement and Mutual Release in the form substantially appended hereto as Exhibit A.

Section 2. The Mayor and any other Township officials as identified within the Settlement and Mutual Release, if any, be and hereby are authorized and directed to execute the Settlement and Release with JML, in order to effectuate the Settlement of the Litigation in accordance with the terms and conditions of the Settlement and Mutual Release, same being in substantially the form appended hereto as Exhibit A.

Section 3. The Settlement as set forth by the foregoing be and hereby is, approved. The Recitals set forth above are all incorporated hereby be reference.

Section 4. The Township Attorney and/or special counsel to the Township in connection with the Litigation, be and hereby is authorized and directed to execute an appropriate form of Stipulation of Dismissal, along with all other necessary documents, resolving those claims set forth in the Litigation.

Section 5. This Resolution shall take effect immediately.

APPROVED: _____

cc: Finance Dept.; Twp. Attorney; Dept.

RESOLUTION [E] 18-06-25 - # _____

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO REFERRING A PROPOSED REDEVELOPMENT PLAN FOR PARCELS WITHIN THE SINGAC INDUSTRIAL ZONE TO THE TOWNSHIP OF LITTLE FALLS PLANNING BOARD AND DIRECTING CERTAIN ACTIONS PURSUANT TO N.J.S.A. 40A:12A-7(e)

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Redevelopment Law"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment and rehabilitation; and

WHEREAS, in accordance with the Redevelopment Law, the Township Council ("Council") of the Township of Little Falls ("Township"), on September 25, 2017 by Resolution No. [F] 17-09-25-#6, designated the Singac Industrial Zone, which consists of property identified on the Tax Maps of the Township of Little Falls as Block 77, Lots 1, 2, 2.01, 3, 4, 5, 6, 6.02, 7, 8, 8.01, 9, 17, 18, 20, and 20.01 ("Zone") as an "area in need of redevelopment" and "an area in need of rehabilitation"; and

WHEREAS, in order to effectuate the designation of the Zone, a redevelopment plan must be prepared to set forth specific standards for the planning, development, redevelopment and rehabilitation of properties within the Zone for purposes of improving conditions of properties within the Zone; and

WHEREAS, Jeffrey Janota, P.P. of H2M has been engaged to prepare a redevelopment plan for the Zone and same has been or is expected to be received by the Council on or before June 25, 2018; and

WHEREAS, the Local Housing and Redevelopment Law, N.J.S.A. 40A:12A-1 et seq. requires the Council to refer the redevelopment plan to the Township of Little Falls Planning Board ("Board") for a report pursuant to N.J.S.A. 40A:12A-7(e); and

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls, as follows:

- 1) The Municipal Clerk shall forthwith refer and transmit the redevelopment plan to the Board to provide a report containing recommendations concerning the plan as provided in N.J.S.A. 40A:12A-7(e).
- 2) Board, upon review, shall identify any provisions within the Proposed Redevelopment Plan that are inconsistent with the Township's Master Plan, the recommendations concerning those inconsistencies and any other matters the Board deems appropriate.
- 3) Council requests that the Board review the Plan at its July 5, 2018 meeting and provide a report containing its recommendation concerning the redevelopment plan as soon as practical thereafter to allow for the Council's consideration of same at its July 23, 2018 meeting.
- 4) This resolution shall take effect immediately.

RESOLUTION [F] 18-06-25 - # _____

RESOLUTION AUTHORIZING ISSUANCE OF FILMMAKING PERMIT

WHEREAS, Whooden Productions has submitted an application for a filmmaking permit in the Township of Little Falls; and

WHEREAS, filming will take place at 11 Mountaintop Terrace, Little Falls, NJ 07424 on Tuesday, June 26, 2018; and

WHEREAS, Whooden Productions submitted a Certificate of Insurance for this purpose, and paid the required application fees;

NOW, THEREFORE, BE IT RESOLVED, that the Council does hereby approve the issuance of a filmmaking permit to Whooden Productions.

APPROVED: _____

cc: Whooden Productions
Police Dept.
DPW
Fire Dept.
File
Dept.

RESOLUTION [G] 18-06-25 - # _____

RESOLUTION AUTHORIZING ISSUANCE OF FILMMAKING PERMIT

WHEREAS, Philymack Productions has submitted an application for a filmmaking permit in the Township of Little Falls; and

WHEREAS, filming will take place at 21 Villa Road, Little Falls, NJ 07424 on Monday, July 2, 2018; and

WHEREAS, Philymack Productions submitted a Certificate of Insurance for this purpose, and paid the required application fees;

NOW, THEREFORE, BE IT RESOLVED, that the Council does hereby approve the issuance of a filmmaking permit to Philymack Productions.

APPROVED: _____

cc: Philymack Productions
Police Dept.
DPW
Fire Dept.
File
Dept.

RESOLUTION [H] 18-06-25 #_____

WHEREAS, the Governing body of the Township of Little Falls, County of Passaic, State of New Jersey have determined that there is a need to make improvements to Wilmore Park in the Township of Little Falls; and

WHEREAS, said improvements shall consist of the installation of lighting and sound systems in Wilmore Park to provide a safer environment for all who use the park for recreation; and

WHEREAS, funds are available in the Township of Little Falls Open Space Trust Fund for this type of project; and

WHEREAS, the original cost of making these improvements will not exceed \$50,000.00; and

WHEREAS, the Mayor and Governing Body have determined that this improvement will enhance public safety and the recreational experience at Wilmore Park, and

WHEREAS, it has been determined through the public bidding process that the revised cost for the project will be \$105,000.00

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Little Falls, County of Passaic, State of New Jersey, do hereby authorize the revised appropriation and use of the Township's Open Space Trust Fund, in an amount not to exceed (Project # OST 01-2017) \$105,000.00, to pay for Lighting and Sound improvements and all appurtenances related thereto in Wilmore Park consistent with the plan presented by the Township Engineer; and

BE IT FURTHER RESOLVED, that the Township's administration is authorized to make these improvements in accordance with the provisions of the local public contracts law, account for the expenditures and have this project audited by the Township's Independent Auditor, during the Annual Audit process.

APPROVED: _____

cc: Finance Dept.; Engineer; Project File; Dept.

ACCEPTING BID AND AWARDING CONTRACT FOR
WILMORE MEMORIAL PARK LIGHTING IMPROVEMENTS

WHEREAS, pursuant to advertising duly made, bids were received by the Township of Little Falls on May 25, 2018 for Wilmore Memorial Park Lighting Improvements, and the bids were opened and read publicly as follows:

Salomone Bros, Inc.
Bid: \$79,920.00

D&M Electrical, LLC
Bid: \$116,000.00

Power with Prestige, Inc.
Bid: \$129,800.00

and, WHEREAS, the Township Attorney has reviewed the bids for legal sufficiency; and

WHEREAS, the award is subject to the Availability of Funds and certification of same in the 2018 budget; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Little Falls as follows:

1) That the bid of

Salomone Bros, Inc.
17 Demarest Drive
Wayne, NJ 07470

in the amount of

\$79,920.00

be and the same is hereby accepted; and

2) That the Mayor and Clerk be and they are hereby authorized to execute a Contract in a form approved by the Township Attorney for the designated services at the bid price hereinabove cited, subject to the successful Contractor's filing the required form of Affirmative Action compliance and Payroll Certification for Public Works Projects; and

3) That the Clerk be and he is hereby authorized and directed to return to the unsuccessful bidder(s) any Certified checks and/or Bid Bonds received from them as surety, with the exception of the surety received from the second-lowest bidder, which shall be retained for a period not to exceed sixty (60) days or until a contract in a form satisfactory to the Township Attorney shall have been executed with the low bidder, whichever shall come first.

APPROVED: _____

cc: Finance; DPW Supt.; Engineer; Salomone Bros.; Project File; Dept.

TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY NEW JERSEY

RESOLUTION [J] 18-06-25 - # _____

SPECIAL ITEMS OF REVENUE AND APPROPRIATION

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Little Falls in the County of Passaic, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$10,252.54, which is now available from Miscellaneous Revenues - Section F - Special Items of General Revenue Anticipated with prior written consent of Director of Local Government Services - Public & Private Revenues Offset with Appropriations - Municipal Court Alcohol Education Rehabilitation and Enforcement Fund Grant - \$10,252.54

BE IT FURTHER RESOLVED, that the like sum of \$10,252.54 is hereby appropriated under the caption:

General Appropriations

(A) Operations - Excluded from "CAPS"

Public & Private Programs Offset by Revenues

- Municipal Court Alcohol Education Rehabilitation and
Enforcement Fund Grant - \$10,252.54

APPROVED: _____

ccc: DLGS
cc: Finance
Auditor
Budget File
Dept.

TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY NEW JERSEY

RESOLUTION [K] 18-06-25 - # _____

BE IT RESOLVED by the Little Falls Township Council as follows:

WHEREAS, applications for renewal of PLENARY RETAIL CONSUMPTION, PLENARY RETAIL DISTRIBUTION and CLUB LICENSES have been filed as follows:

<u>License No.</u>	<u>License and/or t/a name</u>	<u>Fee</u>
1605-33-002-004	Brinker New Jersey Inc. t/a Chili's Southwest Grill & Bar Rte. 46 @ Browertown Road	\$2,200.00
1605-33-009-007	Mansion Caterers, Inc. t/a The Falls 215 Newark Pompton Tpke.	"
1605-44-010-005	3C, LLC, Inc. t/a Shoprite Liquors of Little Falls Corner Browertown Road & Rose Street	"
1605-33-014-010	Rare the Steakhouse LLC t/a Rare the Steakhouse LLC 440 Main Street	"
1605-33-015-007	GMS Diner Corp t/a Six Brothers Diner Route 46E @ Clove Road	"
1605-33-008-004	Little Falls Beverages and Bar Inc. t/a Little Falls Discount Liquors 315 Main Street	"
1605-33-013-007	Maggie's Place, LLC t/a Maggie's Town Tavern 10 Van Ness Avenue	"
1605-33-011-012	Bask 2 Inc. t/a 381 Main 381 Main Street	"
1605-33-003-010	Sear Restaurant Corp. t/a Sear 1 Newark Pompton Turnpike	"
1605-33-005-010	Two Old Guys, LLC t/a The Graystone Inn 131 Newark Pompton Turnpike	"
1605-33-004-001	First Russian Nat'l Home of Singac NJ, Inc. t/a New Russian Hall 4-6 Woodhull Avenue	"
1605-31-016-001	Singac Memorial Post 108, Inc. American Legion Post 108 591 Main Street	\$165.00
1605-31-017-001	Henry Buikema Post 121, Inc. American Legion Post 121 55 Van Ness Avenue	"

and WHEREAS, it appears that all of the said applications are in satisfactory form; that the applicants have complied with all necessary requirements; that all

applications are for renewals by the same persons for the same stands; and that no objections, in writing or otherwise, have been made or filed to any of said applications; and

WHEREAS, the Township Council is familiar with all of the aforementioned applicants and the places for which they apply and sees no objection to any;

NOW, THEREFORE, BE IT RESOLVED that the above-listed applications be and the same are hereby granted; and

BE IT FURTHER RESOLVED that licenses be issued accordingly, to become effective on July 1, 2018 and expire on June 30, 2019.

APPROVED: _____

ccc: ABC
cc: ABC File
Dept.

ORDINANCE NO. 1327

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS,
IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY,
CONCERNING THE PROPER MANAGEMENT OF DISCHARGE AND FLOW FROM SUMP PUMPS,
LEADERS & DPOWNSPOUTS AMENDING CHAPTER 218 ENTITLED STORMWATER**

WHEREAS water discharged from sump pumps, leaders and downspouts (hereinafter "sump pump or leader or downspout" all of which can be used interchangeably) onto sidewalks, roads, and neighboring property, creates a hazard and/or a nuisance to pedestrians, motorists, and neighboring property owners; and

WHEREAS, Chapter 218 of the Code of the Township of Little Falls, at Section 218-7 .C, will prohibit the direct or indirect connection of sump pumps and other types of surface water and groundwater conductors to the sanitary sewer system in a manner which will permit any surface water runoff or groundwater to enter the system, and will reserve to the Township the right to use tests to inspect properties to determine the existence of illicit connections; and

WHEREAS, the Township now seeks to formalize these provisions to ensure generally the proper management of discharge and flow from sump pumps, leaders and downspouts to enhance enforcement, and thereby to protect the public health, safety and welfare; and

WHEREAS new stormwater management regulations put in place by the Department of Environmental Protection of the State of New Jersey prohibit discharges into the municipal system unless all other options are exhausted, and exceptions to this prohibition are taken on a case by case basis,

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Little Falls, as follows: Chapter 218 entitled Storm Sewer System, is hereby amended as follows:

1. Section 218.2 Definitions of Chapter 218 of the Code, is hereby amended as follows:

1. Definitions:

(a) "PERSON - Any person, firm or partnership, corporation, association, club, society or any other form of association or organization, both singular and plural, subject to the jurisdiction of the Township [where used herein to designate a user or owner of a property or in such other applicable context.

(b) SANITARY SEWER SYSTEM - A system of conveyances (including pipes, manholes, inverted siphons and pumping stations) that is owned or operated by the Township or other public body and is designed and used for collecting sanitary wastes and conveying them to a treatment facility.

(c) MUNICIPAL SEPARATE STORM SEWER SYSTEM - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township or other public body, and is designed and used for collecting and conveying stormwater.

(d) SEEPAGE PIT - A chamber or tank constructed below grade for the purpose of recharging water into the ground. The chamber may be preformed of composite materials or built to suit. The chamber shall hold at least 50 gallons and shall have perforated bottom and sides.

(e) GROUNDWATER -- Water that is found underground in the cracks and spaces in soil, sand and rock.

(f) STORMWATER -- Water resulting from precipitation (including rain and snow) that runs off the surface of the land, is transmitted to the subsurface, and is captured by storm sewers or other drainage facilities.

(g) SUMP PIT - A space into which a sump pump is installed, designed to provide sufficient depth and volume for proper performance of the pump.

(h) SUMP PUMP DISCHARGE - The end of the pipe from the sump pump where water becomes unconfined and reverts to gravity flow.

(i) SUMP PUMP - A pump, with related valves, pipe and fittings, installed for the purpose of evacuating water, usually from a basement area.

(j) LEADER -- A drainage pipe for conveying storm water from a roof or gutter.

(k) DOWNSPOUT - A drainage pipe for conveying storm water from a roof or gutter.

(L) Violation -- A violation shall be an illicit connection not in compliance with the provisions of Chapter 218 of the Code of the Township of Little Falls.

II. Section 218-7.C.2 Sump Pumps, Leaders & Downspouts:

(a) All residential and commercial structures having a storage or habitable area below grade may install there a Sump Pit and a Sump Pump upon approval by the Township plumbing sub code official. All Sump Pumps shall be installed and inspected in compliance with the plumbing and building codes of the Township and the requirements of this ordinance. All necessary permits must be obtained and fees paid before installation commences.

(b) A Sump Pump must discharge through permanent, rigid piping. The Sump Pump Discharge shall be located no less than three feet from the building unless the Construction Code Official or the Township's Certified Public Works Manager determines in advance in a particular case that compliance with this requirement is not practicable and for this reason approves in writing an alternative location.

(c) A Sump Pump shall not discharge water, either directly or indirectly: [i] into the sanitary sewer system; [ii] onto any public right of way (sidewalk), [iii] directly or indirectly onto the adjacent property unless approved in advance and in writing by the Construction Code Official or the Township's Certified Public Works Manager I, or [iv] into the municipal separate storm sewer system, unless also approved in advance and in writing by the Construction Code Official or the Township's Certified Public Works Manager. In connection with any such advance approvals, the Construction Code Official or the Township's Certified Public Works Manager may require that water be routed to a seepage pit with only the overflow discharging to the public right of way or municipal separate storm sewer system. Discharge of water made at the curb line shall terminate at the curb line.

(d) In connection with required approvals by the Construction Code Official or the Township's Certified Public Works Manager, the person requesting the approval shall deposit funds in escrow with the Township sufficient to cover the fees and expenses of the Township Engineer relating to the approval. All approvals by the Construction Code Official or Plumbing Sub-Code Official shall contain a statement of reasons and true copies thereof shall be kept on file with the Township Clerk.

(e) The Township reserves the right to use whatever tests are available to determine the existence of illicit connections. It also reserves the right to inspect properties in order to enforce these prohibitions. If a test is used which might cause some discomfort if an illicit connection exists, it shall be recognized that any discomfort, or other effect of the test, is of less value and importance than the effects of such illicit connection on the health, comfort and welfare of the residents of the Township, and, consequently, there shall be no cause for action against the Township in law or in equity.

(f) Any owner of a property found to have caused or permitted a discharge or to have constructed, installed or permitted the construction or installation of a Sump Pump in violation of this chapter shall be subject to the fines and penalties set forth in

III. Section 218-7.C.3 Violations

The minimum fine shall be \$100 per day for each day a violation continues beginning on the fourteenth day from service of notice of the violation. Each day a violation continues shall be deemed a separate offense. In addition, any person who violates this chapter shall be liable to the Township for expense, loss or damage incurred by the Township as a result of the violation.

IV. Section 218-7.C.4 Notice of Violation

Any person who violates any provision of this chapter shall be served by the Township with written notice, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

V. Section 218-7.C.5 Liens

All charges, prices, costs, expenses, rents, interest or penalties, or any of them, as established herein, shall be and remain a lien upon the premises served by such sewer connection, the same as all other taxes and municipal charges upon real estate under the laws of the State of New Jersey, for the collection of taxes and other municipal liens upon real estate.

VI. Section 218-7.C.6 Illicit Connections

a. No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm water system operated by the Township any domestic sewage, noncontact cooling water, process wastewater, or other industrial waste (other than stormwater).

b. The Township reserves the right to use whatever tests are available to determine the existence of illicit connections. It also reserves the right to inspect properties in order to enforce these prohibitions. If a test is used which might cause some discomfort if an illicit connection exists, it shall be recognized that any discomfort, or other effect of the test, is of less value and importance than the effects of such illicit connection on the health, comfort and welfare of the residents of the Township and, consequently, there shall be no cause for action against the Township in law or in equity.

c. Any person found to have made or caused any such discharge or to have constructed or permitted any illicit connection shall be punished by a fine not exceeding \$1,000, by imprisonment for a term not exceeding 90 days, or by a period of community service not exceeding 90 days, or by any combination thereof, except the minimum fine shall be \$100 per day for each day an unlawful discharge continues beyond the time limit provided for in the notice served by the Township pursuant to Section 218-7.C of this chapter. Each day a violation continues shall be deemed a separate offense. In addition, any person who makes or causes such discharges or constructs or permits any illicit connection shall be liable to the Township for expense, loss or damage incurred by the Township as a result of such violation, as provided in Section 218-7.C.3 of this chapter.

VII. Section 218-7.C.7 Improper Disposal of Substances into the Storm Sewer System

a. Except as further set forth herein, no person shall spill, dump, dispose of or otherwise discharge fluids or substances other than stormwater in or into the municipal separate storm sewer system, and no person shall handle, store, dispose of or otherwise discharge fluids or substances in such a manner as to cause the discharge of such fluids or substances, other than stormwater, in or into the municipal separate storm sewer system.

b. Discharges of the following fluids and substances into the municipal separate storm sewer system are not prohibited:

- (1) Unintentional discharge from waterlines and other potable water sources;
- (2) Uncontaminated groundwater (e.g., infiltration, otherwise permitted by this chapter foundation or footing drains, rising groundwaters);
- (3) Air-conditioning condensate (excluding contact and noncontact cooling water);
- (4) Irrigation water (including landscape and lawn watering runoff);
- (5) Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows;
- (6) Residential car washing water, and residential swimming pool discharges;
- (7) Sidewalk, driveway and street wash water;
- (8) Flows from fire-fighting activities.
- (9) Storm water from a roof or gutter.

c. Any person found to have made or caused a prohibited discharge into the municipal separate storm sewer system shall be punished by a fine not exceeding \$1,000, by imprisonment for a term not exceeding 90 days, or by a period of community service not exceeding 90 days, or a combination thereof, except the minimum fine shall be \$100 per day for each day a prohibited discharge continues beyond the time limit provided for in the notice served by the Township pursuant to Section 218-7.C of this chapter. Each day a violation continues shall be deemed a separate offense. In addition, any person who makes or causes such discharges shall be liable to the Township for consequent expense, loss or damage incurred by the Township as provided in Section 218-7.C.3 of this chapter.

VIII. 218-7.C.8 Enforcement

This article shall be enforced by the Township's Construction Code Official.

IX. This ordinance shall take effect 20 days after its passage and publication as provided by law. Existing Sump Pumps installed will have 1 year from the date of passage to comply with the provisions of Chapter 218.

Introduced:
Advertised:
Public Hearing:
Adoption:
Final Publication:

ATTEST:

Cynthia Kraus, Township Clerk

APPROVED:

James Belford Damiano, Mayor

ORDINANCE NO. 1328

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO AMEND CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS

WHEREAS, the current Municipal Code contains a provision requiring program directors and coaches associated with the Township of Little Falls through the Division of Recreation to undergo certain safety training; and

WHEREAS, the purpose of the safety training is to provide civil immunity protection from lawsuit to the Township of Little Falls as to the actions or omissions of volunteer coaches associated with the Division of Recreation,

WHEREAS, the Municipal Code currently identifies that this training is to be provided by or through Rutgers University Athletic Safety Program; and

WHEREAS, the safety training requirement under New Jersey Statutes (N.J.S.A. 2A:62A-6) and Administrative Law (N.J.A.C. 5:52) does not specify that training is limited to only that program and that there exists other such programs which comply with the law and regulation; and

WHEREAS, the Township Council has determined that it is in the municipality's interest to have the flexibility to choose any program that meets the requirements of the law and regulations and which serves the needs of the municipality; and

WHEREAS, the Township Council has found it proper to amend the language of the Code accordance therewith;

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls, that Chapter 3, Administration of Government, of the Code of the Township of Little Falls, is hereby amended and supplemented as follows:

§3-7.12: "Division of Recreation."

- A. *No Change*
- B. *No Change*
- C. *No Change*
- D. *No Change*
- E. *No Change*

F. ~~Rutgers University athletic safety certification. All program directors and coaches shall attend and become certified through the Rutgers University Athletic Safety Program. There shall be a thirty day grace period for each new program director and coach to obtain this safety certification. All coaches must be certified by the end of the thirty day grace period.~~ Safety Certification. All program directors and coaches shall attend courses or programs in safety protocols and become certified in accordance with New Jersey Statute and Regulation. The Division of Recreation shall maintain a listing of approved programs and shall provide same to program directors and coaches. All coaches must be certified by no later than 30 days prior to the commencement of the season in which they are participating. Nothing in this section shall affect the obligation of volunteer coaches to have satisfactory background checks and any other federal, state or municipal requirements.

This ordinance shall take effect 45 days after adoption.