

TOWNSHIP COUNCIL MEETING AGENDA

MONDAY, MAY 20, 2019

7:00 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 JANUARY 2, 2019. 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.

ROLL CALL

MINUTES

APPROVAL OF MINUTES FROM THE REGULAR MEETING OF APRIL 22, 2019,
AND THE WORKSHOP MEETING OF MAY 6, 2019

REMARKS FROM THE CHAIR

COUNCIL MEMBER REPORTS

MAYOR'S REPORT

MAYOR'S APPOINTMENT OF JOYCE FROMMER AND NANCY FREIDRICH TO THE
LITTLE FALLS LIBRARY BOARD FOR A FIVE-YEAR TERM
EXPIRING 5/31/24 WITH ADVICE AND CONSENT OF THE COUNCIL

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 APRIL 2019

MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT FOR THE MONTH OF APRIL 2019

TAX COLLECTOR'S REPORT FOR THE MONTH OF APRIL 2019

RECREATION CENTER REPORT FOR THE MONTH OF APRIL 2019

CIVIC CENTER REPORT FOR THE MONTH OF APRIL 2019

POLICE DEPARTMENT REPORT FOR THE MONTH OF APRIL 2019

CONSTRUCTION REPORT FOR THE MONTH OF APRIL 2019

APPLICATIONS

RAFFLE, FRIENDS OF THE PHOENIX CENTER FOUNDATION, ON-PREMISE 50/50, 06/21/19, 6:00 PM - 10:00 PM, YOGI BERRA MUSEUM, LITTLE FALLS

RAFFLE, OUR LADY OF POMPEI CHURCH, TRICKY TRAY, 11/02/19, 6:00 PM - 10:00 PM, 245 PATERSON AVENUE, LITTLE FALLS

RESOLUTIONS

RESOLUTION AUTHORIZING TAX COLLECTOR TO ISSUE ESTIMATED TAX BILLS FOR THIRD QUARTER 2019 [A]

BUDGET EMERGENCY RESOLUTION FOR ORDINANCE DOWN PAYMENTS [B]

CAPITAL BUDGET AMENDMENT RESOLUTION [C]

RESOLUTION AWARDING A CONTRACT FOR THE DEMOLITION OF 15 PROPERTIES [D]

BILL LIST [E]

NEW BUSINESS

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1355, AN ORDINANCE ENTITLED, ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING CHAPTER 57 OF THE CODE OF THE TOWNSHIP CODE ENTITLED, DEVELOPMENT FEES".

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1356, AN ORDINANCE ENTITLED, "CAPITAL ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING THE UNDERTAKING OF THE DOWNTOWN LITTLE FALLS STREETScape IMPROVEMENTS PROJECT (PHASE I) IN, BY AND FOR THE TOWNSHIP, APPROPRIATING THEREFOR THE SUM OF \$700,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM A STATE GRANT".

INTRODUCTION OF ORDINANCE NO. 1357, AN ORDINANCE ENTITLED, AN ORDINANCE AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY, FERAL CATS", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR JUNE 24, 2019.

INTRODUCTION OF ORDINANCE NO. 1358, AN ORDINANCE ENTITLED, AN ORDINANCE AUTHORIZING AND DIRECTING THAT TITLE AND POSSESSION OF CERTAIN REAL PROPERTY SITUATED IN TAX BLOCK 110, LOT 19, LOCATED WITHIN THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC AND STATE OF NEW JERSEY, BE ACQUIRED BY EMINENT

DOMAIN OR PURCHASE OR GIFT", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR JUNE 24, 2019.

INTRODUCTION OF ORDINANCE NO. 1359, AN ORDINANCE ENTITLED, BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR CONSTRUCTION OF A STORMWATER PUMP STATION THEREON IN, BY AND FOR THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$225,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR JUNE 10, 2019.

INTRODUCTION OF ORDINANCE NO. 1360, AN ORDINANCE ENTITLED, BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR PUBLIC PARKING IN, BY AND FOR THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$445,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR JUNE 10, 2019.

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] 19-05-20-# _____

WHEREAS, N.J.S.A. 54:4-66.3, pursuant to Section 3 of P.L. 1994 c.72 and 54:4-4-66.2 the Township Council of the Township of Little Falls has determined that the Tax Collector will be unable to complete the mailing and delivery of the tax bills by June 14, 2019 due to the absence of a certified tax rate; and

WHEREAS, the Little Falls Tax Collector in consultation with the Little Falls Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have both signed a certification showing the tax levies for the previous year, and the range of permitted estimated tax levies;

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Tax Collector requests the Council to approve the estimated tax levy of \$48,360,245.00 at a tax rate of \$3.204; which is between the mandated estimated range proposed by the Local Government Services. Approval will enable the Township to meet its financial obligations, maintain the tax collection rate, and provide uniformity for tax payments and save the unnecessary cost of interest expenses in borrowing;

NOW, THEREFORE BE IT RESOLVED that the Township Council of the Township of Little Falls, County of Passaic, State of New Jersey, hereby authorizes that:

1. The Tax Collector of the Township of Little Falls is hereby authorized and directed to prepare and issue estimated tax bills for the Township of Little Falls for the third quarter installment of 2019.
2. The entire estimated tax levy for 2019 is hereby set at \$48,360,245.00. The estimated tax rate for 2019 is hereby set at \$3.204.
3. In accordance with law, the third quarter installment of 2019 taxes shall not be subject to interest until the later of August 12th or the twenty-fifth calendar day after the date the estimated bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the Tax Collector and Chief Financial Officer of the Township of Little Falls for their records.

ADOPTED at a Regular meeting of the Township Council on May 20, 2019.

ATTEST:

TOWNSHIP OF LITTLE FALLS

Cynthia Kraus, Clerk

James Belford Damiano, Mayor

APPROVED: _____

cc: Finance Dept.
Tax Collector
Dept.

RESOLUTION [B] 19-05-20 - # _____

EMERGENCY RESOLUTION – NJS 40A:4-48
(Under 3% limitation)

WHEREAS, an emergency has arisen with respect to *acquisition of property for public use* and, no adequate provision was made in the 2019 budget for required capital down payment for the aforesaid purpose, and NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$ 75,000.00 and three (3) percent of the total operating appropriations in the budget for 2018 is \$ 442,603.00 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2018,

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for:

CAPITAL IMPROVEMENT FUND

\$75,000.00

2. That said emergency appropriation shall be provided for in full in the 2020 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1)

3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services

RESOLUTION C
CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2019 was adopted on the 22nd day of April, 2019; and,
WHEREAS, it is desired to amend said adopted capital budget section,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Little Falls, County of Passaic, that the following amendment(s) to the adopted capital budget section of the 2019 Budget be made:

RECORDED VOTE	((((((
(Insert Last Names)	AYES	(NAYS	(ABSTAIN	(

FROM
CAPITAL BUDGET (CURRENT YEAR ACTION)
2019

1 Project Acquisition of Property	2 Project Number	3 Estimated Total Cost	4 Amounts Reserved in Prior Years		5a 2019 Budget Appropriation	5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid and other funds			5e Debt Authorized	6 To Be Funded in Future Years
			2019	2020				2021	2022	2023		
		1,000,000				25,000					475,000	500,000
Total All Projects												
		7,053,000			50,000	99,400					2,023,600	4,590,000

6 YEAR CAPITAL PROGRAM 2019-2024
Anticipated Project Schedule
and Funding Requirement

1 Project Acquisition of Property	2 Project Number	3 Estimated Total Cost	4 Estimated Completion Time				5 Funding Amounts Per Year					
			Budget Year 2019	Budget Year 2020	2021	2022	2021	2022	2023	2024		
		1,000,000										
Total All Projects												
		7,053,000			2,463,000	2,715,000	750,000	375,000	750,000			

**6 YEAR CAPITAL PROGRAM 2019-2024
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

1 Project	2 Estimated Total Cost	3 Current Year 2019	4 Future Years	5 Capital Improvement Fund	6 Capital Surplus	7 Grants in Aid and Other Funds	8 General	9 Liquidating	10 Assessment	11 School	BONDS AND NOTES	
											12 Total	13 Total
Acquisition of Property	1,000,000			50,000			950,000					
Total All Projects	7,053,000	50,000		300,650		450,000	6,252,350					

**TO
CAPITAL BUDGET (CURRENT YEAR ACTION)**

1 Project	2 Project Number	3 Estimated Total Cost	4 Amounts Reserved in Prior Years	5a 2019 Budget Appropriation	5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid and other funds	5e Debt Authorized	6 To Be Funded in Future Years
Acquisition of Property		1,675,000		58,750				1,116,250	500,000
Total All Projects		7,728,000		50,000	133,150		290,000	2,664,850	4,590,000

**6 YEAR CAPITAL PROGRAM 2019-2024
Anticipated Project Schedule
and Funding Requirement**

1 Project	2 Project Number	3 Estimated Total Cost	4 Estimated Completion Time	5 Funding Amounts Per Year						
				6 Budget Year 2019	7 Budget Year 2020	8 Budget Year 2021	9 Budget Year 2022	10 Budget Year 2023	11 Budget Year 2024	
Acquisition of Property		1,675,000		1,175,000	500,000					
Total All Projects		7,728,000		3,138,000	2,715,000	750,000	375,000	750,000		

**6 YEAR CAPITAL PROGRAM 2019-2022
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS**

1 Project	2 Estimated Total Cost	Current Year 2019	Future Years	4		5		6						
				Capital Improvement Fund	Capital Surplus	Grants in Aid and Other Funds	General	Liquidating	Assessment	School				
Acquisition of Property	1,675,000			83,750						1,591,250				
Total All Projects	7,728,000	50,000		334,400		450,000		6,893,600						

Be It Further Resolved that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 20th day of May, 2019.

Certified by me

May 20, 2019

MUNICIPAL CLERK

TRENTON, NEW JERSEY

APPROVED _____, 2019

DIRECTOR OF LOCAL GOVERNMENT SERVICES

ORDINANCE NO. ~~1279~~1355

AN ORDINANCE REPLACING AND SUPERSEDING CHAPTER 57 OF THE MUNICIPAL CODE OF THE TOWNSHIP OF LITTLE FALLS IN ITS ENTIRETY REGARDING THE TOWNSHIP'S AFFORDABLE HOUSING DEVELOPMENT FEES

BE IT ORDAINED by the governing body of the Township of Little Falls, Passaic County, New Jersey, that Chapter 57 of the Municipal Code of the Township of Little Falls, is hereby replaced and superseded in its entirety, with this Ordinance, to address the Township's Affordable Housing Development Fee requirements. This Ordinance shall apply except where inconsistent with applicable law.

57-1.1 Findings and Purpose.

- a. In Holmdel Builder's Ass'n v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- b. Pursuant to P.L.2008, c.46 Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or a Court of competent jurisdiction and have an approved spending plan may retain fees collected from non-residential development.
- c. This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate- income housing. This ordinance shall be interpreted within the framework of COAH's prior round rules on development fees, codified at N.J.A.C. 5:93-8. and P.L.2008, c.46, Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7).

57-1.2 Basic Requirements

- a. This ordinance shall not be effective until approved by the Court.
- b. The Township of Little Falls shall not spend development fees until the Court has approved a plan for spending such fees in conformance with N.J.A.C. 5:93-5.1(c).

57-1.3 Definitions.

The following terms, as used in this ordinance, shall have the following meanings:

"Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

"COAH" or the "Council" means the New Jersey Council on Affordable Housing established under the Fair Housing Act.

"Development fee" means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:93-8.

"Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

"Equalized assessed value" means the assessed value of a property properly divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5 and 6 of P.L.1973, c.123 (C. 54:1-35a through C. 54:1-35c).

"Green building strategies" means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low- maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

57-1.4 Residential Development Fees.

a. Imposed Fees

1. Within all zoning district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and one-half percent (1.5%) of the equalized assessed value for residential development provided no increased density is permitted.
2. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of six (6%) percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one and one-half (1.5%) percent of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

3. Eligible exactions, ineligible exactions, and exemptions for residential development.
 - i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
 - ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
 - iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, ~~unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit, or is expanded, if the expansion is not otherwise exempt from the development fee requirement.~~ The development fee shall be calculated on the increase in the equalized assessed value of the improved or replaced structure as compared to the previous structure. **Improvements to and expansions of existing residential structures which increase the living space by less**

than 20% and/or the volume of the existing structure by less than 20% shall be exempt from paying a development fee.

- iv. Homes replaced as a result of a natural disaster (such as a fire or flood) shall be exempt from the payment of a development fee.

57-1.5 Non-Residential Development Fees.

1. Imposed Fees.

- i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted below, shall pay a fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- ii. Non-residential developers, except for developers of the types of development specifically exempted below, shall also pay a fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. made an improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

2. Eligible exactions, ineligible exactions, and exemptions for non-residential development.

- i. **The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half percent (2.5%) development fee, unless otherwise exempted below.**
- ii. **The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.**
- iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
- iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees

required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Township of Little Falls as a lien against the real property of the owner.

57-1.6 Collection Procedures.

- a. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. **The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.**
- c. The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d. Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e. The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f. Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g. Should the Township of Little Falls fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- h. Except as provided in Section 57-1.5a.3. above, fifty (50) percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- i. Appeal of development fees
 1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Township of Little Falls. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 2. A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Township of Little Falls. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such

determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

57-1.7 Affordable Housing Trust Fund.

- a. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Township of Little Falls Chief Financial Officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 1. payments in lieu of on-site construction of affordable units;
 2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 3. **rental income from municipally operated units;**
 4. repayments from affordable housing program loans;
 5. **recapture funds;**
 6. proceeds from the sale of affordable units; and
 7. any other funds collected in connection with the Township of Little Falls' affordable housing program.
- c. Within seven days from the opening of the trust fund account, the Township of Little Falls shall provide the State of New Jersey, Department of Community Affairs, Division of Local Government Services with **written authorization, in the form of a three-party escrow agreement** between the municipality, the bank, and NJDCA-LGS to permit NJDCA-LGS to direct the disbursement of the funds as provided for in N.J.A.C. 5:93-8.15, 8.18 and 8.19. This requirement shall be deemed to have been satisfied by a previously executed three-party escrow agreement with COAH, provided the bank remains the same as *in the original agreement*.
- d. All interest accrued in the housing trust fund shall only be used on eligible housing activities approved by the Court.

57-1.8 Use of Funds.

- a. The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the Township of Little Falls' fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:93-8.16 and specified in the approved spending plan.
- b. Funds shall not be expended to reimburse the Township of Little Falls for past housing activities.
- c. At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide

affordability assistance to those households earning 30 percent or less of median income by region.

1. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 2. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
 3. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d. The Township of Little Falls may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance.
- e. No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the reporting and monitoring requirements that have been approved by the Court. Legal or other fees related to litigation opposing affordable housing sites or objecting to or appealing Court's approval of Little Falls' Housing Element and Fair Share Plan are not eligible uses of the affordable housing trust fund.

57-1.9 Monitoring.

On an annual basis commencing with the first anniversary of the entry of the Order granting a Final Judgment of Compliance and Repose to Little Falls, the Township of Little Falls shall report all activity in connection with its Affordable Housing Trust Fund to the New Jersey Department of Community Affairs (either the Division of Local Government Services or the Council on Affordable Housing (COAH), whichever entity is designated by the State of New Jersey), with a copy provided to Fair Share Housing Center and to the Intervenor/Defendants IMO the Application of the Township of Little Falls for a Final Judgment of Compliance and Repose of its Obligations Under the Fair Housing Act and Approval of its Amended Spending Plan, Docket No.: PAS-L-2348-15, and with a posting of same on the municipal website, using forms previously developed for this purpose by COAH. The reporting shall include all sources and amounts collected/earned and the amounts and purposes for which funds have been expended.

57-1.10 Ongoing Collection of Fees.

- a. The ability for the Township of Little Falls to impose, collect and expend development fees shall expire with its Judgment of Compliance and Repose unless the Township of Little Falls has filed an adopted Housing Element and Fair Share Plan with the Court or with COAH or its successor agency designated by the State of New Jersey, has petitioned for a Judgment of Compliance and Repose or substantive certification, and has received the Court's or COAH's approval of its development fee ordinance. If the Township of Little Falls fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance and Repose, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any

funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320). The Township of Little Falls shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment of Compliance and Repose, nor shall the Township of Little Falls retroactively impose a development fee on such a development. The Township of Little Falls shall not expend development fees after the expiration of its Judgment of Compliance and Repose.

- b. It is the intent of the Township Council to incorporate the additions, amendments and/or supplements contained in this Ordinance into the Code.
- c. **If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.**
- d. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
- e. This Ordinance shall take effect after twenty (20) days of its final passage by the Township Council, upon approval by the Mayor and publication as required by law.

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus, Municipal Clerk

James Belford Damiano, Mayor

ORDINANCE NO. 1356

CAPITAL ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY AUTHORIZING THE UNDERTAKING OF THE DOWNTOWN LITTLE FALLS STREETScape IMPROVEMENTS PROJECT (PHASE I) IN, BY AND FOR THE TOWNSHIP, APPROPRIATING THEREFOR THE SUM OF \$700,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM A STATE GRANT.

BE IT ORDAINED by the Township Council of the Township of Little Falls, in the County of Passaic, New Jersey, as follows:

Section 1. The Township of Little Falls, in the County of Passaic, New Jersey (the "Township") is hereby authorized to undertake the Downtown Little Falls Streetscape Improvements Project (Phase I) in, by and for the Township. Said improvements shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$700,000 is hereby appropriated to the payment of the cost of the improvements authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be raised from a State grant, as hereinafter provided. The sum of \$700,000 received or to be received as a grant from the New Jersey Department of Transportation is hereby appropriated to the payment of the cost of said purpose.

Section 3. Said improvements are lawful capital improvements of the Township having a period of usefulness of at least five (5) years. Said improvements shall be made as general improvements, no part of the cost of which shall be assessed against property specially benefited.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 5. This ordinance shall take effect at the time and in the manner provided by law.

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus, Municipal Clerk

James Belford Damiano, Mayor

ORDINANCE NO. 1357

AN ORDINANCE AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF
LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY, FERAL CATS

ARTICLE VI Feral Cats

§19-60 Definitions.

For the purpose of this article, the following terms shall have the meaning set forth in this section. When not inconsistent with the context, words used in the present tense include the future, the words in the plural number include the singular, words in the singular number include the plural, and words in the male gender include the female gender.

ABANDONED

That an owner or caregiver has forsaken a domesticated cat entirely, or has neglected or refused to provide care and support of the cat.

ANIMAL CONTROL OFFICER

Any person employed or appointed by the Township who is authorized to investigate violations of laws and regulations concerning animals and to issue citations in accordance with New Jersey Law and this chapter.

DOMESTICATED CAT

A cat that is socialized to humans and is appropriate as a companion to humans.

FERAL CAT

A cat which is completely or substantially unsocialized to humans. The usual and consistent temperament of a feral cat is extreme fear and resistance to contact with humans. Feral cats are:

- A. Born in the wild;
- B. Offspring of tame or feral cats and not socialized; or
- C. Formerly tame cats who have been abandoned and have reverted to an untamed state.

FERAL CAT COLONY

A group of cats that congregate together outside as a unit. Although not every cat in a colony may be feral, any nonferal cats who congregate with a colony shall be deemed part of it.

NUISANCE

Disturbing the peace by:

- A. Habitually or continually howling, crying or screaming; or
- B. The habitual and significant destruction, desecration or soiling of property against the wishes of the owner of the property.

OWNER

Any person, fine, corporation, partnership, association, trust, estate, or any other legal entity.

RESCUE GROUP

A not-for-profit entity or collaboration of individuals with at least one of its purposes being the adoption or placement of cats in homes with humans to serve as companion animals.

STRAY CAT

A cat who is regularly off the property of the owner, is not under the physical control and restraint of the owner and is not regularly provided with food by the owner.

SUITABLE SHELTER

Shelter that provides protection from rain, sun, and other elements that is adequate to protect the health of the cat.

TAME CAT

A cat who is socialized to humans and is appropriate as a companion for humans.

TNR

Trap, neuter and return.

TOWNSHIP

Little Falls Township in the County of Passaic.

§19-61 Feral cat colonies.

Feral cat colonies are not permitted.

§19-62 Disposition of colony cats.

When an Animal Control Officer has trapped a feral cat, the officer shall take the cat to a shelter or holding facility and scan the cat for an EAID. If an EAID is found which further identifies the cat, the officer shall contact the person named as owner of the cat with this information.

§19-63 Enforcement.

The Township shall have the following rights:

- A. The right to seize or remove cats from a feral colony which have not been vaccinated against rabies and which are demonstrating the disease.
- B. The right to seize or remove a cat from a feral colony which is creating a nuisance as defined above, after the caregiver has been given 60 days to remove and relocate the cat and has failed to do so. The caregiver must begin nuisance abatement procedures within 48 hours after being notified of a nuisance by the Animal Control Officer and must take all reasonable steps to resolve the nuisance in as short a time period as possible, not to exceed 60 days.
- C. The Township may designate, by resolution, a specific rescue group to assist with the enforcement for the purposes of adoption or placement of cats in homes with humans to serve as companion animals.

§19-64 Nuisance complaints.

The requirements of this article notwithstanding, Animal Control Officers and police officers may investigate any nuisance complaint. If an Animal Control Officer or police officer determines that a feral colony cat is causing nuisance as defined by this article, the Animal Control Officer or police officer shall contact the owner of the property. The owner shall begin nuisance abatement procedures within 48 hours and make all reasonable efforts to resolve the nuisance in as short a time period as possible, not to exceed

60 days. If the owner fails to resolve the nuisance within 60 days, the Animal Control Officer may remove the colony. If an Animal Control Officer or police officer reasonably determines that cat or cats are injured or pose a significant threat to public health, the office may reduce the time that the owner has to resolve the complaint, as necessary to protect the cat and public health, before taking further action. In the case of an emergency, the Animal Control Officer or police officer may remove the cat or cats, but within 24 hours the Township must provide the owner with notice of the cat's whereabouts and allow the owner an opportunity to retrieve the cat for treatment, return, or relocation.

§19-65 Responsibilities of owners of domesticated cats.

- A. Owners of domesticated cats shall provide appropriate and adequate food, water, and shelter for their cats.
- B. The owner of a domesticated cat shall exercise reasonable care to guard against the cat creating a nuisance.
- C. The owner of a sexually intact (not spayed or neutered) domesticated cat shall not permit his/her cat to roam unsupervised.
- D. An owner shall not abandon a domesticated cat.

§19-66 Violations and penalties.

- A. Any person who refuses or fails to comply with any provision of this article shall be liable for the following penalties:
 - 1) Not less than \$50 for the first offense.
 - 2) Not less than \$100 for the second offense.
 - 3) Not less than \$150 for the third offense.
- B. Except as otherwise provided in this article, any person who continues to fail or refuses to comply with this article shall be liable for subsequent penalties of not more than \$2,000 or imprisonment or community service for not more than 90 days, at the discretion of any judge hearing a complaint brought pursuant to this article.

§19-67 Conflict with other legislation.

To the extent any existing ordinance may conflict with any of the terms of this article, this article shall control.

ORDINANCE NO. 1358

AN ORDINANCE AUTHORIZING AND DIRECTING THAT TITLE AND POSSESSION OF CERTAIN REAL PROPERTY SITUATED IN TAX BLOCK 110, LOT 19 LOCATED WITHIN THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC AND STATE OF NEW JERSEY BE ACQUIRED BY EMINENT DOMAIN OR PURCHASE OR GIFT

WHEREAS, the “Local Lands and Buildings Law”, N.J.S.A. 40A: 12-5 provides that a municipality may acquire “any real property ...[b]y purchase, gift, devise, lease, exchange, condemnation, or installment purchase agreement”; and

WHEREAS, the beneficiaries of the Jacob DeYoung Estate are the owner of record of certain land situated in the Township of Little Falls (hereinafter referred to as “the Township”) and designated as Tax Block 110, Lot 19, and being more commonly known as 64 Stanley Street, in the Township of Little Falls (hereinafter referred to as the “the Property”); and

WHEREAS, the Township has determined that the Property be acquired for public use for the general welfare and benefit of the community for the development of the residents’ needs; and

WHEREAS, the acquisition of such property will fulfill a primary goal of the Township with regard to the potential development of parking facilities in and about the center of the Township.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Little Falls, County of Passaic, State of New Jersey, as follows:

**SECTION ONE
AUTHORIZATION TO ACQUIRE LAND**

Pursuant to the provisions of the "Local Lands and Buildings Law," N.J.S.A. 40A:12-1 et seq., and N.J.S.A. 40:61-11, the Township of Little Falls is hereby authorized and directed to acquire by purchase or gift, the hereinafter described real property provided that the owner of record expresses the desire to convey the said real property to the Township or, in the alternative, the Township is hereby authorized to take, or condemn the real property hereinafter described pursuant to the provisions of the “Eminent Domain Act of 1971”, N.J.S.A. 20:3-1 et., seq., as follows: Tax Block 110, Lots 19 owned by beneficiaries of the Jacob DeYoung Estate for the public use and to be maintained as such.

**SECTION TWO
AUTHORITY OF AGENTS**

The Mayor, Township Administrator, Township Engineer, Township Attorneys and such other officials, employees and agents of the Township of Little Falls, specifically including, but not limited to professional appraisers, environmental experts, consulting engineers, surveyors and

similar professionals as are appropriate, are hereby authorized and directed to execute such documents and to perform all other acts necessary to negotiate or take, condemn (including the institution of any necessary legal action to acquire the real property including but not limited to action to gain necessary access to the real property for related purposes) or to acquire title to the real property for public use and the Mayor and Township Clerk are hereby authorized and directed to execute any and all documents necessary for the acquisition of said real property.

**SECTION THREE
COST OF ACQUISITION**

The appropriate disbursing officers of the Township of Little Falls are hereby authorized and directed to pay the purchase price of \$475,000 as fair and just compensation to the owner of record of the property as well as to pay in addition the Township's share of costs connected with title reports, appraisal reports, attorney's fees, professional consultant's fees, and other costs necessary for the general acquisition or acquisition by way of condemnation of the real property.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. Ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency; and
2. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portion of the Ordinance; and
3. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus, Municipal Clerk

James Belford Damiano, Mayor

BOND ORDINANCE NO. 1359

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR CONSTRUCTION OF A STORMWATER PUMP STATION THEREON IN, BY AND FOR THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$225,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Township Council of the Township of Little Falls, in the County of Passaic, State of New Jersey, as follows:

Section 1. The Township of Little Falls, in the County of Passaic, State of New Jersey (the "Township") is hereby authorized to acquire (by purchase or eminent domain) real property, including an existing structure, for construction of a stormwater pump station thereon in, by and for the Township. Said improvement shall include demolition of the existing structure, real estate transaction expenses and all work, materials and appurtenances necessary and suitable therefor. The property to be acquired has a street address of 110 East Woodcliffe Avenue and is designated as Block 82, Lot 6 on the Tax Assessment Map of the Township.

Section 2. The sum of \$225,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose").

Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the total estimated cost of said purpose is \$225,000, and (4) \$15,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$210,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$5,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$15,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township or heretofore appropriated for down payments or for the capital improvement fund by an emergency appropriation, are now available to finance said purpose. The sum of \$15,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$210,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$210,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal

amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$210,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Passaic, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of

any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 12. The Township intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township expects to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

BOND ORDINANCE NO. 1360

BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR PUBLIC PARKING IN, BY AND FOR THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$450,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Township Council of the Township of Little Falls, in the County of Passaic, State of New Jersey, as follows:

Section 1. The Township of Little Falls, in the County of Passaic, State of New Jersey (the "Township") is hereby authorized to acquire (by purchase or eminent domain) real property (consisting of an existing surface parking lot) for public parking in, by and for the Township. Said improvement shall include real estate transaction expenses and all work, materials and appurtenances necessary and suitable therefor. The property to be acquired is located on Stevens Avenue and is designated as Block 110, Lot 21 on the Tax Assessment Map of the Township.

Section 2. The sum of \$450,000 is hereby appropriated to the payment of the cost of making the improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of

the bonds authorized and the down payment appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the total estimated cost of said purpose is \$450,000, and (4) \$25,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$425,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$50,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that moneys exceeding \$25,000, appropriated for down payments on

capital improvements or for the capital improvement fund in budgets heretofore adopted for said Township or heretofore appropriated for down payments or for the capital improvement fund by an emergency appropriation, are now available to finance said purpose. The sum of \$25,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$425,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$425,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance

shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its

reasonable life, is a period of forty years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$425,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Passaic, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended

capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

Section 12. The Township intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township expects to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.