

**TOWNSHIP COUNCIL MEETING AGENDA**

MONDAY, MAY 21, 2018

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 MAY 9, 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.

**ROLL CALL**

**LITTLE FALLS FIRE DEPARTMENT AWARD CEREMONY**

**MINUTES**

APPROVAL OF MINUTES FROM THE WORKSHOP MEETING OF MAY 7, 2018  
AND THE REGULAR MEETING OF APRIL 23, 2018

**REMARKS FROM THE CHAIR**

**COUNCIL MEMBER REPORTS**

**MAYOR'S REPORT**

MAYOR'S APPOINTMENT OF CAROL MILLER TO THE LITTLE FALLS LIBRARY BOARD FOR A FIVE-YEAR TERM EXPIRING 5/31/23 WITH ADVICE AND CONSENT OF THE COUNCIL

Regional Flood Control Board - COUNCIL appoints - One-Year term  
Councilmember (1) - *Christopher Vancheri*  
(motion, second, poll)

Regional Flood Control Board - MAYOR appoints with A/C of Council - One-Year term  
Regular Members (5) - *Mayor James Belford Damiano, Sergeant Daniel Gianduso (Mayor Designee), Philip Simone (DPW Superintendent), Hans Prell (Community Member), Dorothy O'Haire (Community Member)*  
(motion, second, poll)

**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 2018

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

TAX COLLECTOR'S REPORT FOR THE MONTH OF APRIL 2018

RECREATION CENTER REPORT FOR THE MONTH OF APRIL 2018

CIVIC CENTER REPORT FOR THE MONTH OF APRIL 2018

CONSTRUCTION REPORT FOR THE MONTH OF APRIL 2018

POLICE DEPARTMENT REPORT FOR THE MONTH OF APRIL 2018

### **APPLICATIONS**

LITTLE FALLS FIRE DEPARTMENT AUXILIARY APPLICATION, HUTHAIFAH K. AWAWDEH, MACLEAN ROAD, CLIFTON, EAGLE HOSE CO. #1

### **CORRESPONDENCE**

REQUEST FROM GREAT NOTCH FIRE CO. #4 FOR PERMISSION TO HOLD A BOOT DRIVE ON FRIDAY, SEPTEMBER 8, 2018 AND SATURDAY, SEPTEMBER 9, 2018 AT THE INTERSECTION OF LONG HILL RODA AND NOTCH ROAD FROM 7:00 A.M - 7:00 P.M.

### **RESOLUTIONS**

RESOLUTION AUTHORIZING VERIZON WIRELESS RIGHT-OF-WAY ACCESS [A]

RESOLUTION AUTHORIZING TAX COLLECTOR TO ISSUE ESTIMATED TAX BILLS FOR THIRD QUARTER 2018 [B]

RESOLUTION AUTHORIZING SETTLEMENT OF A PROPERTY TAX APPEAL FILED BY 1755 RT 46 LITTLE FALLS, LLC FOR THE PROPERTY LOCATED AT 1755 ROUTE 46 EAST, BLOCK 217, LOT 17.02 IN THE AMOUNT OF \$11,361.50 [C]

RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT FOR GOTHAM ANALYTICS, LLC AS A RESULT OF CHANGE ORDER #1 [D]

RESOLUTION REAPPOINTING CHARLES CUCCIA AS CHIEF FINANCIAL OFFICER [E]

RESOLUTION TO REFER TO THE LITTLE FALLS PLANNING BOARD THE PREPARATION OF A REDEVELOPMENT PLAN FOR SINGAC INDUSTRIAL ZONE [F]

BILL LIST [G]

**NEW BUSINESS**

INTRODUCTION 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", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR JUNE 25, 2018.

INTRODUCTION 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", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR JUNE 25, 2018.

**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] 18-05-21 - # \_\_\_\_\_

**VERIZON WIRELESS  
RIGHT-OF-WAY AUTHORIZATION**

**WHEREAS**, New York SMSA Limited Partnership d/b/a Verizon Wireless, ("Verizon Wireless"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

**WHEREAS**, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Township of Little Falls; and

**WHEREAS**, New Jersey law permits such use provided that there is the consent of the relevant municipality;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY THAT:**

Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Township of Little Falls specifically for the installation of small network nodes in an amount not to exceed five (5), subject to the following:

- A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
- B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Township of Little Falls. This consent will not allow Verizon Wireless to construct nodes without site-specific review by the Little Falls Building Department.
- C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Township of Little Falls, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out

of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy of poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Township of Little Falls.

- D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Township of Little Falls as an additional insured.
- E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- F. Notwithstanding any provision contained herein, neither the Township of Little Falls nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- G. This instrument shall be adopted on behalf of the Township of Little Falls by the Township Council of the Township of Little Falls and attested to by Township of Little Falls Seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

**TOWNSHIP OF LITTLE FALLS  
COUNTY OF PASSAIC**

**RESOLUTION 18-05-21 - # \_\_\_\_\_**

**WHEREAS**, N.J.S.A. 54:4-66.3, pursuant to Section 3 of P.L. 1994 c. 72 and 54:4-66.2, 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 15, 2018 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 \$47,194,919.00 at a tax rate of \$3.152092; 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 on 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 2018 taxes.
2. The entire estimated tax levy for 2018 is hereby set at \$47,194,919.00. The estimated tax rate for 2018 is hereby set at \$3.152092.
3. In accordance with the law, the third quarter installment of 2018 taxes shall not be subject to interest until the later of August 10 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 21, 2018.

ATTEST:

TOWNSHIP OF LITTLE FALLS

\_\_\_\_\_  
Cynthia Kraus, Clerk

\_\_\_\_\_  
James Belford Damiano, Mayor

cc: Tax Collector; Finance Department

**TOWNSHIP OF LITTLE FALLS  
PASSAIC COUNTY, NEW JERSEY**

RESOLUTION **D** #. \_\_\_\_\_

**WHEREAS**, the Mayor and Council of the Township of Little Falls have been advised of the proposed settlement of a property Tax Appeal filed by 1755 Rt 46 Little Falls, LLC (hereinafter the "Tax Appeal"), under Docket Numbers 004417-2015, 005512-2016; 003808-2017 and 002203-2018, and;

**WHEREAS**, the aforesaid Tax Appeal involves a gasoline service station located at 1755 Rt. 46 East, and is also designated as Block 217 Lot 17.02 on the tax assessment map of the Township (hereinafter the "subject property"), and;

**WHEREAS**, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel, the Township Appraiser and the Township Tax Assessor, and;

**WHEREAS**, the terms of the proposed Tax Appeal settlement are set forth in the Schedule "A" attached hereto and made a part hereof, and;

**WHEREAS**, the provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") shall be applicable to the terms of this settlement, and;

**WHEREAS**, it is in the best interest of the Township to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Little Falls, that the proposed settlement of the aforesaid Tax Appeal be hereby approved, in accordance with the terms set forth in the attached Schedule "A", and;

**BE IT FURTHER RESOLVED**, that with respect to same, the Mayor, Township Administrator, Township Tax Attorney, Township Tax Assessor, Tax Collector, Treasurer and/or any other appropriate Township official is hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution.

**SCHEDULE "A"**

A. The terms of the aforesaid tax appeal settlement shall consist as follows:

2015 Appeal: Withdrawn  
2016 Appeal: Withdrawn  
2017 Appeal: \$2,700,000  
2018 Appeal: \$2,700,000

B. The provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") shall be applicable to the terms of this settlement.



**RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT  
GOTHAM ANALYTICS LLC. AS A RESULT OF CHANGE ORDER #1**

**WHEREAS**, a contract was awarded by the Township to Gotham Analytics LLC and 82 Grand Ave. Englewood New Jersey 07631 in the amount of \$13,500.00 for the Installation of three 3 river gauges place on the Peckman River in Little Falls New Jersey and,

**WHEREAS**, it has been determined by the Township that as a result of the delay in the State approvals required in order to complete the project that a change order is required and,

**WHEREAS**, In December 2017 Gotham observed inconsistent behavior form the equipment installed at the Francisco Street Bridge in Little Falls. After attempting to remotely troubleshoot it was determined that the equipment would need to be brought back to the lab for servicing. The appropriate repairs and testing have been conducted and the equipment is deemed functional and approved for re-deployment at the Francisco Street Bridge and,

**WHEREAS**, the approvals for the installation for the third location on the Route 46 Bridge has still not been made by the New Jersey State Department of Transportation and this was not due to faulty work or negligence by Gotham Analytics LLC; and

**WHEREAS**, the work set forth in Change Order No. 1 could not be separately bid and had to be performed by the same Contractor in order to preserve the continuity of job progress and to complete the project with dispatch; and

**WHEREAS**, Change Order No. 1 will not materially expand upon the size, nature or scope of the project as it was described in the original bid specifications and contract but reflects a change of work required to complete the project described in those bid specifications and contract with in the approvals received by the Township; and

**WHEREAS**, this change has been negotiated with the Contractor; and

**WHEREAS**, there are sufficient funds appropriated and available to cover the total cost of this project;

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

1. That Change Order No. 1 in which there is a net decrease of the Contract price of \$4,500.00 or a .33% decrease representing an amended contract price of \$9,000.00 which this change order is made a part of this resolution.
2. The items set forth in Change Order No. 1 could not be separately bid due to an emergency need to continue and advance the existing construction of the project presently in process.
3. Change Order No. 1 is authorized and approved as an Amendment to the Contract of Gotham Analytics LLC.
4. The revised contract of \$9,000.00 set forth in Change Order No. 1 resulting in a net decrease change to the original approved contract price shall be paid by the Chief Financial Officer upon presentation of voucher approved and certified by the Township of Little Falls Public Works Manager for this project, and satisfaction by all other requirements for receipt of payment. That being that two river gauges

shall be installed on the Peckman River in Little Falls, one at Main Street and one at Francisco Avenue. These Gauges must be installed and online, able to transmit data for their intended purposes to the Township of Little Falls Office of Emergency Management.

5. At such time as the New Jersey Department of Transportation makes its final approval to place the third gauge on the Peckman River at the Route 46 bridge, the Township will then amend the Gotham Analytics LLC contract by change order to install said gauge and provide for the final payment of the remaining \$4,500.00 to complete the project.
6. The cost of this change order shall be paid from the appropriation for this project as certified by the Chief Financial Officer.

Required Signatures:

\_\_\_\_\_ : Dennis Lindsey, P.E.  
\_\_\_\_\_ : Chief Financial Officer - Charles Cuccia  
\_\_\_\_\_ : Joseph Wenzel Esq., Township Attorney

**I hereby certify that the above resolution was adopted by the Governing Body on May 21, 2018.**

\_\_\_\_\_  
James Damiano  
Mayor

\_\_\_\_\_  
Cynthia Kraus, RMC  
Township Clerk

RESOLUTION **E**18-05-21 - # \_\_\_\_\_

**RESOLUTION TO REAPPOINT CHIEF FINANCIAL OFFICER**

WHEREAS, the Mayor and Township Council of the Township of Little Falls, on April 14, 2018, appointed Charles Cuccia Chief Financial Officer for a four-year term; and

WHEREAS, said appointment expired on May 5, 2018; and

WHEREAS, the Township Council of the Township of Little Falls desires to continue the appointment of Charles Cuccia as Chief Financial Officer;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Little Falls hereby appoints Charles Cuccia as Chief Financial Officer of the Township of Little Falls, for a term of four years commencing on May 6, 2018, in accordance with the provisions of N.J.S.A 40:69A-1, et seq.

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APPROVED: \_\_\_\_\_

cc: Personnel File  
Dept.

RESOLUTION [F] 18-05-21 - # \_\_\_\_\_

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO REFER TO THE PLANNING BOARD OF THE TOWNSHIP OF LITTLE FALLS THE PREPARATION OF A REDEVELOPMENT PLAN FOR SINGAC INDUSTRIAL ZONE**

**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 purposes of 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**, pursuant to N.J.S.A. 40A:12A-7, the Council may authorize the Planning Board of the Township of Little Falls ("Planning Board") to undertake the task of preparation of a redevelopment plan; and

**NOW THEREFORE BE IT RESOLVED** by the Township Council of the Township of Little Falls, as follows: The Council hereby authorizes the Planning Board to prepare such redevelopment plan for the Zone and to report its findings back to the Council as provided by law. This resolution shall take effect immediately.

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 & DOWNSPOUTS 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:

**I. 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.