

TOWNSHIP COUNCIL WORKSHOP AGENDA

MONDAY, SEPTEMBER 13, 2021

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. 10:4-10 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, NJ ON JULY 22, 2021. A COPY OF THE NOTICE WAS FAXED 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.

THIS MEETING IS BEING CONDUCTED UNDER THE CIRCUMSTANCES SURROUNDING THE COVID-19 HEALTH SITUATION. ONLY 25 MEMBERS OF THE PUBLIC WILL BE ALLOWED TO ATTEND THE MEETING IN PERSON. A LINK AND A TELEPHONE NUMBER TO JOIN THE MEETING VIRTUALLY CAN BE ACCESSED ON THE TOWNSHIP WEBSITE AT WWW.LENJ.COM. ELECTRONIC PROVISIONS HAVE BEEN ESTABLISHED FOR THE PUBLIC TO PARTICIPATE DURING THE PUBLIC COMMENT PORTION OF THE MEETING.

ROLL CALL

PROCLAMATION RECOGNIZING LIBRARY CARD SIGN UP MONTH

PROCLAMATION RECOGNIZING HISPANIC HERITAGE MONTH

PROCLAMATION RECOGNIZING CONSTITUTION DAY

MAYOR'S APPOINTMENT OF ANDREA MARCHASANI AS MUNICIPAL ALLIANCE COORDINATOR FOR A ONE-YEAR TERM WITH ADVICE AND CONSENT OF COUNCIL

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.

MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING VIRTUALLY AND DESIRE TO PROVIDE COMMENT SHALL RAISE THEIR VIRTUAL HAND IN THE ZOOM APPLICATION. THE MEETING MODERATOR WILL QUEUE THE MEMBERS OF THE PUBLIC THAT WISH TO PROVIDE COMMENT AND THE COUNCIL PRESIDENT WILL RECOGNIZE THEM IN ORDER. MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING BY CALLING IN MUST PRESS *6 TO MUTE AND UNMUTE THEMSELVES AND *9 TO RAISE THEIR HAND. MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING VIA THE ZOOM APPLICATION MUST CLICK THE REACTIONS ICON AND THEN THE RAISE HAND ICON. PLEASE GIVE YOUR NAME AND ADDRESS FOR THE RECORD. ONCE THE PROCESS IS COMPLETE, WE WILL RETURN TO THE REGULAR ORDER OF BUSINESS.

ITEMS TO BE DISCUSSED:

MAYOR/ADMINISTRATOR:

1. RESOLUTION AWARDING CONTRACT FOR SECOND AVENUE SANITARY SEWER IMPROVEMENTS
2. RESOLUTION AUTHORIZING CHANGE ORDER FOR THE IMPROVEMENTS TO MICKLEJOHN AVENUE PROJECT DECREASING THE CONTRACT PRICE
3. RESOLUTION RELEASING PERFORMANCE BOND FOR PALAZZONE (490 MAIN STREET)
4. EMERGENCY RESOLUTION

ACTION ITEMS:

RESOLUTION AWARDING A CONTRACT TO D.S. MEYER ENTERPRISES, LLC IN THE AMOUNT OF \$268,478.80 FOR SECOND AVENUE SANITARY SEWER IMPROVEMENTS [A]

RESOLUTION AUTHORIZING CHANGE ORDER DECREASING THE CONTRACT PRICE BY \$38,789.16 FOR THE IMPROVEMENTS TO MICKLEJOHN AVENUE PROJECT [B]

RESOLUTION RELEASING PALAZZONE (490 MAIN STREET) PERFORMANCE BOND [C]

EMERGENCY RESOLUTION [D]

BILL LIST [E]

NEW BUSINESS

PUBLIC HEARING OF ORDINANCE NO. 1417, AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE LITTLE FALLS FIRE DIVISION IN THE CODE OF THE TOWNSHIP OF LITTLE FALLS CODE SECTION 3-7.8, ENTITLED, "FIRE DIVISION"".

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1424, AN ORDINANCE ENTITLED, "AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING CHAPTER 11-8 AND CHAPTER 11-9, HOURS OF SALE OF ALCOHOLIC BEVERAGES".

INTRODUCTION OF ORDINANCE NO. 1425, 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 AND MODIFY CHAPTER 33 (CANNABIS REGULATION) OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR OCTOBER 4, 2021.

COUNCIL TOPICS FOR DISCUSSION

PUBLIC COMMENT - AGENDA ITEMS ONLY

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ADJOURN

RESOLUTION [A] 21-09-13 - # _____

ACCEPTING BID AND AWARDING CONTRACT FOR
SECOND AVENUE SANITARY SEWER IMPROVEMENTS

WHEREAS, pursuant to advertising duly made, bids were received by the Township of Little Falls on August 4, 2021 for Second Avenue Sanitary Sewer Improvements, and the bids were opened and read as follows:

D.S. Meyer Enterprises, LLC
Bid: \$268,478.80

Montana Construction Corp, Inc.
Bid: \$339,111.00

and, WHEREAS, the Township Attorney has reviewed the bids for legal sufficiency and the Special Project Engineer has reviewed the bids for technical sufficiency; and

WHEREAS, the award is subject to the Availability of Funds and certification of same in the 2021 budget; and

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

1) That the bid of

D.S. Meyer Enterprises, LLC
2 North Street, Suite 2A
Waldwick, NJ 07601

in the amount of

\$268,478.80

be and the same is hereby accepted; and

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

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

APPROVED: _____

cc: Finance; DPW Supt.; Boswell Engineering; D.S. Meyer Enterprises;
Project File

RESOLUTION [B] 21-09-13 - # _____

RESOLUTION AWARDING CHANGE ORDER TO 4 CLEAN-UP, INC.
FOR IMPROVEMENTS TO MICKLEJOHN AVENUE

WHEREAS, the Township Council has received a recommendation from the Township Special Project Engineer, H2M Associates, Inc. regarding the Improvements to Micklejohn Avenue contract to change contract items as listed in the original specification; and

WHEREAS, the Township Council has considered this recommendation in accordance with N.J.A.C. 5:30-1 et seq. and the Local Public Contracts Law; and

WHEREAS, the Township Council has a contract with 4 Clean-Up, Inc. for the Improvements to Micklejohn Avenue project, which was awarded by public bidding under the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council authorizes a change order to 4 Clean-Up, Inc. decreasing the contract price by \$38,789.16, making the revised contract amount \$102,055.69.

APPROVED: _____

cc: Finance Dept.
H2M Associates, Inc.
4 Clean-Up, Inc.
Project File
Dept.

RESOLUTION FOR RELEASE OF PERFORMANCE BOND

The Township Council hereby authorizes the release of the Performance bond for Palazzone/490 Main Street (Block 57, Lots 3, 4, 5, 20 & 21) in accordance with the recommendations of the Township Engineer as provided in a September 9, 2021 correspondence.

Approved this 13th day of September, 2021.

ATTEST:

Signature of Authorized Representative

Date

Printed Name of Authorized Representative

Telephone Number

RESOLUTION [D] 21-09-13 - #_____

EMERGENCY RESOLUTION – NJS 40A:4-48

(Under 3% limitation)

WHEREAS, an emergency has arisen with respect to additional costs related to *the flood emergency declared on September 1, 2021* and, no adequate provision was made in the 2021 budget for the aforesaid purpose, and NJSA 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 \$ 150,000.00 and three (3) percent of the total operating appropriations in the budget for 2020 is \$ 604,596.00 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 2020,

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:

Flood Emergency Costs

\$150,000.00

2. That said emergency appropriation shall be provided for in full in the 2021 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

ORDINANCE NO. 1417

**AN ORDINANCE AMENDING THE LITTLE FALLS
FIRE DIVISION IN THE CODE OF THE
TOWNSHIP OF LITTLE FALLS CODE SECTION 3-7.8 ENTITLED: FIRE DIVISION**

The Township of Little Falls is repealing Code section 3-7.8 in its entirety and replacing code section 3-7.8 as follows:

3-7.8 Fire Division.



Fire Division created. Within the Department of Administration, there is hereby created a Division of Fire, which shall consist of four fire companies with a total of 100 active members to be designated as Rescue Company Number 1 and Engine Companies Nos. 2, 3 and 4, each company with an active membership of not more than 25 members and shall be known as the Little Falls Township Fire Department (Department). Each Company is also authorized to carry 10 auxiliary members per company. The Fire Division may employ such officers, firefighters and other such personnel, subject to the approval of the Mayor and within the limits of available appropriations, to carry out the functions of the Division.

Each Company has ownership of its own Fire House for which the Township pays a rental fee of \$5,700.00 to Company #1, \$4,500.00 to Company #2, \$4,200.00, to Company #3 and \$4,200.00 to Company #4 for storage of Municipal Apparatus and Equipment thru the annual municipal budget. The Township will pay for utilities for the Company owned Fire Houses and generator maintenance thru the annual municipal budget. The Township provides all firematic apparatus and

equipment for use by the Fire Department, including the Department Chief's marked vehicle. Each Company shall provide one Assistant Fire Chief vehicle, owned by the company, for use by its duly elected Assistant Fire Chief, for which the Township will provide gasoline for said company owned vehicle. The Township, at the request of the Company, will provide those insurance coverages integral to the operations of the company under the Townships Master Insurance Program Insurance program offered by the Joint Insurance Fund.

The National Incident Fire Reporting System (NIFRS) will be prepared and managed by the Fire Official. Monthly reports will be provided to the Department Chief for Department files.



The government and management of the Department shall be according to the constitution, bylaws and rules, which shall be adopted by the Fire Department and the individual companies and approved by the Mayor and Governing Body, provided the same shall not be inconsistent with the provisions of this chapter, the Township Policies and procedures, the rules and regulations for the Department which may be adopted from time to time by the Governing Body and approved by the Mayor. The Department shall present the current bylaws, rules and regulations for the Department and individual companies annually to the Township Administrator for approval by the Mayor. Once approved by the Mayor the Township Council shall by formal resolution approve and adopt the Department, and Company Bylaws. The Adopted bylaws shall be kept on file in the office of the Township Clerk.

Fire Chief.

(1) Position created. The position of Chief of the Fire Department is hereby created. The Chief of Fire Department (Fire Chief) shall head the Division of Fire and serve under the direction and supervision of the Township Administrator. The Fire Chief shall serve for no more than two consecutive terms. A term shall be defined as three years in accordance with the Department bylaws.

(2) Appointment and election. The Fire Chief shall be elected in accordance with the provisions set forth in this section.

(3) Qualifications. The Fire Chief shall be qualified by training, experience and such certifications/licenses as required by statute and the New Jersey Division of Fire Safety for the duties of his office.

(4) Duties. The Fire Chief shall direct and control the operations of the Fire Department at all fire emergencies and have the following duties:

(a) Prescribe Standard Operating Procedures, rules and regulations subject to the review by the Township Administrator, and approval of the Mayor.

(b) Upon arrival at a fire, enter upon and take charge of any buildings involved or endangered. The Chief's authority while directing the Department members at a fire shall be absolute and the Chief shall, when necessary, at a fire, order a street to be closed or traffic rerouted and may call upon the Police Division for any assistance required.

(c) Control and be responsible for the care and proper operation of all fire apparatus, and equipment.

(d) Purchasing for the Department is administered by the Fire Chief and must comply with the Township purchasing policy and procedures.

(e) Make such recommendations to the Mayor and Administrator for the betterment of the Department as he/she may deem necessary.

(f) Report Department activity to the Administrator monthly, and on an annual basis, the condition of the Department, a record of the fires and the attendance at the fires.

(g) Have the authority to request from any property owner or tenant access to any building for the purpose of conducting a fire pre plan and walk through in order to protect the members of the Department should they be called upon to enter the building during an emergency.

(h) The Fire Chief shall monitor for sufficiency the local water supply and distribution system as it relates to fire fighting and shall inform the Township Administrator of the conditions found and make recommendations for improvements and increased efficiency of the system as conditions may require.

(i) Establish and maintain a training program for all firefighters in the Department

(j). In case of insubordination on the fire ground or at a firematic event, the Fire Chief may order a temporary suspension of a department member for a time not to exceed 5 days. The Fire Chief shall then make a formal report to the Township Administrator. If charges are sustained by the Township Administrator, the suspension will stand as ordered. If the situation requires continued discipline, suspension or termination, the Administrator shall inform the Mayor as to his/her determination. At this time the Township Labor Counsel shall be advised of the matter and will further investigate the situation. If extended

suspension or termination is suggested the action to suspend or expel such member from the Department shall be made by formal letter to the member.

Accusations of criminal conduct or activity or inappropriate actions as identified in the Township of Little Falls personnel policy manual will be brought to the attention of the Township Administrator and addressed in accordance with the Township of Little Falls Personnel Policy Manual standards. The affected member shall have the right to grieve the decision by following the grievance policy steps set forth in the Township's Personnel Policy Manual to resolve this dispute.

(6) Removal of Fire Chief. - The Mayor or the Administrator may remove the Fire Chief for neglect of office, malfeasance, improper conduct or other cause noted in the Township Personnel Policy manual after a proper and independent investigation. The Chief may appeal the Decision in accordance with the procedures set forth in the Township's Personal Policy Manual.

(7) Absence of Fire Chief. In the absence of the Fire Chief, the next highest-ranking officer among the four Assistant Chiefs shall, temporarily or otherwise, perform all of the duties of the Fire Chief.

D Assistant Chiefs- Four Assistant Chiefs to be designated as First, Second, Third and Fourth Assistant Chiefs.

In the absence of the Fire Chief the Assistant Chiefs shall perform the following duties:

(a) Direct and control the operations of the Fire Department at all fire emergencies and have the following duties:

(b) Upon arrival at a fire, enter upon and take charge of any buildings involved or endangered. The Assistant Chief's authority while directing the Department members at a fire shall be absolute and the Assistant Chief shall, when necessary, at a fire, order a street to be closed or traffic rerouted and may call upon the Police Division for any assistance required.

(c) Control and be responsible for the care and proper operation of all fire apparatus, and equipment.

(d) Make such recommendations to the Fire Chief for the betterment of the Department as he/she may deem necessary.

(e) Make such recommendations to the Fire Chief to request from any property owner or tenant access to any building for the purpose of conducting a fire pre plan and walk through in order to protect the members of the Department should they be called upon to enter the building during an emergency.

(f) Assist the Fire Chief with the Training Program for the Department.

(g) In case of insubordination on the fire ground or at a firematic event, the Assistant Chief may order a temporary suspension of a department member for a time not to exceed 3 days. The Assistant Chief shall then make a formal report to the Township Administrator. If charges are sustained by the Township Administrator, the suspension will stand as ordered.



The Captain of each company shall notify the Department Fire Chief of any firefighter by July 15, of each year who has not attended the required number of meetings, fires, training drills and wash nights during the first 6 months of the year. The Department Fire Chief

Shall Certify to the Township Administrator, in writing, the name of all firefighters who have not attended the required number of meetings, fires, training drills and wash nights during first 6 months of the year. The Administrator shall thereupon notify the members and the Captains of said companies, in writing, that those member have been placed on guarded status. Each Company shall provide its members with a remedial plan to allow them to meet the required standard for membership in good standing over the next six month period. The member may request the Board of Fire Officers review the attendance record and seek reinstatement to full active membership. If the member is not satisfied with the result before the Board of Fire Officers, the member shall follow the grievance policy steps set forth in the Township's Personnel Policy Manual to resolve this dispute.

ARTICLE 10

(A) Chief.

[1] In accordance with the provisions of this chapter, the Chief of the Fire Department shall be elected for a term of three years at an annual meeting of the members to be held on the second Thursday of December. The Chief may be elected for no more than two consecutive terms.

[2] The Chief shall hold office for a term of three years, which term shall commence on the date of his election at the meeting.

[3] In the event of the death, resignation or removal of the Chief, the membership of the Fire Department shall hold a special election on the second Thursday next following the death, or the effective date of the resignation or removal, and elect in accordance with the terms hereof another person to fill the

office of the Chief for the unexpired term. The remainder of that term shall not count towards the two consecutive terms that a Chief can hold.

[4] If the membership of the Fire Division shall fail to hold the special election, The First Assistant Chief shall act as the Chief of the Department until expiration of the unexpired term.

[5] If the First Assistant Chief declines to act as the Chief of the Department and no election to fill the position is held, then the Mayor shall appoint a qualified Department member to fill the unexpired term of the Department Chief.

(B) Assistant Chiefs.

[1] Each of the four Assistant Chiefs shall be elected from a different fire company and the fourth Assistant Chief is to be elected from the same fire company of which the Chief of the Fire Division is a member

[2] In the event of the death, resignation or removal of an Assistant Chief, the membership of the Fire Department shall hold a special election on the second Thursday next following the vacancy and elect in accordance with the terms hereof another person to fill the office of Assistant Chief. The vacancy will be filled by the ratification of the company's choice, with the new Assistant Chief becoming the third Assistant Chief, unless replacing the fourth assistant chief, in which case they shall become the fourth assistant chief. All of the other Assistant Chiefs except for the fourth assistant would automatically move up the chain of command.

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G Eligibility.

(a) No person shall be eligible to be Chief of the Fire Division who has not served at least three years as an Assistant Chief, unless no member qualifies for the position, in which case the next three Assistant Chief's with the most years of Assistant Chief service shall be eligible.

(b) No person shall be eligible to be an Assistant Chief of the Fire Division who has not served at least two years as Captain of one of the four fire companies established in the Township.

(c) All other officers of the Fire Department must be members in good standing at the time of election and shall be elected in accordance with the provisions of the applicable Company and Department bylaws.

(d) No person shall be eligible to be a Department or Company Line officer who has not served three years as an active fire fighter.

H Election under direction of The Township Clerk and the Township Administrator.

(a) The election of all officers of the Fire Division shall be under the direction of the Township Clerk and/or Deputy Clerk, and the Township Administrator, and the election shall be by secret written ballot. The Township Clerk will oversee the casting and collection of ballots as the roll for eligible voters is called by the Secretary of the Fire Division. The Sergeant-at-Arms shall assist in maintaining an orderly and accurate voting process.

(b) No member of the Fire Department shall be eligible to vote unless they have served at least six months as an active member of the Department.

(c) The results of any election shall be reported to the Governing Body by the Township Clerk at the next Township Council Meeting

■ Rejection by the Mayor

(a) The Mayor may reject any person who has been elected Chief or Assistant Chief for cause.

(b) In the event of rejection of the officer as provided herein, the membership of the Fire Department shall hold a special election on the second Thursday next following the date of the rejection by the Mayor and shall elect in accordance with the terms hereof another person to fill the office of the persons rejected by the Mayor. If the membership of the Fire Department shall fail to hold the special election, then, and in that event, the Mayor, shall fill and appoint a qualified member to the unexpired term of office.

■ Board of Fire Officers.

(a) Composition. The Department Chief, and the four Assistant Chiefs shall constitute a Board of Fire Officers. The Captains of each Company shall serve as alternates to the Board. If an Assistant Chief is unable to attend a meeting of the Board, the Captain of the respective Company shall attend and vote as an alternate member. The Board of Fire Officers shall meet at least once in each quarter. The Board will be primarily responsible for framing the ongoing vision of the Township's emergency Fire response system. The Board will serve to ensure transparency and coordinate with the Township Administration to develop recommendations for a plan to maintain the Fire response system in the

Township of Little Falls. The Board of Fire Officers shall advise and consult with the Fire Chief on matters affecting the welfare and morale of the Department members.

(b) Presiding officer. The Department Chief shall be the presiding officer and designate one of the members of the Board to act as Secretary and keep minutes of the meetings.

(c) The minutes of the meetings of the Board of Fire Officers will be maintained as permanent record of the Fire Department. A copy of said record shall be forwarded to the Township Clerk to keep on file as a permanent record of the Township.

Company Officers.

(1) Election of Officers. Before the second Thursday in December in each year, each fire company shall elect an Assistant Chief, Captain, First Lieutenant and Second Lieutenant, all of which must be a members in good standing and meet the eligibility requirements established by the Department and Company bylaws at the time of the election, and report the result of the election to the Chief and the President of the Department at the annual Department meeting. Company Officers terms shall commence the second Thursday in December and run until the following year's second Thursday in December.

(2) Duties of Captain.

(a) The Captain of each company shall have full charge of the company, apparatus and equipment under the direction of the Company Chief and shall keep records of fires, drills, and attendance of his members at all meetings, drills, training and fire calls and furnish the Department Chief with a copy on or before the 15th of the following month.

(b) The Captain shall by November 15th of each year furnish the Department Chief with an inventory of all apparatus and equipment assigned to the respective company by the Township and a separate report of company-owned equipment used by the Department.

(3) Duties of Lieutenants. The Lieutenants shall assist the Captain and in the Captain's absence assume the duties of the Captain.

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Membership.

(1) Composition. The 100 authorized members of the Department shall be the active members of the four companies, each of which may admit new members, in accordance with the authorized strength defined herein, according to each company's bylaws, to the extent that the bylaws do not conflict with this section. The Department may also carry up to 40 auxiliary members, 10 from each company.

(2) Compensation. The member may receive such compensation for extraordinary services rendered as is provided by the Mayor and Governing Body.

(3) Eligibility and qualifications.

(a) All applicants for membership shall be between the age of 18 and the state maximum permitted age and be a resident of the Township or an immediately bordering municipality when accepted as a member of a Company.

(b) Each applicant shall file a written application in duplicate on a form to be provided by the Department, one copy of which shall be filed with the Township Clerk who shall maintain a list of Members of the Little Falls Fire Department, once the applicant has been accepted as a member of the Company, the Company secretary will provide a letter to the Township Clerk stating that the member has been accepted along with the effective date of membership.

(c) Each application shall be accompanied by a certificate from the health care provider clearing the applicant for attendance at the Fire Academy/or Fire and certifying that the health care provider has examined the applicant and is of the opinion that the applicant is physically fit to perform the duties of a fire fighter.

(d) All applicants must obtain and maintain a Firefighter 1 certificate from the New Jersey Division within 2 years of becoming an auxiliary member.

(e) All members must comply with Department training requirements established by the Department Chief. The Division training requirements shall be sent to the Township Administrator for approval.

(f) To remain a member of the Fire Department, a member shall be in good standing in accordance with the approved by-laws of the fire company to which the member belongs.

Each member shall be afforded the opportunity to be a member in good standing by attending and participating Company meetings, training drills, and wash nights.

(g) A member who resigns or is expelled from a particular company may join another Company if approved by the members of the other Fire Company in accordance with their By-Laws. The Board of Fire Officers may review the decision made by the company accepting the member only in terms of allocating the proper manpower in order to keep each company viable for fire response. This decision may be appealed to the Township Administrator by the Company accepting the new member. The Decision of the Administrator shall be final and not subject to appeal.

(h) No member shall be permitted to transfer from one company to another unless the transfer shall be acceptable to both companies involved. The Board of Fire Officers may review the decision made by the company accepting the member only in terms of allocating the proper manpower in order to keep each company viable for fire response. This decision may be appealed to the Township Administrator by the Company accepting the new member. The Decision of the Administrator shall be final and not subject to appeal.

(4) Duties:

(a) Upon an alarm of fire or emergency, it shall be the duty of the members of the Department to report immediately to their respective firehouses and convey their apparatus to the place of the fire or emergency, or report directly to the fire or emergency if the apparatus has already left, and perform any duty that may be required of them by the officer in charge at the scene. They shall remain on duty until relieved by order of the Chief.

(5) Auxiliary firefighters. A Firefighter's Auxiliary to the Fire Department is hereby established, which shall be subject to the following provisions:

(a) Each auxiliary firefighter shall be at least 18 years old and assigned to one of the four fire companies in the Township.

(b) Auxiliary firefighters shall have no voting powers nor hold any offices within the Fire Department.

(c) The status and assignment of auxiliary firefighters shall be under the control of the applicable fire company Captains and Company Chief.

(d) Auxiliary firefighters will have no seniority and will have no line number in the Fire Department.

(e) Auxiliary firefighters shall, based upon their level of ability and training, participate at all Company meetings, training drills, and wash nights and at fires and emergencies scenes at the direction of their Company Officers.

(f) Any auxiliary firefighter who wishes to move to active membership must complete all requirements established by the applicable fire company bylaws and Fire Department bylaws.

M Exempt certificates.

Each member of the Department who has performed not less than 60% of required duty for seven years shall be entitled to an Exempt certificate in compliance with the New Jersey Statutes 40A:14-56 et.al. thereof, signed by the Mayor, the Township Clerk and the Department Fire Chief and shall be entitled to wear such badge as shall be designated by the Mayor and shall be considered an exempt member of the Fire Department. Copy of each members exempt certificate shall be filed with the Township Clerk.

Interference with Fire Department

No person shall interfere with, impede or delay any fire apparatus in any manner, nor willfully drive or cause any vehicle to be driven over any hose, or other fire apparatus or equipment, nor in any manner willfully damage, deface or injure any apparatus, hose or equipment, nor give or cause to be given any false alarm of fire, nor meddle with, injure or destroy any of the property belonging to the Township of Little Falls Fire Department or any fire company.



Removal of fire apparatus from the Township. No fire apparatus shall be taken outside of the limits of the Township for fire or emergency duty without order of the Chief or Acting Chief, nor for any other purpose without approval of the Department Chief and Notification by the Department Chief to the Township Administrator.



Junior Firefighter's Auxiliary. A Junior Firefighter's Auxiliary to the Fire Department is hereby created and shall be subject to the following provisions:

(1) Each junior firefighter shall be at least 16 years old, but not more than 18 years old, and assigned to one of the four fire companies in the Township.

(2) Junior firefighters shall have no voting powers nor hold any offices in the Fire Department.

(3) The use of junior firefighters for any task within the Fire Department shall be governed by the applicable state laws, regulations and/or guidelines.

(4) Junior firefighters shall be under the control and direction of the fire company Captains and Chief.

(5) Applicants must be residents of the Township, complete the standard application form and have a medical examination completed by the Township.

(6) Each junior firefighter, while enrolled in school or college, must provide his or her report card to his or her fire company Chief and/or Captain indicating that he or she has maintained a "C" average. In the event the grade average of said Junior Firefighter falls below a "C," the junior firefighter will be subject to disciplinary action or dismissal after evaluation by the Board of Fire Officers, who shall have final authority as to the dismissal of said junior firefighter.

(7) Any activities undertaken by a junior firefighter shall be governed by the laws of the State of New Jersey, including, without limitation, the New Jersey Department of Labor Workers Compensation Law, New Jersey Child Labor Laws, New Jersey PEOSHA 12:100 and those state laws governing the establishment of a Junior Firemen's Auxiliary, eligibility for membership, and rules and regulations governing activities of a Junior Firemen's Auxiliary (N.J.S.A. 40A:14-95 through N.J.S.A. 40A:14-98).

(8) Junior firefighter activities and participation shall be governed by the applicable Township of Little Falls Fire Department-

(9) The Fire Department shall provide the junior firefighter with personal protective equipment meeting the current New Jersey PEOSHA requirements promulgated under N.J.A.C. 12:100-10, standards for firefighters.

(10) Junior firefighters may respond to alarms only under direct supervision and be permitted to assist in Fire Department operations. They shall not be permitted to drive any fire apparatus.

(11) Junior firefighters shall not engage in interior structural firefighting nor any hazardous material incident operations. They shall not be exposed to an emergency environment where self-contained breathing apparatus may be required. For purposes of this subsection, an emergency environment where self-contained breathing apparatus may be required shall include, but not be limited to: heat, toxic gases, smoke, interior structural firefighting, hazardous material incidents, confined space or below grade operations, oxygen-deficient atmospheres, and/or other products of combustion.

(12) Junior firefighters shall not be permitted to operate certain equipment, including but not limited to the following: jaws of life, chain saws, vent saws, come-along fire extinguishers and air chisels. Junior firefighters may operate the following equipment: porta power, flares, oxygen, suction unit or seatbelt cutters.

(13) Training provided to junior firefighters shall meet the Uniform Fire Code and State of New Jersey Standards for Fire Training and Certification promulgated under N.J.A.C. 5:18C.

(14) Junior firefighters shall not be permitted to carry and/or operate blue warning lights.

LOSAP

Emergency Services Volunteer Defined Contribution Program.

(1) A defined contribution program known as a Length of Service Award Program (LOSAP) is hereby established pursuant to N.J.S.A. 40A: 14-183 et seq. for the benefit of the active volunteer members of the emergency services organization operating under the Township's jurisdiction, which is the Township of Little Falls Volunteer Fire Department.

(2) The program shall provide for annual contributions to a deferred income account for each active volunteer member of the aforesaid emergency services organization that meets the criteria set forth below, such contributions being made in accordance with the plan established by the Township of Little Falls pursuant to N.J.S.A. 40A:14-183 et seq., such plan being administered in accordance with the laws of the State of New Jersey, this subsection and any applicable rules of the Internal Revenue Service. The Township Council shall sponsor a responsible fiduciary for the administration of said plan and the investment and accounting for the funds maintained hereunder.

(3) The proposed estimated total amount to be budgeted for the program shall be \$115,000, based upon a maximum of 100 qualifying volunteers.

(4) The proposed maximum annual Township contribution for an active volunteer shall be \$1,350. Subject to the adoption of the within program, the maximum annual contribution may be increased from time to time by application of the consumer price index factor as provided by the state and upon the approval of the Director of the Division of Local Government Services.

(5) An active volunteer member shall be eligible to participate in the Length of Service Award Program immediately upon the commencement of the active volunteer member's performance of active emergency services in the Township's emergency services organization. Members who have served for a year or part of a year and have earned sufficient points to gain a

monetary reward to their deferred income account shall be considered to have vesting rights from that time forward for all LOSAP contributions. Vested members shall be able to withdraw the deposited funds at any time in accordance with current IRS rules, New Jersey state laws and applicable rules established by the plan's fiduciary administrator. In the event of the death of a volunteer member who is vested, contributions made to the member's account shall be distributed to the member's immediate family in accordance with current IRS rules and New Jersey state laws.

(6) A year of active emergency service commencing after the establishment of the program should be credited for each calendar year in which an active volunteer member accumulates at least 30 points that are granted in accordance with the following schedules. Annual contributions shall be made to each eligible member in accordance with the following schedules.

(a) Point system: Sixty-point annual goal for maximum contribution points may be earned as either all fire call points or a combination of fire call points and activity points.

No more than 24 activity points shall be earned annually. Fire calls earn 0.3 points each.

Fire Calls Earned Points

50	15
100	30
150	45
60	

(b) Annual twenty-four point maximum for activities as detailed below:

Activities	Points Per	Max Yearly Points
Companies drill	1	12
Division drills	2	8

Activities	Points Per	Max Yearly Points
Division meetings	1	4
Engineer certification*	5	5
Truck certification*	5	5
Firematic training	5	10
Memorial Day parade	5	5
Line and Company officer**	15	15
Company admin. officer**	15	15
Dept. admin. officer**	15	15
EMT training***	20	12

* Members must qualify every year.

** Member can only get credit for one position a year and must serve eight months in a calendar year.

*** Member can only get credit in year certification was obtained.

(c) Additional activity points shall be credited for accumulated years with the Little

Falls Fire Division as follows:

Years Points

1 to 5 1

6 to 10 3

11 to 15 6

(d) Percentage of maximum annual contributions to be paid based upon points accumulated annually.

60 or more	100%
50 to 59	75%
40 to 49	50%
30 to 39	25%
Less than 30 points	0%

(7) The crediting of prior years' service shall be solely in accordance with the above schedule. The determination of number of years' credit for each participant shall be made in accordance with the provisions of the state statutes. In no event shall the total amount exceed the maximum amount allowed by law.

(8) In computing credit for those active volunteer members who also serve as paid employees within the local government unit of the state, credit shall not be given for activities performed during the individual's regularly assigned work periods.

(9) The participating emergency services organization shall maintain all required records on forms prescribed by the requirements of the service award program and shall comply with all statutory provisions concerning the Length of Service Award Program. Each year the participating emergency services organization shall furnish to the Township Clerk an annual certification list,

(10) All records shall be maintained, updated and submitted on a monthly basis, by the emergency services organization, to the Chief Financial Officer of the Township.

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.

All Township ordinances and parts or ordinances inconsistent with this ordinance are hereby repealed.

This ordinance shall take effect upon its final passage by the Township Council.

DATE INTRODUCED: _____

DATE ADOPTED: _____

APPROVE:

James Belford Damiano, MAYOR

ATTEST:

Cynthia Kraus, TOWNSHIP CLERK

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ORDINANCE NO. 1424

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING CHAPTER 11-8 & CHAPTER 11-9, HOURS OF SALE OF ALCOHOLIC BEVERAGES

BE IT ORDAINED, by the Township Council of the Township of Little Falls as follows:

Chapter 11 Alcoholic Beverages, which reads:

11-8 Hours of Sale

No licensee shall sell, serve, deliver, or allow, permit or suffer the sale, service or delivery of any alcoholic beverages or permit the consumption of any alcoholic beverages on licensed premises on **weekdays** between the hours of **2:00 a.m. and 6:00 a.m.**

11-9 Sundays

- A. **The provisions of 11-8 shall not apply on Sundays. On Sundays, no licensee shall sell, serve, deliver, or allow, permit or suffer the sale, service or delivery of any alcoholic beverages or permit the consumption of any alcoholic beverages on licensed premises between the hours of 2:00 a.m. and 12:30 p.m.**
- B. **The sale of packaged goods, other than wine or malt alcoholic beverages in their original containers shall be limited on Sunday between the hours of 10:00 a.m. and 10:00 p.m.**

is hereby deleted.

A new Chapter 11 Alcoholic Beverages, which reads:

No licensee shall sell, serve, deliver, or allow, permit or suffer the sale, service or delivery of any alcoholic beverages or permit the consumption of any alcoholic beverages on licensed premises **Sunday through Saturday** between the hours of **2:00 a.m. and 9:00 a.m.**

11-9 Sundays

- A. **The sale of packaged goods, other than wine or malt alcoholic beverages in their original containers shall be limited on Sunday between the hours of 10:00 a.m. and 10:00 p.m.**

is hereby inserted.

This ordinance shall become effective upon adoption, advertisement and the passage of the required twenty (20) day waiting period.

PASSED AND ADOPTED: _____

Mayor James Belford Damiano

ATTEST: _____
Cynthia Kraus, Township Clerk

ORDINANCE NO. 1425

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY,
TO AMEND AND MODIFY CHAPTER 33 (CANNABIS REGULATION)
OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS**

WHEREAS, the Municipal Council of the Township of Little Falls adopted Ordinance No. 1420 on August 9, 2021 which included certain provisions regarding the regulations and enforcement of rules related to allowed Cannabis Establishments which are now part of the Code of the Township of Little Falls under Chapter 33 (Cannabis Regulation); and

WHEREAS, Cannabis Regulatory Commission (“CRC”) under its rulemaking authority promulgated on August 19, 2021 regulations into the New Jersey Administrative Code which clarified the method and means of operating, oversight and financing of Cannabis Establishments; and

WHEREAS, the Township Council of the Township of Little Falls has determined that it is appropriate to amend Chapter 33 of the Township Code to reflect the updated guidance from CRC as well to ensure consistency with other Township Ordinances.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls, that there the following provision in Chapter 33, Cannabis Regulation, of the Code of the Township of Little Falls, are amended as follows:

§33-6 Limitation ~~on the~~ Number of Licenses

~~A. A maximum of two (2) Cannabis Wholesalers shall be permitted to operate in the Township.~~

~~B. A maximum of two (2) Cannabis Distributors shall be permitted to operate in the Township.~~

~~C. A maximum of two (2) Cannabis Cultivators shall be permitted to operate in the Township.~~

~~D. A maximum of two (2) Cannabis Manufacturers shall be permitted to operate in the Township.~~

~~E. A maximum of two (2) Cannabis Deliveries shall be permitted to operate in the Township.~~

~~F.~~A. No Licenses shall be allowed for Cannabis ~~Retainer~~ Retailer as defined by the Act.

~~G.~~B. ~~No Licenses shall be allowed for Cannabis Microbusinesses as defined by the Act.~~
Licenses shall be allowed for Cannabis Microbusinesses only for the categories of uses identified in this Chapter 33 and for no other uses.

~~H.~~C. Nothing herein shall be read or construed in any manner to authorize or in any manner apply to Medical Cannabis businesses of any type as defined by the Act.

~~I.~~D. Permitted locations of Cannabis Establishments (including Cannabis Microbusinesses) are set forth in Ordinances 1415 ~~and 1416~~ amending Chapter 280. No Cannabis Establishment can be located in any other zone than as listed in the amended Chapter 280.

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. Except as hereby amended, the Code of the Township of Little Falls shall remain in full force and effect.

4. This Ordinance shall take effect twenty days after final passage and publication in accordance with law.

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus
Municipal Clerk

James Belford Damiano
Mayor