

**WORKSHOP MEETING
OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS WAS
HELD THIS EVENING IN THE MUNICIPAL BUILDING**

Monday, August 14, 2023

Council President Anthony Sgobba called the meeting to order at 7:00 p.m. with the following members present: Christine Hablitz, Michael Murphy, Jayna Patel, and Christopher Vancheri. Also present were Mayor James Damiano, Township Attorney Joseph Wenzel, Township Administrator Charles Cuccia, Assistant Administrator Vincent Quatrone, and Municipal Clerk Cynthia Kraus.

Absent: Deputy Clerk Melissa DePiro

Township Employees present: Police Chief Bryan Prall.

SALUTE TO THE FLAG

MOMENT OF SILENCE FOR LIEUTENANT GOVERNOR SHIELA OLIVER -Council President SGOBBA requested a moment of silence in memory of the passing of Lieutenant Governor Sheila Oliver.

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 5, 2023. A copy of the notice was mailed to the North Jersey Herald and 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. **A link and a telephone number to join the meeting virtually can be accessed on the Township website at www.lfnj.com. Electronic provisions have been established for the public to participate during the public comment portion of the meeting.**

At this time, Mayor Damiano, recognized Dispatcher John Conti, who will be the Senior Dispatcher as of August 15, 2023.

PUBLIC COMMENT – GENERAL MATTERS AND AGENDA ITEMS

Anyone wishing to address the Township Council may do so through the Council President. It is preferred if you 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. Once the process is complete, we will return to the regular order of business.

It was moved by Councilmember Vancheri, seconded by Councilmember Hablitz that the meeting be and it was opened to the public.

Poll: Ayes: Hablitz, Murphy, Patel, Vancheri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

David Salvatore – made comments and expressed concern regarding cannabis, effects on real estate and the community, and discussed the Workplace Impairment Recognition Expert (WIRE), stating NJ has not provided any standards or certification process for WIRE. Mr. Salvatore also queried whether the location would have a consumption lounge. Council President SGOBBA responded the Council would be entertaining whether to pass retail cannabis. If the applicant was approved, it would then be decided as to what plans would be put forth. Council President SGOBBA added that from his research there was no effect on real estate and stated regulation of employees would be up to the employer. Mr. Cuccia then provided detail to answer Mr. Salvatore’s query regarding the calculation and accounting of the revenue going to the Township. Per Council President SGOBBA, Mr. Cuccia responded there is a substantial revenue potential. Mr. Quatrone then reported his communication with the Police Chief of Rochelle Park who had positive comments on the establishment there. Mayor Damiano stated that in consultation with the Assistant Business Administrator and other Police Chiefs, from the safety perspective, there have been no concerns that have raised red flags from these municipalities that have Class 5 licenses and areas where cannabis can be distributed. Regarding a consumption lounge, the Mayor indicated his opposition and discussed the success of preorders. Mayor Damiano explained that while first he was opposed to it, after seeing it in operation for three years, the positive benefits of these retail establishments outweigh the detriments. The Mayor emphasized the purpose of introducing an Ordinance is to generate opinions. Mr. Wenzel reiterated it is the opportunity to obtain public input and that both legally and by rules or order, there is public comment at every meeting and at the public hearing for the Ordinance. Mr. Wenzel then detailed the process of approval for a consumption lounge. Councilmember MURPHY expressed his disagreement, stated residents should be given ample time for comments and concerns and requested the Ordinance be tabled.

No one further having come forward to be heard, it was moved by Councilmember Vancheri, seconded by Councilmember Murphy, that the meeting be and it was closed to the public.

Poll: Ayes: Hablitz, Murphy, Patel, Vancheri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

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At this time, Council President SGOBBA announced Ordinance No. 1470 will be removed from the Agenda tonight.

Mayor Damiano announced that as a result of the 2023 budget, there will be a tax decrease of approximately \$60 on a home that is assessed at \$400,000. The Mayor then provided a Streetscape project update noting the light poles have begun to be installed in the area referred to as Section 2 and the planters have now been filled. Moving forward there will be some discussions as to what will be in the planters year-round.

ITEMS TO BE DISCUSSED:

MAYOR/ADMINISTRATOR:

1. RESOLUTIONS AUTHORIZING AFFORDABILITY ASSISTANCE GRANT WITH RENTERS OF AFFORDABLE HOUSING UNITS (RESOLUTIONS A & B) – Mayor Damiano explained this will have to be done for each renter that receives affordability assistance and there will be no impact on taxpayers.
2. RESOLUTION RESCINDING RESOLUTION [D] 23-08-24 -#4, AND AWARDING A CONTRACT TO CARAVELLA DEMOLITION, INC. FOR 56-58, 60 & 62-66 STANLEY STREET BUILDING DEMOLITIONS – Mayor Damiano explained the original bidder did not comply with all the requirements of the bid and will be disqualified. Therefore, the next lowest bidder will be considered.
3. RESOLUTION AUTHORIZING INSERTION INTO 2023 MUNICIPAL BUDGET OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION TITLED STORMWATER ASSISTANCE GRANT – Mayor Damiano explained the nature of this Resolution as grant funds have been added to the budget because the Township was awarded a grant.
4. RESOLUTION AUTHORIZING CHANGE ORDER FOR DOWNTOWN STREETSCAPE IMPROVEMENTS – SECTION 4 – Mayor Damiano explained the nature of the change order.
5. RESOLUTION AUTHORIZING CHANGE ORDER FOR DOWNTOWN STREETSCAPE IMPROVEMENTS - SECTION 3 – Mayor Damiano explained the nature of the change order.
6. RESOLUTION AUTHORIZING TRANSFER OF LITTLE FALLS GENERAL ASSISTANCE PROGRAM TO PASSAIC COUNTY BOARD OF SOCIAL SERVICES – The Mayor explained the program has been provided as an in-house service, however, the County has an operation that is much larger than the Township's. As such, this Resolution will allow the County to operate the Township's social services moving forward.
7. RESOLUTION RENEWING LIQUOR LICENSE - The Mayor explained the annual nature of this Resolution.
8. ORDINANCE NO. 1467 – AMENDING TOWNSHIP CODE CHAPTER 136, NOISE – Mayor Damiano elaborated upon concerns raised over noise due to construction. Ordinance No. 1467 would prohibit work on Sundays and in some zones, but not to impede small projects done by homeowners. Council President SGOBBA clarified this is not a bond ordinance.
9. ORDINANCE NO. 1468 - AMENDING TOWNSHIP CODE CHAPTER 33, CANNABIS – Mayor noted this Ordinance was previously discussed at length. Councilmember PATEL sought clarification as to why the subsection pertaining to certain applications coming before the Governing Body was removed from the amended Ordinance. Mr. Cuccia explained the original ordinance had the process reversed, where the Planning Board review would occur first then the Council reviewed for license. Since the review of the license has to do with financial ability and the questions the Council would ask in selecting the license, the sequence was switched so that the license is provided first. In response to Councilmember PATEL, usage issues would be done at the Planning Board level. The Mayor further clarified that it allows the Council to select which license holder they want to operate a particular business out of a location. To further clarify per Councilmember PATEL's request, Mr. Cuccia detailed the process of obtaining a license. Mr. Wenzel then elaborated that there are two pieces of licensing which include the state license and municipal approval, which is the municipal resolution.
10. ORDINANCE NO. 1469 – ORDINANCE AMENDING CHAPTER 280, ZONING - Mayor Damiano explained Ordinance No. 1469 which involves permitting zoning in the B2 district and whether to permit a Class 5 cannabis license there. Discussion ensued with regard to the introduction of the Ordinance, whereby Councilmembers Patel and Murphy questioned whether a Town Hall would be held and if the Ordinance could be postponed allowing residents more time to review and comment. Mayor Damiano discussed the process and timeframe by which Ordinances are introduced, public hearings held, and adoption, noting that once an ordinance is introduced, it can be amended and and/or tabled at the time of public hearing based on the discussion at that time. Council President SGOBBA added that while all the Councilmembers cannot meet for discussion, one on one meetings may occur with Council President and other councilmembers outside of Council Meetings to comment and further review topics in question. President SGOBBA conferred with Mr. Wenzel, who reviewed the Open Public Meetings Act. Mr. Cuccia then commented on the purposes of Ordinance No. 1468 and Ordinance No. 1469 to which Mayor Damiano added Ordinance No. 1468 has to do with the process and procedure for applicants appearing in Little Falls. Ordinance No. 1469 deals with whether a Class 5 license should be permitted in Little Falls. In response to Council President SGOBBA, Councilmember VANCHERI stated he did discuss the Ordinance with Councilmember MUPRHY, and further commented on the introduction process and the opportunity for further conversation. Councilmember MURPHY requested time to have a Town Hall to hear resident input. Mayor Damiano suggested the Ordinance be introduced, allow residents have input and let the Council decide whether to amend, approve, or eliminate the Ordinance. Councilmember MURPHY's reiterated his concern was with the date of adoption as the 28th. Councilmember PATEL stated if this Ordinance was to pass this evening, she would not like to see it at the next Council Meeting

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ACTION ITEMS:

It was moved by Councilmember Hablitz, seconded by Councilmember Vancheri, to approve Resolutions A through I:

Affordability Assistance Grant with Renter of 405 Main St. Unit 248

**RESOLUTION [A] 23-08-14 - #1
RESOLUTION AUTHORIZING AFFORDABILITY ASSISTANCE GRANT WITH THE RENTER OF AN
AFFORDABLE HOUSING UNIT LOCATED 405 MAIN ST, UNIT 248, LITTLE FALLS, NJ 07424**

WHEREAS, Tianxin Ku will rent property located at 405 Main St, Unit 248, Little Falls, NJ 07424, which property is governed by the statutes, ordinances, rules and regulations restricting ownership and use of the property as an Affordable Housing unit; and

WHEREAS, the tenant has requested an Affordability Assistance Program grant from the Affordable Housing Trust Fund; and

WHEREAS, the Township is willing to extend a grant to the tenant in the amount of \$1,142.00.

NOW THEREFORE BE IT RESOLVED on this 14th day of August, 2023, by the Township Council of Little Falls, County of Passaic, State of New Jersey, that:

1. The Mayor, Administrator, Clerk and attorney are hereby authorized to execute an Affordability Assistance Program grant with the renter of an Affordable Housing unit at 405 Main St, Unit 248, Little Falls, NJ 07424.

Affordability Assistance Grant with Renter of 405 Main St. Unit 129

**RESOLUTION [B] 23-08-14 - #2
RESOLUTION AUTHORIZING AFFORDABILITY ASSISTANCE GRANT WITH THE RENTER OF AN
AFFORDABLE HOUSING UNIT LOCATED 405 MAIN ST, UNIT 129, LITTLE FALLS, NJ 07424**

WHEREAS, Siris T Suarez [will rent/rents] property located at 405 Main St, Unit 129, Little Falls, NJ 07424, which property is governed by the statutes, ordinances, rules and regulations restricting ownership and use of the property as an Affordable Housing unit; and

WHEREAS, the tenant has requested an Affordability Assistance Program grant from the Affordable Housing Trust Fund; and

WHEREAS, the Township is willing to extend a grant to the tenant in the amount of \$925.00.

NOW THEREFORE BE IT RESOLVED on this 14th day of August, 2023, by the Township Council of Little Falls, County of Passaic, State of New Jersey, that:

2. The Mayor, Administrator, Clerk and attorney are hereby authorized to execute an Affordability Assistance Program grant with the renter of an Affordable Housing unit at 405 Main St, Unit 129, Little Falls, NJ 07424.

Rescinding Resolution [D] 23-08-24 - #4, & Award of Contract to Caravella Demolition, Inc.

**RESOLUTION [C] 23-08-14 - #3
RESCINDING RESOLUTION [D] 23-07-24 - #4, AND ACCEPTING BID AND AWARDING CONTRACT FOR 56-58, 60 & 62-66
STANLEY STREET BUILDING DEMOLITIONS**

WHEREAS, pursuant to advertising duly made, bids were received by the Township of Little Falls on July 19, 2023 for the 56-58, 60 & 62-66 Stanley Street Building Demolitions project, and the bids were opened and read publicly as follows:

Caravella Demolition	Yanuzzi Group	Mamargi Demolition
Bid: \$257,000.00	Bid: \$357,400.00	Bid: \$286,936.00
Frank Galbraith & Son	RFC Excavating & Landscape Construction	
Bid: \$205,512.00	Bid: \$360,219.00	

and, **WHEREAS**, Frank Galbraith & Son was the apparent low bidder and their bid package appeared to be in compliance with local public bidding laws, resulting in the Township proceeding to award the contract to said bidder; and

WHEREAS, it was later determined that the bid submission of Frank Galbraith & Son was not complete, as they failed to identify electrical and plumbing subcontractors, and

WHEREAS, it was determined that a plumbing subcontractor would be necessary to complete this project; therefore, the absence of a plumbing subcontractor in the bid renders Frank Galbraith & Son's bid package incomplete and nonresponsive; and

WHEREAS, following review of the bid package of Caravella Demolition, who is the next low bidder, it was determined that their bid package is complete; therefore, the Township wishes to rescind Resolution [D] 23-07-23 - #4, and award the bid to Caravella Demolition; and

WHEREAS, the award is subject to the Availability of Funds and certification of same in the 2023 budget; and
NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Little Falls as follows:

- 1) That the bid of

Caravella Demolition
40 Deforest Ave
East Hanover, NJ 07936

in the amount of

\$257,000.00

be and the same is hereby accepted; and

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

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

Special Item of Revenue & Appropriation – Stormwater Assistance Grant

**TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY NEW JERSEY
RESOLUTION [D] 23-08-14 - #4
SPECIAL ITEMS OF REVENUE AND APPROPRIATION**

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Little Falls in the County of Passaic, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$15,000.00 for the Water Resources Planning Management Stormwater Assistance Grant.

BE IT FURTHER RESOLVED, that the like sum of \$15,000.00 is hereby appropriated under the caption:
Water Resources Management Stormwater Assistance Grant.

- (A) Operations – Excluded from "CAPS"
Local Transportation Projects Fund \$15,000.00

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Change Order for Downtown Streetscape LF Section 4

**RESOLUTION [E] 23-08-14 - #5
RESOLUTION AWARDED CHANGE ORDER TO GRADE CONSTRUCTION
FOR THE DOWNTOWN STREETScape IMPROVEMENTS (LF SECTION 4) PROJECT**

WHEREAS, the Township Council has received a recommendation from the Township Engineer, Alaimo Group, regarding the contract for the Downtown Streetscape Improvements (LF Section 4) Project 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 Grade Construction for Downtown Streetscape Improvements (LF Section 4), 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 Grade Construction in the amount of \$8,521.29, making the revised contract amount \$418,275.74.

Change Order for Downtown Streetscape LF Section 3

**RESOLUTION [F] 23-08-14 - #6
RESOLUTION AWARDED CHANGE ORDER TO GRADE CONSTRUCTION
FOR THE DOWNTOWN STREETScape IMPROVEMENTS
(LF SECTION 3) PROJECT**

WHEREAS, the Township Council has received a recommendation from the Township Engineer, Alaimo Group, regarding the contract for the Downtown Streetscape Improvements (LF Section 4) Project 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 Grade Construction for Downtown Streetscape Improvements (LF Section 4), 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 Grade Construction in the amount of \$6,529.67, making the revised contract amount \$1,017,008.87.

Transfer of LF's General Assistance Program to Passaic County Board of Social Services

**RESOLUTION [G] 23-08-14 - #7
RESOLUTION AUTHORIZING THE TRANSFER OF LITTLE FALLS' GENERAL ASSISTANCE PROGRAM TO PASSAIC
COUNTY BOARD OF SOCIAL SERVICES.**

WHEREAS, the State of New Jersey funds a General Assistance Program which is administered at the local level in Little Falls by the Local Assistance Board and Director of Welfare pursuant to N.J.S.A. 44:8-107 et seq.; and

WHEREAS, the Director of the Department of Human Services has served as the Director of Welfare and administrative officer of the Local Assistance Board, through which he has administered the Little Falls General Assistance Program; and

WHEREAS, the Governing Body has determined that the viability of the Local Department of Human Services may be better served by transferring that function to the County of Passaic Social Services Board; and

WHEREAS, as a result of the of this decision, Little Falls investigated the feasibility of transferring Little Falls's General Assistance Program to the Passaic County Board of Social Services for administration; and

WHEREAS, pursuant to N.J.S.A. 44:8-145.1, Little Falls may, by mutual agreement with Passaic County, transfer to the Passaic County Board of Social Services the financial and operational responsibility for the administration of the General Assistance Program under 44:8-107 et seq. to Little Falls residents; and

WHEREAS, in the event of a transfer, also pursuant to said statute the municipal welfare agency is to be abolished and its functions, powers and duties transferred to the Passaic County Board of Social Services no later than the 60th date after the effective date of the transfer; and

WHEREAS, the Little Falls Council finds that it is in the best interest of the municipality and its residents to transfer the General Assistance Program in Little Falls to the Passaic County Board of Social Services; and

WHEREAS, there shall be no cost to Little Falls, and the effective date of the transfer shall be retroactive to September 1, 2023 to ensure there is no disruption in services.

NOW, THEREFORE, BE IT RESOLVED by the Council of Little Falls, County of Passaic, State of New Jersey, as follows:

1. The Mayor, Clerk, Administrator and such other officials and employees as may be appropriate are hereby authorized and directed to transfer Little Falls's General Assistance Program to the Passaic County Board of Social Services in accordance with the applicable statutes and regulations and this Resolution, the transfer taking effect retroactively on September 1, 2023, including but not limited to the following:
 - (a) On or before September 1, 2023, Little Falls shall send all open cases a letter informing residents that their General Assistance cases will be administered by the Passaic County Board of Social Services.
 - (b) On or before September 1, 2023, Little Falls shall make appropriate arrangements to transfer the physical files of the open and any pending cases in Little Falls to the Passaic County Board of Social Services.
2. The Mayor and Clerk are hereby authorized and directed to execute any agreement as may be required by law with the Passaic County Board of Social Services necessary to effectuate the transfer as described in this Resolution.
3. The applicable provisions of the Little Falls ordinances shall be amended by ordinance as may be necessary to reflect this transfer of the General Assistance Program to the Passaic County Board of Social Services.
4. A certified copy of this Resolution shall be forwarded to the Passaic County Board of Social Services and the State New Jersey, Department of Human Services.

Renewal of Plenary Retail Consumption/Plenary Retail Distribution/Club Licenses

**TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY NEW JERSEY
RESOLUTION [H] 23-08-14 - #8**

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

WHEREAS, applications for renewal of PLENARY RETAIL CONSUMPTION has been filed as follows:

<u>License No.</u>	<u>License and/or t/a name</u>	<u>Fee</u>
1605-33-001-012	AB&DK 15 Paterson Avenue	\$2,200.00

and **WHEREAS**, it appears that said application is in satisfactory form; that the applicant has complied with all necessary requirements; that the application is for renewal by the same person for the same stand; and that no objections, in writing or otherwise, have been made or filed to said application; and

WHEREAS, the Township Council is familiar with the aforementioned applicant and the place for which they apply and sees no objection;

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NOW, THEREFORE, BE IT RESOLVED that the above-listed application be and the same is hereby granted; and **BE IT FURTHER RESOLVED** that the license be issued accordingly, to become effective on July 1, 2023 and expire on June 30, 2024.

Bill List

RESOLUTION [I]23-08-14 - #9

BE IT RESOLVED by the Township Council of the Township of Little Falls the Council having received the Treasurer’s certification of the availability of funds for payment of all bills presented, that payment of all bills approved by the Finance Committee be and is hereby authorized, subject to the availability of funds and subject to the appropriate and available appropriation in the line item.

Poll: Ayes: Hablitz, Murphy, Patel, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

NEW BUSINESS

Ordinance No. 1467 - It was moved by Councilmember Patel, seconded by Councilmember Hablitz, that there be introduced and the meeting of August 28, 2023 set as the date for the public hearing of the following:

**ORDINANCE NO. 1467
ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY
OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE CHAPTER 136 NOISE**

WHEREAS, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and **WHEREAS**, the Township’s Code of General Ordinances (“Code”) currently provides for noise issues in the Township; **WHEREAS**, the municipal council (“Municipal Council”) of the Township has determined to amend Chapter 136 of the Code entitled Noise; and

WHEREAS, the Municipal Council has determined to amend said Chapter of the Code as follows:

Noise Regulations:

136.8 Restricted uses and activities

C. In all Residential Zones (R-1A, R-1B, R-1C, R-2, R-3, and R-3A) in the Township of Little Falls: All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device if possible.

C-1. In all Commercial Zones (MDR, B-1, B-2,B-3,B-4,I, LICU,M.P.,MFS and Transit Village Districts) in the Township of Little Falls: All Construction, excavation, erection, alteration, repairing, demolition activity, or landscaping, excluding emergency work as decided by the Township Administrator or Construction Official, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays or between the hours of 6:00 p.m. and 8:00 a.m. on Saturdays and Federal Holidays, unless such activities can meet the limits set forth in Tables I and II. All motorized equipment used in construction and demolition activity shall be operated with a muffler at all other times, the limits set forth in Tables I and II do not apply to construction and demolition activities. Sunday work is prohibited, except for the general repair or maintenance of the property by the owner. No contractor work is permitted.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby amends Chapter 136 Noise Regulations of the Code of the Township of Little Falls.
3. It is the intent of the Municipal Council to incorporate the additions and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 136 Noise Regulations of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.
4. 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.
5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
6. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

Poll: Ayes: Hablitz, Murphy, Patel, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

Ordinance No. 1468 - It was moved by Councilmember Hablitz, seconded by Councilmember Vancheri, that there be introduced and the meeting of August 28, 2023 set as the date for the public hearing of the following:

**ORDINANCE NO. 1468
AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LITTLE FALLS, ADMINISTRATION OF GOVERNMENT
SECTION 33 CANNABIS**

WHEREAS, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and **WHEREAS**, the Township’s Code of General Ordinances (“Code”) currently provides for the establishment of regulating Cannabis; and

WHEREAS, the municipal council (“Municipal Council”) of the Township has determined to amend § 33-4, Local licensing application and

WHEREAS, the Municipal Council has determined to amend said Chapter of the Code to read as follows:

33-3. Local licensing authority.

- O A local license shall be required to operate a cannabis establishment, as defined in the Act and as allowed by ordinance, in the Township. The Township Clerk is hereby designated to act as the local licensing authority for the Township for all cannabis establishments.
- P Under no circumstances shall the Township Clerk receive or act upon any application for local licensing of a cannabis establishment if the permitting authority has not issued the appropriate conditional or final state license. It is the intent of this chapter that no cannabis establishment may lawfully operate in the Township absent the issuance of the appropriate state license and full regulatory oversight of the cannabis establishment by the permitting authority as well as that of the Township.
- Q The Township Clerk shall receive all applications for local licensing of a cannabis establishment. Said License application shall be reviewed by the Township Administrator and deemed complete before the applicant may apply for the appropriate zoning approval from the Township Land Use Board with jurisdiction over the application and a certificate of zoning compliance has been issued by the Zoning Officer.

§ 33-4 Local licensing application.

A. Persons wishing to obtain a local license for a cannabis establishment shall file a license application with the Township Clerk, on a standardized form established by the Business Administrator and available in the Clerk’s office and on the Township’s website.

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B. An application shall be deemed incomplete, and shall not be processed by the Township Clerk, until all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:

- (1) The applicant shall submit proof of licensure by the permitting authority.
- (2) The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the cannabis establishment, which proof may consist of the following: a deed, a lease, a real estate contract contingent upon successful licensing, or a letter of intent from the owner of the premises indicating an intent to lease the premises to the applicant contingent upon approval of required licenses.
- (3) The location proposed for licensing by the applicant shall comply with all applicable Township zoning laws and the location restrictions set forth herein.
- (4) The applicant shall submit an application fee of \$1,000 for a license. The amount of the nonrefundable application fee may be modified from time to time by subsequent duly adopted resolution of the Township Council.
- (5) Each subsequent year, the applicant will be required to recertify the qualifications to remain as a valid cannabis establishment under the laws of the state and the ordinances of the Township. The renewal application form will be prepared by the Business Administrator and available through the Township Clerk's office. The fee for the renewal application shall be \$5,000 annually.
- (6) The applicant and the contents of the application shall otherwise comply with any and all qualification standards set forth in the state and local laws, regulations, or requirements.

C. The license as issued by the Township shall serve as written proof of the suitability of the cannabis establishment location from the Township. Other written statements, letters, resolutions, or other documents issued by the Township or any official, employee, or other representative shall not constitute annual or renewed "written, municipal approval" for purposes of the Act.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby amends Chapter 33-3 and 33-4 of the Code of the Township of Little Falls.
3. It is the intent of the Municipal Council to incorporate the additions and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 33 of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.
4. 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.
5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
6. This Ordinance shall take effect upon its final passage by the Municipal Council.

At this time, Mrs. Kraus explained the schedule of introduction, advertisement, and second public hearing noting the Ordinance would be advertised with a public hearing date of August 28, 2023. However, the Council may decide to table the ordinance at that time.

Poll: Ayes: Hablitz, Murphy, Patel, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

Ordinance No. 1469 - It was moved by Councilmember Vancheri, seconded by Councilmember Hablitz, that there be introduced and the meeting of August 28, 2023 set as the date for the public hearing of the following:

ORDINANCE NO. 1469
ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY
OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE CHAPTER 280 ENTITLED
ZONING

WHEREAS, the Township of Little Falls ("Township") is a public body corporate and politic of the State of New Jersey; and
WHEREAS, the Township's Code of General Ordinances ("Code") currently provide for the regulation of development throughout the Township; and

WHEREAS, the municipal council ("Municipal Council") of the Township has determined to amend Chapter 280 Article XI Business B-2 District, Section 280-81 Conditional Uses as follows;

Conditional uses in the Business **B-2 District** are as set forth in the Schedule of Use, Area and Bulk Regulations included at the end of this chapter, with the following conditions:

In the **B-2 District**, new car establishments and establishments duly licensed by the State of New Jersey as follows:

[Amended 7-26-2021 by Ord. No. 1415]

(1) Class 1 Cannabis Grower License – grows, cultivates, or produces cannabis in this state, and sells, and may transport, this cannabis to other cannabis growers, cannabis processors, cannabis wholesalers, or cannabis retailers, but not to consumers. A cannabis grower may also be referred to as a "cannabis cultivation facility."

(2) Class 2 Cannabis Processor License – processes cannabis items in this state by purchasing or otherwise obtaining cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis processors, cannabis wholesalers, or cannabis retailers, but not to consumers. A cannabis processor may also be referred to as a "cannabis product manufacturing facility."

(3) Class 3 Cannabis Wholesaler License – purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer either to another cannabis wholesaler or to a cannabis retailer, but not to consumers.

(4) Class 4 Cannabis Distributor License – transports cannabis items in bulk intrastate, from one licensed cannabis establishment to another licensed cannabis establishment and may engage in the temporary storage of cannabis items as necessary to carry out transportation activities, but not to consumers.

(5) Class 6 Cannabis Delivery License – provides courier services for a cannabis retailer in order to make deliveries of cannabis items and related supplies to a consumer.

(6) ~~Class 5 Cannabis Retailer License are specifically prohibited in the B-2 District.~~ **Class 5 Cannabis Retailer License** – purchases or otherwise obtains cannabis from cannabis growers and cannabis items from cannabis processors or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers.

These uses are permitted as a conditional use subject to the approval by the Planning Board of a conditional use application and subject to the regulations included in the Schedule of Use, Area and Bulk Regulations included at the end of this chapter and the following conditions and limitations:

(a) All of the area of the minimum front setback shall be landscaped, except that a five-foot area immediately in front of the building shall be permitted and except that exit and entry points for driveways shall be permitted.

(b) There shall be no exterior display of cars for sale, except on that portion of the lot which is to the rear of the rear building line. In any area in which cars are displayed for sale, there will be a six-foot-high wall or fence, which is visually impervious, which shall be placed on the property line.

(c) There will be no exterior amplification of sound anywhere on the site.

(d) There will be no exterior display of flags, pennants or banners anywhere on the site, except for one American flag.

(e) Parking will be permitted in the rear yard, but not closer than five feet to the property line. Similarly, parking will be permitted in the side yards, but only that portion of the side yards which are interior to a projection of the rear building line. However, the parking shall not be closer than within five feet of the property line. The five-foot area in which no parking is permitted will be landscaped. No parking shall be permitted in any portion of the front yard.

(f) There will be no loading or unloading of automobiles from the highway.

(g) As an incident to and subordinate to the new car sales, the sale of used cars will be permitted, as well as servicing also incident to and subordinate to the new car sales establishment.

(h) There shall be one parking space for every 350 square feet of interior building area.

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(i) All of the provisions of the **B-2 District** which are not in conflict with the within provisions shall be applicable to new car establishments and establishments duly licensed by the State of New Jersey for Cannabis as defined above and its related items in any form in compliance with New Jersey Statutes and regulations.

(j) The provisions of Chapter **227**, Subdivision of Land, and Chapter **218**, Stormwater Management, shall be applicable to new car establishments and establishments duly licensed by the State of New Jersey for Cannabis as defined above and its related items in any form in compliance with New Jersey Statutes and regulations as shall all other ordinances of the Township not otherwise inconsistent with the conditional use provision of this subsection.

(k) On-site lights will be reflected downwards and away from residential areas.

(l) There shall be no exterior display of cannabis, marijuana, weed or pot in any form or signage which can be viewed either on the exterior of the building or through the windows of the building. On that portion of the lot which is to the rear of the rear building line there will be a six-foot-high fence erected which will be visually no less than 50% clear, which shall be placed on the property line.

(m) All deliveries related to cannabis and related products will be made through the rear entrance of the building.

(n) For businesses establishments duly licensed by the State of New Jersey for cannabis as defined above there shall be one parking space for every 100 square feet of interior building area.

(o) For businesses establishments duly licensed by the State of New Jersey for cannabis as defined above it is required to install special electrostatic devices which will be designed to eliminate fumes from this product leaking into the atmosphere outside the building.

(p) In all Zones in the Township, consumption of cannabis in any form and smoking of cannabis and use of its related items is strictly prohibited indoors and outdoors on public property. The operation of a café for the purpose of consuming cannabis and its related products in any form in compliance with New Jersey Statutes and regulations is prohibited.

(q) Within the **B-2 District**, no establishments duly licensed by the State of New Jersey for cannabis as defined above shall be located closer than 500 feet from a similar establishment. Additionally, no establishments duly licensed by the State of New Jersey for cannabis as defined above shall be located closer than 1,000 feet from any school building.

(r) The Class 5 Cannabis Retailer License are specifically prohibited in the **B-2 District**.

3. This ordinance shall be sent to the Planning Board for their review and comments prior to the final adoption by the Governing Body.

4. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

5. This Ordinance shall take effect upon its final passage by the Municipal Council, and approval by the Mayor and publication as required by law.

Poll: Ayes: Hahlitz, Vancheri, and Council President Sgobba
Nays: Murphy, Patel

The Council President declared the motion passed.

COUNCIL TOPICS FOR DISCUSSION

Council President SGOBBA announced the September 25th Meeting will convene on September 26th due to Yom Kippur. Additionally, the September 11th Meeting will convene on September 18th as to not conflict with the observance events planned for 9-11.

Councilmember PATEL reported the Clifton Health Department will hold a Stigma Free Wellness Fair at the Clifton Arts Center on September 14th and will also offer an educational program at the Library on August 24th encompassing COVID-19, foodborne diseases, and tick-borne diseases.

Councilmember VANCHERI provided a report on 9-11 events, as well as a Transportation Committee update which included plans for a transportation education event on September 19th. Councilmember VANCHERI announced LFAC Day will be held on September 9th and further elaborated on the progress of Don't Block the Box, the restriping of Main Street between Stevens Avenue and Center Avenue, and the Francisco Avenue traffic light. Mayor Damiano responded to Councilmember VANCHERI's query, indicating the Township is awaiting the delivery of lights pertaining to the Streetscape project between Stevens Avenue and Main Street.

Councilmember HABLITZ highlighted upcoming Library events including Yarn Lovers, Drive-in Bingo, and a Facebook Live interview with Golden Girls Forever author Jim Colucci on August 18th.

Councilmember MURPHY reported the Domestic Violence Prevention Committee will attend the next Farmers Market on August 20th and is planning an informational event in at PVHS during Domestic Violence Prevention Month in October.

Council President Sgobba stated Councilmember Murphy and himself will meet with Chief Prall to discuss the proposed ordinance on licensing entertainment activities. He also reported the next Senior Advisory Event will be an Oktoberfest with more information forthcoming. Lastly, Council President SGOBBA discussed the progress of the Banners of Heroes program.

At this time, Chief Prall reported traffic enforcement is up department wide. Chief Prall then recommended residents call the Police Department for assistance when they observe an issue so that it may be addressed concurrently, instead of waiting to put it through the Complaint Portal.

PUBLIC COMMENT – AGENDA ITEMS ONLY

Anyone wishing to address the Township Council may do so through the Council President. It is preferred if you 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 at 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. Once the process is complete, we will return to the regular order of business.

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It was moved by Councilmember Murphy, seconded by Councilmember Vancheri, that the meeting be and it was opened to the public.

Poll: Ayes: Hablitz, Murphy, Patel, Vancheri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Patel, seconded by Councilmember Vancheri, that the meeting be and it was closed to the public.

Poll: Ayes: Hablitz, Murphy, Patel, Vancheri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

There being no further business to come before the meeting, it was moved by Councilmember Murphy, seconded by Councilmember Hablitz, that the meeting be and it was adjourned at 8:24 p.m.

Cynthia Kraus
Municipal Clerk