

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

**Monday, August 8, 2016**

Council President Louis Fontana called the meeting to order at 7:43 p.m. with the following members present: James Damiano, Pamela Porter, and William Liess. Also present were Mayor Darlene Conti, Township Attorney Jong Soow Nee, Township Administrator Charles Cuccia, and Municipal Clerk Cynthia Kraus.

Absent: Councilmember Joseph Maceri, Township Engineer Dennis Lindsay, DPW Superintendent Philip Simone, and Deputy Registrar Marlene Simone

Township Employees present: Police Chief Steven Post and Fire Chief Jack Sweezy

Following the Salute to the Flag, the Statement of Public Notice was read.

**STATEMENT OF PUBLIC NOTICE:** Take notice that adequate notice of this meeting was 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 8, 2016; a copy of the notice was faxed 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.

**APPROVAL OF MINUTES**

It was moved by Councilmember Liess, seconded by Councilmember Porter, that the Minutes of the Regular meetings of February 9, 2015, February 23, 2015, March 23, 2015, April 27, 2015, May 18, 2015, and June 15, 2015, and the Minutes of the Workshop meetings of March 9, 2015, April 13, 2015, May 4, 2015, and June 15, 2015 be and they were approved.

Councilmember DAMIANO abstained from the Workshop Minutes of March 9, 2015, May 4, 2015, and June 15, 2015 and the Minutes of the June 15, 2015 Regular Meeting.

Poll:	Ayes:	Damiano, Porter, Liess and Council President Fontana
	Nays:	None

The Council President declared the motion passed.

**REMARKS FROM CHAIR**

Council President FONTANA announced updates to the Code were made by the Planning Board and are expected to be presented next month for Council review and approval.

**COUNCIL MEMBER REPORTS**

Councilmember DAMIANO reported the Transportation Committee is looking for Council support of a resolution to reinstate the midtown direct line and requested this be placed on the next Workshop Agenda. He reported the truck size and route recommendations will most likely be incorporated into a new ordinance. He requested the Council's approval regarding the County's request to utilize Little Falls for a Street Smart Campaign, which provides funding to the Police Department for education and enforcement, and will aide in the funding of crosswalks. Council President FONTANA requested all the information be brought before Council for review and approval. Councilmember Damiano to provide requested information.

Councilmember PORTER stated she attended Coffee with a Cop and it was well received. She commended Mr. Pace on a successful summer program. She applauded the middle school children who performed in Aladdin at the high school. She noted the schools are currently under construction and are scheduled to be ready for the start of the school year.

Councilmember LIESS had nothing to report.

**MAYOR'S REPORT**

Mayor Conti thanked the Police Department for Coffee with a Cop and Mr. Pace for a successful summer program. At this time, she asked Chief Sweezy to address the EMS program. Chief Sweezy referenced a weekly report submitted to the Council and Mr. Cuccia. He reported the average response time of 4.7 minutes has been within established goals. Continuous review and monitoring occurs to identify areas of improvement. Council President FONTANA queried whether the volume of calls was within expectations. Chief Sweezy indicated there have been 25 calls per week, which has been within projected amounts.

Mr. Cuccia added that the Township has begun to experience revenue inflow from third party billing for EMS.

**ATTORNEY'S REPORT**

Ms. Nee had nothing to report.

**PUBLIC COMMENT**

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

**Meeting of August 8, 2016**

Poll: Ayes: Damiano, Porter, Liess, and Council President Fontana  
 Nays: None

The Council President declared the motion passed.

Renea Shapiro, ABC, commended the efforts of the Police Department and the success of the police on bike at the Farmer’s Market and concerts. She commented on the collaborative and successful progress of the grant writers. She requested the Council’s support to aide in reinstating the midtown direct line and the truck route provisions. She thanked Councilmember Damiano’s efforts on the same.

Rosemarie Bello-Truland, High Court, requested Council’s assistance regarding a parking issue on her street which would require the Council’s development and approval of an ordinance to allow head on parking.

Louis Fernandez, Harrison Street, expressed his concern regarding the status of two vacant businesses on Main Street as a detriment. He requested a status update on the antennas purchased by the Township and stated that funds were wasted on unused equipment.

It was moved by Councilmember Damiano, seconded by Councilmember Porter, that the meeting be and it was closed to the public.

Poll: Ayes: Damiano, Porter, Liess, and Council President Fontana  
 Nays: None

The Council President declared the motion passed.

Council President FONTANA was pleased to report he has heard nothing but good things about the Police Department and their community efforts. He commended Councilmember Damiano on his facilitation of the Transportation Committee’s projects.

Mr. Cuccia stated Ms. Bello-Truland’s request will be discussed with Mr. Simone, Chief Post, and Mr. Lindsay with a report back to Council. Council President FONTANA questioned whether one ordinance for head on parking could be drafted for all cul de sacs throughout the Township. Mr. Cuccia recommended addressing each location individually, such as in the case of parking ordinances.

Mr. Cuccia clarified the amount allocated for the antennas was approximately \$600,000 not 1.2 million as stated by Mr. Hernandez. There have not been reports on the system as it has been working properly. Parts and pieces not previously addressed had been rectified with a microwave antenna. Stored remnant equipment was either junked or scrapped. The system has been maintained and requires service on an emergency basis only. Mr. Fernandez remarked that future expenditures should be more carefully planned as to not waste tax payer dollars.

**CONSENT AGENDA**

All items on the Consent Agenda were considered to be routine and were enacted with a single motion. Any items under REQUISITIONS carried a Treasurer’s certification as to sufficiency of funds.

**REPORTS**

Municipal Clerk’s Report – Month of July 2016

MUNICIPAL CLERKS REPORT  
 Month of July 2016

ABC LICENSES		\$4,840.00
OTHER LICENSES		
Business Licenses	\$225.00	
Pre-paid Business Licenses		
Raffle Licenses	\$40.00	
		\$265.00
REGISTRAR OF VITAL STATISTICS		
Fees & Permits	\$592.00	
Marriage Licenses-LF	\$18.00	
Marriage Licenses-NJ	\$150.00	
		\$760.00
MRNA		
Street Maps	\$	
Zoning Maps	\$	
Zoning Ordinances		
Document Copies	\$930.15	
Garage Sales	\$35.00	
Misc. Fees & Refunds:	\$45.00	
TOTAL MRNA		<u>\$1,010.15</u>
TOTAL CURRENT ACCOUNT		<u>\$6,875.15</u>
TOTAL TO TREASURER		<u>\$6,875.15</u>

Municipal Clerks Dog/Cat License Report-Month of July 2016

MUNICIPAL CLERK’S DOG/CAT LICENSE REPORT  
 Month of July 2016

**Dog Licenses issued 07/01/2016 thru 07/31/2016**  
 Nos. 301 to 323 = 23 Licenses

Amount due Little Falls	\$156.40
Amount due State	36.60
Total Cash Received	\$193.00

**Meeting of August 8, 2016**

Cat Licenses issued 07/01/2016 thru 07/31/2016  
Nos. 18 to 21  
Licenses Issued 4  
Total Cash Received \$32.00

Total to Treas. \$225.00

TAX COLLECTOR’S REPORT FOR THE MONTH OF JULY 2016

**APPLICATIONS**

Raffle- Off-Premise 50/50, American Legion Post #108, 10/1/16, 12 p.m.-6 p.m., Main Street, Little Falls

Raffle- Off- Premise Merchandise Raffle, American Legion Post #108, 12 p.m.-6 p.m., Main Street, Little Falls

Raffle- Off-Premise 50/50, American Legion Post #108, 10/1/16, 12 p.m.- 6 p.m., Main Street, Little Falls

Raffle- Off-Premise Draw Raffle, KOC #3835 Our Lady of the Highway Council, 11/11/16, 7:30 p.m., 465 Main Street, Little Falls

Little Falls Fire Department Auxiliary Application- Ahmad Awawden, Maclean Road, Clifton, Great Notch Fire Co. #4

**RESOLUTIONS**

Overpayment 2<sup>nd</sup> Quarter 2016 Property Taxes

**RESOLUTION [A] 16-08-08 #1**

**WHEREAS**, the property known as Block 87 Lot 28 previously assessed to Gregory J. Beaumont of 50 Parkway, Little Falls, NJ and currently assessed to Township of Little Falls has an overpayment on the 2nd quarter 2016 taxes in the amount of \$321.02 due to the 2<sup>nd</sup> tax quarter being paid in full through June 30, 2016; and

**WHEREAS**, this property closed on June 3, 2016 re a FEMA buyout closing; and

**WHEREAS**, the Tax Collector authorizes the Treasurer to refund the amount of \$321.02 made payable to Gregory J. Beaumont, 820 Macopin Rd.; West Milford, NJ 07480;

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of Little Falls on this 8th day of August 2016 that Mr. Beaumont be refunded the total amount of \$321.02 due to a tax overpayment on the 2<sup>nd</sup> qtr. 2016 taxes re a FEMA closing.

Overpayment 2<sup>nd</sup> Quarter 2016 Property Taxes

**RESOLUTION [B] 16-08-08 #2**

**WHEREAS**, the property known as Block 12 Lot 36 assessed to Darren & Cynthia Owci; of 55 Taylor Avenue, Little Falls, NJ has an overpayment on the 2nd quarter 2016 taxes in the amount of \$2,071.00; and

**WHEREAS**, Main Street Title & Settlement Services, LLC and Lereta both paid the 2<sup>nd</sup> quarter taxes in the amounts of \$2,071.00 which created the overpayment; and

**WHEREAS**, a representative from the title company confirmed to the Tax Collector that the taxpayers re-financed and to refund them directly; and

**WHEREAS**, the Tax Collector authorizes the Treasurer to refund the amount of \$2,071.00 made payable to Darren & Cynthia Owci, 55 Taylor Avenue, Little Falls, NJ 07424;

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of Little Falls on this 8th day of August 2016 that the taxpayers be refunded the total amount of \$2,071.00 due to an overpayment on the 2016 2<sup>nd</sup> quarter taxes.

Overpayment 1<sup>st</sup> Quarter 2016 Property Taxes

**RESOLUTION [C] 16-08-08 #3**

**WHEREAS**, the property known as Block 80 Lot 17 previously assessed to Gregg Thorn of 47 Parkway, Little Falls, NJ and currently assessed to Township of Little Falls has an overpayment on the 1st quarter 2016 taxes in the amount of \$561.85 due to the 1st tax quarter being paid in full through March 31, 2016; and

**WHEREAS**, this property closed on February 11, 2016 re a FEMA buyout closing; and

**WHEREAS**, the Tax Collector authorizes the Treasurer to refund the amount of \$561.85 made payable to Gregg Thorn, 6 Edgewood Court, Parsippany, NJ 07054

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of Little Falls on this 8th day of August 2016 that Mr. Beaumont be refunded the total amount of \$561.85 due to a tax overpayment on the 1st qtr. 2016 taxes re a FEMA closing.

Overpayment 2<sup>nd</sup> Quarter 2016 Property Taxes

**RESOLUTION [D] 16-08-08 #4**

**WHEREAS**, the property known as Block 88.01 Lot 1 C201 assessed to Ramunas & Asta Ziausys of 220 Main St., Unit 201, Little Falls, NJ has an overpayment on the 2nd quarter 2016 taxes in the amount of \$1,340.00; and

**WHEREAS**, this parcel had a closing; was sold from Nikodia Enterprises (Nick Petrovski) to Ramunas & Asta Ziausys; and

**WHEREAS**, Title on Demand of NJ Inc. paid the taxes for the buyers, and Caliber Home Loans (Corelogic) paid the taxes for the seller; and

**WHEREAS**, a representative from Title on Demand of NJ Inc. confirmed with the Tax Collector to refund the title company, and they will refund the sellers; and

**WHEREAS**, the Tax Collector authorizes the Treasurer to refund the amount of \$1,340.00 made payable to Title on Demand of NJ Inc., 54 Woodport Rd., Sparta, NJ 07871;

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of Little Falls on this 8th day of August 2016 that Title on Demand of NJ Inc. be refunded the total amount of \$1,340.00 due to an overpayment on the 2016 2<sup>nd</sup> quarter taxes.

Overpayment 2<sup>nd</sup> Quarter 2016 Property Taxes

**RESOLUTION [E] 16-08-08 #5**

**WHEREAS**, the property known as Block 30 Lot 43 assessed to Marie Galovic of 89 Van Pelt Place, Little Falls, NJ has an overpayment on the 2nd quarter 2016 taxes in the amount of \$2,404.00; and

**WHEREAS**, this parcel had a closing; was sold from Galovic to Nolan; and

**WHEREAS**, Joseph C. Peronti, Esq. and Lereta both paid the 2<sup>nd</sup> quarter taxes; and

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**WHEREAS**, the Tax Collector authorizes the Treasurer to refund the amount of \$2,404.00 made payable to Joseph C. Peronti, Esq., 999 Riverview Dr., Suite 360, Totowa, NJ 07512;

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of Little Falls on this 8th day of August 2016 that Peronti, Esq. be refunded the total amount of \$2,404.00 due to an overpayment on the 2016 2<sup>nd</sup> quarter taxes.

### Overpayment 1<sup>st</sup> Quarter 2016 Property Taxes

#### **RESOLUTION [F] 16-08-08 #6**

**WHEREAS**, the property known as Block 88.03 Lot 1 C318 Christopher & Denise Geck, et al of 260 Main St., Unit 318, Little Falls, NJ has an overpayment on the 1st quarter 2016 taxes in the amount of \$1,472.00; and

**WHEREAS**, this parcel had a closing; was sold from Michael Paneggiante to Christopher & Denise Geck, et al; and

**WHEREAS**, both Evident Title Inc. and Chase (Corelogic) paid the 1<sup>st</sup> quarter taxes; and

**WHEREAS**, Evident Title Inc. will need to reimburse the seller; and

**WHEREAS**, the Tax Collector authorizes the Treasurer to refund the amount of \$1,472.00 made payable to Evident Title Agency Inc., 878 Pompton Ave., Ste A2, Cedar Grove, NJ 07009-1266;

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of Little Falls on this 8th day of August 2016 that Evident Title Inc. be refunded the total amount of \$1,472.00 due to an overpayment on the 2016 1st quarter taxes.

### Overpayment 2<sup>nd</sup> Quarter 2016 Property Taxes

#### **RESOLUTION [G] 16-08-08 #7**

**WHEREAS**, the property known as Block 178 Lot 9.03 assessed to Erdinc Akil of 11 Marguerite Ct, Little Falls, NJ has an overpayment on the 2nd quarter 2016 taxes in the amount of \$4,439.00; and

**WHEREAS**, this parcel had a closing; was sold from Di Antonio to Akil; and

**WHEREAS**, Guardian Settlement Agency and SunTrust Mortgage, Inc. both paid the 2<sup>nd</sup> quarter taxes; and

**WHEREAS**, the Tax Collector authorizes the Treasurer to refund the amount of \$4,439.00 made payable to Erdinc Akil, 11 Marguerite Court, Little Falls, NJ 07424;

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of Little Falls on this 8th day of August 2016 that Erdinc Akil be refunded the total amount of \$4,439.00 due to an overpayment on the 2016 2<sup>nd</sup> quarter taxes.

### Overpayment 1<sup>st</sup> Quarter 2016 Property Taxes

#### **RESOLUTION [H] 16-08-08 #8**

**WHEREAS**, the property known as Block 113 Lot 17 assessed to Demetrios Design LLC of 23 Van Ness Avenue, Little Falls, NJ has an overpayment on the 1st quarter 2016 taxes in the amount of \$2,288.00; and

**WHEREAS**, this parcel had a closing; was sold from Caridad Aquilante to Demetrios Design LLC; and

**WHEREAS**, Residential Commercial Title Agency LLC and Portfolio Servicing Inc. (Lereta) both paid the 1st quarter taxes; and

**WHEREAS**, the Tax Collector authorizes the Treasurer to refund the amount of \$2,288.00 made payable to Residential Commercial Title Agency LLC, 986 McBride Ave., Woodland Park, NJ 07424;

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of Little Falls on this 8th day of August 2016 that Residential Commercial Title Agency LLC be refunded the total amount of \$2,288.00 due to an overpayment on the 2016 1st quarter taxes.

### Overpayment 2<sup>nd</sup> Quarter 2016 Property Taxes

#### **RESOLUTION [I] 16-08-08 #9**

**WHEREAS**, the property known as Block 235 Lot 38 assessed to Jermaine & Lucy Turnage of 242 Long Hill Road, Little Falls, NJ has an overpayment on the 2nd quarter 2016 taxes in the amount of \$3,105.00; and

**WHEREAS**, Title Source Inc. and Chase (Corelogic) both paid the 2<sup>nd</sup> quarter taxes; and

**WHEREAS**, the Tax Collector authorizes the Treasurer to refund the amount of \$3,105.00 made payable to Jermaine & Lucy Turnage, 242 Long Hill Road, Little Falls, NJ 07424;

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of Little Falls on this 8th day of August 2016 that Jermaine & Lucy Turnage be refunded the total amount of \$3,105.00 due to an overpayment on the 2016 2<sup>nd</sup> quarter taxes.

### Overpayment 2<sup>nd</sup> Quarter 2016 Property Taxes due to Homestead Benefit

#### **RESOLUTION [J] 16-08-08 - #10**

**WHEREAS**, the Division of Taxation has forwarded to the Tax Collector the 2013 Homestead Benefit credits which were applied to the 2016 2nd Quarter taxes; and

**WHEREAS**, the taxpayers known as Charles & Madeline Kubicek of 24 Sindle Avenue, Block 218 Lot 5, were the owners in the year 2013 and filed for their homestead credit benefit credit in the Year 2014; and

**WHEREAS**, the above taxpayer (Charles Kubicek) was granted a 100% tax exemption from our Tax Assessor effective July 23, 2014; and  
**WHEREAS**, the Kubiceks' have a credit on their 2016 2<sup>nd</sup> qtr. taxes due to the 2013 Homestead benefit credit in the amount of \$788.88; and

**WHEREAS**, the Tax Collector shall authorize our Treasurer to issue a refund check in the amount of \$788.88 made payable to Charles & Madeline Kubicek, 24 Sindle Avenue, Little Falls, NJ 07424;

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Little Falls on this 8th day of August 2016 that the amount of \$788.88 be refunded to Charles & Madeline Kubicek due to a 2013 Homestead benefit credit on their 2016 2<sup>nd</sup> qtr. taxes, and this account being tax exempt as of July 23, 2014.

### Overpayment 2<sup>nd</sup> Quarter 2016 Property Taxes due to Homestead Benefit

#### **RESOLUTION [K] 16-08-08 #11**

**WHEREAS**, the property known as Block 80 Lot 17 previously assessed to Gregg Thorn of 47 Zeliff Avenue, Little Falls, NJ and currently assessed to Township of Little Falls has an overpayment on the 2nd quarter 2016 taxes in the amount of \$331.44 due to a 2013 State of NJ Homestead Benefit Credit; and

**WHEREAS**, this property closed on February 11, 2016 re a FEMA buyout closing; and

**WHEREAS**, Mr. Thorn filed for his 2013 Homestead Benefit credit in 2015 before the closing and is entitled to this overpayment; and

**WHEREAS**, the Tax Collector authorizes the Treasurer to refund the amount of \$331.44 made payable to Gregg Thorn, 6 Edgewood Court, Parsippany, NJ 07054

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of Little Falls on this 8th day of August 2016 that Mr. Thorn be refunded the total amount of \$331.44 due to a Homestead Benefit credit overpayment on the 2016 2nd quarter taxes.

### Veterans Treatment Courts

#### **RESOLUTION [L] 16-08-08 - #12**

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY IN SUPPORT OF VETERANS TREATMENT COURTS**

**Meeting of August 8, 2016**

**WHEREAS**, in 2010 the New Jersey Legislature enacted an Act establishing a task force to study the treatment of Veterans diagnosed with post-traumatic stress disorder (PTSD) in judicial proceedings; and

**WHEREAS**, the New Jersey Veterans PTSD Task Force will identify and review the issues and concerns facing veterans of the United States Armed Forces and New Jersey National Guard who have been diagnosed with PTSD and how that diagnosis has impacted their treatment in judicial proceedings; and

**WHEREAS**, the Veterans Treatment Court (“VTC”) model is based on drug treatment and/or mental health treatment courts, where substance abuse or mental health treatment is offered as an alternative to incarceration and, typically, veteran mentors assist with the programs; and

**WHEREAS**, VTC’s start with the premise of providing Veterans involved in the criminal justice system with a program and services to overcome the challenges they face; and, a VTC would maximize utilization of Department of Veterans Affairs resources and ensure that Veterans are getting the treatment they are owed; and

**WHEREAS**, according to current research, 9% of the people caught up in the New Jersey criminal justice system, or nearly 12,000, are Veterans and though a large majority (82%) of these Veterans are eligible for VA services, 18% do not have access to the VA Services; and

**WHEREAS**, Veterans Administration professionals and other professional counselors and health care professionals are available – at no cost to the judicial or justice systems, and have been utilized efficiently in many other venues and jurisdictions; and

**WHEREAS**, New Jersey is home to 413,000 Veterans, the 16<sup>th</sup> highest state Veteran population in the nation, yet New Jersey remains one of only a handful of states without a VTC Systems; and

**WHEREAS**, 38 other states (more than one-half of the U.S.) have already adopted such VTC’s and New Jersey lags grievously behind in adopting such a program, thus denying their Veterans the justice and gratitude they have earned for keeping their fellow New Jerseyans safe; and

**WHEREAS**, VTC’s recognize the tremendous service members of our Armed Forces provide to our Country;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Little Falls, Passaic County, New Jersey recognizes the work of the New Jersey Veterans PTSD Task Force and urges the Task Force to find in favor of establishing a Veterans Treatment Court System in New Jersey.

**BE IT FURTHER RESOLVED**, that the Township Council of the Township of Little Falls, Passaic County, New Jersey shall be forwarded to the Passaic County Freeholders and the 40<sup>th</sup> Legislative District representatives urging them to support a Veterans Treatment Court System in New Jersey.

Recreation Center Emergency Generator Contract Award

**RESOLUTION [N] 16-08-08 - #13  
ACCEPTING BID AND AWARDED CONTRACT FOR**

**IMPROVEMENTS TO LITTLE FALLS COMMUNITY CENTER AND EMERGENCY SHELTER – EMERGENCY GENERATOR**

**WHEREAS**, pursuant to advertising duly made, bids were received by the Township of Little Falls on July 19, 2016 for Improvements to Little Falls Community Center and Emergency Shelter – Emergency Generator, and the bids were opened and read publicly as follows:

D&M Electrical Woodland Park, NJ Bid: \$85,000.00	Metrix Electric, LLC Nutley, NJ Bid: \$92,500.00
Raymond Electrical Contractor South Hackensack, NJ Bid: \$95,900.00	Ramapo Communication Corp. South Hackensack, NJ Bid: \$958,900.00

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

**WHEREAS**, the award is subject to the Availability of Funds and certification of same in the 2016 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&M Electrical  
3 Borrego Drive  
Woodland Park, NJ 07424

in the amount of

\$85,000.00

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.

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Planning Board Designation of Areas in Need of Development

**RESOLUTION [O] 16-08-08 - #14  
RESOLUTION OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, NEW JERSEY AUTHORIZING THE PLANNING BOARD TO INVESTIGATE WHETHER THE PROPERTY COMMONLY KNOWN AS BLOCK 251, LOTS 1, 2, 5, 6, 7, 8, 10, 10.01, 11, 14, AND 16 ON THE TAX MAP OF THE TOWNSHIP SHOULD BE DESIGNATED AS AN ‘AREA IN NEED OF REDEVELOPMENT’ PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 et seq.**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

**WHEREAS**, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the Township council (“**Township Council**”) of the Township of Little Falls (the “**Township**”) must authorize the planning board of the Township (the “**Planning Board**”) to conduct a preliminary investigation of the area and make recommendations to the Township Council; and

**WHEREAS**, the Township Council believes it is in the best interest of the Township that an investigation occur with respect to certain parcels within the Township and therefore authorizes and directs the Planning Board to conduct an investigation of the property commonly known as Block 251, Lots 1, 2, 5, 6, 7, 8, 10, 10.01, 11, 14, and 16 on the tax map of the Township (hereinafter the “**Study Area**”), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically N.J.S.A. 40A:12A-5, and should be designated as an area in need of redevelopment; and

**WHEREAS**, if the Planning Board determines to recommend that the Study Area should be designated as an area in need of redevelopment, pursuant to Section 7(f) of the Redevelopment Law, the Township Council requests that the Planning Board also prepare a redevelopment plan for the Study Area and submit same to the Township Council for its consideration; and

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**WHEREAS**, the redevelopment area determination requested hereunder, in connection with the Study Area, authorizes the Township and Township Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, not including the power of eminent domain (hereinafter referred to as a “**Non-condemnation Redevelopment Area**”).

**NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, NEW JERSEY AS FOLLOWS:**

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the Study Area satisfies the criteria set forth in *N.J.S.A. 40A:12A-5* to be designated as an area in need of redevelopment under the Redevelopment Law.

Section 3. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcels contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.

Section 4. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically *N.J.S.A. 40A:12A-6*, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the Township or Township Council to exercise the power of eminent domain to acquire any property in the delineated area, for the Study Area is being investigated as a possible Non-condemnation Redevelopment Area.

Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

Section 6. After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Township Council as to whether the Township Council should designate all or some of the Study Area as an area in need of redevelopment.

Section 7. If the Planning Board recommends the Study Area be designated as a Non-condemnation Redevelopment Area, the Planning Board is further directed to prepare a redevelopment plan for the Study Area, pursuant to Section 7(f) of the Redevelopment Law. Upon completion of the redevelopment plan, the Planning Board shall transmit the plan to the Township Council for its consideration.

Section 8. This Resolution shall take effect immediately.

### Planning Board Designation of Areas in Need of Development

#### **RESOLUTION [P] 16-08-08 -#15**

**RESOLUTION OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, NEW JERSEY AUTHORIZING THE PLANNING BOARD TO INVESTIGATE WHETHER THE PROPERTY COMMONLY KNOWN AS BLOCK 193, LOT 7 AND BLOCK 194, LOTS 5 AND 5.01 ON THE TAX MAP OF THE TOWNSHIP SHOULD BE DESIGNATED AS AN ‘AREA IN NEED OF REDEVELOPMENT’ PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 et seq.***

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

**WHEREAS**, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the Township council (“**Township Council**”) of the Township of Little Falls (the “**Township**”) must authorize the planning board of the Township (the “**Planning Board**”) to conduct a preliminary investigation of the area and make recommendations to the Township Council; and

**WHEREAS**, the Township Council believes it is in the best interest of the Township that an investigation occur with respect to certain parcels within the Township and therefore authorizes and directs the Planning Board to conduct an investigation of the property commonly known as Block 193, Lot 7 and Block 194, Lots 5 and 5.01 on the tax map of the Township (hereinafter the “**Study Area**”), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment; and

**WHEREAS**, if the Planning Board determines to recommend that the Study Area should be designated as an area in need of redevelopment, pursuant to Section 7(f) of the Redevelopment Law, the Township Council requests that the Planning Board also prepare a redevelopment plan for the Study Area and submit same to the Township Council for its consideration; and

**WHEREAS**, the redevelopment area determination requested hereunder, in connection with the Study Area, authorizes the Township and Township Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, not including the power of eminent domain (hereinafter referred to as a “**Non-condemnation Redevelopment Area**”).

**NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, NEW JERSEY AS FOLLOWS:**

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the Study Area satisfies the criteria set forth in *N.J.S.A. 40A:12A-5* to be designated as an area in need of redevelopment under the Redevelopment Law.

Section 3. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcels contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.

Section 4. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically *N.J.S.A. 40A:12A-6*, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the Township or Township Council to exercise the power of eminent domain to acquire any property in the delineated area, for the Study Area is being investigated as a possible Non-condemnation Redevelopment Area.

Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

Section 6. After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Township Council as to whether the Township Council should designate all or some of the Study Area as an area in need of redevelopment.

Section 7. If the Planning Board recommends the Study Area be designated as a Non-condemnation Redevelopment Area, the Planning Board is further directed to prepare a redevelopment plan for the Study Area, pursuant to Section 7(f) of the Redevelopment Law. Upon completion of the redevelopment plan, the Planning Board shall transmit the plan to the Township Council for its consideration.

Section 8. This Resolution shall take effect immediately.

### Planning Board Designation of Areas in Need of Development

#### **RESOLUTION [Q] 16-08-08 - #16**

**RESOLUTION OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, NEW JERSEY AUTHORIZING THE PLANNING BOARD TO INVESTIGATE WHETHER THE PROPERTY COMMONLY KNOWN AS BLOCK 122, LOTS 19, 20, 21, 33, 34, 35, 36, AND 49 ON THE TAX MAP OF THE TOWNSHIP SHOULD BE DESIGNATED AS AN ‘AREA IN NEED OF REDEVELOPMENT’ PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 et seq.***

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

## Meeting of August 8, 2016

**WHEREAS**, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the Township council (“**Township Council**”) of the Township of Little Falls (the “**Township**”) must authorize the planning board of the Township (the “**Planning Board**”) to conduct a preliminary investigation of the area and make recommendations to the Township Council; and

**WHEREAS**, the Township Council believes it is in the best interest of the Township that an investigation occur with respect to certain parcels within the Township and therefore authorizes and directs the Planning Board to conduct an investigation of the property commonly known as Block 122, Lots 19, 20, 21, 33, 34, 35, 36, and 49 on the tax map of the Township (hereinafter the “**Study Area**”), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment; and

**WHEREAS**, if the Planning Board determines to recommend that the Study Area should be designated as an area in need of redevelopment, pursuant to Section 7(f) of the Redevelopment Law, the Township Council requests that the Planning Board also prepare a redevelopment plan for the Study Area and submit same to the Township Council for its consideration; and

**WHEREAS**, the redevelopment area determination requested hereunder, in connection with the Study Area, authorizes the Township and Township Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, not including the power of eminent domain (hereinafter referred to as a “**Non-condemnation Redevelopment Area**”).

**NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, NEW JERSEY AS FOLLOWS:**

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the Study Area satisfies the criteria set forth in *N.J.S.A. 40A:12A-5* to be designated as an area in need of redevelopment under the Redevelopment Law.

Section 3. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcels contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.

Section 4. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically *N.J.S.A. 40A:12A-6*, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the Township or Township Council to exercise the power of eminent domain to acquire any property in the delineated area, for the Study Area is being investigated as a possible Non-condemnation Redevelopment Area.

Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

Section 6. After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Township Council as to whether the Township Council should designate all or some of the Study Area as an area in need of redevelopment.

Section 7. If the Planning Board recommends the Study Area be designated as a Non-condemnation Redevelopment Area, the Planning Board is further directed to prepare a redevelopment plan for the Study Area, pursuant to Section 7(f) of the Redevelopment Law. Upon completion of the redevelopment plan, the Planning Board shall transmit the plan to the Township Council for its consideration.

Section 8. This Resolution shall take effect immediately.

### Planning Board Designation of Areas in Need of Development

#### **RESOLUTION [R] 16-08-08 - #17**

**RESOLUTION OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, NEW JERSEY AUTHORIZING THE PLANNING BOARD TO INVESTIGATE WHETHER THE PROPERTY COMMONLY KNOWN AS BLOCK 77, LOTS 1, 2, 2.01, 3, 4, 5, 6, 6.02, 7, 8, 8.01, 9, 10, 11, 11.01, 12, 13, 14, 15, 16, 17, 18, 19, 20, 20.01, BLOCK 78, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 10.01, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27 AND BLOCK 79, LOTS 1, 1.01, 1.02 AND 2 ON THE TAX MAP OF THE TOWNSHIP SHOULD BE DESIGNATED AS AN ‘AREA IN NEED OF REDEVELOPMENT’ PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 et seq.***

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), authorizes vcy

**WHEREAS**, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the Township council (“**Township Council**”) of the Township of Little Falls (the “**Township**”) must authorize the planning board of the Township (the “**Planning Board**”) to conduct a preliminary investigation of the area and make recommendations to the Township Council; and

**WHEREAS**, the Township Council believes it is in the best interest of the Township that an investigation occur with respect to certain parcels within the Township and therefore authorizes and directs the Planning Board to conduct an investigation of the property commonly known as Block 77, Lots 1, 2, 2.01, 3, 4, 5, 6, 6.02, 7, 8, 8.01, 9, 10, 11, 11.01, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 20.01, Block 78, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 10.01, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, and 27 and Block 79, Lots 1, 1.01, 1.02 and 2 on the tax map of the Township (hereinafter the “**Study Area**”), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment; and

**WHEREAS**, if the Planning Board determines to recommend that the Study Area should be designated as an area in need of redevelopment, pursuant to Section 7(f) of the Redevelopment Law, the Township Council requests that the Planning Board also prepare a redevelopment plan for the Study Area and submit same to the Township Council for its consideration; and

**WHEREAS**, the redevelopment area determination requested hereunder, in connection with the Study Area, authorizes the Township and Township Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, not including the power of eminent domain (hereinafter referred to as a “**Non-condemnation Redevelopment Area**”).

**NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, NEW JERSEY AS FOLLOWS:**

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the Study Area satisfies the criteria set forth in *N.J.S.A. 40A:12A-5* to be designated as an area in need of redevelopment under the Redevelopment Law.

Section 3. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcels contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.

Section 4. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically *N.J.S.A. 40A:12A-6*, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the Township or Township Council to exercise the power of eminent domain to acquire any property in the delineated area, for the Study Area is being investigated as a possible Non-condemnation Redevelopment Area.

Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

Section 6. After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Township Council as to whether the Township Council should designate all or some of the Study Area as an area in need of redevelopment.

Section 7. If the Planning Board recommends the Study Area be designated as a Non-condemnation Redevelopment Area, the Planning Board is further directed to prepare a redevelopment plan for the Study Area, pursuant to Section 7(f) of the Redevelopment Law. Upon completion of the redevelopment plan, the Planning Board shall transmit the plan to the Township Council for its consideration.

Section 8. This Resolution shall take effect immediately.

**Meeting of August 8, 2016**

Support of Assembly Bill ACR-197

**RESOLUTION [S] 16-08-08 - #18  
RESOLUTION IN SUPPORT OF ASSEMBLY BILL ACR-197 PROVIDING EQUAL AID TO  
ALL STUDENTS IN THE STATE OF NEW JERSEY**

**WHEREAS**, property taxes in the State of New Jersey have become an issue of great concern to all residents, especially the citizens of Little Falls; and

**WHEREAS**, the cost of public education in New Jersey is an expense that is the leading cause of high property taxes; and

**WHEREAS**, the amount of New Jersey State Aid to local schools districts is overwhelmingly distributed to inner-city school districts while suburban schools receive far less aid, forcing suburban property taxpayers, including the taxpayers of Little Falls, to pay a far higher percentage of education cost, and

**WHEREAS**, Governor Chris Christie and legislative leaders have devised a formula to provide equal aid to every student in New Jersey, a formula which will save the average Little Falls property taxpayer \$1,535 per year; and

**WHEREAS**, Assemblymen David Wolfe, Gregory McGuckin and Jon Bramnick have introduced Assembly Concurrent Resolution 197 (ACR-197) which would ask the voters of New Jersey at the November 2017 general election to approve an amendment to the New Jersey State Constitution to provide an equal amount of state aid to all New Jersey students; and

**WHEREAS**, the children of Little Falls are deserving of their fair share in order to succeed and receive the highest quality of education and the taxpayers of Little Falls are deserving of much needed tax relief now.

**NOW THEREFORE BE IT RESOLVED**, the Township Council of Little Falls urges our legislative leaders to approve ACR 197 and allow the voters of New Jersey to decide this issue and,

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to Governor Chris Christie, Assembly Speaker Vincent Prieto, Senate President Steve Sweeney as well as Senator Kevin O'Toole and Assembly members Scott Rumana and David Russo of the 40<sup>th</sup> Legislative District.

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Special Item of Revenue and Appropriation - Clean Communities Grant

**TOWNSHIP OF LITTLE FALLS  
PASSAIC COUNTY NEW JERSEY  
RESOLUTION [T] 16-08-08 - #19  
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 2016 in the sum of \$25,046.06, which is now available from Miscellaneous Revenues – Section F – Special Items of General Revenue Anticipated with prior written consent of Director of Local Government Services - Public & Private Revenues Offset with Appropriations – Clean Communities Grant-\$25,046.06.

**BE IT FURTHER RESOLVED** that the like sum of \$25,046.66 is hereby appropriated under the caption:

General Appropriations

(A) Operations – Excluded from “CAPS”

Public & Private Programs Offset by Revenues

Clean Communities Grant Program

\$25,046.66

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Special Item of Revenue and Appropriation – Municipal Alliance Program

**TOWNSHIP OF LITTLE FALLS  
PASSAIC COUNTY NEW JERSEY  
RESOLUTION [U] 16-08-08 - #20  
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 2016 in the sum of \$22,440.00, which is now available from Miscellaneous Revenues – Section F – Special Items of General Revenue Anticipated with prior written consent of Director of Local Government Services - Public & Private Revenues Offset with Appropriations – Municipal Alliance Program-\$22,440.00

**BE IT FURTHER RESOLVED** that the like sum of \$22,440.00 is hereby appropriated under the caption:

General Appropriations

(A) Operations – Excluded from “CAPS”

Public & Private Programs Offset by Revenues

Municipal Alliance Program

\$22,440.00

**CORRESPONDENCE**

Request from Little Falls PBA to hold its first Oktober Fun & Family Festival on Saturday, October 1, 2016 at the Intersection of Union Avenue and Walnut Street between the hours of 12:00 p.m. and 5:00 p.m.

It was moved by Councilmember Damiano, seconded by Councilmember Porter, that the Consent Agenda be approved as printed, with the removal of Resolution M.

Poll: Ayes: Damiano, Porter, Liess, and Council President Fontana  
Nays: None

The Council President declared the motion passed.

**REGULAR AGENDA**

**NEW BUSINESS**

Ordinance No. 1261 - It was moved by Councilmember Damiano, seconded by Councilmember Porter, that the public hearing Ordinance No. 1261, “**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP**



**Meeting of August 8, 2016**

**OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE TO REGULATE THE PARKING RESTRICTIONS ON CERTAIN STREETS,”** be and it was opened.

Poll: Ayes: Damiano, Porter, Liess, and Council President Fontana  
Nays: None

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Damiano, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1261 be and it was closed.

Poll: Ayes: Damiano, Porter, Liess, and Council President Fontana  
Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Damiano, seconded by Councilmember Porter, that Ordinance No. 1261 be and it was adopted.

Poll: Ayes: Damiano, Porter, Liess, and Council President Fontana  
Nays: None

The Council President declared the motion passed.

Ordinance No. 1262 - It was moved by Councilmember Damiano, seconded by Councilmember Porter, that the public hearing of Ordinance No. 1262, “**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 3-7.12, DIVISION OF RECREATION,”** be and it was opened.

Poll: Ayes: Damiano, Porter, Liess, and Council President Fontana  
Nays: None

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Damiano, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1262 be and it was closed.

Poll: Ayes: Damiano, Porter, Liess, and Council President Fontana  
Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Damiano, seconded by Councilmember Porter, that Ordinance No. 1262 be and it was adopted.

Poll: Ayes: Damiano, Porter, Liess, and Council President Fontana  
Nays: None

The Council President declared the motion passed.

Ordinance No. 1245 - It was moved by Councilmember Porter, seconded by Councilmember Damiano, that there be introduced and at the meeting of September 12, 2016 set as the date for the public hearing of the following:

**ORDINANCE NO. 1245  
AN ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS AMENDING AND SUPPLEMENTING THE ZONING PROVISIONS OF THE TOWNSHIP CODE TO ESTABLISH A SOLAR ENERGY SYSTEMS ORDINANCE**

**BE IT ORDAINED** by the governing body of the Township of Little Falls, Passaic County, New Jersey, that the Zoning Ordinance of the Township of Little Falls is hereby amended to establish a Solar Energy Systems Ordinance to promote alternative energy systems implementation, clean domestic energy production and a clean, sustainable environment.

**WHEREAS**, the Township has found that encouraging solar energy production promotes the public health, safety and general welfare by providing clean energy that can be delivered to the end user efficiently, reducing reliance on fossil fuels and by providing the opportunity for the generation of clean energy at a reduced cost to consumers;

**NOW, WHEREFORE, IT IS HEREBY ORDAINED** by the Governing Body of the Township of Little Falls as follows:

§ 280-4, entitled “Definitions,” is hereby amended to add the following new terms: Definitions

Solar Energy System: means an energy system which converts solar energy to usable thermal, mechanical, chemical or electrical energy through the use of a solar panel or solar panel array and associated equipment.

Solar Panel: means a photovoltaic panel, or solar shingle or hot air or water panel collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

Solar Panel Array: means a collection of multiple solar panels mounted or arranged together, providing energy to the same primary user, as part of a solar energy system.

The Township Ordinance is hereby amended to contain the standards for Solar Energy Systems set forth below.

Purpose; requirements; applicability

The primary purpose of the solar energy system will be to provide power for the principal use of the property whereon the said system is to be located and shall not be for the generation of power for commercial purposes for resale, other than as permitted by net metering laws.

Solar Energy systems shall be permitted as a conditional use in all the zones in the Township of Little Falls in accordance with the following standards:

(A) Residential Zones

## Meeting of August 8, 2016

- (1) Ground-mounted solar energy can be located in the residential zones in accordance with the following:
    - (a) Shall not be located within any front yard, easements or utility line or, along the front wall of the principal building.
    - (b) Such systems shall maintain the side and rear yard setbacks as stipulated within the respective zoning district.
    - (c) Ground-mounted solar energy systems shall not exceed 400 square feet.
    - (d) Such systems shall not exceed ten (10) feet in height.
    - (e) Adequate screening in form of four seasons planting shall be provided along the property line.
    - (f) Ground mounted solar energy systems shall not be categorized as accessory buildings.
    - (g) Systems shall be located and installed so that the sun glare is directed from an adjoining property line or public right of way.
    - (h) System shall be designed by using materials, colors, textures, screening and landscaping that will blend into the natural setting and existing environment.
  - (2) Roof-mounted solar energy systems, shall be permitted as on a conforming single-family, two-family residential building provided the systems are in accordance with the following:
    - (a) In no event shall the placement of the solar panels result in the total height, including the building and panels, exceeding what is permitted in the zoning district.
    - (b) In no instance shall any part of the system extend beyond the edge of the roof.
    - (c) If solar systems are attached to accessory buildings, then such systems shall not be located in the front yard and shall not be less than six (6) feet from any side or rear property line.
    - (d) Rooftop installations must not interfere with any operation of plumbing fixtures protruding from the rooftop level as required by the New Jersey Plumbing Codes.
    - (e) In no case shall the installation of solar panels be placed greater than six (6) inches from the adjacent surface of the roof.
  - (3) Utility notifications and interconnection. Solar systems that connect to the electric utility shall comply with the New Jersey's Net Metering and Interconnection Standards for Class I Renewable Energy Systems at N.J.A.C 14:4-9.
- (B) Non-residential zones
- (1) Roof mounted solar energy system in non-residential zones shall be in accordance with the following
    - (a) In no instance shall any part of the system extend beyond the peak of the roof, extend beyond the maximum height of the roof line or exceed the maximum height permitted for principal building in the respective zone.
    - (b) The design of solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend into the natural setting and existing environment.
    - (c) Rooftop installations must not interfere with any operation of plumbing fixtures protruding from the rooftop level as required by the New Jersey Plumbing Codes.
    - (d) All applicable building codes must be followed.
    - (e) If located on a flat roof, then adequate screening should be provided in order to not be visible from the public right-of-way, parking lots and adjacent property. Sight line drawings depicting the visual sight lines from the right-of-way, parking lot and adjacent properties should be provided at the time of Site Plan Review.
  - (2) Ground-mounted solar energy systems provided:
    - (a) Solar panels may be installed on a ground-mounted apparatus only on lots with a minimum lot size of five (5) acres.
    - (b) Shall not be located within the front yard, easements or utility line and along the front façade of the building.
    - (c) Such systems shall not exceed ten (10) feet in height.
    - (e) Systems shall be located and installed so that the sun glare is directed from an adjoining property line or public right of way.
    - (f) Systems shall be designed by using materials, colors, textures, screening and landscaping that will blend into the natural setting and existing environment.
- (C) Solar energy commercial operations are prohibited as a principal use. These are systems whose main purpose is to generate energy back into the energy grid systems rather than being consumed on site.
- (D) Signs. There shall be no signs that are visible from any public road posted on a solar energy system or any associated building, except for the manufacturer's or installer's identification in accordance with Subsection H below, appropriate warning signs or owner identification. Solar energy systems shall not be used for displaying any advertising except for small and reasonable identification of the manufacturer or operator of the system. In no case shall any identification sign be visible from a property line.
- (E) Utility notifications and interconnection. Solar systems that connect to the electric utility shall comply with the New Jersey's Net Metering and Interconnection Standards for Class I Renewable Energy Systems at N.J.A.C 14:4-9.
- (F) Labeling requirements.
- (1) A minimum of one sign shall be posted near ground level on the interconnection cabinet warning of high voltage. In addition, the following information shall be posted on a label or labels on the interconnection cabinet of the solar energy system:
    - (a) The maximum power output of the system.
    - (b) Nominal voltage and maximum current.
    - (c) Manufacturer's name, address and telephone number, serial number and model number.
    - (e) Emergency and normal shutdown procedures.
  - (2) Should the solar energy system interconnection cabinet be located on the inside of a structure, a sign notifying the existence of a solar energy system shall be placed on the outside of the building, near the electrical and/or gas meter in order to notify emergency personnel of the solar energy system.
- H. Standards for and regulation of Solar Energy System.
- (1) Construction. Solar energy system construction shall be in accordance with the appropriate sections of the Basic Building Code as adopted and as currently amended, by the State of New Jersey and any future amendments and/or revisions to same.
  - (2) The installation of a solar energy system shall conform to the National Electric Code as adopted by the NJDCA and/or any other applicable agency with jurisdiction. The installation of a solar energy system is subject to any and all the electric utility company's requirements for interconnection, its successors and assigns, and/or designated by state authority, in perpetuity.
  - (3) The design of any solar energy system shall be signed and sealed by a professional engineer, licensed in the State of New Jersey, certifying that the design complies with all the standards set forth for safety and stability in all applicable codes then in effect in the State of New Jersey and all sections referred to hereinabove.
  - (4) Utility company notification. The appropriate electric utility company, its successors and assigns, and/or as designated by state authority, shall be notified in writing by the applicant of any proposed interface to the company's grid prior to installing such interface and shall conform to any legislated requirements governing installations of solar energy systems so as to comply with the utility tariff specifications. Evidence of such notification shall be submitted at time of application for conditional use approval and building permit.
- I. All electric/utility lines shall be located underground. All electric and utility lines leading down the side of the structure from rooftop installations shall be placed and tacked as aesthetically as possible.
- J. Any approval of a solar energy system does not create any actual or inferred solar energy system easement against adjacent property and/or structures. The owner and/or property owner of a solar energy system shall not infer or claim any rights to protective writs to any caused shadows or operating ineffectiveness against future development adjacent to or higher than the property location of the solar energy system. Although the Township of Little Falls may to an extent possible attempt to mitigate or prevent the occurrence or cause shadows or operating ineffectiveness of existing solar energy systems, the approval of any solar energy system granted by the Township of Little Falls under this article shall not create any future liability or infer any vested rights to the owner and/or property owner of the solar energy system on the part of the Township of Little Falls or by any other officer or employee thereof for any future claims against said issuance of approval of the solar energy system that results from reliance on this article or any administrative decision lawfully made there under.

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- K. No equipment, framing or other materials directly related to solar operations for any residential or commercial use shall be abandoned in place and whereby after a unit is non-functional or no longer in use, it must be dismantled and removed in its entirety within 120 days.
- L. Approval Requirements.
- (1) Site Plan Approval. Site Plan approval from the Planning Board or Board of Adjustment, as appropriate, shall be required for the installation of a solar energy system.
  - (2) Documents. The Site Plan application shall be accompanied by a plot plan, which includes the following:
    - (a) Property lines and physical dimensions of the property;
    - (b) Location of the proposed solar energy system;
    - (c) The right-of-way of any public road that is contiguous with the property;
    - (d) Any overhead utility lines;
    - (e) Manufacturer solar energy system specification/cut sheets certified by a licensed New Jersey Engineer, including manufacturer and model;
    - (f) A visual site distance analysis must be submitted, including all photos of the subject property, that graphically simulates the appearance of any proposed solar energy system and indicating its view from at least five (5) locations around the property.
    - (g) Notification of utility company for interconnection purposes.
    - (h) The documents and plans shall contain enough information and accurately depict the installation of the solar energy system for the Township of Little Falls to make a formal decision on the application. The amount of information and accuracy of information shall be in the sole judgment of the Administrative Officer.
- M. Expiration. A permit issued for an application approved by the Planning Board or Zoning Board of Adjustment, if appropriate, shall expire if:
- (1) The solar energy system is not installed and functioning within 12 months from the date the permit is issued; or
  - (2) The solar energy system is out of service or otherwise unused for a continuous 12 month period.
- N. Administration and Enforcement.
- (1) This ordinance shall be administered by the Administrative Officer or other official as designated.
  - (2) The Administrative Officer may enter any property for which a permit has been applied for and/or issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.
  - (3) At the discretion of the Administrator and/or Township of Little Falls Construction Office for which a zoning, building and/or electrical permit was obtained, as applicable, the Township reserves the right to require the applicant to obtain and submit an "as-built" survey upon completion of the solar energy system evidencing the exact location and height of the structures to ensure said installation is made in accordance with the requirements of the Township of Little Falls.
  - (4) The Administrative Officer may issue orders to abate any violation of this ordinance.
  - (5) The Administrative Officer may issue a citation for any violation of this ordinance.
  - (6) The Administrative Officer may refer any violation of this ordinance to legal counsel for enforcement.
- O. Violations.
- (1) It is unlawful for any person to construct, install, or operate a solar energy system that is not in compliance with this ordinance.
  - (2) Any person who fails to comply with any provision of this article shall be subject to enforcement and penalties as stipulated in this chapter and article.
  - (3) Nothing in this section shall be construed to prevent the Township Council and/or administrative officers of the Township of Little Falls from using any other lawful means to enforce this article.
  - (4) Any solar energy systems installed prior to the adoption of this ordinance are exempt from the provisions of this chapter.

### **REPEALER**

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

### **SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

### **EFFECTIVE DATE**

This ordinance shall take effect upon passage and publication as provided by law.

Poll: Ayes: Damiano, Porter, Liess, and Council President Fontana  
Nays: None

The Council President declared the motion passed.

Ordinance No. 1246-It was moved by Councilmember Damiano, seconded by Councilmember Porter, that there be introduced and the meeting of September 12, 2016 set as the date for the public hearing of the following:

### **ORDINANCE #1246**

#### **ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE ZONING PROVISIONS OF THE TOWNSHIP CODE TO ESTABLISH A SMALL WIND ENERGY SYSTEMS ORDINANCE**

**BE IT ORDAINED** by the governing body of the Township of Little Falls, Passaic County, New Jersey, that the Zoning Ordinance of the Township of Little Falls is hereby amended to include provisions for small wind energy systems.

**WHEREAS**, the Township has found that regulating wind energy systems promotes the public health, safety and general welfare by requiring that adequate standards be established for residential and commercial uses;

**NOW, WHEREFORE, IT IS HEREBY ORDAINED** by the Governing Body of the Township of Little Falls as follows:

#### **Definitions**

"Meteorological Tower or Met Tower" means a structure designed to support the gathering of wind energy resource data, and includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

"Owner" means an individual or entity that intends to own and operate the small wind energy system in accordance with this section.

"Rotor diameter" means the cross-sectional dimension of the circle swept by the rotating blades of a wind-powered energy generator.

"Small Energy System" means wind energy system that is used to generate electricity; has a nameplate capacity of 100 kilowatts or less;

"Total Height" in relation to a wind energy system means the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point.

"Total Roof Mounted Structure Height" means the highest point above the main roof structure, not including architectural features such as a chimney, cupola and similar type features, reached by a rotor blade in the vertical position, or any other part of the structure.

"Tower" means a monopole, freestanding, or guyed structure that supports a wind generator.

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“Wind Energy System” means a wind generator and all associated equipment, including any base, blade, foundation, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component necessary to fully utilize the wind generator.

“Wind Generator” means equipment that converts energy from the wind into electricity. This term includes the rotor, blades and associated mechanical and electrical conversion components necessary to generate, store and/or transfer energy.

### **Purpose; requirements; applicability**

A small wind energy system shall be permitted as a conditional use in all the zones in the Township of Little Falls in accordance with the following standards:

- (A) Residential Zones
- (1) Ground-mounted wind energy systems are not permitted in any residential zones.
  - (2) Roof-mounted wind energy systems, whose primary purpose is to provide power for the principal use of the property whereon the said system is to be located and shall not be for the generation of power for commercial purposes for resale, can be located in residential zones in accordance with the following:
    - (a) The minimum distance between a roof-mounted wind energy system and a property line shall be equal or greater than the minimum front, side or rear yard setback applicable to the main building.
    - (b) The total height of the roof mounted structure shall not exceed five (5) feet above the ridge of the roof. The said system shall not be placed on top of any architectural features such as cupola, chimney etc.
    - (c) Wind energy system shall not be artificially lighted.
    - (d) No portion of the roof mounted wind energy system shall extend beyond the edge of the building to which it is attached.
  - (3) Small decorative wind turbines: Small wind turbines less than one meter in diameter that use direct current solely for decorative or yard lighting are exempt from the above-mentioned requirements.
- (B) Non-residential Zones
- (1) Minimum Lot Size. The minimum lot size for a small wind energy system shall be 5 acres.
  - (2) Setbacks. A wind tower for a small wind energy system shall not be located within any front yard, easements or utility line, and shall maintain a setback of the underlying zone. No portion of the wind generator shall extend beyond the setback line, or into the following:
    - (a) Any public road right-of-way.
    - (b) Any overhead utility lines, unless written permission is granted by the utility that owns and/or controls the lines.
  - (3) Pole mounted wind towers shall not be higher than 25 feet from existing grade.
  - (4) Access.
    - (a) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
    - (b) The tower shall be designed and installed so as to not provide step bolts, a ladder, or other publicly accessible means of a climbing tower, for a minimum height of eight feet above the ground.
- (C) Electrical Wires. All wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- (D) Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration, and is subject to Planning Board and Board of Adjustment approval as part of the site plan process.
- (E) Appearance, Color and Finish. The wind generator and tower shall be non-obtrusive and shall be painted or finished so as to minimize their visual impact on the surrounding landscape.
- (F) Signs. All signs, other than the manufacturer’s or installer’s identification, appropriate warning signs, or owner identification on a wind generator, tower building, or other structure associated with a small wind energy system visible from any public road shall be prohibited. Small wind energy systems shall not be used for displaying any advertising except for small and reasonable identification of the manufacturer or operator of the system. In no case shall any identification sign be visible from a property line.
- (G) Code Compliance. A small wind energy system including tower shall comply with all applicable construction and electrical codes, and the National Electrical Code.
- (H) Utility notification and interconnection. Small wind energy systems that connect to the electric utility shall comply with the New Jersey’s Net Metering and Interconnection Standards for Class I Renewable Energy Systems.
- (I) Met towers shall be permitted under the same standards, permit requirements, restoration requirements and permit procedures as a small wind energy system.
- (J) For wind speeds in the range of 0-25 mph, the noise level of any small wind energy system shall not
- (1) Exceed 60 dBA measured from any property line; or
  - (2) Be in the excess of 5 dBA above the background noise, whichever is greater, as measured at the closest neighboring inhabited dwelling. The measurement will be taken downwind of the turbine to account for the cancelling effect of the sound of the wind itself. The provisions within this section shall not be applicable to the increased sound levels during the occurrence of short-term events such as storms and utility outages.
- (K) Approval Requirements.
- (1) Site Plan Approval. Site Plan approval from the Planning Board or Board of Adjustment, as appropriate, shall be required for the installation of a small wind energy system.
  - (2) Documents. The Site Plan application shall be accompanied by a plot plan, which includes the following:
    - (a) Property lines and physical dimensions of the property;
    - (b) Location, dimensions and types of existing structures on the property;
    - (c) Location of the proposed small wind energy system;
    - (d) The right-of-way of any public road that is contiguous with the property;
    - (e) Any overhead utility lines;
    - (f) Small wind energy system specifications, including manufacturer and model, rotor diameter, tower height, tower type;
    - (g) Stamped, engineered tower and tower foundation drawings;
    - (h) Noise levels of the proposed wind energy system at all property lines and at the closest neighboring inhabited dwelling.
    - (i) A visual site distance analysis must be submitted, including all photos of the subject property, that graphically simulates the appearance of any proposed small wind energy system and indicating its view from at least five (5) locations around and within one (1) mile of the proposed tower.
- (L) Expiration. A permit issued for an application approved by the Planning Board or Zoning Board of Adjustment, if appropriate, shall expire if:
- (1) The small wind energy system is not installed and functioning within 24 months from the date the permit is issued; or
  - (2) The small wind energy system is out of service or otherwise unused for a continuous 12 month period.
- (M) Abandonment
- (1) A small wind energy system that is out of service for a continuous 18-month period will be deemed to have been abandoned.
  - (2) The Administrative Officer may issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The notice shall be sent return receipt requested.
  - (3) The Owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date.
  - (4) If the owner provides information that demonstrates the small wind energy system has not been abandoned, the Administrative Officer shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn.
  - (5) If the Administrative Officer determines that the small wind energy system has been abandoned, the Owner of the small wind energy system shall remove the wind generator from the tower at the Owner’s sole expense within six (6) months after the Owner receives the Notice of Abandonment.

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- (6) If the Owner fails to remove the wind generator from the tower in the time allowed under (e) above, the Administrative Officer may pursue legal action to have the wind generator removed at the Owner's expense.
- (N) Violations. It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance.
- (O) Administration and Enforcement.
  - (1) This ordinance shall be administered by the Administrative Officer or other official as designated.
  - (2) The Administrative Officer may enter any property for which a permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.
  - (3) The Administrative Officer may issue orders to abate any violation of this ordinance.
  - (4) The Administrative Officer may issue a citation for any violation of this ordinance.
  - (5) The Administrative Officer may refer any violation of this ordinance to legal counsel for enforcement.
- (P) Penalties.
  - (1) Any person who fails to comply with any provision of this ordinance shall be subject to enforcement and penalties as stipulated in chapter and section of the appropriate zoning code.
  - (2) Nothing in this section shall be construed to prevent the appropriate Township of Little Falls Board from using any other lawful means to enforce this ordinance.
- (Q) Severability. The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

Poll: Ayes: Damiano, Porter, Liess, and Council President Fontana  
Nays: None

The Council President declared the motion passed.

Ordinance No. 1263-It was moved by Councilmember Liess, seconded by Councilmember Porter, that there be introduced and the meeting of September 12, 2016 set as the date for the public hearing of the following:

### ORDINANCE NO. 1263

#### ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING CHAPTER 57 OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS

##### §57-1. Purpose.

The purpose of this chapter is to establish standards for the collection, maintenance and expenditure of development fees in accordance with the Supreme Court decision in *Holmdel Builder's Ass'n. v. Holmdel Township*, 121 NJ 550 (1990) and pursuant to the regulations adopted by the New Jersey Council on Affordable Housing (COAH). Fees collected under this chapter shall be used for the sole purpose of providing low and moderate income housing either within the Borough of Saddle River or elsewhere within the northeast housing region.

##### 57-1.2 Definitions.

As used in this section:

*Affordable housing* means any housing unit with a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:93-7.4.

*COAH* means the New Jersey Council on Affordable Housing, established under the Fair Housing Act of 1985, and which has primary jurisdiction for the administration of low- and moderate-housing obligations in accordance with sound regional planning considerations in the State.

*Developer* means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land. For the purposes of this section, references to "developer" shall mean the entity seeking site plan, subdivision or "d" variance approval of, or a building permit for, new construction or the expansion or intensification of use of an existing structure for which a development fee is permitted to be collected pursuant to subsection 57-3, and/or 57-4, or the successor in title or interest to said entity.

*Development* means the division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. For the purpose of this section, references to "development" shall mean new construction or the expansion or intensification of use of an existing structure for which a development fee is permitted to be collected pursuant to subsection 57-3 and/or 57-4.

*Development fees* means money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in N.J.A.C. 5:97-8.3 et seq. Development fees may be imposed and collected as to new construction as well as to when an existing structure is expanded, undergoes a change to a more intense use, or is demolished and replaced. New construction fees shall be based on the equalized assessed value of land and improvements. Fees that result from additions and alterations shall be based on the increase in equalized assessed value that results only from the addition or alteration.

*Equalized Assessed Value* means the value of a property determined by the Township Tax Assessor through a process designed to ensure that all property in the Township is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be obtained by the Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Tax Assessor.

*Judgment of Repose* means a judgment issued by the Superior Court of New Jersey approving the Township's plan to satisfy its fair share obligation.

*Substantive Certification* means a determination by COAH approving the Township's housing element and fair share plan in accordance with the provisions of the Fair Housing Act and the rules and criteria as set forth in N.J.A.C. 5:93-1.1 et seq. A grant of "substantive certification" shall be valid for a period of six (6) years in accordance with the terms and conditions contained therein, in accordance with N.J.S.A. 52:27D-322.

##### § 57-2. Development fee assessment.

A. Unless otherwise excluded by § 57-5 of this chapter, all residential and nonresidential developments shall be assessed a development fee as a condition for securing preliminary subdivision or site plan approval.

B. Unless otherwise excluded by § 57-5 of this chapter, construction activity that does not require subdivision or site plan approval shall be assessed a development fee as a condition for securing a building permit.

##### § 57-3. Residential development fees.

A. Development fees for residential development shall be 1.5% of the equalized assessed value of the development except that, where a zoning change or density variance may be approved which provides for an increase in the residential development permitted on a site, the development fee for each additional or bonus dwelling unit realized shall be 6% of the equalized assessed value of each such incremental dwelling unit.

B. Fees exceeding those permitted under this section may be collected where an agreement is entered into with the developer which offers a financial incentive for paying higher fees. All such agreements are subject to approval by COAH.

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### § 57-4. Nonresidential development fees.

A. Development fees for nonresidential development shall be 2.5% of the equalized assessed value of the development.

B. Fees exceeding those permitted under this section may be collected where there is an agreement with the developer that offers a financial incentive for paying higher fees. Such agreements may include, but are not limited to, tax abatement, increased commercial/industrial square footage, and/or increased commercial/industrial impervious coverage in return for an increased fee. The fee negotiated must bear a reasonable relationship to the additional commercial/industrial consideration to be received. All such agreements are subject to approval by COAH.

### § 57-5. Eligible exactions and exemptions.

A. Inclusionary developments shall be exempt from paying development fees.

B. Developers that expand an existing nonresidential structure shall pay a development fee as required in § 57-4 of this chapter. The development fee shall be calculated based on the increase in the equalized assessed value of the improved structure.

C. Improvements to and expansions of existing residential structures which increase the living space by less than 20% and/or the volume of the existing structure by less than 20% shall be exempt from paying a development fee.

D. Developers that have received preliminary or final approval of a development prior to the effective date of this chapter shall be exempt from paying a development fee unless the developer seeks a substantial change in the approval.

E. Developers of churches, synagogues, schools, public nonprofit uses or hospitals shall be exempt from paying development fee(s).

### § 57-6. Collection of fees.

A. Developers shall pay 50% of the calculated development fee at the time of the issuance of building permits. The development fee shall be estimated by the Tax Assessor prior to the issuance of a building permit.

B. Developers shall pay the remaining fee at the time of the issuance of certificates of occupancy. Upon the issuance of a certificate of occupancy, the Tax Assessor shall calculate the applicable equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee calculated at the time a certificate of occupancy is issued and the amount paid at the time the building permit was issued.

C. Imposed and collected development fees that are challenged shall be placed in an interest bearing account by the municipality. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned.

### § 57-7. Affordable housing trust fund.

A. There is hereby created an interest bearing affordable housing trust fund in an official bank of the Township for the purpose of receiving development fees from residential and nonresidential developers. All development fees paid pursuant to this chapter shall be deposited in the affordable housing trust fund. No money shall be expended from the affordable housing trust fund unless the expenditure conforms to the municipality's spending plan approved by COAH.

B. Should COAH determine that the Township of Little Falls is in violation of any requirements set forth in N.J.A.C. 5:93-8.17 and N.J.A.C. 5:93-8.18, COAH shall direct the manner in which all development fees collected pursuant to this chapter shall be expended, pursuant to a written authorization from the governing body to the official bank of the Township, which shall be filed with the bank upon the establishment of the affordable housing trust fund as provided in § 57-7A above.

### § 57-8. Use of funds.

A. Moneys deposited in the affordable housing trust fund may be used for any activity approved by COAH for addressing the Township's low and moderate income housing obligations. Such activities may include, but are not necessarily limited to: new affordable housing construction; the funding of regional contribution agreements; the purchase of land for low and moderate income housing; extensions and/or improvements of roads and infrastructure to low and moderate income housing sites; assistance designed to render units more affordable to low and moderate income households; and administrative costs necessary to implement Little Falls Housing Element. The expenditure of all moneys shall conform to the Spending Plan approved by COAH.

B. At least 30% of all revenues collected which are not targeted for a regional contribution agreement or a municipal construction project, shall be devoted to render units more affordable. Examples of such activities include, but are not limited to: down payment assistance; low interest loans; and rental assistance.

C. No more than 20% of all revenues collected shall be expended on administrative costs necessary to provide, revise or implement the Housing Element. Examples of eligible administrative activities include: additional personnel; consultant services; space costs; consumable supplies; and rental or purchase of equipment directly related to the development, revision or implementation of any portion of the Township's Housing Element. Administrative funds may also be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements.

### § 57-9. Disbursement of funds.

Development fees shall be disbursed consistent with the Township's Spending Plan adopted pursuant to N.J.A.C. 5:93-5.1(c).

### § 57-10. Monitoring.

The Township shall complete and return all monitoring forms related to the collection of fees, expenditure of revenues and implementation of the plan certified by COAH. Quarterly financial reports, and annual program implementation and auditing reports shall be completed on forms designed by COAH.

#### 57-10.1 Spending Plans.

a. The Township shall submit to COAH or the court (whichever has jurisdiction) a spending plan for the development fees collected by it prior to the granting of substantive certification by COAH or the issuance of a Judgment of Repose by the court (whichever has jurisdiction). Plans to spend development fees shall consist of the following information.

1. A projection of revenues anticipated from imposing fees on development, based on historic activity;
2. A description of the administrative mechanism that the Township will use to collect and distribute revenues;
3. A description of the anticipated use of all development fees;
4. A schedule for the creation or rehabilitation of housing units using development fees;
5. In the event the Township envisions being responsible for public sector or nonprofit construction of housing, a pro forma statement of the anticipated costs and revenues associated with the development;
6. The manner through which the Township will address any expected or unexpected shortfall for the activities set forth in paragraphs 4. and 5. above if the anticipated revenues from development fees are not sufficient to implement the plan.

#### 57-10.2 Penalties.

a. In the event that any of the conditions set forth in paragraph b. below occur, COAH or the court (whichever has jurisdiction) shall be authorized, on behalf of the Township, to direct the manner in which all development fees collected pursuant to this section shall be expended. Should any such condition occur, such revenues shall immediately become available for expenditure at the direction of COAH or the court (whichever has jurisdiction) upon the Township Clerk's receipt of written notification from COAH or the court (whichever has jurisdiction) that such a condition has occurred. In furtherance of the foregoing, the Township shall, in establishing a bank account pursuant to subsection 30-1.6, ensure that the Township has provided whatever express written authorization which may be required by the bank to permit COAH or the court (whichever has jurisdiction) to direct disbursement of such revenues from the account following the delivery to the bank of

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the aforementioned written notification provided by COAH or the court (whichever has jurisdiction) to the Township Clerk and Chief Financial Officer.

- b. Occurrence of the following may result in COAH or the court (whichever has jurisdiction) taking action pursuant to paragraph a. above:
  - 1. Failure to submit a spending plan pursuant to 57-1.9 above within the time limits imposed by COAH or the court (whichever has jurisdiction);
  - 2. Failure to meet deadlines for information required by COAH or the court (whichever has jurisdiction) in its review of this section, the Township’s housing element, or its spending plan;
  - 3. Failure to proceed through COAH’s administrative process or any administrative process imposed by the court (whichever has jurisdiction) toward substantive certification in a timely manner;
  - 4. Failure to address COAH’s or the court’s (whichever has jurisdiction) conditions for approval of a plan to spend development fees within the deadlines approved by COAH or the court (whichever has jurisdiction);
  - 5. Failure to address COAH’s conditions for substantive certification within the deadlines imposed by COAH
  - 6. Failure to submit accurate monitoring reports within the time limits imposed by COAH or the court (whichever has jurisdiction);
  - 7. Failure to implement the spending plan for development fees within the time limits imposed by COAH or the court (whichever has jurisdiction), or within reasonable extensions granted by COAH or the court (whichever has jurisdiction);
  - 8. Expenditure of development fees on activities not permitted by COAH or the court (whichever has jurisdiction);
  - 9. Revocation of the Township’s substantive certification or Judgment of Repose or
  - 10. Other good cause demonstrating that the revenues are not being used for the intended purpose.

§ 57-11. Expiration of chapter.

This chapter permitting the collection of development fees shall expire as a result of any of the following:

- A. An action of a court with competent jurisdiction or COAH's dismissal or denial of a petition for substantive certification.
- B. An action by a court with competent jurisdiction or COAH's revocation either of substantive certification or of its approval of this chapter.
- C. The expiration of substantive certification unless the Township has adopted and filed a new Housing Element with COAH, petitioned for substantive certification, or received COAH's renewed approval of this chapter.

**57-12. Consistency, Severability and Repealer**

(A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

(B) All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

(C) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

**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 57 of the Code entitled Development Fees of the Code of the Township of Little Falls.
- 3. It is the intent of the Municipal Council to replace the entire Chapter 57 Development Fees with this Ordinance in to the Code. 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.

\*\*\*\*\*

Council President FONTANA explained this resolution pertains to COAH development fees which was discussed at a previous meeting.

Poll:           Ayes:           Damiano, Porter, Liess, and Council President Fontana  
                   Nays:           None

The Council President declared the motion passed.

Ordinance No. 1264-It was moved by Councilmember Liess, seconded by Councilmember Damiano, that there be introduced and the meeting of September 12, 2016 set as the date for the public hearing of the following:

**BOND ORDINANCE NO. 1264**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF AN EMERGENCY GENERATOR FOR THE RECREATION CENTER IN AND BY THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$120,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$40,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.**

**BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Little Falls, in the County of Passaic, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$120,000, including a grant in the amount of \$75,000 from the Federal Emergency Management Agency administered through the State of New Jersey Office of Emergency Management (the "Grant") and further including the amount of \$5,000 as the down payment. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment and the Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$40,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of an emergency generator for the Recreation Center on Paterson Avenue, including all related costs and expenditures necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in

## Meeting of August 8, 2016

connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$40,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$10,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or, if other than the Grant referred to in Section 1 hereof, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Poll: Ayes: Damiano, Porter, Liess, and Council President Fontana  
Nays: None

The Council President declared the motion passed.

### PAYMENT OF BILLS

It was moved by Councilmember Porter, seconded by Councilmember Liess, that the Council approve the following:

#### RESOLUTION [BL]

**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.

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Poll: Ayes: Damiano, Porter, Liess, and Council President Fontana  
Nays: None

The Council President declared the motion passed.

There being no further business to come before the meeting, it was moved by Councilmember Liess, seconded by Councilmember Damiano, that the meeting be and it was adjourned at 8:17 p.m.

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Municipal Clerk  
Cynthia Kraus