

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

Monday, June 24, 2019

Council President Sgobba called the meeting to order at 7:00 p.m. with the following members present: Maria Cordonnier, Albert Kahwaty, Tanya Seber and Christopher Vancheri. Also present were Mayor James Damiano, Township Attorney Joseph Wenzel, Township Administrator Charles Cuccia and Township Clerk Cynthia Kraus.

Absent: Township Engineer.

Township Employees present: Police Chief Steve Post, DPW Superintendent Phillip Simone, and Deputy Registrar Marlene Simone.

SALUTE TO THE FLAG

STATEMENT OF PUBLIC NOTICE: Take notice that adequate notice of this meeting has been provided in accordance with N.J.S.A. 10:4-10 as follows: A notice of the meeting was prominently posted on the bulletin board at the Municipal Building, located at 225 Main Street, Little Falls, N.J. on January 2, 2019. 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 Cordonnier, seconded by Councilmember Vancheri, that the Minutes of the Regular Meeting of May 20, 2019, and the Minutes of the Workshop Meeting of June 10, 2019 be approved as amended.

Poll: Ayes: Cordonnier, Kahwaty, Seber, Vancheri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

COUNCIL MEMBER REPORTS

Councilmember KAHWATY announced the Town-wide cleanup is scheduled for September 14, 2019. He thanked Renea Shapiro, ABC, for coordinating the event with MSU students and their service day. He encouraged everyone to stop by the Domestic Violence Prevention Committee tent at the July 4th Street Fair. Councilmember KAHWATY commented on a Passaic Valley High School yearbook entry and his opinion of the school's response.

Councilmember VANCHERI provided a status report of the topics discussed during the June 11, 2019 Transportation Committee meeting including discussion of speed humps in the Township and traffic light placement on Wilmore Road, Cedar Grove Road, and Francisco Avenue. He thanked Corporal Moncato, the Committee, and the DPW for the proper placement of signage. Studies will be conducted on various streets prior to taking next steps. The Transportation Committee would like to sponsor a safety awareness event with guest speakers in August. Council President SGOBBA commented the Police Department has been issuing more violations.

Councilmember CORDONNIER applauded the efforts of Councilmember Vancheri for his efforts with the Transportation Committee. The Open Space Committee will have an off-site visit to a playground in lieu of a meeting in July. She announced the first annual Senior Barbeque will be held at the American Legion in Singac in August sponsored by the Senior Advisory Board. Lastly, she attended a thank you luncheon from the Superintendent of the Board of Education to honor a job well done by the teachers.

Councilmember SEBER announced the Library Board will hold a Dine and Donate fundraiser in July at the California Pizza Kitchen. She encouraged everyone to like the Library's Facebook Page, Instagram page, and to view available programs. The Municipal Alliance will hold its final meeting at the end of the week and will have a booth at the July 4th Street Fair. A 5K Run Little Falls is tentatively set for October 6, 2019 starting and ending at Passaic Valley High School. Steps are being taken to get a certified course and to have activities after the run as well.

REMARKS FROM THE CHAIR

Council President SGOBBA requested the Mayor provide an update on current projects throughout the Township.

MAYOR'S REPORT

Mayor Damiano highlighted three recent infrastructure upgrades. High pressure main upgrading occurred from Lower Notch Road eastward. The Mayor elaborated on the agreement made with PSEG to repave roadways depending on the age of the road and timelines for repaving. Due to a severe lack of water pressure, additional work is to include a water main upgrade in the center of Town down Main Street and Paterson Avenue up to Lower Notch Road. Once the work is concluded, all of the roadway will be resurfaced. A third project involves an electrical connection between the substation in Totowa and the substation in Cedar Grove. The Mayor detailed the direction of the connection throughout the Township.

Mayor Damiano reviewed the improvements at Duva field. Work will continue throughout the summer and should be completed in time for fall sports.

Meeting of June 24, 2019

At this time, Mayor Damiano read a Proclamation for LGBTQ Pride Month, acknowledging June, 2019 as LGBTQ Pride Month in the Township of Little Falls.

ATTORNEY’S REPORT

Mr. Wenzel had nothing to report.

PUBLIC COMMENT

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

Poll: Ayes: Cordonnier, Kahwaty, Seber, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

Andrew Baggot, 78 Franklin Road, Denville, 105 & 107 Main Street, commented the Block Party was an enjoyable event, expressed gratitude for posting the time and dates on the Township Website for Council videos, and stated Minutes were missing from the website for Council and Planning Board Meetings. Council President SGOBBA requested Mr. Baggot submit a list of dates for follow-up. Mr. Baggot requested more information on parking regarding the PNC parking lot and behind Taco Affair. Mayor Damiano provided a status report and reiterated the parking plan that was presented was preliminary. In response to Mr. Bagot’s query regarding the NJ Transit bus stop, Mayor Damiano elaborated on its relation to the Transit Village application. In reply to Mr. Baggot’s request for an update on demolitions, the Mayor stated there was nothing pending. Lastly, Mr. Baggot submitted his questions on payment in lieu of parking. Mayor Damiano explained the concept of payment in lieu parking and elaborated on how the Township looking for innovative ways to increase revenue to offset increasing expenses.

Luis Fernandez, 54 Harrison Street, questioned how a developer is determined to be eligible for payment in lieu of parking. Mayor Damiano explained the Council will implement the ordinance for the PILOT. The Planning Board will apply the ordinance that the Council has created. Mr. Fernandez requested more information on the incident that occurred in the Passaic Valley High School yearbook. Councilmember KAHWATY stated it was circulated on social media. Mr. Fernandez questioned the Noise Ordinance in reference to snow blowers to which Council President SGOBBA and Mayor Damiano responded.

Bonnie Nolan, 31 Prospect Street, requested confirmation of the payment schedule for Resolution I. Councilmember SEBER stated the payment schedule is in the Ordinance and further explained the rationale of the Resolution.

No one further coming forward to be heard, it was moved by Councilmember Kahwaty, seconded by Councilmember Cordonnier, that the meeting be and it was closed to the public.

Councilmember VANCHERI temporarily vacated the dais at this time.

Poll: Ayes: Cordonnier, Kahwaty, Seber, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

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 May, 2019

MUNICIPAL CLERKS REPORT
Month of May 2019

ABC LICENSES		
OTHER LICENSES		
Business Licenses	\$1,330.00	
Pre-paid Business Licenses		
Raffle Licenses	\$20.00	
		\$1,350.00
REGISTRAR OF VITAL STATISTICS		
Fees & Permits	\$704.00	
Marriage Licenses-LF	\$9.00	
Marriage Licenses-NJ	\$75.00	
		\$788.00
MRNA		
Street Maps		
Zoning Maps		
Zoning Ordinances		
Document Copies	\$75.28	
Garage Sales	\$50.00	
Misc. Fees & Refunds:	\$350.00	
TOTAL MRNA		\$475.28
TOTAL CURRENT ACCOUNT		\$2,613.28
TOTAL TO TREASURER		\$2,613.28

Meeting of June 24, 2019

MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT
Month of May 2019

Dog Licenses issued 05/01/2019 thru 05/31/2019
Nos. 1 to 140 = 140 Licenses
Amount due Little Falls
Amount due State
Total Cash Received

\$952.00
\$204.00
\$1,156.00

Cat Licenses issued 05/01/2019 thru 05/31/2019
Nos. 1 to 1
Licenses Issued 1
Total Cash Received

\$8.00

Total to Treas.

\$1,164.00

MONTHLY REPORT

Municipality of Township of Little Falls
Office of the Tax Collector
Township of Little Falls Current Account, Lakeland Bank
Revenues Collector for the Month of May 2019

Categories 01-	May 1-31, 2019	2019 Year to Date
2019 Taxes	\$5,638,957.15	\$22,928,884.72
2018, 2017, 2016 Taxes	34,173.43	264,625.93
Interest	9,985.82	30,662.80
Township Tax Title Lien	0.00	93,999.28
Duplicate Tax Bills	15.00	80.00
Insufficient Check Fee	120.00	340.00
Municipal Copy Fee	0.00	0.30
6% Penalty Fee	816.59	2,729.64
GRAND TOTALS	\$5,684,067.99	\$23,321,322.67

Delinquent 2016 Taxes \$892,492.19 (inc. 6% YE-PE/PI)
Delinquent 2018 Taxes 132,748.59
Delinquent 2019 Taxes 647,547.63
Total Delinquent Taxes \$1,672,788.41

2019 Refunds this month = -\$10,322.09
2019 Year to date refunds = -\$12,346.50

Breakdown of refunds for years 2014-2019 completed in 2019(see attached).

REFUNDS IN THE YEAR 2019

Months	2014 STCJ	2015 STCJ	2016 STCJ	2017 STCJ	2018 STCJ	2019 CBJ	2018 Regular	2019 Regular	2019 Senior/ Disabled	Exempt 2019	Total by Months
January	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$864.19	\$0.00	\$0.00	\$0.00	\$864.19
February	\$0.00	\$0.00	\$3,767.05	\$4,608.49	\$2,085.60	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	10,461.14
March	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,014.41	\$750.00	\$0.00	\$2,764.41
April	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
May	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,332.09	\$0.00	\$0.00	\$10,332.09
Totals	\$0.00	\$0.00	\$3,767.05	\$4,608.49	\$2,085.60	\$0.00	\$864.19	\$12,346.50	\$750.00	\$0.00	\$24,421.83

Note: The above figures represent the months that the Tax Collector did the adjustments in the computer; the Resolution(s) may have been adopted in the next month. STCJ = State Tax Court Judgments. CBJ= County Board Judgments.

Municipality of Township of Little Falls
Office of the Tax Collector
Township of Little Falls Tax Collector Trust 1 (Lien Monies), Lakeland Bank
Revenues for the Month of May 2019

	2019 Deposit	2019 Year-to-Date
January 2019	\$ 0.00	\$ 0.00
February 2019	\$236,465.84	236,465.84
March 2019	\$ 49,655.88	286,121.72
April 2019	\$ 20,095.62	306,217.34
May 2019	\$ 0.00	\$306,217.34
Total Collected as of May 31, 2019		\$306,217.34

Municipality of Township of Little Falls
Office of the Tax Collector
Township of Little Falls Tax Collector Trust 2 (Lien Premium Monies), Lakeland Bank
Revenues for the Month of May 2019

	Liens with Premiums Redeemed/ (-)	Bal. /Dep. (+)
Balance Brought Forward (January 1, 2019)		\$235,800.00
January 2019	\$ 0.00	0.00
February 2019	-14,000.00	221,800.00
March 2019	-60,500.00	161,300.00
April 2019	0.00	0.00
May 2019	0.00	0.00
Ending Balance as of May 31, 2019		\$161,300.00

Actual Balance @ \$138,100.00; township keeps these premiums:
Transfer out - \$8,100.00 (186/27 foreclosed)
Transfer out- \$15,100.00 (164/15.01 redemption not within five years).

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Recreation Report – Month of May, 2019

Recreation Center		5/1-5/5			5/6-5/12			5/13-5/19			5/20-5/26			5/27-5/31		
Program	Facility	# Classes	Hrs	Particip	# Classes	Hrs	Particip	# Classes	Hrs	Particip	# Classes	Hrs	Particip	# Classes	Hrs	Particip
NJ Basketball	Gym	2	2	16	2	2	16	2	2	16	2	2	16	2	2	15
Chair Yoga	Gym	1	1	6	1	1	9	1	1	9	1	1	9	*	*	Vacation
Fencing	Multi	1	2	16	2	4	24	2	4	22	2	4	24	2	4	27
Fit 4 U	Gym	1	1	16	1	1	14	1	1	14	1	1	0	1	1	13
Karate	Multi	2	2	10	2	2	12	2	2	11	*	*	0	1	2	10
QiGong	Gym	2	2	9	2	2	34	2	2	33	2	2	33	1	1	21
Tai Chi	Gym	1	1	11	1	1	10	1	1	15	1	1	12	*	*	Vacation
Yoga	Multi	2	2	12	2	2	12	2	2	10	2	2	12	2	2	8
Zumba Gold	Gym	2	2	28	2	2	51	2	2	60	2	2	63	2	2	28
Zumba Tone	Multi	3	3	42	3	3	74	3	3	55	2	2	29	2	2	46
Tiger Basketball	Gym	3	10.5	180	4	16	264	4	13	154	4	13	154	2	6	105
LFAC SB & BB	All fields	*	*	480	*	*	759	*	*	454	*	*	396	*	*	285
Mens Softball/ Womens	Duva fields	*	*	72	*	*	72	*	*	183	*	*	*	*	*	144
Indoor Pickleball	Gym	1	2	11	1	2	14	1	2	14	*	*	MD	*	*	*
USS Sports	Louis St.	*	*	23	*	*	23	*	*	23	*	*	MDW	*	*	23
Local 464	Multi	*	*	*	1	1	13	*	*	*	*	*	*	*	*	*
School #1 Dance	Gym/Multi	1	3	150	*	*	*	*	*	*	*	*	*	*	*	*
Weekly Totals		22	33.5	1082	24	39	1401	23	35	1073	19	30	748	15	22	725

Closed Sunday/Monday

Recreation Department		Monthly Totals		
Program	Facility	#Classes	Hours	Participants
NJ Basketball	Gym	8	8	79
Chair Yoga	Gym	4	4	33
Fencing	Multi	9	18	113
Fit 4 U	Gym	5	5	57
Karate	Multi	7	8	43
QiGong	Gym	9	9	130
Tai Chi	Gym	4	4	48
Yoga	Multi	10	10	54
Zumba Gold	Gym	10	10	230
Zumba Tone	Multi	13	13	246
Tiger Basketball	Gym	17	67.5	857
LFAC SB & BB	All fields	*	*	2,374
Mens Softball/ Womens	Duva fields	*	*	471
Indoor Pickleball	Gym	3	6	39
USS Sports	Louis St.	*	*	92
Local 464	Multi	1	1	13
School #1 Dance	Gym/Multi	1	3	150
Monthly Totals		101	166.5	5029

Civic Center Report – Month of May, 2019

Month of April			
Meeting Group	# of Meetings	Hours	Participants
Jolly Seniors	5	32.5	157
Golden Agers	5	32.5	154
Sr. Advisory	1	2	10
Stamp Club	*	*	*
LFAC Meeting	1	2	20
ABC	1	2	5
LFFPA	1	3	20
OEM	1	2	20
Board of Elections	1	3	15
Historical Society	*	*	50
Spring Fling (Sr. Ad. Board)	1	10.5	100
Girl Scouts	1	1.5	22
Mayors Road Improv. Meet	1	2.5	35
LFAC Coaches Meeting	1	1	20
Totals	15	76	628

May 10th

Police Department Report - Month of May, 2019

PATROL DIVISION MONTHLY REPORT – May, 2019

This agency handled **13,094** details between January 1, 2019 and May 31, 2019.

This agency completed **2,694** reports between January 1, 2019 and May 31, 2019.

This agency had **6,732** inbound telephone calls and **XXXXX** outbound calls during the month of May, 2019.

This agency received **694** 911 calls during the month of May, 2019.

The Little Falls Police Department handled **2,873** details and wrote **655** Operation/Investigation reports between May 1, 2019 and May 31, 2019.

The patrol division patrolled **13,458** miles during the month of May, 2019.

Calls for Service

Call Type	Total
Medical emergency	55
Fire Department incident	5
Narcans deployment	0
Burglar alarms/false	47
Burglar alarms/valid	16
Domestic violence incidents	3
Burglary	3
Criminal mischief	2
Theft	8
Suspicious person/vehicle/incident	30
General investigation	25
Noise complaint	9
All others not listed	452

Traffic Summary

Crashes	Total
Motor vehicle crashes	76
Motor vehicle crash injuries	14
Motor vehicle crash fatalities	0
Enforcement	Total
Motor vehicle stops	583
Speeding summonses	28
DWI summonses	6
Driving while suspended summonses	34
Uninsured vehicle summonses	15
Moving violations	351
Parking violations	13
Total summonses issued	364

Arrest Summary

Total Arrests - 33

Type of Arrest	Total
CDS	9
DWI	5
Warrant	10
Domestic Violence	3
Theft	2
All others	4

Directed Patrol Summary

Detail Type	Total
School arrival	71
School dismissal	52
School walk through	68
Radar post	112
Park check	140
Vacant house check	7
Extra attention check	25
DWI/Aggressive driving patrol	12
Foot patrol	28

Patrol Division Time & Attendance

Type of Hours	Total
Vacation	88
Holiday	99
Compensatory	80
Sick	84
Personal time	4
Credit time	229.5
Administrative	0
PBA day	0
Schedule transition	8
Bereavement	0
Overtime due to Training	0
Overtime hours to maintain minimum staffing level	28
Overtime due to incident/weather/other event	12

2 out of a total of 62 shifts during the month of May were below minimum staffing.

Patrol staffing level during month: 3.70

Major incident/Notable achievement

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COMMUNITY POLICING

Detail Type	Total
Cell block inspection	19
School arrivals	18
School dismissals	10
School walk thru	18
Vacant house checks	0
Child car seat installations	3
Headquarters safety inspections	0
Project medicine box emptied	2 (56 lbs)
Trips to Covanta for prescription drug destruction	1
Community function appearances	5
School function appearances	3

Special projects/details

5/3 Assisted Totowa PD with car seat install.
5/7 Covanta drug burn (286 lbs. Destroyed)
5/14 Jr. Police Academy parent meeting.
5/14 Met with seniors to promote Operation Life Line
5/15 Attended child safety seat recertification class in Livingston.
5/16 Attended annual ice cream social at School #2.
5/16 Met with second senior group to promote Operation Life Line.
5/17 Gave presentation at Banyan High School, then gave tour of headquarters to students.
5/20 Attended Staying on the right track at School #1.
5/21 Court officer
5/23 Attended School #2 climate and safety meeting with staff.
5/24 Participated in Memorial Day event at park. Also set up no parking signs during the day for parade
5/30 Court Officer
DAYS OFF 5/6, 5/9, 5/10, 5/27

Meeting of June 24, 2019

TRAFFIC DIVISION

Detail Type	Total
Traffic details	55
Radar posts	12
Crashes investigated	2
Speedometer calibrations	0
Alcotest maintenance assignments	1
Traffic meetings attended	1
Traffic complaints received	9
Road job safety checks	7
Assisted patrol	11
Enforcement	Total
Motor vehicle stops	80
Moving summonses	92
Parking summonses	17
Total summonses issued	109

Special projects/details

Click it or ticket campaign May 20, 2019 – June 2, 2019
 Radar recertification completed for Ptl. Tuling

Investigative Division Monthly Division Report

Month: May, 2019

Case Management

10 Cases were assigned during the month of May, currently 5 of 10 remain open/active. _ cases were closed from the previous months. 5 cases remain open/inactive, until further information is gained.

Off-Hour Call-outs

1 incident required a detective to respond during off hours, for the month of May.

Monthly Staffing

Hours Off 73 Overtime Hours 1 Division Strength 2.58

Vehicles

D-1 (GMC Envoy): Mileage 110,098 Repairs Needed _____
 D-2 (Chevy Tahoe) Mileage _____ Repairs Needed _____
 D-3 (Ford Explorer) Mileage 89,990 Repairs Needed _____
 Undercover vehicles, repairs needed _____

Complaints Issued

2 Criminal complaints (Warrants/Summonses) was signed by the investigative division during the month of May.

Narcotics

0 arrests were made by the investigative division for drug related offenses. There is 1 open/active drug investigations, during the month of May.
 0 Confidential Informants were registered.
 0 Controlled buys were made.
 56 pounds of prescription medication were deposited in the Prescription Drug Box. ___ trips were made to Cavanta Essex Co. in Newark for disposal, during the month of May.

Grand Jury/Superior Court Appearances

Detectives were required to appear in Superior court or Grand Jury for 2 cases during the month of May.

Search Warrants

0 Search Warrants and 0 Communication Data Warrants (CDW's) were executed during the month of May.

Internal Affairs

0 Internal Affairs complaint was indexed during the month of May. 1 Internal Affairs complaints were investigated and closed. 1 cases remain open and under investigation. 0 cases resulted in disciplinary action, requiring a suspension of ten (10) or more days.

Background Investigations

The investigative division conducted 0 Police Applicant investigations, 0 Dispatcher Applicant investigation and 0 Crossing Guard Applicant investigations in the month of May.

Megan's Law Restrictions

There were 0 New Registrations, 2 re-registrations and address verifications. 0 moved out of our jurisdiction during the month of May. There are currently 10 registered Sex Offenders residing in the Township.

Property and Evidence

During the month of May, 5 pieces of Property were entered into the Beast Evidence System and secured. (includes found property, recovered stolen property and items left for safekeeping)

- 1 Firearms/weapons were entered into the Beast Evidence System and secured.
- 31 pieces of Evidence were entered into the Beast Evidence System and secured.
- 20 pieces of Drug Evidence were transported to the N.J. State Police Lab.
- 2 piece of Forensic Evidence were transported to the N.J. State Police Labs at Hamilton or Holmdel, N.J.
- 0 Drug Screens were transported to the N.J. State Medical Examiner's Office.
- 50 Dollars in seized currency were turned over to the Passaic County Prosecutor's Office for forfeiture proceedings.

Notable Cases

Case Number	Charges	Detective/s Assigned	Length of Investigation

Notes

Detectives worked with numerous jurisdictions on multiple cases. Four involved the burglary of vehicles in the Bergen Drive area and the burglary to the snack shack at Paterson Ave Rec. Field.

PATROL DIVISION MONTHLY MILEAGE REPORT
May 2019

UNIT	STARTING MILEAGE	ENDING MILEAGE	TOTAL
800	4000	4561	561
810	65138	66513	1375
811	28668	30853	2185
812	75965	76862	897
813	17455	19053	1598
814	38012	40335	2323
815	15683	17096	1413
816	45644	46429	785
817	33351	35117	1766
818	52908	53463	555
TOTAL MILEAGE			13458

Construction Report – Month- May, 2019

Uniform Construction Code

Permits Issued – 59
 Inspections - 187
 Total Value of Construction - \$1,547,270.00
 Certificate of Occupancy - \$324.00
 Permit Fees Collected - \$35,181.00
 Permit Fees Waived - \$728.00
 Total Fees Collected - \$35,505.00

Zoning

Fence Permits – \$250.00
 Zoning Fees – \$600.00
 Total Fees Collected - \$850.00

Property Maintenance

Certificates of Compliance Fees – \$2,095.00
 Inspections – 77
 Complaints – 29
 Violations Issued - 15
 Roll-off permits – \$40.00
 Total Fees Collected - \$2,135.00
Monthly Revenue \$38,490.00
YTD Revenue \$223,672.50

CORRESPONDENCE

REQUEST FROM LITTLE FALLS PBA FOR PERMISSION TO HOLD 4TH ANNUAL OKTOBER FOOD TRUCK FESTIVAL ON WALNUT STREET, UNION AVENUE, RAILROAD AVENUE AND WALNUT STREET FIELD ON SATURDAY, SEPTEMBER 14, 2019 WITH A RAIN DATE OF SATURDAY, SEPTEMBER 21, 2019 FROM 11 AM UNTIL 7PM.

RESOLUTIONS

In Rem Tax Foreclosures

RESOLUTION [A] 19-06-24 - #1

RESOLUTION OF THE MUNICIPALITY OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING THE INSTITUTION OF IN REM TAX FORECLOSURES

WHEREAS, the Tax Collector of the Township of Little Falls has prepared an *in rem* tax foreclosure list and has certified the same to the governing body; and

WHEREAS, it is the desire of the governing body to institute *in rem* tax foreclosure proceeding against the properties which are set forth on Schedule “A” attached hereto; and

WHEREAS, it is not only in the best interest of the municipality to institute said proceedings, but also is a duty of the governing body; and

WHEREAS, the institution of said *in rem* proceeding will result in revenue to the Township of Little Falls either by a redemption of the subject property or their foreclosure and resale by the Township of Little Falls; and \

WHEREAS, the Township Attorney and the Tax Collector will be fulfilling all the necessary documents for the *in rem proceedings*.

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

1. That the governing body does hereby authorize the institution of *in rem* tax foreclosure proceedings regarding the properties set forth on Schedule “A” attached hereto.
2. That a certified copy of this resolution be forwarded to the Tax Collector and Township Attorney (Fred Semrau, Esq. c/o Robert J. Rossmeissl, Esq.)

SCHEDULE "A"
IN REM FORECLOSURE LIST
TOWNSHIP OF LITTLE FALLS

Schedule Number	Certificate Number	Name of Owner as it appears on last Tax Duplicate	Description of land as it appears on Tax Duplicate & Certificate of Sale Block/Lot	Date of Tax Sale	Amount of Tax Sale	Amount of liens accruing subsequent to tax sale	Amount to Redeem	Date of Recording	Book & Page or Instrument number in County Clerk's Office
1	04-2018	47 Main St. Realty Corp	49 Main St 110/7	10/04/18	\$4,648.29	\$9,293.48	\$13,941.85	01/09/19	Book: M15356 Page 167
2	05-2018	47 Main St. Realty Corp	47 Main St. 110/7.01,8	10/04/18	\$9,686.97	\$51,686.14	\$61,373.11	01/09/19	Book: M15355 Page 298
3	07-2018	Notch Road/Jackson Ln LLC	634-636 Jackson Ln 185/5	10/04/18	\$18,006.01	\$28,028.47	\$46,034.48	01/09/19	Book: M15356 Page 170

Tax Overpayment Refunds in the Year 2019 on Several Properties

RESOLUTION [B] 19-06-24 - #2

WHEREAS, the following properties in the Township of Little Falls, New Jersey, have overpaid real estate taxes in 2019; and **WHEREAS**, the Tax Collector is requesting that the Township Council direct the Treasurer to refund said amounts overpaid listed below;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Little Falls, County of Passaic, State of New Jersey that the following listed tax refunds be made by the Township Treasurer:

<u>Tax Year & Qtr.</u>	<u>Block Lot/Q</u>	<u>Taxpayer/ Location</u>	<u>Payee</u>	<u>Reason</u>	<u>Amount</u>
2019/2	43/10	Paul & Marguerite Meola 4 Pine Court	Corelogic PO Box 9202 Coppell TX 75019	O/P Exempt 100% Dis.Vet	\$2,288.63
2019/2	94/5.01	Jennifer A Paredes 38 Walnut St	Jennifer A Paredes 38 Walnut St Little Falls NJ 07424	O/P	79.47
2019/2	147/6	Erkan & Hanife Yildiz 100 Second Av	Corelogic PO Box 9202 Coppell TX 75019	O/P	3,664.02
2019/2	240.02/7 C0107	Assoian to Horowicz 10 Stone Ridge Court	Evident Title Agency, Inc. 878 Pompton Ave Cedar Grove NJ 07009	O/P	4,299.97
Total Refunds					\$10,332.09

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

RESOLUTION [C] 19-06-24 - #3
TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY NEW JERSEY

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

WHEREAS, applications for renewal of **PLENARY RETAIL CONSUMPTION, PLENARY RETAIL DISTRIBUTION** and **CLUB LICENSES** have been filed as follows:

<u>License No.</u>	<u>License and/or t/a name</u>	<u>Fee</u>
1605-33-002-004	Brinker New Jersey Inc. t/a Chili's Southwest Grill & Bar Rte. 46 @ Browertown Road	\$2,200.00
1605-33-009-007	Mansion Caterers, Inc. t/a The Falls 215 Newark Pompton Tpke.	"
1605-44-010-005	3C, LLC, Inc. t/a Shoprite Liquors of Little Falls Corner Browertown Road & Rose Street	"
1605-33-014-010	Rare the Steakhouse LLC t/a Rare the Steakhouse LLC 440 Main Street	"
1605-33-015-007	GMS Diner Corp t/a Six Brothers Diner Route 46E @ Clove Road	"
1605-33-013-007	Maggie's Place, LLC " t/a Maggie's Town Tavern 10 Van Ness Avenue	"
1605-33-011-012	Bask 2 Inc. " t/a 381 Main 381 Main Street	"
1605-33-003-010	Sear Restaurant Corp. t/a Sear 1 Newark Pompton Turnpike	"

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1605-33-005-010	Chela's Restaurant & Bar, LLC t/a Chela's Restaurant & Bar 131 Newark Pompton Turnpike	“
1605-33-004-001	First Russian Nat'l Home of Singac NJ, Inc. t/a New Russian Hall 4-6 Woodhull Avenue	“
1605-31-016-001	Singac Memorial Post 108, Inc. American Legion Post 108 591 Main Street	\$165.00
1605-31-017-001	Henry Buikema Post 121, Inc. American Legion Post 121 55 Van Ness Avenue	“
1605-33-006-004	Yellow Leaf, LLC t/a Bromley's 70 East Main Street, 3 rd Floor	\$2,200.00
1605-33-001-010	Orange Leaf, LLC 70 East Main Street, 3 rd Floor	“

and **WHEREAS**, it appears that all of the said applications are in satisfactory form; that the applicants have complied with all necessary requirements; that all applications are for renewals by the same persons for the same stands; and that no objections, in writing or otherwise, have been made or filed to any of said applications; and

WHEREAS, the Township Council is familiar with all of the aforementioned applicants and the places for which they apply and sees no objection to any;

NOW, THEREFORE, BE IT RESOLVED that the above-listed applications be and the same are hereby granted; and **BE IT FURTHER RESOLVED** that licenses be issued accordingly, to become effective on July 1, 2019 and expire on June 30, 2020.

Amendment to Contract for Quality Electric Construction Co.

**RESOLUTION [D] 19-06-24 - #4
RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT FOR QUALITY ELECTRIC CONSTRUCTION CO. AS
A RESULT OF CHANGE ORDER #2**

WHEREAS, a contract was awarded by the Township to Quality Electric Construction Co. 290 Laurel Ave. Hazlet New Jersey 07631 in the amount of \$506,000.00 for the Installation of Field Lighting at Duva Field in Little Falls New Jersey and,

WHEREAS, the Township approved Change Order #1 in the amount of \$111,371.00 on August 13, 2018, adjusting the contract amount to \$617,371.00,

WHEREAS, this Change Order consists of the deduction of allowances not expended during this contract in the amount of \$11,428.00;

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

1. That Change Order No. 2 in which there is a decrease of the Contract price of \$11,428.00 representing an amended contract price of \$605,943.00 which this change order is made a part of this resolution.
Change Order No. 2 is authorized and approved as an Amendment to the Contract of Quality Electric Construction Co.

Cooperative Pricing Agreement with Bergen County

**RESOLUTION [E] 19-06-24 - #5
A RESOLUTION AUTHORIZING THE TOWNSHIP OF LITTLE FALLS
TO ENTER INTO the New Jersey Cooperative Purchasing Alliance
COOPERATIVE PRICING AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Bergen, hereinafter referred to as the "Lead Agency" has offered voluntary participation in the New Jersey Cooperative Purchasing Alliance # CK04- a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on June 24, 2019 the governing body of the Township of Little Falls, County of Passaic, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This **RESOLUTION** shall be known and may be cited as the Cooperative Pricing Resolution of the (**CONTRACTING UNIT**)
AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

Renewal of Agreement for Health Services

**RESOLUTION [F] 19-06-24 - #6
AUTHORIZING EXECUTION OF RENEWAL AGREEMENT BETWEEN THE TOWNSHIP OF LITTLE FALLS AND THE CITY
OF CLIFTON TO PROVIDE HEALTH SERVICES TO THE TOWNSHIP OF LITTLE FALLS**

BE IT RESOLVED by the Township Council of the Township of Little Falls that the Mayor and Clerk are hereby authorized to execute an agreement with the City of Clifton for the renewal of Health Services to the Township of Little Falls from July 1, 2019 through June 30, 2022.

BE IT FURTHER RESOLVED that the Township of Little Falls shall pay the City of Clifton in quarterly installments based on the fee schedule set forth in their proposal dated May 28, 2019.

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Phase II Main Street Streetscape Improvements Project

RESOLUTION [G] 19-06-24 - #7

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Phase II of the Main Street Streetscape Improvements Project.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of Little Falls formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2020-Downtown Little Falls Streetscape I-00222 to the New Jersey Department of Transportation on behalf of the Township of Little Falls.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Little Falls and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council on this 24th day of June, 2019

Extension of Contract for FEMA & CDBG Disaster Recovery Project Manager

RESOLUTION [H] 19-06-24 - #8

AUTHORIZING THE EXTENSION OF THE CONTRACT BETWEEN THE TOWNSHIP OF LITTLE FALLS AND JSW & ASSOCIATES, INC. FOR FEMA & CDBG DISASTER RECOVERY PROJECT MANAGER

WHEREAS the Township of Little Falls awarded a contract to JSW & Associates, Inc. for FEMA & CDBG Disaster Recovery Project Manager on July 7, 2014; and

WHEREAS, it is necessary to extend the contract until October 1, 2019;

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

1) That the contract for

JSW & Associates, Inc.
14401 Bookcliff Court
Purcellville, VA 20132-1769

be and the same is hereby extended with a termination date of October 1, 2019; 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 purchase of the within designated services subject to the successful contractor's filing the required New Jersey Employee Information Report (Form AA302) or providing a Certificate of Employee Information to the Township.

Payment Schedule for Little Falls Library

RESOLUTION [I] 19-06-24 - #9

WHEREAS, N.J.S.A. 40:54-8 requires municipalities to raise by taxation a sum equal to one-third of a mil on every of dollar assessable property in the municipality for the operation of the free public library; and,

WHEREAS, Little Falls wishes to establish a schedule for the payments to the Little Falls Public Library,

NOW THEREFORE BE IT RESOLVED, the Township of Little Falls shall make quarterly payments to the Little falls Public Library on February 20th, May 20th, August 20th, and November 20th of each year to the extent possible and subject to tax revenues having been collected

Bill List

RESOLUTION [J] 19-06-24 - #10

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.

It was moved by Councilmember Cordonnier, seconded by Councilmember Kahwaty, that the Consent Agenda be approved.

Council President SGOBBA opened the floor for questions on the Consent Agenda.
Councilmember VANCHERI returned to the dais.

Poll: Ayes: Cordonnier, Kahwaty, Seber, Vancheri and Council President Sgobba
Nays: None

The Council President declared the motion passed.

REGULAR AGENDA

NEW BUSINESS

Ordinance No. 1357 It was moved by Councilmember Cordonnier, seconded by Councilmember Vancheri, that the public hearing on Ordinance No. 1357, "**ORDINANCE AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY, FERAL CATS,**" be and it was opened.

Poll: Ayes: Cordonnier, Kahwaty, Seber, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Cordonnier, seconded by Councilmember Vancheri, that the public hearing on Ordinance No. 1357 be and it was closed.

Poll: Ayes: Cordonnier, Kahwaty, Seber, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Cordonnier, seconded by Councilmember Vancheri, that the Ordinance No. 1357 be and it was adopted.

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Poll: Ayes: Cordonnier, Kahwaty, Seber, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

Ordinance No. 1358- It was moved by Councilmember Cordonnier, seconded by Councilmember Kahwaty, that the public hearing on Ordinance No. 1358, **“AN ORDINANCE AUTHORIZING AND DIRECTING THAT TITLE AND POSSESSION OF CERTAIN REAL PROPERTY SITUATED IN TAX BLOCK 110, LOT 19 LOCATED WITHIN THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC AND STATE OF NEW JERSEY, BE ACQUIRED BY EMINENT DOMAIN OR PURCHASE OR GIFT,”** be and it was opened.

Poll: Ayes: Cordonnier, Kahwaty, Seber, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

No one further having come forward to be heard, it was moved by Councilmember Cordonnier, seconded by Councilmember Vancheri, that the public hearing on Ordinance No. 1358 be and it was closed.

Poll: Ayes: Cordonnier, Kahwaty, Seber, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Cordonnier, seconded by Councilmember Kahwaty, that the Ordinance No. 1358 be and it was adopted.

Poll: Ayes: Cordonnier, Kahwaty, Seber, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

Ordinance No. 1363- It was moved by Councilmember Cordonnier, seconded by Councilmember Kahwaty, that there be introduced and the meeting of July 22, 2019 set as the date for the public hearing of the following:

ORDINANCE NO. 1363

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE CHAPTER 136 NOISE

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

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

The existing Chapter 136 Noise is repealed in its entirety and replaced as follows by the new Chapter 136 Noise Regulations.

Noise Regulations:

136.I. Definitions

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

"dBC" means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

"Demolition" means any dismantling, destruction or removal of buildings, structures, or roadways.

"Department" means the New Jersey Department of Environmental Protection.

"Emergency work" means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

"Impulsive sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

"Minor Violation" means a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

"Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

"Multi-use property" means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

1. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
2. A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

"Noise Control Officer" (NCO) means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Noise Control Investigator" (NCI) means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

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"Plainly audible" means any sound that can be detected by a NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

"Private right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

"Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

"Real property line" means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

"Sound production device" means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

"Sound reduction device" means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.

"Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

"Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

136.II. Applicability

(A) This model noise ordinance applies to sound from the following property categories:

- Industrial facilities;
- Commercial facilities;
- Public service facilities;
- Community service facilities;
- Residential properties;
- Multi-use properties;
- Public and private right-of-ways;
- Public spaces; and
- Multi-dwelling unit buildings.

(B) This model noise ordinance applies to sound received at the following property categories:

- Commercial facilities;
- Public service facilities;
- Community service facilities (i.e. non-profits and/or religious facilities)
- Residential properties;
- Multi-use properties;
- Multi-dwelling unit buildings.

(C) Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary of emergency signaling device shall not meet or exceed 10 seconds.

136. III. Exemptions

(A) Except as provided in IX. and X. below, the provisions of this ordinance shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5.

(B) Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.

(C) Construction and demolition activities are exempt from the sound level limits set forth in tables I and II and III except as provided for in IX. below.

136. IV. Enforcement Officers

(A) Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.

(B) Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.

(C) Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinances.

136. V. Measurement Protocols

(A) Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in VIB of this ordinance and with the definition of "real property line" as contained herein.

(B) When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

136. VI. Maximum Permissible Sound Levels

(A) No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in III. (A) above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in VI (B).

(B) Impulsive Sound Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II.

TABLE I

MAXIMUM PERMISSABLE A-WEIGHTED SOUND LEVELS WHEN MEASURED OUTDOORS

TABLE II

MAXIMUM PERMISSABLE A-WEIGHTED SOUND LEVELS WHEN MEASURED INDOORS

	Receiving Property Category		
	Residential property or residential portion of a multi-use property		Commercial facility, public service facility, nonresidential portion of a multi-use property or community service facility
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	24 hours
Maximum A-weighted sound level standard, dB	65	50	65

	Receiving Property Category		
	Residential property or residential portion of a multi-use property	Commercial facility ¹ or nonresidential portion of a multi-use property	
		7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Maximum A-weighted sound level standard, dB	55	40	55

Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

TABLE III
MAXIMUM PERMISSIBLE OCTAVE BAND SOUND PRESSURE LEVELS IN DECIBELS

Octave Band Center Frequency, Hz	Receiving Property Category					
	Residential property or residential portion of a multi-use property				Commercial facility, public service facility, nonresidential portion of a multi-use property or community service facility	Commercial facility ¹ or nonresidential portion of a multi-use property
	Outdoors		Indoors		Outdoors	Indoors
	Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB	Octave Band Sound Pressure Level, dB
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	24 hours	24 hours
31.5	96	86	86	76	96	86
63	82	71	72	61	82	72
125	74	61	64	51	74	64
250	67	53	57	43	67	57
500	63	48	53	38	63	53
1,000	60	45	50	35	60	50
2,000	57	42	47	32	57	47
4,000	55	40	45	30	55	45
8,000	53	38	43	28	53	43

Note: When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement.

136. VII. Sound Production Devices

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Table IV when measured within the residence of a complainant according to the measurement protocol in VI(B) of this ordinance. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

TABLE IV
MAXIMUM PERMISSIBLE INCREASE IN TOTAL SOUND LEVELS WITHIN A RESIDENTIAL PROPERTY

Week nights 10:00 p.m. – 7:00 a.m. Weekend nights 11:00 p.m. – 9:00 a.m.	All Other Times
3 dB (C)	6 dB (C)

136. VIII. Restricted Uses and Activities:

The following standards shall apply to the activities or sources of sound set forth below:

- A. Excluding emergency work, power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.
- B. Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.
- C. All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.
- D. Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth in Tables I, II or III do not apply.
- E. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the limits set forth in Tables I, II or III do not apply.
- F. Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator;
- G. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:

- (1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
- (2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

136. IX. Motor Vehicles

Violations of each paragraph of this section shall be considered purposeful and therefore non-minor violations.

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- (A) No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.
- (B) No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.
- (C) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.
- (D) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.

136. X. Enforcement

- (A) Violation of any provision of this ordinance shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.
- (B) Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than the maximum penalty pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense. A mandatory Municipal Court appearance is required for each offense.
- (C) Upon identification of a violation of this Ordinance the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Ordinance that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.
- (D) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section II of this ordinance) a NOV shall be issued to the violator.
1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.
2. The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the NCO or NCI. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.
- (E) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation, the violator shall be notified that if the violation is not immediately corrected, a NOPA with a civil penalty of not more than the maximum penalty allowed pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014, will be issued. If a non-minor violation is immediately corrected, a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.
- (F) The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.
- (G) The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.
- (H) The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.
- (I) Any claim for a civil penalty may be compromised and settled based on the following factors:
- Mitigating or any other extenuating circumstances;
 - The timely implementation by the violator of measures which lead to compliance;
 - The conduct of the violator; and
 - The compliance history of the violator.
- (J) No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law.

136. XI. 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 136 Noise Regulations of the Code of the Township of Little Falls.
3. It is the intent of the Municipal Council to incorporate the additions and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 136 Noise Regulations of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.
4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
6. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

Poll: Ayes: Cordonnier, Kahwaty, Seber, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

Ordinance No. 1364- It was moved by Councilmember Cordonnier, seconded by Councilmember Kahwaty, that there be introduced and the meeting of July 22, 2019 set as the date for the public hearing of the following:

ORDINANCE NO. 1364

AN ORDINANCE AMENDING CHAPTER 280 ZONING OF THE MUNICIPAL CODE OF THE TOWNSHIP OF LITTLE FALLS CHAPTER 280 ARTICLE XX, USE, AREA AND BULK REGULATIONS

§ 280-149 Encroachments in required yards.

A. The space in any required yard shall be open and unobstructed except as follows:

- (1) An awning or movable canopy shall be permitted to project not more than four feet into any yard whether or not such yard meets required setback requirements, but in no event shall be permitted to extend beyond the lot line.
- (2) An arbor, open trellis, flagpole, unroofed steps, unroofed porch and recreation and drying yard equipment shall be permitted to encroach no closer than six feet to the property line.
- (3) An awning or movable canopy shall be permitted to project not more than six feet into any required yard setback.

B. Accessory building defined as follows:

The term applied to a building or use which is clearly incidental or subordinate to the principal building or use and located on the same lot with such principal building or use. Any accessory building attached to a principal building is deemed to be part of such principal building in applying the bulk regulations to such accessory building. Accessory buildings are larger than 200 square feet and are less than 18 feet high require a building permit. Accessory buildings are calculated as part of the lot coverage.

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No Accessory building in any district shall be located in any required front or side yard setback area.

C. An accessory building shall be permitted in any required rear yard subject to the following regulations:

(1) The aggregate ground area covered by any accessory buildings in any rear yard, including the ground area covered by any projections other than cornices and eaves, shall not exceed 15% of the rear yard area in any residence district, or 50% of the rear yard area in any business or industrial district.

(2) No accessory building within 50 feet of any lot line in any residence district shall be more than 18 feet high **measured from the finished grade or the lowest floor, whichever is more restrictive**. No accessory building in any residence district shall be nearer than six feet to a party lot line. No accessory building in a business or industrial district shall be more than two stories high if it is nearer than 20 feet to any party lot line or the boundary line of a residence district.

(3) On a corner lot in any residence district, an accessory building shall be located not less than 25 feet from the side street line. When the rear of a corner lot abuts a lot facing on the side street, an accessory building shall not be nearer the rear line of the lot on which it is erected than the distance required for side yard widths in that district.

(4) No accessory building shall be closer than 15 feet to any principal building unless it is attached to and is part of such principal building.

(5) Accessory Structures in excess of 200sq/ft shall be included in the lot coverage calculation.

D. Utility sheds less than 200sqft and less than 10 feet in height in any residential district

1. An application for a zoning permit shall be filed prior to installation.

2. Must be a required minimum 3 foot setback from the side yard and rear yard of the property lines and shall only be located in the rear yard.

3. Must be a required minimum of 10 feet from any other accessory structures, such as a detached garage or a pool surface and equipment.

4. Must be a required minimum of 15 feet away from the primary dwelling (including decks if applicable) on the property.

5. Utility Sheds are not calculated in lot coverage.

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 280-149 of the Code of the Township of Little Falls.

3. It is the intent of the Municipal Council to incorporate the additions and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 280 of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.

4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

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

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

Poll: Ayes: Cordonnier, Kahwaty, Seber, Vancheri, and Council President Sgobba

Nays: None

The Council President declared the motion passed.

Ordinance No. 1365- It was moved by Councilmember Cordonnieri, seconded by Councilmember Kahwaty, that there be introduced and the meeting of July 22, 2019 set as the date for the public hearing of the following:

ORDINANCE NO. 1365

AN ORDINANCE AMENDING CHAPTER 231 SWIMMING POOLS OF THE MUNICIPAL CODE OF THE TOWNSHIP OF LITTLE FALLS

§ 231-1 **Permit required.** No person shall construct, maintain or operate within the Township any private, open, permanently installed swimming pool except in accordance with the provisions of this chapter.

§ 231-2 **Application for permit.**

A. An application for a **zoning and construction** permit to construct a private, permanent **or above ground** swimming pool shall be made to the Construction Official and shall include final plans, specifications and reports as may be required including the following:

(1) A property survey not more than 20 years old, and a Detailed plot plan of the entire property showing existing buildings and proposed pool drawn to scale, with pertinent dimensions and grade elevations shown in figures at pool, building and property lines. The plot plan shall be signed by the owner or his agent or a duly licensed engineer or registered architect or land surveyor of New Jersey.

(2) Pool layout, construction and dimensions including piping arrangement pumps and all other pool appurtenances.

(3) Details of disposal facilities for filtering wastewater and provisions for emptying of pool.

B. Specifications for construction of the pool shall accompany all detailed plans and final ~~reports~~ **as built and report shall be submitted upon completion of the project to the Construction Official.**

§ 231-3 **Issuance of permit.**

Upon compliance with all provisions of this chapter and upon approval by the Construction Official of the final plans, specifications and reports together with the data contained therein, a permit shall be issued for the location and construction so requested upon payment of a fee as required by the Building Code of the Township.^[1]

[1]

Editor's Note: See Ch. 46, Construction Codes, Uniform.

§ 231-4 **Location and construction requirements.**

An open, permanent type of swimming pool shall not be located and constructed or altered by any person until a building permit for the pool shall be issued by the Construction Official and shall be subject to the following provisions:

A. Conformity with zoning. A swimming pool is a structure to be constructed in accordance with the terms of ~~Chapter 280, Zoning of the Code of the Township.~~ below

Location and area. The swimming pool shall not be closer than 10 feet to any side or rear lot lines of the property and shall not be closer than 15 feet to any principal building; provided, however, that no part of any pool shall be constructed within the front yard. Pools shall be constructed in rear yards only, and the water surface shall not exceed 15% of the total area of the rear yard. In the case of corner lots, the pool shall be located in a side yard area set back a minimum of 1.5 times the required front yard setback for the zoning district in which it is located, screened from view from the street, and its water surface shall not exceed 15% of the total area of the lot. The pool shall be calculated in the lot coverage calculation. Prior to receiving the certificate of occupancy an as built plan shall be submitted to the Construction official showing compliance with the setback calculations and the lot coverage calculation. The Construction Official may at his discretion inspect for compliance with the as built plan presented.

B. Fence required; exceptions. The exposed sides of a permanently installed swimming pools shall be completely enclosed by a fence of not less than 36 inches in height of durable construction with openings of no greater than six inches and having at least one gate. The type of proposed fence must be included in the application for the permit as provided in § 231-2. The gate or gates shall remain securely locked at all times when the pool is not being used. Nothing herein contained shall apply to permanently installed pools built above ground level to a height of at least 36 inches.

C. Use of pool. Use of the pool is for a single private family and the owner's social guest.

D. Permanent construction required. The pool must be of permanent-type construction. Uncovered sand or earth bottoms shall not be permitted.

E. Drainage. The immediate area surrounding the pool shall be designed to slope away from the pool so that all surface water will drain away from the pool.

F. Ladder required. From any nonpermanent installed pool needing a ladder for the use thereof, the ladder shall be removed when the pool is not in use.

G. Bathroom. A bathroom is not required. Any such construction including screened enclosure must conform to accessory building construction as defined and governed by Chapter 280, Zoning.

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H. Floodlights. No floodlight or lights shall be maintained in such a manner that the source of light is visible from a public street or neighboring property.

I. Covering. The governing body recommends that at all times when a portable pool is not in use, the pool be covered by a cover of either canvas, plastic, rubber or other similar material permanently secured to the sides of the pool.

§ 231-5 Registration; inspection.

All permanently installed swimming pools and portable swimming pools shall be registered with the Township Clerk without fee, and the Police Department shall be authorized to make periodic inspections of the location of the pools and to enforce the terms of this chapter. The Health Officers of the Township may inspect the pool area periodically at reasonable times. ^[1]

[1]

Editor's Note: Original Section 23-3.2, Use of Surface Streams or Brooks Prohibited for Bathing, and Section 23-3.3, Discharge of Collected Rain Water, which immediately followed this section, were deleted at time of adoption of Code (see Ch. I, General Provisions, Art. II).

§ 231-6 Nonapplicability to wading pools.

Nothing herein shall apply to a wading pool and all pools below the height of 12 inches shall be considered wading pools.

§ 231-7 Violations and penalties.

Any person violating the provisions of this chapter shall, upon conviction, be liable to the penalty stated in Chapter I, General Provisions, Article I.

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 231 Swimming Pools of the Code of the Township of Little Falls.
3. It is the intent of the Municipal Council to incorporate the additions and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 231 of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.
4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
6. This Ordinance shall take effect immediately on final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

Poll: Ayes: Cordonnier, Kahwaty, Seber, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

Ordinance No. 1366- It was moved by Councilmember Cordonnier, seconded by Councilmember Kahwaty, that there be introduced and the meeting of July 22, 2019 set as the date for the public hearing of the following:

ORDINANCE NO. 1366

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 147 PEACE AND GOOD ORDER

WHEREAS, the Township of Little Falls ("Township") is a public body corporate and politic of the State of New Jersey; and
WHEREAS, the Township's Code of General Ordinances ("Code") currently provides for rules and regulations for Township peace and good order, which includes all municipal facilities;

WHEREAS, the municipal council ("Municipal Council") of the Township has determined to amend Chapter 147, of the Code entitled Peace and Good Order; and

WHEREAS, the Municipal Council has determined to amend said Chapter 147 of the Code section Article I 142-B to read as follows:

147-2 B.1 Tobacco Use Prohibition.

The Township of Little Falls does hereby specifically prohibit any tobacco use on any municipal facility, owned by or leased to the Township of Little Falls. Except in areas designated by the Township and marked by signage as a designated smoking area. For purposes of this article, "tobacco" shall mean any product that is made from the tobacco plant for the purpose of being smoked, inhaled or chewed by a person, including but not limited to cigars, chewing tobacco, pipe tobacco, snuff and cigarettes in any form. This prohibition includes the use of an electronic smoking device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, hookah, pipe or any cartridge or other component of the device or related product.

147-2 B.2 Enforcement.

This article shall be enforced by any member of the Police Department of the Township of Little Falls.

147-2 B.3 Violation and penalties.

A violation of this article shall be punishable for each violation with a minimum fine of \$50 for each violation

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 147-2 B of the Code of the Township of Little Falls.
3. It is the intent of the Municipal Council to incorporate the additions and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 147 of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.
4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
6. This Ordinance shall take effect immediately on final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

Poll: Ayes: Cordonnier, Kahwaty, Seber, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

Ordinance No. 1367- It was moved by Councilmember Cordonnier, seconded by Councilmember Kahwaty, that there be introduced and the meeting of July 22, 2019 set as the date for the public hearing of the following:

ORDINANCE NO. 1367

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 7 TRAFFIC

WHEREAS, the Township of Little Falls ("Township") is a public body corporate and politic of the State of New Jersey; and
WHEREAS, the Township's Code of General Ordinances ("Code") currently provides for Traffic and Parking Regulations in the Township;

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WHEREAS, the municipal council ("Municipal Council") of the Township has determined to amend Chapter 7 of the Code entitled Traffic; and

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

The existing Chapter 7 Traffic is hereby amended to create Article VI 7-80 **Payment in Lieu of Parking.**

Payment in Lieu of Parking Ordinance – Township of Little Falls

1. Purpose of parking improvement program.

When the proposed construction and use of any new building or structure or the proposed enlargement or increase in the capacity of new use of any existing building or structure results in practical difficulty or undue hardship in complying with the off-street parking requirements of the Township Zoning Ordinance, the Planning Board and/or Zoning Board of Adjustment, in its discretion, upon finding(s) that such difficulty or undue hardship exists, and if the applicant is otherwise in accord with the provisions of the Municipal Land Use Law, may permit the applicant to elect to contribute to the Township's Parking Improvement Program (PIP) Trust Fund in lieu of providing the total number of parking spaces required by Township ordinance.
2. Areas eligible for participating in parking improvement program.
 - a. Pursuant to the Local Redevelopment and Housing Law ("LRHL"),[1] certain areas within the Township have been designated as areas in need of redevelopment or areas in need of rehabilitation. The designated areas are those most in need of additional off-street parking and most adversely affected by the granting of parking waiver variances. Construction of additional off-street parking by the Township will serve new and existing residents, and patrons and applicants requesting parking variances.
[1] Editor's Note: See N.J.S.A. 40A:12A-1 et seq.
 - b. Projects submitted to the Planning Board and/or the Zoning Board of Adjustment that are sited within a duly designated area in need of redevelopment or area in need of rehabilitation will be eligible for participating in the parking improvement program.
3. Number of parking spaces for which variance is requested.
 - a. The Planning Board and/or Board of Adjustment, when reviewing an application for development which requests a parking space variance, shall determine the number of off-street parking spaces required for the application to conform to the requirements of the Township Zoning Ordinance, and then shall establish the number of parking spaces for which the applicant seeks a variance.
 - b. The provisions of this section of the zoning ordinance creating the parking improvement program shall not allow the waiver of required off-street parking spaces or facilities, where they can be installed by the applicant without undue difficulty or hardship, unless the approving authority, by resolution, agrees in its sole discretion that it has an excess supply of available on or off-street parking in the area of the development project. **The Planning Board and/or Board of Adjustment is then authorized to permit a waiver of up to 10% of the applicant's overall parking requirement.**
 - c. The contribution and payment of the PIP fee, in lieu of providing the required off-street parking spaces, shall only be made at the formal written request of an applicant, who would otherwise be required to install off-street parking based upon the applicant's proposed use, and is unable to do so in accordance with the requirements of the zoning ordinance.
4. PIP fee for off-tract parking improvements.
 - a. The applicant agrees, at its request, to be assessed a PIP fee for each parking space not otherwise provided by the applicant as required by the Township Zoning Ordinance.
 - b. The Township has determined 400 square feet to be the parking industry standard for a nine-foot-by-eighteen-foot parking stall, including drive aisles and other common areas associated with the development of a parking lot or parking garage.
 - c. The PIP fee to be assessed by the Township for each parking space for which the applicant seeks a waiver shall be calculated as follows, until otherwise amended or revised by ordinance: **\$5,000**
 - d. In addition to the per parking space PIP fee assessment, the applicant shall pay pursuant to N.J.S.A. 40:55-D-3.2 the reasonable fees assessed by the municipality or applicable land use board for review of the developer's application and supporting information as well as preparation of documents necessary to effectuate the purpose of this article, including but not limited to attorney review, parking consultant, engineering cost estimates and appraisal services.
 - e. **In the event that the applicant has provided the Township with other payments, waived tax appeal rebates, deeded or contributed by nominal lease real property, constructed off-site improvements, constructed replacement parking facilities, etc., other than what may be negotiated as part of a Payment In Lieu of Taxes (PILOP) agreement, the Township Council in its sole discretion may credit the applicant with the reasonable value of such payment, contribution and/or improvements toward the PILOP required.**
 - f. The PILOP shall not relieve the applicant or any users of the parking spaces covered under a PILOP agreement from paying any other required parking fees to the Township.
5. Payment of PIP fee by applicant.

The timing of the PIP fee payment shall be in the discretion of the approving authority. Payment by the applicant of the PIP fee assessed may be imposed as follows:

 - a. Upon the granting of the variance by the Planning Board or Board of Adjustment.
 - b. In the case of a development project at the time that the applicant or the successor to the applicant's approvals secures their building permits.
 - c. Over a term of years, in the event the PIP payment exceeds \$250,000, to be authorized by resolution of the Township Council. The payment term shall not be in excess of five years, payable in yearly installments, with legal interest.
 - d. To secure payment of applicant's obligation to the PIP Trust Fund, a municipal assessment for a local improvement pursuant to N.J.S.A. 40:56 et seq. shall be placed upon applicant's real estate which was the subject of the parking variance.
 - e. The provisions of N.J.S.A. 40:56 et seq. shall apply in the event of a default or late payment.
6. Collection of PIP fee assessment.
 - a. In the event that the Planning Board or Zoning Board of Adjustment approves by resolution payment of the PIP fee by installment, a real estate assessment shall be collected by the municipal tax assessor's office in the manner proscribed by statute and the funds so collected shall be turned over to the Township Chief Financial Officer (CFO) for deposit into the Township's Parking Improvement Program Trust Fund.
 - b. In the event that the applicant is directed by the Planning Board or Zoning Board of Adjustment to pay the PIP fee assessment in a single lump sum, the assessment shall be collected by the Township's Chief Financial Officer for deposit into the Township's Parking Improvement Program Trust Fund.
7. Establishment of Parking Improvement Program Trust Fund.

To the extent required by law, the Township shall apply to the State of New Jersey, Department of Community Affairs, Local Finance Board pursuant to administrative rule, for its approval and establishment of a dedicated and restricted trust fund for deposit of the PIP fees assessed by the authority pursuant to the parking space variance, as determined by the Planning Board or Zoning Board of Adjustment.
8. Use of PIP Fee Assessment.

The assessed fees collected and deposited into the Parking Improvement Program Trust Fund shall be dedicated to provide for: planning, engineering and design; traffic and other feasibility studies; acquisition through purchase or condemnation; erection, construction of or installation of off-street parking facilities, parking structures, or equipment; and other associated parking project development costs. The expenditure of such funds for said purposes shall be made by the Township Manager or his or her designee at the time and in the manner determined by the Township to be in the best interests of the Township in managing parking. The proceeds of such fund shall not be considered a part of the municipal general fund.
9. Designation of other areas.

The Mayor and Council reserves the right to supplement this ordinance when it has deemed other areas of the Township are in the need of off-street parking.

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.

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2. The Municipal Council hereby amends Chapter 7 Traffic of the Code of the Township of Little Falls.
3. It is the intent of the Municipal Council to incorporate the additions and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 7 Traffic of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.
4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
6. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

Poll: Ayes: Cordonnier, Kahwaty, Seber, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

Ordinance No. 1368- It was moved by Councilmember Cordonnier, seconded by Councilmember Kahwaty, that there be introduced and the meeting of July 22, 2019 set as the date for the public hearing of the following:

ORDINANCE NO. 1368

AN AMENDING ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, CHAPTER 20 OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS ENTITLED FILM MAKING.

WHEREAS, Code section 20 Entitled Film Making provided that the provisions of Code regarding Filming in the Township described as Photography (whether still or motion picture) and/or audio recording, that is recorded to film or any other medium: digital, analog, or otherwise, that has or has not been currently invented. hereby amends and supplements the Little Falls Code; and

WHEREAS, the Township Council has determined that this chapter does not seek to regulate, control or restrict any personal or family film making, videotaping or still photography; and

WHEREAS, it is in the best interest of the Township of Little Falls that the present Township Code section 20 entitled Film making be amended set forth herein;

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

The Code of the Township of Little Falls Section 20 Entitled Film Making be and is hereby amended in its entirety as follows:
Chapter 20. FILM MAKING

§ 20-1. Title.

This chapter shall be known and may be cited as the "Film Making" ordinance of the Township of Little Falls.

§ 20-2. Filing of copies.

Immediately upon adoption of this chapter, the Township Clerk shall file a copy of this chapter with the Passaic County Executive and the New Jersey Motion Picture and Television Commission.

§ 20-3. Establishment.

It is hereby established that all matters relating to film making in the Township of Little Falls will be heard and approved, waived and/or denied by the Township Administrator. Appeals from the Township Administrator's decision can be made to ~~Mayor and~~ Township Council of the Township of Little Falls by formal letter stating the objections to the Administrator's decision. Film making is defined as: Photography (whether still or motion picture) and/or audio recording that is recorded to film or any other medium: digital, analog, or otherwise, that has or has not been currently invented. This chapter does not seek to regulate, control or restrict any personal or family film making, videotaping or still photography. Private wedding and family event productions are exempt, even when made on public property using professional photographers and videographers, so long as the final product is for personal use only. Weddings and events that will be used for any use other than distribution to family and friends (people who personally know the subjects) are not exempt (i.e. reality shows, etc.). Other exemptions on public property include news coverage and student productions. Permanent Commercial Film Production facilities which have met all Zoning and building codes requirements for certificates of occupancy are specifically exempt from the provisions of code section Chapter 20 Film Making, unless a specific production will impact outside of the facility. (Lighting, Sound, Off-site Parking, etc.)

§ 20-4. Experts and staff.

The Township Administrator or Council may employ or contract for the services of experts and other staff and services as it may deem necessary.

§ 20-5. Rules and regulations: powers and duties.

The Township Council shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purpose of this chapter. Filmmaking on public property and filmmaking on private property that will be disruptive to the Township residents and businesses that are not part of the production shall be delineated in this code section.

The determination between whether a production needs approval or permits will not be determined on a private vs professional basis but will be based on the size of the production.

§ 20-6. Application required.

Any one desiring to conduct film making on public property or a large production on private property shall submit an application to the Township Administrator the application instructions are set forth on the application document.

§ 20-7. Time for final approval.

- A. Application for final approval shall be granted or denied within 60 days of the submission of a complete application or within such further time as may be consented by the applicant.
- B. Final approval shall expire seven days from the designated start date established by the Township at the time of approval.
- C. Extensions will be considered based upon need and will not be unreasonably withheld.

§ 20-8. Application procedure.

- A. Applications for film making within the Township of Little Falls, shall be filed with the Township Administrator's office.
- B. The following shall be delivered to the Township Clerk for all large productions:
 - (1) A location map, including the nearest cross streets and 10 copies of the location map.
 - (2) The original application document and 10 copies of an application in a form for approval by the Township Administrator.
 - (3) An administrative review of the application is to be completed by the Mayor, Administrator, Police Department, Fire Department, Zoning Officer and Emergency Management Coordinator, upon-completion of the review the Township Administrator shall approve or deny the application within the time prescribed herein. The report shall contain, but not be limited to, the following:
 - (a) Traffic issues;
 - (b) Environmental issues;
 - (c) Use of Township resources;
 - (d) Related zoning issues;
 - (e) Fire related issues;
 - (f) On-site emergency medical issues.
 - (g) Other Township operational matters.
 - (h) Other Community Impacts

Said report shall be used as a basis to determine the need for Township involvement in the film making operation. All costs incurred by the Township of Little Falls for the health, safety, and welfare of residents and visitors will be borne by the applicant.

(4) Permit fees:

On public property:

- (a) Small Production – Less than 5 people on site involved in the production: \$10
- (b) Medium Production – 5-20 people on site involved in production: \$100

Small or medium sized productions on private property, whether personal or professional, that do not disrupt the surrounding area, will not require a permit fee and no location fees will be charged. However, a disruption including but not be limited to: excess parking of vehicles in the area, visible lighting from inside that is greater than what is customary for a business or residence, external

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lighting that disrupts traffic, external lighting at night, public visibility of the action being filmed, loud or frequent noises related to the production, generators, etc. In cases where disruptions occur, location fees will be charged to mitigate those impacts.

(c) Large Production more than 20 people on site involved in production: \$1000

All large productions, even on private property, are required to apply for a permit and will be subject to applicable location fees.

Note: People involved in a production include: All individuals involved in the production whether paid or unpaid including, but not limited to: Crew, talent, interview subjects, craft services, medical personnel, publicists, production staff, media coverage of the production itself, interns, observers, guests, and onlookers.

Permits do not include exclusive access to an area unless expressed in the permit. Exclusive access requires a police presence and therefore, a location fee.

(5) Location fees:

Location fees may be applied to any size production noted above in (5) a, b, or c as needed whether they will take place on public or private land. Location fees shall be determined at the discretion of the Business Administrator with the Mayor's approval. Location fees shall be paid to the Township prior to the commencing any filming or production work.

The business administrator shall consult with the department designated in 20-8 (4) as necessary to determine the impact to the Township. Location fees will include, but not be limited to costs incurred by the Township because of the production such as: police, fire, or EMS personnel required on set, closing of streets, traffic concerns due to vehicles, infrastructure concerns, required presence of a utility, protection of neighboring properties.

§ 20-9. Hearings.

A. Rules. Appeals from the Township Administrator's decision. The Township Council shall make rules governing the conduct of the hearings before it. A hearing shall be held for each application appeal submitted.

B. Testimony. The testimony of all witnesses relating to the application for film making shall be taken by the Township Attorney, and the right of cross examination shall be permitted to all interested parties through their attorneys, if represented, or directly if not represented, subject to the discretion of the Township Attorney and to reasonable limitations as to time and number of witnesses.

C. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Township Council may exclude irrelevant, immaterial or unduly repetitious evidence.

§ 20-10. Notice of hearing.

A. The applicant shall give notice of the hearing as follows:

(1) Public notice shall be given by publication in the official newspaper of the Township of Little Falls at least 10 days prior to the date of the hearing.

(2) Notice shall be given to the owners of all real property, as shown on the current tax duplicate or duplicates, located within 500 feet in all directions of the property which is the subject of such hearing and whether located within or without the Township of Little Falls in which the applicant wishes to conduct film making in accordance with this chapter. Such notice shall be given by serving a copy of the application on the owner as shown on said current tax duplicate, or his agent in charge of the property, or by mailing a copy thereof by certified mail to the property owner at the address as shown on said current tax duplicate. A return receipt is not required. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, vice president, secretary, or other person authorized by appointment or by law to accept service on behalf of the corporation.

(3) Notice shall be given by personal service or by certified mail to the Passaic County Freeholders and the New Jersey Motion Picture and Television Commission.

B. All notices hereinabove specified in this section shall be given at least 10 days prior to the date fixed for hearing, and the applicant shall file an affidavit of proof of service with the Township Council.

C. Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing and the filing of domestic return receipt documents (PS Form 3811) with the Township Clerk.

D. Form of notice. All notices required to be given pursuant to the terms of this chapter shall state the date, time and place of the hearing, the nature of the matter to be considered and identification of the property proposed to conduct film making by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Township Tax Assessor's office and the location and times at which any maps and documents for which approval is sought are available as required by this chapter.

§ 20-11. List of property owners.

The Tax Assessor of the Township of Little Falls shall, within seven days after receipt of request therefor and upon receipt of payment of a fee of \$50 make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to Section 20-9 of this chapter.

20-12. Decisions.

A. Each decision on any application appeal for film making shall be set forth in writing as a resolution of the Township Council.

B. A copy of the decision shall be mailed by the Township Clerk within 10 days of the date of decision to the applicant or, if represented, then to the attorney of record without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee of \$5 to the Township Clerk in advance of the decision. A copy of the decision shall also be filed with the Passaic County Executive and the New Jersey Motion Picture and Television Commission.

§ 20-13. Enforcement.

A. The requirements of this chapter shall be enforced by the Little Falls Police Department. If the Police Department finds film making being conducted in the Township of Little Falls without the appropriate approval by the Township Administrator or Township Council, all activities relating to and in support of film making will cease immediately and summonses will be issued to the property owner and the film making company. Both the property owner and the film making company shall appear in the Township of Little Falls Township Municipal Court.

B. Upon notice to cease, from the Little Falls Police Department, should film making activities continue both the property owner and the film making company shall be subject to per diem fines in accordance with Section 20-14 of this chapter.

§

20-14. Violations and penalties.

Violations of the provisions of this chapter shall be punishable as follows:

Film making being conducted in the Township of Little Falls without the appropriate approval by the Township Administrator:

Property owner- up to	\$5,000
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Film making company- up to	\$5,000
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Failure to cease film making activities after being noticed by the Police Department:

Property owner - for each day of violation- up to	\$5,000
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Film making company - for each day of violation- up to	\$5,000
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Severability.

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.

Repealer and Merger.

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

Section 7 - Effective Date.

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

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Poll: Ayes: Cordonnier, Kahwaty, Seber, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

PUBLIC COMMENT –GENERAL MATTERS

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

Poll: Ayes: Cordonnier, Kahwaty, Seber, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

Luis Fernandez, 54 Harrison Street, questioned whether generators would be allowed to run overnight under the Noise Ordinance. Mayor Damiano stated the Ordinance, once introduced, will be available for public review which may provide clarity, and that the proposed ordinance was preapproved by the State Department of Health. In response to Mr. Fernandez, Mayor Damiano stated decimal levels can be referenced online, however, the Ordinance provides distance references for noise as well. Councilmember VANCHERI suggested providing information on the Noise Ordinance on the Township website. Mr. Fernandez commented on his receipt of the tax bill.

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

Poll: Ayes: Cordonnier, Kahwaty, Seber, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

EXECUTIVE SESSION

It was moved by Councilmember Seber, seconded by Councilmember Kahwaty, that the Council approve the following:

RESOLUTION [EX]

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into executive session during a Public Meeting; and
WHEREAS, the Governing Body of the Township of Little Falls has deemed it necessary to go into executive session to discuss certain matters which are exempted for the Public; and

WHEREAS, the regular meeting of this Governing Body with reconvene;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Little Falls will go into executive session for the following reason(s) – items of contract negotiation– no action will be taken.

Poll: Ayes: Cordonnier, Kahwaty, Seber, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

The Council entered Executive Session at 7:53 p.m.

At 8:14 p.m. the Council returned and it was moved by Councilmember Cordonnier, seconded by Councilmember Vancheri that the meeting return to Open Session.

Council President SGOBBA announced that action would be taken at the next Meeting with regard to the Executive Session.

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

Cynthia Kraus
Municipal Clerk