

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

**Monday, July 12, 2021**

Council President Sgobba called the meeting to order at 6:00 p.m. with the following members present: Christine Hablitz, Albert Kahwaty, Tanya Seber, and Christopher Vancheri. Also present were Mayor James Damiano, Township Attorney Joseph Wenzel, Township Administrator Charles Cuccia, Deputy Clerk Melissa DePiro and Township Clerk Cynthia Kraus.

Absent: None.

Township Employees present: Police Chief Steve Post.

**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 June 30, 2021. 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. **This meeting is being conducted under the circumstances surrounding the COVID-19 health situation. No public will be allowed to attend the meeting in person. A link and a telephone number to join the meeting can be accessed on the Township website at [www.lfnj.com](http://www.lfnj.com). Electronic provisions have been established for the public to participate during the public comment portion of the meeting.**

**PUBLIC COMMENT – GENERAL MATTERS**

Members of the public who desired to provide comment shall raise their virtual hand in the Zoom application. The Meeting moderator will queue the members of the public that wish to provide comment and the Council President will recognize them in order. Members of the public who have joined the Meeting by calling in must press \*6 to mute and unmute themselves and \*9 to raise their hand. Members of the public who have joined the meeting via the Zoom application must click the Reactions icon and then raise the Hand icon. Please give your name and address for the record. Once the process is complete, we will return to the regular order of business.

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

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

The Council President declared the motion passed.

Council President SGOBBA announced the Meeting was called to order earlier tonight to accommodate special circumstances of the Township Attorney, Joe Wenzel.

Luis Fernandez, 54 Harrison Street, requested the results of recent complaints regarding a trailer parked in a residential driveway. Mayor Damiano indicated a summons was issued and a court appearance is required. Mr. Fernandez queried whether any NJDOT applications have been filed for the Jackson Park area. In reference to the Stevens Avenue NJDOT Safe Streets to Transit application, the Mayor stated the Township has been unsuccessful in Safe Streets to Transit Applications but has been successful in Streetscape Improvements applications in the past. The Mayor recalled a similar NJDOT application in the Donato Drive area that met opposition from the residents; henceforth, the Mayor explained his focus of DOT grants for streetscape improvements in the Downtown area. In response to Mr. Fernandez's comments, Mayor Damiano responded the individual in question was required to remove the attic apartment and further explained the issue has been adjudicated.

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

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

The Council President declared the motion passed.

**ITEMS TO BE DISCUSSED:** Mayor Damiano reminded everyone the Township has concerts in the Park on Thursdays and the Farmers Market on Sundays. The first ever Water Day will also be coming up.

**MAYOR/ADMINISTRATOR:**

1. RESOLUTION AUTHORIZING PARTICIPATION IN STATE GRANT PROGRAM FOR BODY WORN CAMERAS – Mayor Damiano stated the Township received funds to purchase thirty cameras for the Police Department.
2. RESOLUTION AUTHORIZING INSERTION INTO 2021 MUNICIPAL BUDGET OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION FOR BODY WORN CAMERA GRANT – Mayor Damiano explained this administrative resolution which allows insertion of the grant funds into the budget.
3. INTRODUCTION OF ORDINANCE NO. 1420, ESTABLISHING CHAPTER 33 (CANNABIS REGULATIONS) – Mayor Damiano stated Ordinance No. 1420 is an administrative type of ordinance to conform with the State's requirements. Mr. Wenzel elaborated on Ordinance No. 1420 which gives the

**Meeting of July 12, 2021**

Township a minor degree of authority to not regulate cannabis but to have an idea of who is applying and who is in the area, as well as collect fees.

- 4. INTRODUCTION OF ORDINANCE NO. 1421, AMENDING CHAPTER 182, RETAIL FOOD ESTABLISHMENTS AND VENDING MACHINES – Mayor Damiano explained the administrative nature of this Ordinance which removes words from the Ordinance as they are duplicated in the Township’s current Fee Ordinance. The Fee Ordinance is not changing with respect to the Farmers’ Market.
- 5. INTRODUCTION OF ORDINANCE NO. 1422, AMENDING CHAPTER 71, FEES – Mayor Damiano noted Ordinance No. 1422 has been modified in relation to the 5K Run. Councilmember SEBER detailed updated fees for early registration, ten days prior to the event, a new “all abilities one miler”, and noted a new championship sponsorship tier has been added.

***ACTION ITEMS:***

It was moved by Councilmember Kahwaty, seconded by Councilmember Vancheri, to approve the following Resolutions A through C:

Body Worn Camera Grant

**RESOLUTION [A] 21-07-12 - #1  
RESOLUTION AUTHORIZING PARTICIPATION IN A STATE GRANT PROGRAM  
WITH NJ DIVISION OF LAW AND PUBLIC SAFETY**

**WHEREAS**, the Township of Little Falls has been awarded a grant from the NJ Department of Law and Public Safety, Office of the Attorney General for the SFY21 Body-Worn Camera Grant Program; and

**WHEREAS**, the Township is authorized to accept said award of grant funds in the amount of \$61,140.00 under award number 21-BWC-231 for the award period of January 1, 2021 through December 31, 2025; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor is authorized to execute a grant agreement with the NJ Department of Law and Public Safety for the SFY21 Body-Worn Camera Grant Program award.

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Municipal Budget Insertion for Body Camera Grant

**TOWNSHIP OF LITTLE FALLS  
PASSAIC COUNTY NEW JERSEY  
RESOLUTION [B] 21-07-12 - #2  
SPECIAL ITEMS OF REVENUE AND APPROPRIATION**

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Little Falls in the County of Passaic, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$61,140.00, which is now available from Miscellaneous Revenues – Section F – Special Items of General Revenue Anticipated with prior written consent of Director of Local Government Services - Public & Private Revenues Offset with Appropriations NJ Department of Law and Public Safety SFY21 Body-Worn Camera Grant

**BE IT FURTHER RESOLVED**, that the like sum of \$61,140.00 is hereby appropriated under the caption:

General Appropriations	
(A) Operations – Excluded from “CAPS”	
Public & Private Programs Offset by Revenues	
NJ Department of Law and Public Safety	
SFY21 Body-Worn Camera Grant	\$61,140.00

Bill List

**RESOLUTION [C] 21-07-12 - #3**

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

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

The Council President declared the motion passed.

**NEW BUSINESS**

Ordinance No. 1413 - -It was moved by Councilmember Kahwaty, seconded by Councilmember Hablitz, that the public hearing on Ordinance No. 1413, “**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO RESCIND CHAPTER 240-1, PUBLICATION OF DELINQUENT TAXPAYER LIST, OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS,**” be and it was opened.

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

The Council President declared the motion passed.

As no comments from the public were received, it was moved by Councilmember Kahwaty, seconded by Councilmember Hablitz, that the public hearing on Ordinance No. 1413 be and it was closed.

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

The Council President declared the motion passed.

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It was moved by Councilmember Vancheri seconded by Councilmember Kahwaty, that the Ordinance No. 1413 be and it was adopted.

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

The Council President declared the motion passed.

Ordinance No. 1414 - It was moved by Councilmember Vancheri, seconded by Councilmember Kahwaty, that the public hearing on Ordinance No. 1414, **“AN ORDINANCE AMENDING THE LITTLE FALLS FIRE DIVISION IN THE CODE OF THE TOWNSHIP OF LITTLE FALLS CODE SECTION 3-7.8.1 ENTITLED, EMERGENCY MEDICAL SERVICE, AND CREATING THE DIVISION OF EMERGENCY MEDICAL SERVICE,”** be and it was opened.

Luis Fernandez, 54 Harrison Street, requested clarification of the Ordinance. Mayor Damiano explained how a candidate is appointed to a position, how salary is established, and added that the EMS employees are part time and do not require health benefits.

As no further comments from the public were received, it was moved by Councilmember Vancheri, seconded by Councilmember Kahwaty, that the public hearing on Ordinance No. 1414 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Kahwaty seconded by Councilmember Hablitz, that the Ordinance No. 1414 be and it was adopted.

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

The Council President declared the motion passed.

Ordinance No.1420 - It was moved by Councilmember Hablitz, seconded by Councilmember Kahwaty, that there be introduced and the meeting of August 9, 2021 set as the date for the public hearing of the following:

**TOWNSHIP OF LITTLE FALLS  
ORDINANCE NO. 1420  
AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC,  
STATE OF NEW JERSEY, TO ESTABLISH CHAPTER 33 (CANNABIS REGULATION)  
OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS**

**WHEREAS**, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

**WHEREAS**, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

**WHEREAS**, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, section 31b of the Act stipulates that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

**WHEREAS**, the Township Council of the Township of Little Falls has determined that it is appropriate to permit a limited number of Class 1, 2, 3, 4 and 6 licenses in the Township, but to absolutely prohibit the issuance of any Class 5 (Cannabis Retailer) license throughout the boundaries of the Township, subject to regulations necessary to protect the health, safety and welfare of the residents of the Township and to enforce the rules and regulations which may be from time to time enacted by the State of New Jersey or any of its entities.

**NOW THEREFORE BE IT RESOLVED** by the Township Council of the Township of Little Falls, that there shall be established Chapter 33, Cannabis Regulation, of the Code of the Township of Little Falls, is as follows:

**§33-1 Purpose**

This Chapter is authorized pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”, P.L. 2021, c.016, and the implementing regulations promulgated by the Cannabis Regulatory Commission (collectively, the “Act”), which are hereby incorporated herein by reference, and shall be controlling unless more restrictive standards are prescribed herein. If any provision of this Chapter is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall govern.

**§33-2 Definitions.**

For the purposes of this Chapter, all terms shall be defined consistent with the Act. All definitions included in N.J.S.A. 24:61-33 are incorporated by reference herein. Additional definitions are as below:

“Permitting Authority” means the Cannabis Regulatory Commission (“CRC”), established pursuant to Section 31 of P.L. 2019, c. 307 (C. 24:61-24) or other entity with regulatory jurisdiction over adult-use cannabis.

**§33-3 Local Licensing Authority**

A. A local license shall be required to operate a Cannabis Establishment, as defined in the Act and as allowed by ordinance, in the Township. The Township Clerk is hereby designated to act as the local licensing authority for the Township for all Cannabis Establishments.

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- B. Under no circumstances shall the Township Clerk receive or act upon any application for local licensing of a Cannabis Establishment if the Permitting Authority has not issued the appropriate State license. It is the intent of this Chapter that no Cannabis Establishment may lawfully operate in the Township absent the issuance of the appropriate State license and full regulatory oversight of the Cannabis Establishment by the Permitting Authority as well as that of the Township.
- C. Under no circumstances shall the Township Clerk receive or act upon any application for local licensing of a Cannabis Establishment unless or until the applicant has obtained the appropriate zoning approval from the Township land use board with jurisdiction over the application and a Certificate of Zoning Compliance has been issued by the Zoning Officer.
- D. All Cannabis Establishments shall be subject to site plan review prior to commencing operations. Submitted plans shall depict parking and loading areas, floor plans, building elevations, signage, landscaping, and such other information as may be required by the Township.
- E. The Township Clerk, or his/her designee, shall be authorized to establish rules and regulations consistent with the intent of this Chapter.
- F. Whenever the Cannabis Regulatory Commission established by the Act (the "Commission") forwards to the municipality any application for initial licensing or renewal of an existing license for any cannabis establishment or delivery service pursuant to Section 19 of the Act or for a cannabis consumption area pursuant to Section 28 of P.L.2019, c.153 (C.24:6I-21), or otherwise solicits the position of the municipality on any matter related to cannabis-related activities within the municipality, or upon the request of an applicant for or holder of such license, the governing body shall determine whether the application complies with the municipality's restrictions on the number of cannabis establishments or delivery services, and on their location, manner, or times of operation, and promptly inform the Commission, applicant for or holder of a license whether the application complies with same and whether it either approves or denies each application or other request for municipal authorization forwarded to it.

### §33-4 Local Licensing Application

- A. Persons wishing to obtain a local license for a Cannabis Establishment shall file a license application with the Township Clerk, on a standardized form established by the Business Administrator and available in the Clerk's office and on the Township's website.
- B. An application shall be deemed incomplete, and shall not be processed by the Township Clerk, until all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:
  - (1) The applicant shall submit proof of licensure by the Permitting Authority.
  - (2) The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the Cannabis Establishment, which proof may consist of the following: a deed, a lease, a real estate contract contingent upon successful licensing, or a letter of intent from the owner of the premises indicating an intent to lease the premises to the applicant contingent upon approval of required licenses.
  - (3) The location proposed for licensing by the applicant shall comply with all applicable Township zoning laws and the location restrictions set forth herein.
  - (4) The applicant shall submit an application fee of \$1,000.00 for a license. The amount of the nonrefundable application fee may be modified from time to time by subsequent duly adopted resolution of the Township Council.
  - (5) Each subsequent year, the applicant will be required to re-certify the qualifications to remain as a valid Cannabis Establishment under the laws of the State and the ordinances of the Township. The renewal application form will be prepared by the Business Administrator and available through the Township Clerk's Office. The fee for the renewal application shall be \$500.00 annually.
  - (6) The applicant and the contents of the application shall otherwise comply with any and all qualification standards set forth in the State and local laws, regulations, or requirements.
- C. The license as issued by the Township shall serve as written proof of the suitability of the Cannabis Establishment location from the Township. Other written statements, letters, resolutions, or other documents issued by the Township or any official, employee, or other representative shall not constitute annual or renewed "written, municipal approval" for purposes of the Act.

### §33-5 Term of License and License Renewals

- A. Any license shall be valid for a period of one year from January 1 in each year. The respective fees for any such license shall be prorated according to the effective date of the license and based on the respective annual fee as in this Chapter provided.
- B. The Township Clerk may, at his/her discretion, adjust the annual renewal date of the local license to correlate with an applicant's State licensing and renewal schedule, and the annual license fee shall be increased or decreased to prorate the period, accordingly.
- C. Upon renewal of a license, the licensee shall be governed by any amendments, additional restrictions, or changes in requirements adopted since the previous license was issued or renewed.
- D. Transfer of ownership of a license, change of location of any license, or modification to expand a licensed premise shall be treated as a new application, subject to Township land use review and approval. The application fee under such circumstances shall be the same as a new license \$1,000.00.
- E. If the licensee has received notice of violation of any law or regulation relating to their State license, including disciplinary action against any past or current cannabis license, the applicant for renewal shall include a copy of the notice of violation or disciplinary action with their application.

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

- A. A maximum of two (2) Cannabis Wholesalers shall be permitted to operate in the Township.
- B. A maximum of two (2) Cannabis Distributors shall be permitted to operate in the Township.
- C. A maximum of two (2) Cannabis Cultivators shall be permitted to operate in the Township.
- D. A maximum of two (2) Cannabis Manufacturers shall be permitted to operate in the Township.
- E. A maximum of two (2) Cannabis Deliveries shall be permitted to operate in the Township.
- F. No Licenses shall be allowed for Cannabis Retainer as defined by the Act.
- G. No Licenses shall be allowed for Cannabis Microbusinesses as defined by the Act.
- H. Nothing herein shall be read or construed in any manner to authorize or in any manner apply to Medical Cannabis businesses of any type as defined by the Act.
- I. Permitted locations of Cannabis Establishments are set forth in Ordinances 1415 and 1416 amending Chapter 280. No Cannabis Establishment can be located in any other zone than as listed in the amended Chapter 280.

### §33-7 Restrictions

- A. No building or structure associated with a Cannabis Establishment shall be located within 1,000 feet of any school property (including any property owned or leased by a public school board).
- B. No Cannabis Establishment shall be located in a residences of any type such as a home-office or similar arrangement.

### §33-8 Hours of Operation

All Cannabis Establishments shall limit their hours of operation from 6:00 a.m. to 10 p.m., Monday through Saturday.

### §33-9 Enclosed Building

All operations of a Cannabis Establishments shall occur within a single, or series of, completely enclosed buildings. No outdoor storage shall be permitted.

### §33-10 Security and Reporting

- A. There shall be at least two employees on continuous duty in any part of a Cannabis Establishment to which the public is invited.
- B. A Cannabis Establishment shall employ a security officer, or the premises shall have in operation a security device approved by the Chief of Police of the Township which may consist of a silent and/or audible burglar alarm connected to a central security monitoring system designed to activate police response, a closed circuit television connected to a central security monitoring system designed to activate police response, or such other device which can be activated instantaneously to notify law enforcement officers that a crime or disorderly person's activity is in progress.
- C. The Township Police Department shall be provided the name and phone number of a contact person to notify during suspicious activity during or after operating hours. Security staff is required on the premises during all hours of operation.
- D. A burglarproof drop safe that regulates an employee's access to cash shall be used on the premises.
- E. The exterior portion of a Cannabis Establishment, including parking areas, shall be well lit during business hours. Said lighting shall be designed so as to not unduly interfere with any neighbor's reasonable use and/or enjoyment of the property.
- F. Fencing, a minimum of six (6) feet in height, shall be installed around the loading and unloading area of the Cannabis Establishment.
- G. Security protocols shall be submitted to the Township Police Department for compliance review with all safety and security standards established by the State of Cannabis Establishments. The Township Police Department may, at their discretion and upon review of the proposed location, recommend or require additional safety and security measures.

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### §33-11 Storage of Products

Cannabis plants, products, accessories, and associated paraphernalia shall not be visible from a public sidewalk, public street or right-of-way, or any other public place. On-site storage of usable cannabis shall comply with applicable federal, state and local laws and regulations.

### §33-12 Limitations on Consumption or Smoking on Premises

It shall be unlawful for any person 21 years of age or older to consume cannabis through means other than by smoking, vaping, or aerosolizing (e.g., edibles) in a public place, including any indoor public place as the term is defined in N.J.S.A. 26:3D-57.

### §33-13 Prevention of emissions and disposal of materials

- A. A Cannabis Establishment must provide sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the Cannabis Establishment. In the event that any debris, dust, fluids or other substances shall exit the business premises, the property owner and operator shall be jointly and severally responsible for the full cleanup immediately.
- B. A Cannabis Establishment shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with State regulations.
- C. Cannabis Establishments must meet industry best practices for odor control.
- D. All State regulations concerning ventilation systems shall be followed.

### §33-14 Transfer Tax and User Tax

- A. In accordance with the Act, the Township shall impose a cannabis transfer tax on receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator and receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment in the following percentages:
  - a. Two (2%) percent of the receipts from each sale by a Cannabis Cultivator
  - b. Two (2%) percent of the receipts from each sale by a Cannabis Manufacturer
  - c. One percent (1%) of the receipts from each sale by a Cannabis Wholesaler.
- B. In accordance with the Act, the user tax for the Township shall be imposed at equivalent cannabis transfer tax rates on any concurrent license holder operating more than one (1) Cannabis Establishment in the Township.
- C. The user tax rate shall be assessed at 2% on any concurrent license holder operating more than one cannabis establishment. The user-tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to this Article, from the license holder's establishment that is located in the municipality to any of the other license holder's establishments, whether located in the municipality or another municipality.
- D. The transfer tax shall be stated, charged and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable or equivalent value of the transfer for the cannabis or cannabis item. The user tax shall be stated, charged and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable or equivalent value of the transfer for the cannabis or cannabis item.
- E. All revenues collected from a transfer tax or user tax shall be remitted to the Township Chief Financial Officer in a manner prescribed by the Township. The Chief Financial Officer shall collect and administer any transfer tax or user tax. The Township shall enforce the payment of delinquent taxes or transfer fees in the same manner as provided for municipal real property taxes.

### §33-15 Compliance with Law

A Cannabis Establishment shall comply with all applicable State and local laws and regulations.

### §33-16 Revocation or Suspension of License

- A. The Township Clerk shall suspend or revoke any license if the corresponding State license for the subject location is expired, surrendered, suspended, or revoked.
- B. Where it is found that a licensee has engaged in a deliberate and willful violation of any applicable law or regulation, or that the public health, safety, and/or general welfare has been jeopardized and requires emergency action, the Township Clerk is authorized and empowered to immediately suspend any license or permit issued pursuant to this Chapter and order that the licensee cease all operations until such time as the violations are abated.
- C. Any person aggrieved by the action of the Township Clerk in the denial of an application for license or the decision with reference to the revocation or suspension of a license in accordance with this section, shall have the right of appeal to the Business Administrator, or his/her designee. Such appeal shall be taken by filing with the Business Administrator, within 10 days of the action complained of, a written statement setting forth fully the grounds for the appeal. The Business Administrator, or his/her designee, may decide the matter on the papers or schedule a time and place for a hearing on such appeal. Notice of any such hearing shall be served upon the applicant/licensee (whichever is appropriate) or mailed, postage prepaid, to the applicant/licensee at the address given on the application for license in accordance with this Chapter, at least five days prior to the date set for said hearing. The decision and order of the Business Administrator, or his/her designee, on such appeal shall be final and conclusive.

### §33-17 Violations and penalties

- A. Operation of any prohibited or unpermitted Cannabis Establishment within the municipality in violation of the provisions of this Ordinance is hereby declared a public nuisance and any such violation shall be abated pursuant to all available remedies.
- B. It shall be deemed a nuisance if a person, who is consuming, using, smoking, vaping, aerosolizing or imbibing cannabis, shall cause excessive odor or other pollution to extend beyond the person's premises.
- C. Any person violating this Chapter shall be subject to the penalties of \$1,000.00 per day of violation and each day constituting a separate violation.

### NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. Ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency; and
2. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portion of the Ordinance; and
3. Except as hereby amended, the Code of the Township of Little Falls shall remain in full force and effect.
4. This Ordinance shall take effect twenty days after final passage and publication in accordance with law.

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

The Council President declared the motion passed.

Ordinance No.1421 - It was moved by Councilmember Kahwaty, seconded by Councilmember Hablitz, that there be introduced and the meeting of August 9, 2021 set as the date for the public hearing of the following:

#### ORDINANCE NO. 1421

#### 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 182 RETAIL FOOD ESTABLISHMENTS AND VENDING MACHINES

**WHEREAS**, the Township of Little Falls ("Township") is a public body corporate and politic of the State of New Jersey; and  
**WHEREAS**, the Township's Code of General Ordinances ("Code") currently provides for the regulation of its Retail Food Establishments and Vending Machines in the Township;

**WHEREAS**, the municipal council ("Municipal Council") of the Township has determined to amend Chapter 182 of the Code entitled Retail Food Establishments and Vending Machines; and

**WHEREAS**, the Municipal Council has determined to amend said Chapter of the Code as follows:  
Chapter 182 Retail Food Establishments and Vending Machines

#### § 182-2. Fees. [Amended 12-22-2008 by Ord. No. 1060]

There shall be a fee established as set forth in Chapter 71, Fees, for a license or license approval issued pursuant to this section. Retail food establishment licenses and associated fees shall be defined as follows:

- A. Class VII, Farmers Market and or Green Fair Full Time Fee: \$600—



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~~There shall be a fee established as set forth in Chapter 71, Fees, for a license or license approval issued pursuant to this section~~

~~20 market days, May through October dates as determined by the Mayor or his/her designee.~~

~~Part Time Fee: \$300~~

~~10 market days, May through October dates as determined by the Mayor or his/her designee.~~

~~Guest Fee: \$35 per day, choice of 1 to 6 market dates approved by the Mayor or his/her designee.~~

**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 182 of the Code entitled Retail Food Establishments and Vending Machines 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 182 of the Code entitled Retail Food Establishments and Vending Machines of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.
4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
6. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

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

The Council President declared the motion passed.

Ordinance No.1422 - It was moved by Councilmember Hablitz, seconded by Councilmember Kahwaty, that there be introduced and the meeting of August 9, 2021 set as the date for the public hearing of the following:

**ORDINANCE NO. 1422**

**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 71 FEES**

**WHEREAS**, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and

**WHEREAS**, the Township’s Code of General Ordinances (“Code”) currently provides for the regulation of its Fees in the Township;

**WHEREAS**, the municipal council (“Municipal Council”) of the Township has determined to amend Chapter 71 of the Code entitled

Fees; and

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

71-2 Fees Schedule

Chapter 143 Parks and Recreation Facilities

**Run Little Falls 5K – Runner Registration**

Early Registration - \$30.00

10 Days Before the Event - \$35.00

All Abilities 1- Miler: \$10.00

**Run Little Falls 5K Sponsorship Fees:**

Champion: \$1,000.00

Sprinter: \$500.00

Runner: \$250.00

Jogger: \$150.00

Race Booth: \$100.00

Swag Bag Sponsor \$100.00

**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 71 of the Code entitled Fees 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 71 of the Code entitled Fees 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.

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

The Council President declared the motion passed.

**COUNCIL TOPICS FOR DISCUSSION**

Councilmember KAHWATY highlighted events comprising Little Falls Week, sponsored by the Little Falls Business Association.

Councilmember HABLITZ provided an update on the Farmers Market which included an Alpaca Day and a performance by local resident Mark Hueck. As part of Little Falls Week, the Library is hosting a story time.

**Meeting of July 12, 2021**

Councilmember HABLITZ then highlighted the many events offered by the Library and encouraged residents to participate.

Councilmember SEBER announced sponsorship and sign-ups for the 5K will be done on RunSignup.com in the near future.

Councilmember VANCHERI reported on Little Falls Night at Yogi Berra stadium. Councilmember VANCHERI also reviewed the successful season of the Recreation and Travel sports teams and hopes to plan an event to recognize their accomplishments in the near future. Lastly, he thanked the Little Falls PBA for sponsoring their annual Scholarship Golf Outing.

Council President SGOBBA reported the Senior Citizens Advisory Board will have Mark Dacey performing on July 21, 2021 at the Civic Center and are sponsoring an annual BBQ at the American Legion Post 108.

**PUBLIC COMMENT – AGENDA ITEMS ONLY**

Members of the public who desired to provide comment shall raise their virtual hand in the Zoom application. The Meeting moderator will queue the members of the public that wish to provide comment and the Council President will recognize them in order. Members of the public who have joined the Meeting by calling in must press \*6 to mute and unmute themselves and \*9 to raise their hand. Members of the public who have joined the meeting via the Zoom application must click the Reactions icon and then raise the Hand icon. Please give your name and address for the record. Once the process is complete, we will return to the regular order of business.

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

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

The Council President declared the motion passed.

Arnold Korotkin – 181 Long Hill Road, noted the Agenda on the Township website does not list Ordinance No. 1422.

Luis Fernandez – 54 Harrison Street, requested clarification that the next Meeting on July 26 will be in-person. Council President SGOBBA confirmed. Mayor Damiano added there will be a 25 person limit at the Meeting and everyone must wear masks whether or not they are vaccinated.

Arnold Kortokin – 181 long Hill Road requested clarification that the next Meeting will be a hybrid model meaning it will be in-person and offered on ZOOM.

Phyllis Dillon – 25 Riker Avenue, clarified that the Senior Advisory BBQ is August 14, 2021.

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

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

The Council President declared the motion passed.

Council President SGOBBA reiterated the July 28, 2021 Meeting will be held in the Council Chambers. There will be a twenty-five-person limit and masks will be required.

There being no further business to come before the meeting, it was moved by Councilmember Kahwaty, seconded by Councilmember Vancheri, that the meeting be and it was adjourned at 6:45 p.m.

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Cynthia Kraus  
Municipal Clerk