

**TOWNSHIP COUNCIL MEETING AGENDA**

MONDAY, OCTOBER 30, 2017

7:00 P.M.

**SALUTE TO THE FLAG**

**STATEMENT OF PUBLIC NOTICE** - TAKE NOTICE THAT ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED IN ACCORDANCE WITH N.J.S.A. 10:4-8 AND N.J.S.A. 10:4-10 AS FOLLOWS: A NOTICE OF THE MEETING WAS PROMINENTLY POSTED ON THE BULLETIN BOARD AT THE MUNICIPAL BUILDING, LOCATED AT 225 MAIN STREET, LITTLE FALLS, N.J. ON JANUARY 3, 2017. A COPY OF THE NOTICE WAS MAILED TO THE NORTH JERSEY HERALD & NEWS AND THE RECORD ON THE SAME DATE. ADDITIONALLY, A COPY OF THE NOTICE WAS FILED IN THE OFFICE OF THE TOWNSHIP CLERK ON SAID DATE.

**ROLL CALL**

**MINUTES**

APPROVAL OF MINUTES FROM THE WORKSHOP MEETING OF OCTOBER 16, 2017  
AND THE REGULAR MEETING OF SEPTEMBER 25, 2017

PRESENTATION BY LITTLE FALLS SCHOOL SUPERINTENDENT TRACY MARINELLI

**REMARKS FROM THE CHAIR**

**COUNCIL MEMBER REPORTS**

**MAYOR'S REPORT**

**ATTORNEY'S REPORT**

**PUBLIC COMMENT - AGENDA ITEMS ONLY**

ANYONE WISHING TO ADDRESS THE TOWNSHIP COUNCIL MAY DO SO THROUGH THE COUNCIL PRESIDENT. PLEASE GIVE YOUR NAME AND ADDRESS FOR THE RECORD. COMMENTS ARE TO BE LIMITED TO THREE MINUTES, HOWEVER, IF APPROPRIATE, YOU MAY BE GRANTED ADDITIONAL TIME IN THE SOLE DISCRETION OF THE COUNCIL PRESIDENT.

**CONSENT AGENDA**

ALL ITEMS ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED WITH A SINGLE MOTION. FOR ANY ITEMS UNDER REQUISITIONS THE TREASURER HAS SUPPLIED A CERTIFICATION OF THE AVAILABILITY OF FUNDS.

**REPORTS**

MUNICIPAL CLERK'S REPORT FOR THE MONTH OF SEPTEMBER 2017

MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT FOR THE MONTH OF SEPTEMBER 2017

TAX COLLECTOR'S REPORT FOR THE MONTH OF SEPTEMBER 2017

CONSTRUCTION REPORT FOR THE MONTH OF SEPTEMBER 2017

RECREATION CENTER REPORT FOR THE MONTH OF SEPTEMBER 2017

CIVIC CENTER REPORT FOR THE MONTH OF SEPTEMBER 2017

POLICE TRAINING REPORT FOR THE MONTH OF SEPTEMBER 2017

LITTLE FALLS EMS REPORT

**APPLICATIONS**

OUR LADY OF THE HOLY ANGELS CHURCH, CALENDAR RAFFLE, 12/22/17 - 3/23/17,  
9:30 AM, 465 MAIN STREET, LITTLE FALLS

BLUE LIGHT PERMIT, SARAH RAMOS, MAIN STREET, LITTLE FALLS FIRE DEPARTMENT

BLUE LIGHT PERMIT, DANIEL FIGUEROA, WOODLAND PARK, LITTLE FALLS FIRE  
DEPARTMENT

LITTLE FALLS FIRE DEPARTMENT AUXILIARY APPLICATION, CRAIG WOODWARD, KINGWOOD  
DRIVE, GREAT NOTCH FIRE CO. #4

LITTLE FALLS FIRE DEPARTMENT AUXILIARY APPLICATION, JONATHAN NIELSEN,  
RIVERVIEW CIRCLE, LITTLE FALLS FIRE DEPARTMENT

NJ STATE FIREMEN'S ASSOCIATION, JONATHAN NIELSEN, RIVERVIEW CIRCLE, LITTLE  
FALLS FIRE DEPARTMENT

**CORRESPONDENCE**

REQUEST FROM SINGAC FIRE COMPANY #3 FOR PERMISSION TO CONDUCT A COIN TOSS AT  
THE CORNER OF MAIN STREET AND ROUTE 23 ON 11/17/17 AND 11/18/17 WITH ROAD  
POSTPONEMENT DATES OF 11/24/17 AND 11/25/17 AND A RAIN DATE OF 12/2/17.

**RESOLUTIONS**

RESOLUTION AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT FOR DONATO DRIVE  
IMPROVEMENTS [A]

RESOLUTION AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT FOR CROSSWALK  
SIGNAL IMPROVEMENTS [B]

RESOLUTION AUTHORIZING THE PURCHASE OF ROCK SALT UNDER THE PASSAIC COUNTY  
COOPERATIVE [C]

RESOLUTION AUTHORIZING THE INSERTION INTO THE 2017 MUNICIPAL BUDGET OF A  
SPECIAL ITEM OF REVENUE AND APPROPRIATION EACH TITLED MUNICIPAL ALLIANCE:  
\$22,440.00 [D]

RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT TO MANDELL LEAD INSPECTORS, INC., FOR ASBESTOS AND LEAD PAINT ASSESSMENT SERVICES [E]

RESOLUTION URGING ADOPTION OF LEGISLATION REQUIRING PSE&G TO COVER THE COST OF MILLING/PAVING ROADWAYS UPON COMPLETION OF REPAIR WORK [F]

BILL LIST [G]

**NEW BUSINESS**

SECOND READING AND PUBLIC HEARING OF ORDINANCE #1301, AN ORDINANCE ENTITLED, "ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS, AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP TO CREATE CHAPTER 164, TITLED 'REGISTRATION AND MAINTENANCE OF PROPERTIES PENDING FORECLOSURE'".

INTRODUCTION OF ORDINANCE #1302, AN ORDINANCE ENTITLED, "ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE TO REGULATE RESTRICTIONS AS TO MORRIS CANAL MUNICIPAL PARKING LOT", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR NOVEMBER 27, 2017.

INTRODUCTION OF ORDINANCE #1303, AN ORDINANCE ENTITLED, "AN ORDINANCE AUTHORIZING AND DIRECTING THAT TITLE AND POSSESSION OF CERTAIN REAL PROPERTY SITUATED IN TAX BLOCK 122, LOT 54.01 AND 55 OWNED BY HIGHVIEW HOMES LF, LLC LOCATED WITHIN THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC AND STATE OF NEW JERSEY, BE ACQUIRED BY EMINENT DOMAIN OR PURCHASE OR GIFT", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR NOVEMBER 27, 2017.

**PUBLIC COMMENT - GENERAL MATTERS**

ANYONE WISHING TO ADDRESS THE TOWNSHIP COUNCIL MAY DO SO THROUGH THE COUNCIL PRESIDENT. PLEASE GIVE YOUR NAME AND ADDRESS FOR THE RECORD. COMMENTS ARE TO BE LIMITED TO THREE MINUTES, HOWEVER, IF APPROPRIATE, YOU MAY BE GRANTED ADDITIONAL TIME IN THE SOLE DISCRETION OF THE COUNCIL PRESIDENT.

**EXECUTIVE SESSION**

MOTION TO GO TO EXECUTIVE SESSION FOR DISCUSSION OF LITIGATION.

**ADJOURN**

RESOLUTION {A} 17-10-30 - # \_\_\_\_\_

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Improvements to Donato Drive project.

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

BE IT FURTHER RESOLVED that the Mayor, Engineer, and Clerk are hereby authorized to submit an electronic grant application identified as MA-2018-Improvements to Donato Drive-00600 to the New Jersey Department of Transportation on behalf of the Township of Little Falls.

BE IT FURTHER RESOLVED that the 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 30<sup>th</sup> day of October, 2017.

\_\_\_\_\_  
Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL  
Officer)

\_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
(Presiding

RESOLUTION [B] 17-10-30 - # \_\_\_\_\_

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Township of Little Falls - Crosswalk Signal Improvements project.

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

BE IT FURTHER RESOLVED that the Mayor, Engineer, and Clerk are hereby authorized to submit an electronic grant application identified as SST-2018-Township of Little Falls-Crosswal -00057 to the New Jersey Department of Transportation on behalf of the Township of Little Falls.

BE IT FURTHER RESOLVED that the 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 30<sup>th</sup> day of October, 2017.

\_\_\_\_\_  
Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL  
Officer)

\_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
(Presiding

RESOLUTION [C] 17-10-30 - # \_\_\_\_\_

ACCEPTING BID AND AWARDING CONTRACT  
FOR THE VENDORS LISTED BELOW FOR THE 2018 WINTER PRODUCTS  
Under County Cooperative Purchasing  
Contract Period December 1, 2017 through November 30, 2018

WHEREAS, the County of Passaic's Purchasing Agent has advised that pursuant to advertising duly made, bids were received by the County of Passaic as lead agency for the Voluntary Cooperative Pricing System for the furnishing and delivery of

Bulk Rock Salt, Grits, Magnesium Chloride Flakes, Magnesium Chloride, Calcium Chloride, Liquid Calcium Chloride  
for the Contract period December 1, 2017 to November 30, 2018; and

WHEREAS, the County of Passaic as lead agency, based on review of bids and the resulting recommendation, has awarded a master contract for this commodity; and

WHEREAS, the Township of Little Falls wishes to participate in the master contract for the purchase of WINTER PRODUCTS because the price under Contract No. 38PCCP is lower than the prices quoted to the Township by other suppliers; and

WHEREAS the Township Treasurer has provided a Certification of the Availability of Funds (a copy of which is appended to the original of the within Resolution) pursuant the Local Finance Board; and the appropriation to be charged for this expenditure is Department of Public Works Other Expenses;

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

- 1) That the following bids be awarded for purchases to be made on an as-needed basis:

The Detroit Salt Company Bid: \$50.98 per ton	Eastern Concrete Materials Bid: \$17.45 and \$15.40 per bag
Levitt's LLC Bid: \$11.89 per bag	Peckham Materials Corp of Athens, NY Bid: \$0.994 per gallon

the award being based upon the unit price; and payment to be made based upon the unit price multiplied by the quantities), be and the same is hereby accepted; and

- 2) That the Mayor and Clerk be and they are hereby authorized to execute a Contract for the purchase of the within designated goods at the bid price hereinabove cited.

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APPROVED: \_\_\_\_\_

cc: Finance Dept.; DPW Superintendent; Dept.

TOWNSHIP OF LITTLE FALLS  
PASSAIC COUNTY NEW JERSEY

RESOLUTION [D] 17-10-30 - # \_\_\_\_\_

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 2017 in the sum of \$22,440.00, which is now available from Miscellaneous Revenues - Section F - Special Items of General Revenue Anticipated with prior written consent of Director of Local Government Services - Public & Private Revenues Offset with Appropriations - Municipal Alliance Grant in the amount of \$22,440.00;

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

General Appropriations

(A) Operations - Excluded from "CAPS"	
Public & Private Programs Offset by Revenues	
Municipal Alliance Grant	\$22,440.00

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APPROVED: \_\_\_\_\_

ccc: DLGS  
cc: Finance  
Auditor  
Budget File  
Dept.

RESOLUTION (E) 17-10-30 - # \_\_\_\_\_

ACCEPTING BID AND AWARDING CONTRACT FOR  
ASBESTOS AND LEAD PAINT ASSESSMENT SERVICES

WHEREAS, pursuant to advertising duly made, bids were received by the Township of Little Falls on October 17, 2017 for FEMA 2015 FMA & NJDEP Asbestos & Lead Paint Assessment Services, and the bids were opened and read publicly as follows:

TRC Bid: \$898.00 per home	Pennoni Associates Bid: \$900.00 per home
Mandell Lead Inspectors, Inc. Bid: \$975.00 per home	Hillman Consulting Bid: \$1,000.00 per home
Lead Consultants of America, Inc. Bid: \$1,650.00 per home	

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

WHEREAS, his review yielded the following results:

TRC presented alternatives not in compliance with the bid specifications specifically in reference to providing a flat rate fee per home - the bidder presented a lump sum with additional fees attached; therefore, this bid is hereby rejected;

Pennoni Associates presented alternatives not in compliance with the bid specifications specifically in reference to the requirements of the work outlined in the bid; therefore, this bid is hereby rejected;

WHEREAS, the award is subject to the Availability of Funds and certification of same in the 2016 budget; and

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

1) That the bid of

Mandell Lead Inspectors, Inc.  
409 Minnisink Road, Suite 102  
Totowa, NJ 07512

in the amount of

\$975.00 per home

be and the same is hereby accepted; and

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

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

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APPROVED: \_\_\_\_\_

cc: Finance Dept.; DPW Supt.; Attorney; Contractor; Award File; Dept.



RESOLUTION [F] 17-10-30 - # \_\_\_\_\_

RESOLUTION URGING THE ADOPTION OF LEGISLATION AN/OR REGULATION DIRECTING PUBLIC SERVICE ELECTRIC & GAS COMPANY TO COVER THE COST OF MILLING AND PAVING ENTIRE ROADWAYS CURB-TO-CURB UPON COMPLETION OF UPGRADING AND/OR REPAIR WORK

WHEREAS, Public Service Electric & Gas Company is in the midst of a gas modernization program wherein gas mains and meters to homes and businesses throughout the State are being upgraded and replaced; and

WHEREAS, in order to accomplish this work, roads must be opened to provide underground access to the homes and businesses; and

WHEREAS, after the work is completed, PSE&G simply paves the area where their work is performed and not the entire road, resulting in an aesthetically unpleasant appearance and in many instances leaving ruts and apertures in the patchwork; and

WHEREAS, this practice results in dissatisfied taxpayers and residents, who register their objections with the municipality; and

WHEREAS, although PSE&G has been requested to cover the cost to mill and pave the entire road repeatedly, they refuse to do so on most of the roads, claiming that they are only obligated to repair the areas where their work was performed, leaving the cost of bringing the roads back to a proper standard entirely upon the municipalities; and

WHEREAS, this Governing Body feels strongly that PSE&G should be responsible for and cover the cost of milling and paving entire roads which have been disrupted, curb-to-curb, upon the completion of their work;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and members of the Municipal Council of the Township of Little Falls, in the County of Passaic, URGE the passage of legislation and/or regulations requiring PSE&G to cover the cost of milling and paving of entire roads which have been opened by them, curb-to-curb, upon completion of their work; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Senator Nia H. Gill; to Assemblywoman Sheila Y. Oliver; to Assemblyman Thomas Giblin; to the Clerks of all Passaic County municipalities; to the New Jersey State League of Municipalities for consideration at their annual convention in November; to the New Jersey Conference of Mayors; to Public Service Electric & Gas Company; and to the New Jersey Board of Public Utilities.

**TOWNSHIP OF LITTLE FALLS  
ORDINANCE NO. 1301**

**ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS AMENDING THE REVISED  
GENERAL ORDINANCES OF THE TOWNSHIP TO CREATE CHAPTER 164, TITLED  
"REGISTRATION AND MAINTENANCE OF PROPERTIES PENDING FORECLOSURE"**

**WHEREAS**, vacant or abandoned buildings or structures can cause harm to the health, safety, and welfare of the community and its residents, including detriment to nearby properties, and increased risk of fire or public health and safety risks, and such vacant or abandoned structures may result in increased costs to the Township of Little Falls for police calls, fire calls, and property maintenance to protect the neighborhood; and

**WHEREAS**, N.J.S.A.40:48-2.12a, N.J.S.A.46:10B-51 and other statutes authorize and permit municipalities to adopt an Ordinance to provide that the care, maintenance and security of vacant or abandoned structures upon which a Summons and Complaint in foreclosure action has been filed shall be the responsibility of the foreclosing creditor, and to regulate the notification by foreclosing creditors to the Township; and

**WHEREAS**, pursuant to that authority, the Township Council adopts this Ordinance to require such notification and assist and allow such responsibilities to be placed upon the appropriate parties so that the detrimental effects regarding abandoned and vacated properties maybe reduced or mitigated.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Little Falls, County of Passaic, State of New Jersey, that the Code of the Township of Little Falls, is hereby amended to create a new Chapter 164, titled "Registration and Maintenance of Property Pending Foreclosure", as follows:

**CHAPTER 164  
REGISTRATION AND MAINTENANCE OF  
PROPERTIES PENDING FORECLOSURE**

**§164-1 Purpose**

The intent of this Ordinance is to provide for the enforcement of the Township Property Maintenance Code and other applicable law against and to vacant and abandoned properties pending foreclosure.

**§164-2 Responsibility for Maintenance of Vacant and Abandoned Properties in Foreclosure**

A creditor filing a Complaint in a foreclosure action shall be responsible for the care, maintenance, security, and upkeep of the exterior of the vacant and abandoned residential property. If the creditor is located out of the State of New Jersey, the creditor must appoint an in-State representative or agent to act for the foreclosing creditor.

**§164-3 Service of Notice, Contents**

- A. A creditor filing a Complaint in a foreclosure action on residential property located in the Township of Little Falls shall, within ten (10) days of serving the Summons and Complaint, serve the Township Clerk with a Notice advising that a Summons and Complaint in a foreclosure action has been filed against the subject property. The Notice shall contain and include the information set forth in (C) below and shall be provided by mail.
- B. Any creditor that has filed a Complaint in a foreclosure action on any residential property which is pending in Superior Court shall provide to the Township Clerk with the Notice as described in (C) below for any residential properties in the Township for which the creditor has pending foreclosure actions.
- C. The Notice shall state:
  - i. The name and contact information for the representative (located within the State of New Jersey) of the creditor who is responsible for property maintenance and will respond to Township communications regarding the property;
  - ii. Whether the property being foreclosed on is an affordable unit pursuant to the "Fair Housing Act";
  - iii. The street address, lot and block number of the property; and
  - iv. If the creditor is located out of State, the Notice should include the full name and contact information of the representative/agent located within the State of New Jersey authorized to act on behalf of the entity/creditor, accept service on behalf of the entity/creditor, and to receive and act on notifications regarding maintenance of the property in foreclosure.

**§164-4 Responsibilities of Creditor Filing a Foreclosure Action as to Vacant and Abandoned Property**

Any creditor having filed a Complaint in an action in foreclosure on a property, and that creditor having been notified by the Construction Code Official in writing that the property appears to be or is abandoned or vacant, shall be responsible within thirty (30) days of said notification as follows:

- i. Investigate and inspect the property as required to determine if the property is abandoned and vacant, and notify the Construction Code Official in writing of that determination.
- ii. Secure the building and structure on the property from authorized entry.
- iii. Perform such appropriate repairs or maintenance of the exterior grounds of the property, including yards, fences, sidewalks, walkways, driveways as may be needed or directed by the Construction Code Official so that the property is free from trash, debris, or excessive grass or weed growth, or safety hazards.
- iv. Continue to maintain the structures in a secure condition and the grounds in a clean, properly maintained state.

**§164-5 Violation of State or Local Law at Property on List; Responsibility of Creditor**

If the owner of a residential property vacates or abandons any property upon which a Complaint in a foreclosure action has been filed or if a property is otherwise vacated and/or abandoned subsequent to the filing of the Complaint in a foreclosure action, but prior to the vesting of title in any third party, the foreclosing creditor shall have the responsibility to abate any nuisance or correct any violations of the Property Maintenance Code and applicable law in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by the Property Maintenance Code or applicable law.

**§164-6 Notification of Violation**

In the event of a violation of the Property Maintenance Code or applicable law, the Township shall serve the creditor with a Notice that shall include a description of the condition(s) that gave rise to the violation and shall provide a period of thirty (30) days, or ten (10) days if the condition presents an imminent threat to public health and safety as determined by the Construction Code Official, for the creditor to remedy the violation or condition. The creditor must remedy and/or repair the conditions noticed within the specific period.

**§164-7 Repair by Township**

If the Township expends public funds in order to abate a nuisance or correct a violation on a residential property in which the creditor was given notice pursuant to §164-6 but failed to abate the nuisance or correct the violation as directed, the Township shall have the same recourse against the creditor as it would have had against the title owner of the property including but not limited to the recourse in the Property Maintenance Code and applicable law.

**§164-8 Enforcement**

The Construction Code Official is hereby authorized to enforce this Ordinance.

**§164-9 Violation and Penalties**

Any person or corporation shall, upon conviction by any court having jurisdiction of a violation of this Section 164-9, be subject to a fine not to exceed \$2,500 per day commencing as of the date after the expiration of the ten (10) day period provided in §164-3B. Any person or corporation upon conviction by any Court of a violation of §164-5 and/or §164-6 shall be subject to a fine not to exceed \$1,500 per day, to commence thirty-one (31) days after receipt of the notice or, if the violation presented an imminent risk to public safety and health and was so noticed, commencing eleven (11) days after receipt of this notice.

**BE IT FURTHER ORDAINED** that if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereto.

This Ordinance shall take effect upon adoption and publication as required by law.

INTRODUCED: \_\_\_\_\_

PASSED AND ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
Mayor James Belford Damiano

ATTEST: \_\_\_\_\_  
Township Clerk, Cynthia Kraus

ORDINANCE NO. 1302

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW  
JERSEY, AMENDING THE TOWNSHIP CODE TO REGULATE  
RESTRICTIONS AS TO MORRIS CANAL MUNICIPAL PARKING LOT**

**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 specifies the parking restrictions at various locations in the Township; and

**WHEREAS**, the municipal council ("Municipal Council") of the Township has determined to amend Chapter 7, Subchapter 7-40.11 to regulate parking at and/or on Morris Canal Municipal Parking Lot; and

**WHEREAS**, the Municipal Council has determined to amend Subchapter 7-40.11 of the Code to read as follows (additions are underlined):

"7-40.11 Morris Canal Parking Lot.

- a) **Property Description.** The provisions of this subsection shall apply to the property of the Township locally known as a portion of the old Morris Canal. The parking areas regulated hereby consists of the municipal parking lots bordering the Passaic River behind the buildings at the intersection of Main Street and Paterson Avenue.
- b) **Parking Regulations.**
  1. All vehicles must be parked in designated parking areas only and between the lines provided.
  2. Between the hours of 6 a.m. and 11 p.m., the parking of vehicles in the municipal parking lot shall be time-restricted such that no vehicle may be parked or remain standing for three or more consecutive hours.
  3. Between the hours of 11 p.m. and 6 a.m., all vehicles parked in the municipal lots must display a parking permit hangtag issued by the Township. The fee for such permit shall be set by the Township at \$300.00 per year.
  4. Only vehicles displaying a handicapped parking permit issued by the New Jersey Motor Vehicle Commission may be parked in handicapped stalls.
  5. During emergencies, parking may be temporarily prohibited or otherwise further regulated upon a declaration of emergency by the Mayor.
  6. Parking may be temporarily prohibited for snow plowing and removal in accordance with the Township's generally applicable ordinance regarding same.
  7. Unauthorized vehicles parked in the municipal lot overnight shall be subject to being towed.

8. The Township may reserve parking spaces for various types of municipal vehicles and/or officials. Such reserved spaces shall be prominently identified. Only authorized vehicles may be parked in such reserved spaces; all other vehicles will be subject to ticketing and towing at owner's expense.

9. Whenever snow has fallen and the accumulation is such that it covers the roadway, an emergency shall exist and no vehicle shall be parked in the main lot overnight and that permitted cars will only be allowed to park in an alternate lot so designated and posted by the Township for the duration of the snow event. The above parking prohibition shall remain in effect after the snow has ceased and until the parking lot has been plowed sufficiently and to the extent that parking will not interfere with the snow plowing or the normal parking arrangements. No other vehicles than those possessing a permit will be allowed in the alternate lot and may be subject to penalty.

c) Penalty. Any person who violates any provision of this subsection shall be liable for a fine in the Municipal Court in the amount of \$50 for the first offense, and not to exceed \$75 for any second offense within six months. A third offense within six months shall be subject to a fine of up to \$250."

**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 Subchapter 7-40.11 of the Code to read as outlined above.

3. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 7 of the Code shall remain unchanged and have full force and legal effect. All other resolutions and ordinances governing parking on Township streets and lots enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.

4. The Township Public Works Department is hereby instructed to oversee the installation of all street signage required by the regulations adopted under this Ordinance.

5. 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.

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

7. 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.

# ORDINANCE #1303

**AN ORDINANCE AUTHORIZING AND DIRECTING THAT TITLE AND POSSESSION OF CERTAIN REAL PROPERTY SITUATED IN TAX BLOCK 122, LOT 54.01 and 55 OWNED BY HIGHVIEW HOMES LF, LLC LOCATED WITHIN THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC AND STATE OF NEW JERSEY BE ACQUIRED BY EMINENT DOMAIN OR PURCHASE OR GIFT**

**WHEREAS**, the "Local Lands and Buildings Law", N.J.S.A. 40A: 12-5 provides that a municipality may acquire "any real property ...[b]y purchase, gift, devise, lease, exchange, condemnation, or installment purchase agreement"; and

**WHEREAS**, Highview Homes LF, LLC, is the owner of record of certain land situated in the Township of Little Falls (hereinafter referred to as "the Township") and designated as Tax Block 122, Lot 54.01 and 55 or a portion thereof, and being more commonly known as Wilmore Road, in the Township of Little Falls (hereinafter referred to as the "the Property"); and

**WHEREAS**, the Township has determined that the Property be acquired for public use for the general welfare and benefit of the community as setting aside property near a waterway; and

**WHEREAS**, the acquisition of such property will fulfill a primary goal of the Township with regard to preservation of the Township's character and environmental conditions of the neighborhood.

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

## **SECTION ONE AUTHORIZATION TO ACQUIRE LAND**

Pursuant to the provisions of the "Local Lands and Buildings Law," N.J.S.A. 40A:12-1 et seq., and N.J.S.A. 40:61-11, the Township of Little Falls is hereby authorized and directed to acquire by purchase or gift, the hereinafter described real property provided that the owner of record expresses the desire to convey the said real property to the Township or, in the alternative, the Township is hereby authorized to take, or condemn the real property hereinafter described pursuant to the provisions of the "Eminent Domain Act of 1971", N.J.S.A. 20:3-1 et., seq., as follows: Tax Block 122, Lots 54.01 and 55 or a portion thereof, owned by Highview Homes LF, LLC and consisting of approximately 2,500 square feet more or less for the public use and to be maintained as such.

## **SECTION TWO AUTHORITY OF AGENTS**

The Mayor, Township Administrator, Township Engineer, Township Attorneys and such other officials, employees and agents of the Township of Little Falls, specifically including, but not limited to professional appraisers, environmental experts, consulting engineers, surveyors and similar professionals as are appropriate, are hereby authorized and directed to execute such documents and to perform all other acts necessary to negotiate or take, condemn (including the institution of any necessary legal action to acquire the real property including but not limited to action to gain necessary access to the real property for related purposes) or to acquire title to the real property for public use and the Mayor and Township Clerk are hereby authorized and directed to execute any and all

documents necessary for the acquisition of said real property; however, no settlement figure, purchase price or stipulation to purchase shall be binding on the Township of Little Falls or its agents until the Mayor and Council of the Township of Little Falls approves such figure or price by resolution.

**SECTION THREE  
COST OF ACQUISITION**

The appropriate disbursing officers of the Township of Little Falls are hereby authorized and directed to pay the purchase price and/or fair and just compensation to the owner of record of the property as well as to pay the Township's share of costs connected with title reports, appraisal reports, attorney's fees, professional consultant's fees, and other costs necessary for the general acquisition or acquisition by way of condemnation of the real property.

**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. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.