

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

Monday, September 13, 2021

Council President Sgobba called the meeting to order at 7:00 p.m. with the following members present: Christine Hablitz, Albert Kahwaty, Tanya Seber, and Christopher Vancheri. Also present were Mayor James Damiano, Township Attorney Gerald Friend, Township Engineer Tom Lemanowicz, Township Administrator Charles Cuccia, Deputy Clerk Melissa DePiro and Township Clerk Cynthia Kraus.

Absent: None.

Township Employees present: DPW Superintendent Ron Campbell.

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 July 22, 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. Only 25 members of the 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. Electronic provisions have been established for the public to participate during the public comment portion of the meeting.**

At this time Mayor Damiano gave a brief update on Hurricane Ida. He thanked the DPW and Police Department for mobilizing quickly during and after the storm. The Mayor detailed the hours FEMA would be located at the Civic Center to help those who sustained damage from the flood. He remarked on the generosity of those who donated items such as cleaning supplies and clothing. Mayor Damiano explained the changes in the garbage and recycling schedules, and when flood damaged items would be picked up. The Mayor outlined the number of properties that were damaged and encouraged everyone to get the help that they need. Lastly, the Mayor explained his request for the Council to table the vote on Ordinance No. 1417 until the October 4, 4021 Meeting. The Mayor then elaborated on why and how Ordinance No. 1425 will be modified due to the recent release of state regulations.

PROCLAMATION RECOGNIZING LIBRARY CARD SIGN UP MONTH – Mayor Damiano read the Proclamation recognizing September 2021 as Library Card Sign Up Month in the Township of Little Falls.

PROCLAMATION RECOGNIZING HISPANIC HERITAGE MONTH – Mayor Damiano read the Proclamation recognizing September 15-October 15, 2021 as Hispanic Heritage Month in the Township of Little Falls.

PROCLAMATION RECOGNIZING CONSTITUTION DAY- Mayor Damiano read the Proclamation recognizing September 17, 2021 as Constitution Day in the Township of Little Falls.

PROCLAMATION RECOGNIZING NATIONAL SUICIDE PREVENTION AWARENESS MONTH – Mayor Damiano read the Proclamation recognizing the month of September 2021 as National Suicide Prevention Awareness Month in the Township of Little Falls.

In response to Council President SGOBBA’s query, Mayor Damiano discussed how long FEMA will be present in the Township, noting FEMA has signed a 90 day contract, but could stay longer if needed. Mayor Damiano stated FEMA services are open to anyone in the nation that was affected.

In response to Council President SGOBBA, Ron Campbell explained when dumpsters would be emptied of flood damaged items. Councilmember VANCHERI requested a reminder be disseminated to residents to encourage sign up for the Township email blasts and Code Red. Mayor Damiano stated he will encourage residents to sign up for notifications in his annual tax letter.

MAYOR’S APPOINTMENT OF ANDREA MARCHASANI AS MUNICIPAL ALLIANCE COORDINATOR FOR A ONE-YEAR TERM WITH ADVICE AND CONSENT OF THE COUNCIL

It was moved by Councilmember Seber, seconded by Councilmember Kahwaty to approve the appointment of Andrea Marchasani as Municipal Alliance Coordinator for a one year term.

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

The Council President declared the motion passed.

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 at the sole discretion of the Council President.

Members of the public who joined the Meeting virtually and desire to provide comment shall raise their virtual hand in the Zoom application. The Meeting moderator will queue the members of the public that wish to provide

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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.

Luis Fernandez, 54 Harrison Street, complimented the Mayor and Council on their response to the residents affected by the flood and queried how long residents will be able to dispose of flood damaged items. Mayor Damiano indicated items will continue to be collected from the flood affected areas over the next couple of weeks.

Daniel Isku- 70 William Street, made comments regarding elevation of homes in flood prone areas and the rising costs of flood insurance. Councilmember KAHWATY reviewed an ordinance regarding flood damage and issuance of permits which encourages elevation of homes when the homes suffer flood damage. Councilmember KAHWATY further discussed his opinion on and support of elevation of homes. Mayor Damiano commented on past programs in the Township in flood prone areas, that elevations would require the support of the federal government for funding, and that he was not aware of a program that the Township would be eligible for at this time. The Mayor reviewed the Township’s CRS rating and current discounts given, the continuous rise in costs, and expressed his frustration with trying to obtain information and to obtain a discount. Council President SGOBBA added the Council does not set the rates. Councilmember SEBER suggested perhaps residents could go to the Civic Center to seek assistance or information.

Anne Kahwaty- Little Falls Library Board of Trustee President, thanked Ron Campbell and the Mayor, for their timely response to water damage at the Library from the storm. She also stated there will be an announcement to sign up for Town-wide email blasts on the Library’s digital sign in addition to informing patrons while they check out materials. At this time, Councilmember VANCHERI received notification from Recreation Director John Pace that the Recreation Center will post the same on their digital sign.

Luis Fernandez- commented on the amount of FEMA coverage and that now is the time to get the attention of the government to get help. Council President SGOBBA stated the Peckman River has been in discussion with Congresswoman Sherill, and reviewed concerns over the Peckman and Passaic Rivers, noting we need to do everything possible to protect our residents. Mayor Damiano commented the Township is on the brink of a solution with the Peckman River with plans for bank stabilization and discussed the need for the federal government to approve funding to study the Passaic River.

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/ADMINISTRATOR:

1. RESOLUTION TO AWARD CONTRACT FOR SECOND AVENUE SANITARY SEWER IMPROVEMENTS – Mayor Damiano stated upon inspection prior to road improvements, sanitary sewer upgrades are necessary.
2. RESOLUTION AUTHORIZING CHANGE ORDER FOR THE IMPROVEMENTS TO MICKLEJOHN AVENUE PROJECT DECREASING THE CONTRACT PRICE – Mayor Damiano explained the contract has been decreased by approximately \$39,000.
3. RESOLUTION RELEASING PERFORMANCE BOND FOR PALAZZONE (490 MAIN STREET) – Mayor Damiano reported work has been completed to the specifications required, therefore, the performance bond can now be released.
4. EMERGENCY RESOLUTION – The Mayor explained the rationale of this resolution due to flooding that occurred during the storm experienced on September 1, 2021. Since the Township has incurred unanticipated expenses in the budget due to the flood, the Mayor requested the Council adopt a resolution that will allocate additional flood emergency costs of \$150,000. If the Township does not receive federal reimbursement the Township will be required to fund this emergency appropriation in next year’s budget. However, the Mayor was hopeful that the Township would receive reimbursement..

ACTION ITEMS:

It was moved by Councilmember Vancheri, seconded by Councilmember Kahwaty, to approve the following:

Award of Contract for Second Avenue Sewer Improvements

RESOLUTION [A] 21-09-13 - #1

ACCEPTING BID AND AWARDING CONTRACT FOR SECOND AVENUE SANITARY SEWER IMPROVEMENTS

WHEREAS, pursuant to advertising duly made, bids were received by the Township of Little Falls on August 4, 2021 for Second Avenue Sanitary Sewer Improvements, and the bids were opened and read as follows:

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D.S. Meyer Enterprises, LLC
Bid: \$268,478.80

Montana Construction Corp, Inc.
Bid: \$339,111.00

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

WHEREAS, the award is subject to the Availability of Funds and certification of same in the 2021 budget; and

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

1) That the bid of

D.S. Meyer Enterprises, LLC
2 North Street, Suite 2A
Waldwick, NJ 07601

in the amount of

\$268,478.80

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.

Change Order Decreasing Contract Price for Micklejohn Avenue Project

RESOLUTION [B] 21-09-13 - #2

RESOLUTION AWARDING CHANGE ORDER TO 4 CLEAN-UP, INC. FOR IMPROVEMENTS TO MICKLEJOHN AVENUE

WHEREAS, the Township Council has received a recommendation from the Township Special Project Engineer, H2M Associates, Inc. regarding the Improvements to Micklejohn Avenue contract to change contract items as listed in the original specification; and

WHEREAS, the Township Council has considered this recommendation in accordance with N.J.A.C. 5:30-1 et seq. and the Local Public Contracts Law; and

WHEREAS, the Township Council has a contract with 4 Clean-Up, Inc. for the Improvements to Micklejohn Avenue project, which was awarded by public bidding under the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council authorizes a change order to 4 Clean-Up, Inc. decreasing the contract price by \$38,789.16, making the revised contract amount \$102,055.69.

Release of Palazzone (490 Main Street) Performance Bond

RESOLUTION [C] 21-09-13 - #3

RESOLUTION FOR RELEASE OF PERFORMANCE BOND

The Township Council hereby authorizes the release of the Performance bond for Palazzone/490 Main Street (Block 57, Lots 3, 4, 5, 20 & 21) in accordance with the recommendations of the Township Engineer as provided in a September 9, 2021 correspondence.

Emergency Resolution

RESOLUTION [D] 21-09-13 - #4

EMERGENCY RESOLUTION – NJS 40A:4-48

(Under 3% limitation)

WHEREAS, an emergency has arisen with respect to additional costs related to *the flood emergency declared on September 1, 2021* and, no adequate provision was made in the 2021 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$ 150,000.00 and three (3) percent of the total operating appropriations in the budget for 2020 is \$ 604,596.00 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2020,

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for:
 - a. *Flood Emergency Costs* \$150,000.00
2. That said emergency appropriation shall be provided for in full in the 2021 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1)
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services

Bill List

RESOLUTION [E] 21-09-13 - #5

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

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

The Council President declared the motion passed.

NEW BUSINESS

Ordinance No. 1417 - -It was moved by Councilmember Kahwaty, seconded by Councilmember Seber, that the public hearing on Ordinance No. 1417, “**AN ORDINANCE AMENDING THE LITTLE FALLS FIRE DIVISION IN THE CODE OF THE TOWNSHIP OF LITTLE FALLS CODE SECTION 3-7.8, ENTITLED, “FIRE DIVISION”**” be and it was opened.

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

The Council President declared the motion passed.

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As no comments from the public were received, it was moved by Councilmember Vancheri, seconded by Councilmember Hablitz, that the public hearing on Ordinance No. 1417 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Hablitz, seconded by Councilmember Vancheri, that the Ordinance No. 1417 be tabled until the October 4, 2021 Workshop Meeting.

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

The Council President declared the motion passed.

Ordinance No. 1424 - It was moved by Councilmember Kahwaty, seconded by Councilmember Vancheri, that the public hearing on Ordinance No. 1424, **“AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING CHAPTER 11-8 AND CHAPTER 11-9, HOURS OF SALE OF ALCOHOLIC BEVERAGES”** be and it was opened.

Poll: Ayes: Hablitz, Kahwaty, 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 Vancheri, that the public hearing on Ordinance No. 1424 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Vancheri, seconded by Councilmember Hablitz, that the Ordinance No. 1424 be and it was adopted.

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

The Council President declared the motion passed.

Ordinance No.1425 - It was moved by Councilmember Kahwaty, seconded by Councilmember Hablitz, that there be introduced and the meeting of October 4, 2021 set as the date for the public hearing of the following:

**ORDINANCE NO. 1425
AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC,
STATE OF NEW JERSEY, TO AMEND AND MODIFY CHAPTER 33 (CANNABIS REGULATION)
OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS**

WHEREAS, the Municipal Council of the Township of Little Falls adopted Ordinance No. 1420 on August 9, 2021 which included certain provisions regarding the regulations and enforcement of rules related to allowed Cannabis Establishments which are now part of the Code of the Township of Little Falls under Chapter 33 (Cannabis Regulation); and

WHEREAS, Cannabis Regulatory Commission (“CRC”) under its rulemaking authority promulgated on August 19, 2021 regulations into the New Jersey Administrative Code which clarified the method and means of operating, oversight and financing of Cannabis Establishments; and

WHEREAS, the Township Council of the Township of Little Falls has determined that it is appropriate to amend Chapter 33 of the Township Code to reflect the updated guidance from CRC as well to ensure consistency with other Township Ordinances.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls, that there the following provision in Chapter 33, Cannabis Regulation, of the Code of the Township of Little Falls, are amended as follows:

§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. ~~A. No Licenses shall be allowed for Cannabis Retainer Retailer as defined by the Act.~~
- G. ~~B. No Licenses shall be allowed for Cannabis Microbusinesses as defined by the Act. Licenses shall be allowed for Cannabis Microbusinesses only for the categories of uses identified in this Chapter 33 and for no other uses.~~
- H. ~~C. 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. ~~D. Permitted locations of Cannabis Establishments (including Cannabis Microbusinesses) 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.~~

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.

COUNCIL TOPICS FOR DISCUSSION

Councilmember HABLITZ thanked the Mayor for organizing Library Sign Up Month and noted the Library has been at the Farmers Market doing outreach. Councilmember HABLITZ reviewed the various vendors at the Second annual Green Fair held at the September 13, 2021 Farmers Market. She also reviewed the activities planned at the

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Farmers Market including Alpaca Day on September 26, 2021, a Fall craft to kick off the Fall Festival, and trick or treating on October 31st.

Councilmember KAHWATY commented on a successful Green Fair and 9-11 Memorial. He discussed the impact of the flood, recalled his discussions with flood victims and commended Dan Gianduso, OEM Coordinator, on his efforts. He also commented on the coordination of volunteers from the We Love You Foundation to help flood victims. Councilmember KAHWATY expressed his gratitude to Chief Post and the Police Department, Chief Altonjy and Fire Department, Ron Campbell and the DPW, OEM Coordinator Dan Gianduso, Construction Official James DiMaria and his team, Joe Pomante from Boswell Engineering, Township Administrator Chuck Cuccia, the Councilmembers, and Mayor Damiano.

Councilmember SEBER announced the Town-wide garage sale will be on September 18, 2021 and signups can be done through Community Pass; the link is available on the Township website. The Run Little Falls 5K will be held on October 3, 2021. Due to flood damage at Passaic Valley High School, the route is in the process of being re-certified through USATF to start and stop at the Recreation Center. Signup is available at Runsignup.com and sponsorships and volunteers continue to be sought.

Councilmember VANCHERI expressed his thoughts to those impacted by the recent flood and recalled his meeting with County Commissioner, Sandy Lazarra, to tour some of the flood impacted area. He thanked the Mayor for all of his efforts after the storm, as well as Chief Post and the Police Department, Chief Altonjy and the Fire Department, Ron Campbell and the DPW, Dan Gianduso and OEM, James DiMaria, and all the residents and volunteers who helped out. He commented it was nice to see the community come together and honor those that were lost on 9-11 at the memorial ceremony. He wished good luck to Little Falls cheer and football programs as well as the soccer teams who began their season weekend. He announced that the PBA's 5th Annual Oktoberfest will be held on October 2, 2021 at the parking lot on Union Avenue and Walnut Street.

Per Council President SGOBBA's request, Mayor Damiano provided an update on the removal of debris from the Peckman River, the opening of schools, and Covid-19.

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 at the sole discretion of the Council President.

Members of the public who have joined the Meeting virtually and desire to provide comment shall raise their virtual hand in the Zoom application. The Meeting moderator will queue the members of the public that wish to provide comment and the Council President will recognize them in order. Members of the public who have joined the Meeting by calling in must press *6 to mute and unmute themselves and *9 to raise their hand. Members of the public who have joined the meeting via the Zoom application must click the Reactions icon and then 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 Hablitz, seconded by Councilmember Vancheri, 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.

Luis Fernandez – referenced Ordinance No. 1425 and requested clarification as it related to Ordinance No. 1416. Mayor Damiano explained this Ordinance was adopted recently and highlighted recent revisions with regard to microbusiness and number of licenses. In response to Mr. Fernandez, Mayor Damiano indicated where businesses would be allowed.

Tom Lemanowicz- Stated he was unable to attend tonight's meeting due to exposure to COVID-19, and therefore attended the meeting remotely.

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.

There being no further business to come before the meeting, it was moved by Councilmember Seber, seconded by Councilmember Kahwaty, that the meeting be and it was adjourned at 8:32 p.m.

Cynthia Kraus
Municipal Clerk