

TOWNSHIP COUNCIL MEETING AGENDA

MONDAY, FEBRUARY 25, 2019

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 2, 2019. 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 REGULAR MEETING OF JANUARY 28, 2019,
AND THE WORKSHOP MEETING OF FEBRUARY 11, 2019

REMARKS FROM THE CHAIR

COUNCIL MEMBER REPORTS

MAYOR'S REPORT

MAYOR'S APPOINTMENT OF TANYA SEBER TO THE LITTLE FALLS LIBRARY BOARD AS
MAYOR'S ALTERNATE WITH ADVICE AND CONSENT OF THE COUNCIL

PROCLAMATION RECOGNIZING NATIONAL DONATE LIFE AWARENESS MONTH

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 JANUARY 2019

MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT FOR THE MONTH OF JANUARY 2019

TAX COLLECTOR'S REPORT FOR THE MONTH OF JANUARY 2019

RECREATION CENTER REPORT FOR THE MONTH OF JANUARY 2019

CIVIC CENTER REPORT FOR THE MONTH OF JANUARY 2019

POLICE DEPARTMENT REPORT FOR THE MONTH OF JANUARY 2019

CONSTRUCTION REPORT FOR THE MONTH OF JANUARY 2019

APPLICATIONS

RAFFLE, LITTLE FALLS ALLIANCE FOR A BETTER COMMUNITY, TRICKY TRAY, 4/9/19, 6:30 PM - 9:00 PM, 215 NEWARK POMPTON TURNPIKE, LITTLE FALLS

RAFFLE, LITTLE FALLS ALLIANCE FOR A BETTER COMMUNITY, ON-PREMISE 50/50, JUNE 27, 2019 THROUGH AUGUST 29, 2019, 7:00 PM - 8:30 PM, 215 NEWARK POMPTON TURNPIKE, LITTLE FALLS

RAFFLE, ST. JOHN THE BAPTIST RUSSIAN ORTHODOX CHURCH, TRICKY TRAY, 3/29/19, 4 PM - 9 PM, 29 WEAVER STREET, LITTLE FALLS

RAFFLE, ST. JOHN THE BAPTIST RUSSIAN ORTHODOX CHURCH, ON-PREMISE 50/50, 3/29/19, 4 PM - 9 PM, 29 WEAVER STREET, LITTLE FALLS

RAFFLE, LITTLE FALLS SCHOOL #2 PTA, ON-PREMISE 50/50, 4/13/19, 6:30 PM - 11 PM, 4-6 WOODHULL AVENUE, LITTLE FALLS

RESOLUTIONS

RESOLUTION AUTHORIZING THE TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$661.99 TO REFUND TAX OVERPAYMENT IN THE YEAR 2018 [A]

RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES IN THE TOTAL AMOUNT OF \$202.20 ON SEVERAL PROPERTIES DUE TO FEMA BUYOUT CLOSINGS IN THE YEAR 2018 [B]

RESOLUTION AUTHORIZING THE TREASURER TO ISSUE VARIOUS CHECKS TOTALING \$202.20 TO REFUND TAX OVERPAYMENTS IN THE YEAR 2018 ON SEVERAL PROPERTIES DUE TO FEMA BUYOUT CLOSINGS [C]

RESOLUTION AUTHORIZING AN APPLICATION TO THE PASSAIC COUNTY CDBG PROGRAM FOR THE SINGAC AREA ROADWAY PRESERVATION PROJECT [D]

LITTLE FALLS FAIR HOUSING RESOLUTION [E]

AWARDING FAIR AND OPEN CONTRACT FOR PROVISION OF MUNICIPAL PLANNER SERVICES FOR 2019 AND APPOINTING JEFF JANOTA/H2M ARCHITECTS & ENGINEERS [F]

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A STATEMENT OF CONSENT FORM FOR PSE&G TWA APPLICATION FOR MOBILE WASTEWATER TREATMENT SYSTEM FOR UNDERGROUND TRANSMISSION LINE [G]

BILL LIST [H]

NEW BUSINESS

INTRODUCTION OF ORDINANCE #1345, AN ORDINANCE ENTITLED, "ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO AUTHORIZE AND APPROVE THE APPLICATION FOR TAX EXEMPTION AND FINANCIAL AGREEMENT BY AND BETWEEN THE TOWNSHIP OF LITTLE FALLS AND LITTLE FALLS REDEVELOPERS URBAN RENEWAL LLC FOR SINGAC INDUSTRIAL ZONE REDEVELOPMENT AREA", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR MARCH 25, 2019.

INTRODUCTION OF ORDINANCE #1346, AN ORDINANCE ENTITLED, "ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO AUTHORIZE AND APPROVE THE APPLICATION FOR TAX EXEMPTION AND FINANCIAL AGREEMENT BY AND BETWEEN THE TOWNSHIP OF LITTLE FALLS AND LITTLE FALLS TOWNHOMES REDEVELOPERS URBAN RENEWAL LLC FOR SINGAC INDUSTRIAL ZONE REDEVELOPMENT AREA", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR MARCH 25, 2019.

INTRODUCTION OF ORDINANCE #1347, 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 CHAPTER 126, LITTERING", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR MARCH 25, 2019.

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.

ADJOURN

RESOLUTION [A] 19-02-25 # _____

REFUND OF TAXES – REGULAR OVERPAYMENT

WHEREAS, the following property in the Township of Little Falls, New Jersey has overpaid real estate taxes in 2018; and

WHEREAS, the Tax Collector is requesting that the Township Council direct the Treasurer to refund said amount overpaid listed below;

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

<u>Tax Year & Qtr.</u>	<u>Block Lot/Q</u>	<u>Taxpayer/ Location</u>	<u>Payee</u>	<u>Reason</u>	<u>Amount</u>
2018/4	155/4	Highview Homes At Totowa LLC Autumn Court	Highview Homes At Totowa LLC 280 Highway 35 Suite 150 Red Bank, NJ 07701	O/P	\$661.99
			Total Refund		\$661.99

APPROVED: _____

cc: Finance Dept.
Tax Collector
Dept.

RESOLUTION (B) 19-02-25# _____

CANCELATION OF TAXES DUE TO FEMA BUYOUT CLOSINGS & TOWNSHIP PURCHASE OF PROPERTIES (TOWNSHIP EXEMP)

WHEREAS, the Township of Little Falls purchased the following properties through the FEMA program in the Year 2018; and

WHEREAS, the 2018 taxes have been pro-rated from the closing dates; and

WHEREAS, the Township is requesting that their portion of the taxes be made exempt from the closing date, and the total unpaid taxes be canceled for the 2018 4th qtr. tax period as follows:

<u>BLOCK/LOT QUAL.</u>	<u>OWNER/ LOCATION/ CLOSING DATE</u>	<u>CANCEL 4TH QTR 2018 TAX AMOUNT</u>
81/8	George Sr & Lucy M Lawton 46 Zeliff Avenue December 20, 2018	\$ 142.44
82/24	Frank & Karen Della Porta 53 E Woodcliffe Avenue December 26, 2018	<u>59.76</u>
Total amount to be canceled/ Township exempt		\$202.20

Approved: _____

cc: Finance Dept.
Tax Collector
Dept.

RESOLUTION [C] 19-02-25 # _____

REFUND OF TAXES DUE TO FEMA BUYOUTS

WHEREAS, the following properties in the Township of Little Falls, New Jersey have overpaid real estate taxes in 2018 due to FEMA buyout closings; and

WHEREAS, the Tax Collector is requesting that the Township Council direct the Treasurer to refund said amounts overpaid listed below;

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

<u>Tax Year & Qtr.</u>	<u>Block Lot/Q</u>	<u>Taxpayer/ Location</u>	<u>Payee</u>	<u>Reason/ Closing Date</u>	<u>Amount</u>
2018/4	81/8	George Sr & Lucy M Lawton 46 Zelif Av	George Sr & Lucy M Lawton 78 Grove Street Little Falls, NJ 07424	FEMA buyout/ 12/20/18	\$142.44
2018/4	82/24	Frank & Karen Della Porta 53 E Woodcliff Av	Frank & Karen Della Porta 57 Hawkhorn Court Savanhah, GA 31407	FEMA buyout/ 12/26/18	59.76
Total Refund					\$ 202.20

APPROVED: _____

cc: Finance Dept.
Tax Collector
Dept.

RESOLUTION **DD**19-02-25 - # _____

At a meeting held on February 25, 2019, the Municipal Council of the Township of Little Falls adopted the following resolution:

The Municipal Council authorizes an application to the Passaic County Community Development Block Grant (CDBG) Program for the Signac Area Roadway Preservation Project described in the proposal. If awarded CDBG funds, the Municipality shall implement the activities in a manner to ensure compliance with all applicable federal, state, and local laws and regulations.

Signature of Authorized Representative

Date

Printed Name of Authorized Representative

Telephone Number

RESOLUTION [E] 19-02-25 - # _____

The Township of Little Falls supports Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination. It is the policy of the Township of Little Falls to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, ancestry, sex (including pregnancy), national origin, nationality, familial status, marital or domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for military service, mental or physical disability, perceived disability, AIDS/HIV status and Lawful Income or Source of Lawful Rent Payment (Section 8). The Township of Little Falls further objects to discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion, ancestry, sex, national origin, handicap or disability as prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Law) and the New Jersey Law Against Discrimination. Therefore, the Municipal Council of the Township of Little Falls do hereby approve the following resolution.

BE IT RESOLVED, that within available resources, the Township of Little Falls will assist all persons who feel they have been discriminated against under one of the aforementioned categories, to seek equity under federal and state laws by filing a complaint with the New Jersey Division on Civil Rights and the U.S. Department of Housing and Urban Development, as appropriate.

BE IT FURTHER RESOLVED, that the Township of Little Falls shall publicize this resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Law, the New Jersey Law Against Discrimination, and any local laws or ordinances.

BE IT FURTHER RESOLVED, that the municipality will at a minimum include, but not be limited to: (1) the printing and publicizing of this resolution, a fair housing public notice and other applicable fair housing information through local media, community contacts and placement on the Municipal website and in other social media; (2) distribution of posters, flyers, and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

Approved this 25th day of February, 2019

ATTEST:

Signature of Authorized Representative

Date

Printed Name of Authorized Representative

Telephone Number

RESOLUTION **F** 19-02-25 - # _____

AUTHORIZING THE AWARD OF FAIR AND OPEN CONTRACT FOR
PROVISION OF SERVICES OF TOWNSHIP PLANNER FOR 2019

WHEREAS, the Township of Little Falls has a need to acquire services of Township Planner as a FAIR AND OPEN CONTRACT pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, it is expected that the value of the acquisition of these services will exceed \$17,500; and

WHEREAS, the term of the contract is one year; and

WHEREAS, Jeff Janota, Planner/H2M Architects & Engineers has submitted a response to the Township's Request for Qualifications for provision of services of Township Planner and the submission clearly details Jeff Janota, Planner/H2M Architects & Engineers' qualifications and experience; and

WHEREAS, the award is subject to the Availability of Funds and certification of same in the 2019 budget;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Little Falls authorizes the Mayor to enter into a contract with Jeff Janota, Township Planner of the of the firm of H2M Architects & Engineers for the services as described herein; and

BE IT FURTHER RESOLVED that the Township Clerk is authorized and directed to cause notice to be published in the newspaper once in accordance with the provisions of statute.

BE IT FURTHER RESOLVED by the Township Council of the Township of Little Falls that, based on the recommendation of the Mayor, Jeff Janota, Planner/H2M Architects & Engineers, be and he is hereby appointed Township Planner for the Township of Little Falls for a one-year term ending December 31, 2019.

APPROVED: _____

cc: Finance Dept.
Auditor
Award file
File
Dept.

RESOLUTION **G** 19-02-25 - # _____

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A STATEMENT OF
CONSENT FORM FOR PSE&G TWA APPLICATION FOR
MOBILE WASTEWATER TREATMENT SYSTEM FOR UNDERGROUND TRANSMISSION LINE

WHEREAS, PSE&G is applying to NJDEP for an Industrial Treatment Works Approval (TWA) Permit to install a temporary mobile treatment unit to treat groundwater associated with construction dewatering activities for its L-2238 underground electric transmission line between Totowa and Cedar Grove; and

WHEREAS, the application requires that a Statement of Consent be executed by the Governing Body of the Township of Little Falls;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council hereby authorizes the Mayor to execute said Statement of Consent form.

APPROVED: _____

cc: DPW Supt.
Dept.

ORDINANCE NO. 1345

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO AUTHORIZE AND APPROVE THE APPLICATION FOR TAX EXEMPTION AND FINANCIAL AGREEMENT BY AND BETWEEN THE TOWNSHIP OF LITTLE FALLS AND LITTLE FALLS REDEVELOPERS URBAN RENEWAL LLC FOR SINGAC INDUSTRIAL ZONE REDEVELOPMENT AREA

WHEREAS, on September 25, 2017, the Township Council ("Council") of the Township of Little Falls ("Township"), by Resolution No. [F] 17-09-25-#6, designated the Singac Industrial Zone, which consists of property identified on the Tax Maps of the Township of Little Falls as Block 77, Lots 1, 2, 2.01, 3, 4, 5, 6, 6.02, 7, 8, 8.01, 9, 17, 18, 20, and 20.01, as an area in need of redevelopment (the "Redevelopment Area") under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented ("Redevelopment Law"); and

WHEREAS, on December 18, 2017, by Resolution No. [E] 17-12-18-#5, the Council designated Little Falls Redevelopers LLC as conditional redeveloper for the Redevelopment Area; and

WHEREAS, Little Falls Redevelopers LLC changed its corporate identification and became a urban renewal entity now known as Little Falls Redevelopers Urban Renewal LLC ("Entity") as provided under the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq., as amended and supplemented ("Exemption Law"); and

WHEREAS, on August 27, 2018, the Council, pursuant to the Redevelopment Law, by Ordinance No. 1330, approved and adopted the Singac Redevelopment Plan prepared by Jeffrey L. Janota, P.P., AICP of H2M ("Redevelopment Plan") for the Redevelopment Area; and

WHEREAS, on December 17, 2018, the Council, by way of Resolution No. [F] 18-12-17-#6, approved and adopted the Redevelopment Agreement with Entity for the construction of a 185-unit multi-family residential building with parking garage and surface parking area of approximately 290 parking stalls and with related site improvements within a portion of the Redevelopment Area (the "Rental Project") and at the same time designating Entity as the Redeveloper of the Rental Project; and

WHEREAS, Entity is or is about to be the fee simple owner of the property upon which the Rental Project is to be constructed and that land use approvals (subdivision and site plan) are currently pending before the Little Fall Planning Board; and

WHEREAS, Entity has submitted to the Mayor of the Township of Little Falls ("Mayor") an application for tax exemption ("Application"), which is on file with the Township Clerk, requesting a long term tax exemption for the Rental Project, to be constructed by Entity within a portion of the Redevelopment Area in accordance with Section 8 of the Exemption Law; and

WHEREAS, the Mayor submits the Application to the Council with a recommendation for approval, a copy of such recommendation is on file with the Township Clerk; and

WHEREAS, the Entity also submitted to the Mayor a form of Financial Agreement, a copy of which is attached hereto as **Exhibit "A"** establishing the rights, responsibilities, and obligations of the Entity in accordance with the Exemption Law; and

WHEREAS, the Council has determined that the work to be undertaken by the Entity represents a project permitted under the Exemption Law and has further determined that the proposed Rental Project constitutes improvements made for the purposes of clearance, re-planning, development or redevelopment of an area in need of redevelopment within the Township, as authorized by the Redevelopment Law and Exemption Law, as applicable; and

WHEREAS, the Council makes the following findings in accordance with N.J.S.A. 40A:20-11(a) and N.J.S.A. 40A:20-11(b) regarding the relative benefits and costs of granting a tax abatement to Entity and the importance of same in realizing the development of the Rental Project:

- A) The development and construction of the Rental Project will be beneficial in that it will help revitalize the Redevelopment Area and serve as a catalyst for further private investment in the areas surrounding the Rental Project. It is anticipated that the development of the Rental Project will create approximately 300 full-time equivalent construction jobs over the duration of the construction of the Rental Project, as well as approximately 4 full-time permanent jobs in connection with the operation of the Rental Project. The Rental Project includes environmental remediation and return of the land to productive use. Pursuant to the attached Financial Agreement, the Rental Project is assumed to generate revenue for the Township well in excess of the municipal revenue generated by ad valorem taxes in 2018. The Township's authorized officers and employees have determined that the benefits to the Township accruing as a result of the Rental Project will substantially outweigh the costs to the Township resulting from tax exemption.
- B) The tax exemption provisions of the Financial Agreement between the Entity and the Township through an Annual Service Charge will permit economic development to take place at the Rental Project that would not otherwise be feasible and provide the best opportunity for successful commerce. The relative stability and predictability of the Annual Service Charge associated with the Rental Project will: (1) make it more attractive to financial institutions whose participation is necessary in order to finance the Rental Project, and (2) provide a high level of maintenance for the Rental Project that will have a positive impact on the surrounding area and community.
- C) The Entity is required in regular intervals to make payment of an annual administrative fee which shall serve to offset the costs of monitoring the continued compliance of Entity with the terms and conditions of the Financial Agreement.
- D) All terms and conditions in the Financial Agreement reflect a fair and equitable resolution of the Entity's ongoing obligation of payments to the Township and each and every provision therein shall be enforceable against the Entity and its successor and assignees for the benefit of the Township.
- E) The Application submitted by Entity is in proper format and provides the Council with the requisite information in order to consider granting the tax exemption sought by Entity.

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

- (1) The Application for tax exemption submitted by Entity is hereby approved in accordance with the Mayor's recommendation.
- (2) The Financial Agreement and all exhibits and schedules thereto are hereby authorized and approved in substantially the form attached hereto as **Exhibit "A"**. Upon execution, all terms and conditions of the Financial Agreement shall be in full force and effect in accordance with the timeframes and prerequisites as outlined therein.
- (3) The Mayor and Township Clerk are hereby authorized to execute the Financial Agreement in the form annexed hereto as **Exhibit "A"**, subject to such changes, omissions or amendments, as deemed necessary and appropriate after consultation with counsel.
- (4) The Mayor is further authorized to take any and all actions and to execute such other documents as may be necessary to effectuate the terms of the Financial Agreement, as deemed appropriate in consultation with counsel.
- (5) Any exemption from taxation as set forth in the Financial Agreement is hereby granted to the Entity, with respect to the Rental Project for the term set forth in the Financial Agreement; provided that in no event shall the term of the Financial Agreement exceed the earlier of (i) thirty-five (35) years from the date of execution of the Financial Agreement, or (ii) to the extent permitted by the Exemption Law, thirty (30) years from the Entity's receipt of a Certificate of Occupancy (as defined in the

Financial Agreement) for the Rental Project and for only so long as the Entity remains subject to, and in compliance with, the Financial Agreement and the Exemption Law.

- (6) The Township Clerk is directed to forward two (2) executed copies of the Financial Agreement to the Township Attorney so that he may retain one (1) copy for his records and forward one (1) copy to counsel for the Entity. Further the Township Clerk shall file certified copies of this Ordinance and the Financial Agreement with the Tax Assessor of the Township, and to the Passaic County Chief Financial Officer and to the Passaic County Counsel for informational purposes, in accordance with Section 12 of the Exemption Law.
- (7) The Rental Project shall conform with all applicable federal, state and Township laws, ordinances and regulations relating to construction and use.
- (8) The Entity shall, in the operation of the Rental Project, comply with all applicable laws protecting any person from discrimination based upon race, religious principles, color, national origin or ancestry.

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus, Municipal Clerk

James Belford Damiano, Mayor

ORDINANCE NO. 1346

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO AUTHORIZE AND APPROVE THE APPLICATION FOR TAX EXEMPTION AND FINANCIAL AGREEMENT BY AND BETWEEN THE TOWNSHIP OF LITTLE FALLS AND LITTLE FALLS TOWNHOMES REDEVELOPERS URBAN RENEWAL LLC FOR SINGAC INDUSTRIAL ZONE REDEVELOPMENT AREA

WHEREAS, on September 25, 2017, the Township Council ("Council") of the Township of Little Falls ("Township"), by Resolution No. [F] 17-09-25-#6, designated the Singac Industrial Zone, which consists of property identified on the Tax Maps of the Township of Little Falls as Block 77, Lots 1, 2, 2.01, 3, 4, 5, 6, 6.02, 7, 8, 8.01, 9, 17, 18, 20, and 20.01 as an area in need of redevelopment (the "Redevelopment Area") under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented ("Redevelopment Law"); and

WHEREAS, on December 18, 2017, by Resolution No. [E] 17-12-18-#5, the Council designated Little Falls Redevelopers LLC as conditional redeveloper for the Redevelopment Area; and

WHEREAS, Little Falls Redevelopers LLC changed its corporate identification and became a urban renewal entity now known as Little Falls Townhomes Redevelopers Urban Renewal LLC ("Entity") as provided under the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq., as amended and supplemented ("Exemption Law"); and

WHEREAS, on August 27, 2018, the Council, pursuant to the Redevelopment Law, by Ordinance No. 1330, approved and adopted the Singac Redevelopment Plan prepared by Jeffrey L. Janota, P.P., AICP of H2M ("Redevelopment Plan") for the Redevelopment Area; and

WHEREAS, on December 17, 2018, the Council, by way of Resolution No. [G] 18-12-17-#7, approved and adopted the Redevelopment Agreement with Entity for the construction of 102 stacked townhomes with related site improvements within a portion of the Redevelopment Area (the "Townhome Project") and at the same time designating Entity as the Redeveloper of the Townhome Project; and

WHEREAS, Entity is or is about to be the fee simple owner of the property upon which the Townhome Project is to be constructed and that land use approvals (subdivision and site plan) are currently pending before the Little Falls Planning Board; and

WHEREAS, Entity has submitted to the Mayor of the Township of Little Falls ("Mayor") an application for tax exemption ("Application"), which is on file with the Township Clerk, requesting a long term tax exemption for the Townhome Project to be constructed by Entity within a portion of the Redevelopment Area in accordance with Section 8 of the Exemption Law; and

WHEREAS, the Mayor submitted the Application to the Council with a recommendation for approval, a copy of such recommendation is on file with the Township Clerk; and

WHEREAS, the Entity also submitted to the Mayor a form of Financial Agreement, a copy of which is attached hereto as Exhibit "A" establishing the rights, responsibilities, and obligations of the Entity in accordance with the Exemption Law; and

WHEREAS, the Council has determined that the work to be undertaken by the Entity represents a project permitted under the Exemption Law and has further determined that the proposed Townhome Project constitutes improvements made for the purposes of clearance, re-planning, development or redevelopment of an area in need of redevelopment within the Township, as authorized by the Redevelopment Law and Exemption Law, as applicable; and

WHEREAS, the Council makes the following findings in accordance with N.J.S.A. 40A:20-11(a) and N.J.S.A. 40A:20-11(b) regarding the relative benefits and costs of granting a tax abatement to Entity and the importance of same in realizing the development of the Townhome Project:

- A) The development and construction of the Townhome Project will be beneficial in that it will help revitalize the Redevelopment Area and serve as a catalyst for further private investment in the areas surrounding the Townhome Project. It is anticipated that the development of the Townhome Project will create approximately 70 full-time equivalent construction jobs over the duration of the construction of the Townhome Project, as well as approximately 3 full-time permanent jobs in connection with the operation of the Townhome Project. The Townhome Project includes environmental remediation and return of the land to productive use. Pursuant to the attached Financial Agreement, the Townhome Project is assumed to generate revenue for the Township well in excess of the municipal revenue generated by ad valorem taxes in 2018. The Township's authorized officers and employees have determined that the benefits to the Township accruing as a result of the Townhome Project will substantially outweigh the costs to the Township resulting from tax exemption.
- B) The tax exemption provisions of the Financial Agreement between the Entity and the Township through an Annual Service Charge will permit economic development to take place at the Townhome Project that would not otherwise be feasible and provide the best opportunity for successful commerce. The relative stability and predictability of the Annual Service Charge associated with the Townhome Project will attract residents to the community and provide a high level of maintenance for the Townhome Project that will have a positive impact on the surrounding area and community.
- C) The Entity is required in regular intervals to make payment of an annual administrative fee which shall serve to offset the costs of monitoring the continued compliance of Entity with the terms and conditions of the Financial Agreement.
- D) All terms and conditions in the Financial Agreement reflect a fair and equitable resolution of the Entity's ongoing obligation of payments to the Township and each and every provision therein shall be enforceable against the Entity and its successor and assignees for the benefit of the Township.
- E) The Application submitted by Entity is in proper format and provides the Council with the requisite information in order to consider granting the tax exemption sought by Entity.

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

- (1) The Application for tax exemption submitted by Entity is hereby approved in accordance with the Mayor's recommendation.
- (2) The Financial Agreement and all exhibits and schedules thereto are hereby authorized and approved in substantially the form attached hereto as Exhibit "A". Upon execution, all terms and conditions of the Financial Agreement shall be in full force and effect in accordance with the timeframes and prerequisites as outlined therein.
- (3) The Mayor and Township Clerk are hereby authorized to execute the Financial Agreement in the form annexed hereto as Exhibit "A", subject to such changes, omissions or amendments, as deemed necessary and appropriate after consultation with counsel.
- (4) The Mayor is further authorized to take any and all actions and to execute such other documents as may be necessary to effectuate the terms of the Financial Agreement, as deemed appropriate in consultation with counsel.
- (5) Any exemption from taxation as set forth in the Financial Agreement is hereby granted to the Entity, with respect to the Townhome Project for the term set forth in the Financial Agreement; provided that in no event shall the term of the Financial Agreement exceed the earlier of (i) thirty-five (35) years from the date of execution of the Financial Agreement, or (ii) to the extent permitted by the Exemption Law, thirty (30) years from the Entity's receipt of a Certificate of Occupancy (as defined in the Financial Agreement) for the Townhome Project for each unit and for only so long as

the Entity remains subject to, and in compliance with, the Financial Agreement and the Exemption Law.

- (6) The Township Clerk is directed to forward two (2) executed copies of the Financial Agreement to the Township Attorney so that he may retain one (1) copy for his records and forward one (1) copy to counsel for the Entity. Further the Township Clerk shall file certified copies of this Ordinance and the Financial Agreement with the Tax Assessor of the Township, and to the Passaic County Chief Financial Officer and the Passaic County Counsel for information purposes, in accordance with Section 12 of the Exemption Law.
- (7) The Townhome Project shall conform with all applicable federal, state and Township laws, ordinances and regulations relating to construction and use.
- (8) The Entity shall, in the operation of the Townhome Project, comply with all applicable laws protecting any person from discrimination based upon race, religious principles, color, national origin or ancestry.

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus, Municipal Clerk

James Belford Damiano, Mayor

ORDINANCE NO. 1347

**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 126
LITTERING**

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 that No person shall throw, drop, discard, or otherwise put or place, or cause to be thrown, put or placed, into, upon or within any street, public place, parking lot or public building, litter of any nature or any substance, matter or thing whatsoever whereby the safe, free or unobstructed use of the same by the public may be in any way impeded or interfered with, or whereby the same may be detrimental to the health, safety or welfare of the public. Nothing in this section shall prohibit the deposit of any such material in any public or private receptacles approved by the Township for such purpose. Nothing contained in this section shall be construed to prohibit construction, repair or maintenance equipment, materials or machinery from being utilized on such street, public place, parking lot or public building;

WHEREAS, the municipal council ("Municipal Council") of the Township has determined to amend Chapter 126, of the Code entitled Littering; and

WHEREAS, the Municipal Council has determined to amend said Chapter 126 of the Code section 128-18 to read as follows:

§ 126-18 Violations and penalties.

A.

Any person, firm, corporation or other entity convicted of a violation of this chapter shall pay a fine of \$250 dollars for the first offence and \$500 dollars for the second offence and any subsequent offenses. Each violation shall require an appearance in Municipal Court. In addition, any person, firm, corporation or other entity convicted of a violation of this chapter shall pay all expenses incurred for the removal of said litter. The fine maybe suspended at the discretion of the court when the matter is remediated to the satisfaction of the Municipal Court Judge. If the matter is not sufficiently remediated the Judge may order the Township Department of Public Works to undertake said remediation. The Superintendent of the Township Department of Public Works shall then provide an account of the expenses incurred in said removal to be used in the prosecution of violations under this chapter.

B.

Each day that litter is thrown dropped, discarded or otherwise place any litter of any nature upon public property other than in a litter receptacle in violation of this chapter and said litter remains at the location of the violation after notice has been given to the violator to remove the same shall constitute a separate violation. Separate violations shall continue for each day the violator fails to remove the litter in an appropriate manner.

C.

The provisions of this chapter shall be read together with N.J.S.A. 13:1E-99.3.

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 126-18 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 240 of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.

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

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

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

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus, Municipal Clerk

James B. Damiano, Mayor