

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

Monday, October 19, 2015

Council President Louis Fontana called the meeting to order at 7:01 p.m. with the following members present: James Damiano, and Pamela Porter, William Liess. Also present were Mayor Darlene Conti, Township Attorney William Northgrave, Township Administrator Charles Cuccia and Municipal Clerk Cynthia Kraus

Township Employees present: DPW Superintendent Phillip Simone, Sgt. James Minnella, Fire Chief Jack Sweezy, Fire Inspector Ronnie Cordero and Deputy Registrar Marlene Simone.

Absent: Councilmember Joseph Maceri

Following the Salute to the Flag, the Statement of Public Notice was read.

STATEMENT OF PUBLIC NOTICE: Take notice that adequate notice of this meeting was 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 6, 2015; a copy of the notice was mailed 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.

REMARKS FROM THE CHAIR

Council President FONTANA announced the Harvest Moon Dinner Dance is Friday. The Halloween Bash will be held the following day at the Recreation Center from 10 a.m. to 12 noon.

COUNCIL MEMBER REPORTS

Councilmember DAMIANO reported the first of two bus shelters is being installed on Long Hill Road in time for winter. Installation of the second bus shelter is forthcoming.

Councilmember PORTER declared over 90 attendees will be at the Harvest Moon Dance. Last Friday night, the Municipal Alliance sponsored a dance for fifth and sixth graders, which also provided an opportunity to educate them about alcohol and drugs. Next week the Municipal Alliance is to host Red Ribbon Week, which further promotes drug and alcohol awareness.

Councilmember LIESS reported he led a successful informational session last week with the Golden Agers regarding scams. He will speak with the Jolly Seniors on Thursday at the Civic Center.

MAYOR'S REPORT

Mayor Conti announced she received a letter from Lackawanna Coalition that on 9/14 NJ Transit will implement the cut of the Manhattan train to Little Falls. She plans to attend the next meeting and invited the Chairperson of the Transportation Committee as well. Mayor Conti will provide a status report as information becomes available.

PROCLAMATION DECLARING NOVEMBER 13, 2015 AS WORLD PANCREATIC CANCER DAY

Mayor Conti read this proclamation aloud at this time.

ATTORNEY'S REPORT

Mr. Northgrave stated two items are to be discussed in Executive Session.

ADMINISTRATOR'S REPORT

Mrs. Kraus informed the Council there are three sets of minutes set for review and approval at the next meeting.

Mr. Cuccia provided a report on the elevation at 78 Louis Street. A resolution to award the low bidder, RGH, was presented for approval. Mr. Cuccia had one item for discussion at Executive Session.

PUBLIC PORTION

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

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Al Attianese, 27 Dewey Avenue, questioned the rationale for two public comments during the Workshop meetings and only one during the Regular Meetings, when agenda items are voted upon. He queried by what means working capital would be obtained while awaiting insurance reimbursement for EMS, and what the collection process is for the remaining balance after Medicare reimbursement.

Louis Fernandez, Harrison Street, identified congested parking issues on Harrison Street and proposed instituting an overnight parking ordinance. He requested clarification on the amount listed on Resolution F and the amount allotted for Resolution E.

Meeting of October 19, 2015

Victor Nowak, Stephen Place, identified with the devastation imposed by pancreatic cancer and appreciated the Proclamation. He expressed concern regarding the speeding on Stephen Place and requested action be taken.

Maria Cordonnier, 648 Upper Mountain Avenue, articulated her anticipation for the public hearing of Ordinance No. 1231 and appreciated of the Council's attention to this matter. She questioned whether occupancy maximums could be added to the ordinance. She also enquired whether an evaluation of other municipalities was conducted with respect to the EMS provision.

Arnold Korotkin, 181 Long Hill Road, requested the dates of the three sets of Minutes and for confirmation an individual has been hired to transcribe them. He appealed for attention to the video/sound system of Council Meetings, noting the quality is poor. He asked whether action would be taken after the closed session, and whether Township construction projects are inspected regularly to initiate corrective action, citing specific issues with prefab steps at Inwood Park as an example.

Renea Shapiro, Walnut Street, empathized with the suffering caused by pancreatic cancer and appreciated the Proclamation. She valued the support of ABC events over the summer. She queried whether research had been done with regard to privatizing EMS and requested the Township re-visit an overnight parking ordinance. She distributed a handout to the Council summarizing research done by the ABC, to springboard discussion of taxable properties in Little Falls at the next Workshop Meeting.

Bob Dombrowski, Parkway, questioned how many houses remain to be bought or elevated and what actions are being taken on the resulting empty lots to maintain them. He requested steps be taken to repair his driveway to its original condition after a contractor drove over his lot.

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

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Council President FONTANA remarked the two public comments during Workshop meetings have been effective. Mr. Cuccia elucidated that each ordinance entails a dedicated public comment section mandated by law.

Mr. Cuccia clarified the working capital regarding EMS is part of the Township budget. The data is provided by the billing companies based on their past experience. Mr. Cuccia referred to section 33F of the ordinance regarding insurance reimbursement, noting that this was incorporated into the Municipal costs of the program. The billing company is a third party administrator, and as such, is not subject to the health care program, since they are only involved with processing.

Council President FONTANA recommended discussion of overnight parking be placed on the next Workshop Agenda.

In response to Mr. Hernandez's request regarding the dollar amounts in Resolutions E and F, Mr. Cuccia explained the agenda was prepared prior to finalization of the bids, therefore adjustments were made. The resolutions reflect completions of projects left by the default contractor and may or may not be funded by FEMA, though historically, FEMA has granted funding. Mr. Northgrave added the default by the contractor is a measure of damage, which if the Township brings the previous contractor to court, would be sought to recover. Mr. Cuccia underscored that as with any federal program, costs not funded by the grant are covered by the local entity. Councilmember DAMIANO questioned whether the prior contractor dissolved or remains a working agency. Mr. Northgrave will obtain a firm answer and report back.

Mr. Cuccia is to request the Police Department to conduct a traffic study on Stephen Place.

Mr. Northgrave stated an occupancy limit is not part of the current ordinance presented tonight, but every structure has an occupancy limit for fire safety. Chief Sweezy verified that the Fire Department and the Police Department collaborate to control the situation jointly if there is an unsafe condition.

Mr. Cuccia summarized research gathered from surrounding towns regarding their EMS service. Councilmember DAMIANO added he contacted several surrounding municipalities, revealing similar difficulties with their current emergency services.

Council President FONTANA confirmed an individual has been hired to prepare the Minutes going forward.

Councilmember DAMIANO stated he has brought the issue of poor sound and video quality of Council meetings to the Technology Committee. The company that manages the recording and broadcasts updated several speakers and moved the cameras, however, problems continue to exist. He will pursue the need for repair at the next Technology Committee meeting and report back with an action plan.

Mr. Lindsay responded to Mr. Korotkin's concerns regarding inspection of current projects, noting inspections are conducted periodically. In this particular case at Inwood, the contractor did not measure accurately. Mr. Simone has been actively engaged with the contractor to remediate the work, and determine whether corrective measures are required.

Meeting of October 19, 2015

Mr. Cuccia discussed privatization of the EMS services, highlighting the disadvantages such as lack of oversight of staff and quality of service provided by transport companies.

Mr. Northgrave stated pursuing the non-taxable properties under MSU involves a complicated analysis, which may not be advisable, as the process is costly, and the results may not be favorable. If the Council wanted to pursue it, he recommended retaining the services of the Tax Counsel and a financial advisor. Mayor Conti related some of the MSU dormitories are rented by the contractor. Mr. Northgrave advised a closer review of that public private partnership and the enabling legislation would be more straightforward and results may provide an impetus to proceed further. Mr. Northgrave to conduct a brief examination in collaboration with the Tax Counsel to determine if further review is warranted. Mr. Northgrave suggested that the Township speak with other towns with colleges that would benefit as well. Maria Cordonnier stated she had previously raised the idea of Payment in Lieu of Taxes to tax these non-profit organizations.

Mr. Cuccia stated that the new proposed grant, which has not been funded yet, includes 59 proposed homes, with no elevations. There is one elevation on the agenda tonight.

Mr. Simone responded to Mr. Dombrowski’s concerns regarding the landscape explaining the Shade Tree Commission is examining what can be planted that will provide consistent foliage. He further elaborated that the specifications have been modified to require inspections on the subgrade prior to placing 2 inches of topsoil, followed by hydra seed rather than hay. While all the properties are maintained, a hindrance to growth is the lack of watering capabilities.

Mr. Northgrave stated no action will be taken in the closed session.

CONSENT AGENDA

All items on the Consent Agenda were considered to be routine and were enacted with a single motion. Any items under REQUISITIONS carried a Treasurer’s certification as to sufficiency of funds.

CORRESPONDENCE

REQUEST FOR PERMISSION FROM SINGAC FIRE CO. #3 TO HOLD A COIN TOSS AT THE INTERSECTION OF MAIN STREET AND ROUTE 23 ON FRIDAY, NOVEMBER 27, 2015 AND SATURDAY, NOVEMBER 28, 2015, WITH RAIN DATES OF SATURDAY, DECEMBER 5, 2015 AND SUNDAY, DECEMBER 6, 2015.

APPLICATIONS

Little Falls Fire Department Auxiliary- Colin O’Keefe III, E. Main Street, Little Falls, Singac Fire Co. #3

Raffle- Little Falls Alliance for a Better Community, On-Premise 50/50, 12/16/15, 8:00 p.m., 19 Warren Street, Little Falls

Raffle- Little Falls Alliance for a Better Community, On-Premise 50/50, 11/6/15, 6 p.m. – 9 p.m., 4-6 Woodhull Avenue, Little Falls

Raffle- Little Falls Alliance for a Better Community, Tricky Tray, 12/31/15, 8 p.m. – 12:00 a.m., 4-6 Woodhull Avenue, Little Falls

Raffle- Care 4 A Cure, Tricky Tray, 4/3/16, 1:00 p.m. – 5:00 p.m., 215 Route 23, Little Falls

Raffle- Passaic Valley High School Band Association, On-Premise 50/50, 1/23/16, 10:30 p.m., 4-6 Woodhull Avenue, Little Falls

Raffle- Passaic Valley High School Band Association, Off-Premise 50/50, 1/23/16, 10:00 p.m., 4-6 Woodhull Avenue, Little Falls

Raffle- Passaic Valley High School Band Association, Tricky Tray, 1/23/16, 7 p.m. – 11 p.m., 4-6 Woodhull Avenue, Little Falls

REPORTS

MUNICIPAL CLERK’S REPORT - MONTH OF SEPTEMBER 2015
MUNICIPAL CLERKS REPORT
Month of September 2015

ABC LICENSES		\$24,530.00
OTHER LICENSES		
Business Licenses	\$685.00	
Pre-paid Business Licenses		
Raffle Licenses	165.00	
		\$850.00
REGISTRAR OF VITAL STATISTICS		
Fees & Permits	\$368.00	
Marriage Licenses-LF	\$27.00	
Marriage Licenses-NJ	\$225.00	
		\$620.00
MRNA		
Street Maps	\$	
Zoning Maps	\$	
Zoning Ordinances		
Document Copies	\$9.80	
Garage Sales	\$60.00	

Meeting of October 19, 2015

Misc. Fees & Refunds:	\$526.00	
TOTAL MRNA		<u>\$595.80</u>
TOTAL CURRENT ACCOUNT		<u>\$26,595.80</u>
TOTAL TO TREASURER		<u>\$26,595.80</u>

MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT - MONTH OF SEPTEMBER 2015
MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT
Month of September 2015

Dog Licenses issued 09/01/2015 thru 09/30/2015		
Nos. 339 to 352 = 14 Licenses		
Amount due Little Falls		\$95.20
Amount due State		31.80
Total Cash Received		\$127.00
Cat Licenses issued 09/01/2015 thru 09/30/2015		
Nos. to Licenses Issued 0		
Total Cash Received		\$00
	Total to Treas.	<u>\$127.00</u>

TAX COLLECTOR'S REPORT - MONTH OF SEPTEMBER 2015
MONTHLY REPORT

Municipality of Township of Little Falls
Office of the Tax Collector
Township of Little Falls Current Account, Lakeland Bank
Revenues Collector for the Month of September 2015

Categories 01-	September 1-30, 2015	2015 Year to Date
2015 Taxes	\$305,073.88	\$33,057,784.35
2014 Taxes	17,858.51	399,855.43
2013 Taxes	0.00	69.70
Prepaid 2016 taxes	56,355.57	56,355.57
Interest	10,047.23	74,602.19
Duplicate Tax Bills	5.00	230.00
Tax Searches	0.00	4.00
Insufficient Check Charge	0.00	180.00
6% Penalty Fee	0.00	9,105.07
GRAND TOTALS	\$389,340.19	\$33,598,186.31

Delinquent 2014 Taxes \$158,386.45 (1st-4th Qtrs.), tax sale 12/08/15.
Delinquent 2015 Taxes \$786,967.52 (1st- 3rd Qtrs.).
Total Delinquent Taxes \$945,353.97

2015 Refunds this month = -\$2,220.39
2015 Year to date refunds = -\$9,603.88
Breakdown of refunds for years 2012-2015 completed in 2015(see attached).

Prepared by: _____ Dated: October 9, 2015.*
Denise Whiteside, Tax Collector

*N.J.S.A. 54:4-73 due to governing body on October 1, 2015.

cc: CMFO, Mayor, Council, Administrator, Clerk, Attorney & Auditor file.

MONTHLY REPORT

Municipality of Township of Little Falls
Office of the Tax Collector
Township of Little Falls Tax Collector Trust Account, Lakeland Bank
Revenues Collector for the Month of September 2015

Categories 34-	September 1-30, 2015	2015 Year to Date
Outside Lien	\$39,427.13	\$120,388.90
GRAND TOTALS	\$39,427.13	\$120,388.90

REFUNDS IN THE YEAR 2015

Months	2011 STCJ
January	\$0.00
February	\$0.00
March	\$0.00
April	\$0.00
May	\$0.00
June	\$0.00
July	\$25,864.41
August	\$0.00
September	\$0.00
Totals	\$25,864.41

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Meeting of October 19, 2015

Months	2012 STCJ	2013 STCJ	2014 STCJ	2015 STCJ	2015 CBJ	Regular 2015	2015 Veteran/Widow	2015 Senior/Disabled	Exempt 2015	2015 Homestead Benefit	Total by Months
January	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
February	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
March	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
April	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,104.11	\$2,104.11
May	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
June	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,500.50	\$1,500.50
July	\$40,022.30	\$4,990.13	\$5,251.48	\$0.00	\$0.00	\$443.39	\$0.00	\$0.00	\$0.00	\$0.00	\$76,571.71
August	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,335.49	\$0.00	\$0.00	\$0.00	\$0.00	\$3,335.49
September	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,220.39	\$0.00	\$0.00	\$0.00	\$0.00	\$2,220.39
Totals	\$40,022.30	\$4,990.13	\$5,251.48	\$0.00	\$0.00	\$5,999.27	\$0.00	\$0.00	\$0.00	\$3,604.61	\$85,732.20

Note: The above figures represent the months that the Tax Collector did the adjustments in the computer; the Resolution(s) may have been adopted in the next month.

STCJ = State Tax Court Judgments.
CBJ= County Board Judgments.

Municipality of Township of Little Falls
Office of the Tax Collector
Township of Little Falls Tax Collector Trust 2 (Lien Premium Monies), Lakeland Bank
Revenues for the Month of September 2015

	Liens with Premiums Redeemed/(-)	Bal./Dep.(+)
Balance Brought Forward (January 1, 2015)		\$262,400.00
January 2015	\$62,000.00	\$200,400.00
February 2015	\$ 0.00	\$200,400.00
March 2015	\$11,800.00	\$188,600.00
April 2015	\$31,000.00	\$157,600.00
May 2015	\$ 0.00	\$157,600.00
June 2015	\$ 0.00	\$157,600.00
July 2015	\$10,000.00	\$147,600.00
August 2015	\$ 0.00	\$147,600.00
September 2015	\$23,000.00	\$124,600.00
Ending Balance as of September 30, 2015		\$124,600.00

Municipality of Township of Little Falls
Office of the Tax Collector
Township of Little Falls Tax Collector Trust 1 (Lien Monies), Lakeland Bank
Revenues for the Month of September 2015

	Deposit	2015 Year-to-Date
January 2015	\$26,826.41	\$26,826.41
February 2015	\$ 0.00	\$26,826.41
March 2015	\$22,131.51	\$48,957.92
April 2015	\$32,003.85	\$80,961.77
May 2015	\$ 0.00	\$80,961.77
June 2015	\$ 0.00	\$80,961.77
July 2015	\$ 0.00	\$80,961.77
August 2015	\$ 0.00	\$80,961.77
September 2015	\$39,427.13	\$120,388.90
Total Collected as of September 30, 2015		\$120,388.90

RESOLUTIONS

Resolution Cancelling Taxes

RESOLUTION (A) 15-10-19#1

WHEREAS, the Township of Little Falls purchased the following properties through the FEMA program in the Year 2015; and
WHEREAS, the 2015 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 Year 2015; and
WHEREAS, these properties will be made tax exempt by our Tax Assessor as of January 1, 2016:

<u>BLOCK/LOT QUAL.</u>	<u>OWNER/ LOCATION/ CLOSING DATE/ TOTAL 2015 TAXES</u>	<u>CANCEL UNPAID AMOUNT &/OR PAID BY H.O. TWP PORTION</u>	<u>2015 ASSESSED VALUE</u>
69/39	Hida-65 William St 05/28/15 2015 taxes \$4,900.07	\$2,913.19	56,000 (L) <u>103,300 (I)</u> 159,300
71/26.02	Figueroa-154 William St 02/26/15 2015 taxes \$4,835.47	4,080.34	54,000 (L) <u>103,200 (I)</u> 157,200
71/79	White-48 William St 03/31/15 2015 taxes \$5,041.56	3,814.76	56,000 (L) <u>107,900 (I)</u> 163,900

Meeting of October 19, 2015

71/143	Kong-55 Parkway 02/26/15 2015 taxes \$5,546.03	4,679.94	51,000 (L) <u>129,300 (I)</u> 180,300
81/43	Martin-4 Roselle St 05/28/15 2015 taxes \$5,542.95	3,295.40	55,000 (L) <u>125,200 (I)</u> 180,200
82/49	Rojas-61 E Woodcliffe Av 05/27/15 2015 taxes \$5,007.73	2,990.92	56,000 (L) <u>106,800 (I)</u> 162,800
83/1	Cavallo-201 William St 03/31/15 2015 taxes \$4,232.58	3,202.64	62,000 (L) <u>75,600 (I)</u> 137,600
84/42	Danielle-60 Louis St 09/15/15 2015 taxes \$7,422.39	<u>2,175.91</u>	56,000 (L) <u>185,300 (I)</u> 241,300

Total tax amount to be canceled = \$27,153.10

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls on this 19th day of October 2015 that the unpaid and/or paid taxes on the above block and lots for 2015 be canceled in the amount of \$27,153.10. The portion that was paid by the taxpayer will be refunded under a separate resolution.

Resolution Refunding Taxes

RESOLUTION (B) 15-10-19#2

WHEREAS, the Township of Little Falls purchased the following properties through the FEMA program in the Year 2015; and **WHEREAS**, the 2015 taxes have been pro-rated from the closing dates, and these taxpayers overpaid their taxes. Note, the HUD statements did not reflect any adjustments; and

WHEREAS, the Tax Collector authorizes the Treasurer to refund the overpayments as follows:

<u>BLOCK/LOT QUAL.</u>	<u>OWNER/ LOCATION/ CLOSING DATE</u>	<u>REFUND PAYABLE & AMOUNT</u>	<u>MAIL TO:</u>
69/39	Dzelal & Vera Hida 65 William Street 05/28/15	\$ 397.84	Dzelal & Vera Hida 56 Mereline Avenue Woodland Park, NJ 07424
71/26.02	Gerry Figueroa 154 William Street 02/26/15	421.52	Gerry Figueroa 18 Lancaster Court Wayne, NJ 07470
71/143	Karen Kong 55 Parkway 02/26/15	483.46	Karen Kong 61 Pitts Avenue Woodland Park, NJ 07424
81/43	Carol Ann Martin 4 Roselle St 05/28/15	450.05	Carol Ann Martin 8102 Harcourt Road Clifton, NJ 07013
82/49	Marta Rojas 61 E Woodcliffe Ave 05/27/15	<u>420.31</u> Marta Rojas	81 Pike Drive, Apt. 1B Wayne, NJ 07470
		Total Refunds =	\$ 2,173.18

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls on this 19th day of October 2015 that the above block and lots for 2015 be noted as overpaid and be granted refunds in the total amount of \$2,173.18.

RESOLUTION [C] 15-10-19 #3

WHEREAS, the property known as Block 10 Lot 14.01 assessed to Eva J. Kolta of 657 Main Street, Little Falls, NJ has a credit on the 3rd quarter 2015 taxes in the amount of \$2,220.39; and

WHEREAS, Core Logic tax service paid the taxes on August 11, 2015, and Eva J. Kolta paid on August 12, 2015 (which was processed by the lock box service). Ms. Kolta has requested in writing to our Tax Collector that the overpayment be refunded to her as she made the payment in error; and

WHEREAS, the Tax Collector authorizes our Treasurer to refund the amount of \$2,220.39 made payable to: Eva J. Kolta, 657 Main Street, Little Falls, NJ 07424;

NOW, THEREFORE BE IT RESOLVED by the Township Council of Little Falls on this 19th day of October, 2015 that Kolta be refunded the total amount of \$2,220.39 due to an overpayment of 2015 3rd quarter taxes.

Renewal of Plenary Retail Consumption License

RESOLUTION [D] 15-10-19 - #4

WHEREAS, the Township Council adopted Resolution [B] 15-08-10 - #2, granting the renewal of the following Plenary Retail Consumption license for the license term of July 1, 2014 until June 30, 2015:

<u>License No.</u>	<u>License and/or t/a name</u>	<u>Fee</u>
1605-33-007-009	Top Cucina Corporation 112 Stevens Avenue	\$2,200.00

and **WHEREAS**, it was determined that the applicant has not fulfilled all of the necessary requirements for renewal of this license term;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council hereby rescinds Resolution [B] 15-08-10 - #2 of August 10, 2015.

Construction for 119 William Street

**RESOLUTION [E] 15-10-19 - #5
AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR
ELEVATION WORK AT 119 William Street**

Meeting of October 19, 2015

WHEREAS the Township of Little Falls solicited bids for elevation work at 119 William Street, which were received and reviewed by the Superintendent of Public Works and the Township Attorney as follows:

RGH Enterprises, Inc.
Maplewood, NJ 07040
Base Bid: \$125,000.00
Option 1: No Bid
Option 2: No Bid
Option 3: \$28,000.00

Dauti Construction, LLC
West Orange, NJ 07052
Base Bid: \$70,000.00
Option 1: \$20,800.00
Option 2: \$6,500.00
Option 3: \$14,500.00

WHEREAS, the Treasurer has provided a Certification of the Availability of Funds (a copy of which is appended to the original of the within Resolution) pursuant to Rule 5:30-1.10 of the Local Finance Board, and the appropriation to be charged for this expenditure is Bond Ordinance No. ; and

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

1) That the bid of

Dauti Construction, LLC
43 Washington Street
West Orange, NJ 07052

in the amount of

\$70,000.00

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 purchase of the within designated services subject to the successful contractor's filing the required New Jersey Employee Information Report (Form AA302) or providing a Certificate of Employee Information to the Township.

Elevation of 78 Louis Street

**RESOLUTION [F] 15-10-19 - #6
AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR
THE ELEVATION OF 78 LOUIS STREET**

WHEREAS the Township of Little Falls solicited bids for the elevation of 78 Louis Street, which were received and reviewed by the Superintendent of Public Works and the Township Attorney as follows:

RGH Enterprises, Inc.
Maplewood, NJ 07040
Base Bid: \$215,000.00
Total Bid with Alternates: \$245,850.00

WHEREAS, the Treasurer has provided a Certification of the Availability of Funds (a copy of which is appended to the original of the within Resolution) pursuant to Rule 5:30-1.10 of the Local Finance Board, and the appropriation to be charged for this expenditure is Bond Ordinance No. ; and

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

1) That the bid of

RGH Enterprises, Inc.
7 Jefferson Avenue
Maplewood, NJ 07040

in the amount of

\$220,500.00

(Base bid including Alternates 4, 11 & 14)

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 purchase of the within designated services subject to the successful contractor's filing the required New Jersey Employee Information Report (Form AA302) or providing a Certificate of Employee Information to the Township.

It was moved by Councilmember Damiano, seconded by Councilmember Porter, that the Consent Agenda be approved as printed.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
Nays: None

The Council President declared the motion passed.

REGULAR AGENDA

NEW BUSINESS

Ordinance No. 1226 – It was moved by Councilmember Damiano, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1226, **“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 240, TAXPAYER LIST”**, be and it was opened.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
Nays: None

The Council President declared the motion passed.

Meeting of October 19, 2015

No one having come forward to be heard, it was moved by Councilmember Damiano, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1226 be and it was closed.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Damiano, seconded by Councilmember Porter, that Ordinance No. 1226 be and it was adopted.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Ordinance No. 1227 – It was moved by Councilmember Damiano, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1227, **“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 3, ADMINISTRATION OF GOVERNMENT”**, be and it was opened.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Porter, seconded by Councilmember Liess, that the public hearing on Ordinance No. 1227 be and it was closed.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Damiano, seconded by Councilmember Liess, that Ordinance No. 1227 be and it was adopted.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Ordinance No. 1228 – It was moved by Councilmember Damiano, seconded by Councilmember Liess, that the public hearing on Ordinance No. 1228, **“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 130, MASSAGE, BODY WORK AND SOMATIC THERAPY BUSINESS”**, be and it was opened.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Damiano, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1228 be and it was closed.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Damiano, seconded by Councilmember Porter, that Ordinance No. 1228 be and it was adopted.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Ordinance No. 1229 – It was moved by Councilmember Damiano, seconded by Councilmember Liess, that the public hearing on Ordinance No. 1229, **“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 155, PERSONNEL POLICIES”**, be and it was opened.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Meeting of October 19, 2015

No one having come forward to be heard, it was moved by Councilmember Damiano, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1229 be and it was closed.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Liess, seconded by Councilmember Damiano, that Ordinance No. 1229 be and it was adopted.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
Nays: None

The Council President declared the motion passed.

Ordinance No. 1231 – It was moved by Councilmember Porter, seconded by Councilmember Damiano, that the public hearing on Ordinance No. 1231, **“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 REQUIRE AN OWNER OF RENTAL PROPERTY TO POST A BOND OR EQUIVALENT SECURITY AFTER TWO (2) SUBSTANTIATED COMPLAINTS OF DISORDERLY, INDECENT, TUMULTUOUS OR RIOTOUS CONDUCT, AND ESTABLISHING THE OCCUPANCY LIMITATIONS OF DWELLING UNITS”**, be and it was opened.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
Nays: None

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Damiano, seconded by Councilmember Liess, that the public hearing on Ordinance No. 1231 be and it was closed.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Porter, seconded by Councilmember Damiano, that Ordinance No. 1231 be and it was adopted.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
Nays: None

The Council President declared the motion passed.

Ordinance No. 1232 – It was moved by Councilmember Liess, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1232, **“ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING THE CONVEYANCE OF AN EASEMENT ON CERTAIN TOWNSHIP OWNED PROPERTY, IN CONNECTION WITH OPERATION, MAINTENANCE AND REPAIR OF A CERTAIN RETAINING WALL”**, be and it was opened.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
Nays: None

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Porter, seconded by Councilmember Damiano, that the public hearing on Ordinance No. 1232 be and it was closed.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Porter, seconded by Councilmember Liess, that Ordinance No. 1232 be and it was adopted.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
Nays: None

The Council President declared the motion passed.

Ordinance No. 1233 – It was moved by Councilmember Liess, seconded by Councilmember Damiano, that there be introduced and the meeting of November 23, 2015 set as the date and item for the public hearing on the following:

**ORDINANCE No. 1233
AN ORDINANCE ENTITLED, “ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, REPLACING CHAPTER 136, ‘NOISE CONTROL’, IN ITS ENTIRETY”**

I. Definitions

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

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

Meeting of October 19, 2015

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II. Applicability

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

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

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

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

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

III. Exemptions

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

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

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

IV. Enforcement Officers

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

Meeting of October 19, 2015

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

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

V. Measurement Protocols

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

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

VI. Maximum Permissible Sound Levels

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

(B) Impulsive Sound

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

TABLE I

MAXIMUM PERMISSABLE A-WEIGHTED SOUND LEVELS WHEN MEASURED OUTDOORS

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

TABLE II

MAXIMUM PERMISSABLE A-WEIGHTED SOUND LEVELS WHEN MEASURED INDOORS

	Receiving Property Category		
	Residential property or residential portion of a multi-use property		Commercial facility ¹ or nonresidential portion of a multi-use property
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	24 hours
Maximum A-weighted sound level standard, dB	55	40	55

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

TABLE III

MAXIMUM PERMISSABLE OCTAVE BAND SOUND PRESSURE LEVELS IN DECIBELS

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

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

Meeting of October 19, 2015

VII. Sound Production Devices

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

TABLE IV

MAXIMUM PERMISSIBLE INCREASE IN TOTAL SOUND LEVELS WITHIN A RESIDENTIAL PROPERTY

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

VIII. Restricted Uses and Activities Note:

This section is optional; any numbered paragraph may be adopted in its entirety.

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

- A. Excluding emergency work, power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.
- B. Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 8:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.
- C. All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 8:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.
- D. Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth in Tables I, II or III do not apply.
- E. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the limits set forth in Tables I, II or III do not apply.
- F. Non-Residential Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator;
 On Residential property self-contained, portable, non-vehicular music or sound production devices shall not be operated in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. On Friday, Saturday and Sunday Between the hours of 8:00 a.m. and 11:00 p.m., sound, operated from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator;
- G. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:
 - (1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
 - (2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

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

IX. Motor Vehicles

Note: This section is optional; any numbered paragraph may be adopted in its entirety.

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

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

X. Enforcement

- (A) Violation of any provision of this ordinance shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.
- (B) Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than the maximum penalty pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.
- (C) Upon identification of a violation of this Ordinance the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Ordinance that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.
- (D) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section II of this ordinance) a NOV shall be issued to the violator.
 - 1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.
 - 2. The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the NCO or NCI. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.
- (E) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation, the violator shall be notified that if the violation is not immediately corrected, a NOPA with a civil penalty of not more than the maximum penalty allowed pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014, will be issued. If a non-minor violation is immediately corrected, a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.
- (F) The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.

Meeting of October 19, 2015

(G) The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.

(H) The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.

(I) Any claim for a civil penalty may be compromised and settled based on the following factors:

- Mitigating or any other extenuating circumstances;
- The timely implementation by the violator of measures which lead to compliance;
- The conduct of the violator; and
- The compliance history of the violator.

XI. Consistency, Severability and Repealer

(A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

(B) All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

(C) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Ordinance No. 1230 – It was moved by Councilmember Damiano, seconded by Councilmember Liess, that the public hearing on Ordinance No. 1230, “**AN ORDINANCE ESTABLISHING THE LITTLE FALLS EMERGENCY MEDICAL SERVICE IN THE CODE OF THE TOWNSHIP OF LITTLE FALLS CODE SECTION 3-7.8.**”, be and it was opened.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Al Attianese, 27 Dewey Avenue, questioned where the cost for absorbing the difference after insurance reimbursement is reflected in the powerpoint presentation.

Fire Chief Jack Sweezy, expressed his disappointment that the ordinance is not being voted on tonight after much deliberation, emphasizing he represents his department and its concern for the health and welfare of the residents.

Maria Cordonnier, 648 Upper Mountain Avenue, thanked Mr. Cuccia and Councilmember Damiano for obtaining information from other towns. She expressed her gratitude to the volunteers who have fulfilled the emergency services, but realizes the importance of implementing this ordinance. However, she requested the financial information be re-reviewed and if there is a cost to taxpayers, to research methods to make the costs budget neutral.

Louis Fernandez, Harrison Street, stated he is favor of the EMS ordinance and not to delay a program that will benefit the entire Township.

Bob Dombrowski, Parkway, stated he is discouraged that a vote is not being held this evening.

Ronnie Cordero, LFFD, EMS Chief, emphasized residents wait too long for an ambulance to respond. He implored that there be no further delay to pass the ordinance as a price cannot be placed on a life.

Al Attianese, 27 Dewey Avenue, stated for the record that he is not against this ordinance. His comment centered on the costs involved.

Councilmember PORTER and Councilmember DAMIANO announced they are prepared to vote on this tonight to prevent further delay.

Discussion ensued with regard to whether or not to vote on the ordinance tonight.

Mr. Northgrave cautioned the point of a public hearing is to allow the broadest public participation. He asked the Council to consider that if a resident wanted to challenge the ordinance and did not attend tonight, it could be later presented as an argument. Council President FONTANA deferred the decision to vote to the rest of the Councilmembers. Councilmember DAMIANO, Councilmember PORTER, and Councilmember LIESS supported voting on the ordinance. Councilmember DAMIANO asked if it is the recommendation of Mr. Northgrave not to vote on this tonight due to the statement that was made at a previous meeting. Mr. Northgrave instructed they could carry the public hearing to the next meeting. If not, then the vote will go forward this evening.

Chief Sweezy declared ample time has been given for the public to present questions. No questions have been submitted to the Administrator even after the opportunity was given. Councilmember PORTER said she was not at the last meeting and she did not know that there was an opportunity to ask questions. Mr. Cuccia added the powerpoint presentation was made available on the website for review, however, no questions or comments were received.

Meeting of October 19, 2015

No one further having come forward to be heard, it was moved by Councilmember Damiano, seconded by Councilmember Liess, that the public hearing on Ordinance No. 1230 be and it was closed.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Damiano, seconded by Councilmember Liess, that Ordinance No. 1230 be and it was adopted.

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

PAYMENT OF BILLS

It was moved by Councilmember Porter, seconded by Councilmember Damiano, that the Council approve the following:

RESOLUTION [BL]

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: Porter, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

EXECUTIVE SESSION

It was moved by Councilmember Damiano, seconded by Councilmember Liess, that the Council approve the following:

RESOLUTION [EX]

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

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

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

Poll: Ayes: Porter, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Mr. Northgrave added there will be discussion at the Executive Session regarding potential litigation regarding the use of certain public property.

The Council entered Executive Session at 8:29 p.m.

At 8:45 p.m. the Council returned and it was moved by Councilmember Damiano , seconded by Councilmember Liess, that the meeting return to Open Session.

There being no further business to come before the meeting, it was moved by Councilmember Damiano, seconded by Councilmember Porter, that the meeting be and it was adjourned at 8:46 p.m.

Cynthia Kraus
Municipal Clerk