

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

Monday, September 21, 2015

Council President Louis Fontana called the meeting to order at 9:48 p.m. with the following members present: James Damiano, William Liess, Pamela Porter, and Joseph Maceri. 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, Lt. Steven Post, Sgt. James Minnella, Fire Chief Jack Sweezy, DPW Ron Stell, Fire Inspectors Ed Pomponio, Tax Assessor Richard Hamilton Deputy, Judge Toni Belford-Damiano, Bill Betesch and Deputy Registrar Marlene Simone.

Absent: None

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 had nothing to report.

MAYOR'S REPORT

Mayor Conti requested the appointment of Judge Toni Belford Damiano as the interim Judge for the Court. Mr. Northgrave asked Councilmembers Maceri and Damiano to remove themselves from the dais prior to discussion of Resolution L due to the conflict of interest.

Council President FONTANA stated he received short notice of this appointment and recognized the time sensitive nature of the situation. Therefore, he recommended the appointment have an expiration, as opposed to it being an open-ended appointment. Mr. Northgrave stated the oral resolution presented before the Council was that as requested by the Mayor, that Toni Belford-Damiano be appointed Municipal Judge for as long as Judge Corradino is not serving, or until 1/1/16, whichever is sooner.

It was moved by Councilmember Liess, seconded by Councilmember Porter that Toni Belford-Damiano be appointed interim Municipal Judge.

Poll:	Ayes:	Porter, Liess, Council President Fontana
	Nays:	None
	Not Voting:	Damiano, Maceri

The Council President declared the motion passed.

PROCLAMATION HONORING EDMUND POMPONIO

Mayor Conti called upon Chief Pomponio and Chief Sweezy as she read the Proclamation Honoring Edmund Pomponio. She commended the Fire Department for their brave and life-saving volunteerism, and recognized Chief Pomponio's service for over 55 years. Chief Sweezy thanked the Mayor and stated his gratitude to have Chief Pomponio as his mentor. Councilmember PORTER announced the Chief visited her eighth grade classes every year and thanked him for his service. Council President FONTANA thanked the Chief as well.

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

The Council President declared the motion passed.

Steve Tilton, Main Street, urged the Council not to adopt Ordinance No. 1224 this evening.

Arnold Korotkin, Long Hill Road, stated he received a sample ballot for the public school referendum scheduled a week from Tuesday. He wished the Jewish residents a happy holiday.

Brian Reynolds, 7 Notch Road, reiterated a noise complaint previously presented to the Council regarding work done on Notch Road by PSE&G. He has been in contact with the DOT and PSE&G and has not obtained a reason why the work is performed at night. He plans to file a claim against PSE&G due to cracks that have developed in his walls since work commenced.

John Veteri, 133 Prospect Street, commented on several points related to the Transit Village. He recommended permitting office and real estate office in the central business district and to include a prohibited use list. He also requested some language be added to the Walnut Street property. Regarding previous complaints from residents on

Meeting of September 21, 2015

Oak Tree Lane, he recommended reinstating prohibition of overnight parking between 2am and 5am to help eliminate some of their issues with illegal apartments.

Fire Chief Jack Sweezy, announced that Fire Safety is conducted in the first week of October. Fire companies will be visiting the schools to promote fire prevention.

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

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

The Council President declared the motion passed.

Council President FONTANA encouraged everyone to go out and vote on the school referendum at the election next week. He wished a Happy Yom Kippur to those who celebrate.

In response to Mr. Reynolds' complaint of noise generated by PSG&E work, Mr. Cuccia responded he and Mr. Simone have had extended conversations with PSE&G. Since the majority of the work is being performed on State roadways, the DOT determined the time of work. The permit from DOT states night work only. Mr. Northgrave declined advisement on this issue to due to a conflict of interest. Mr. Cuccia will continue to discuss with PSE&G.

Council President FONTANA stated his understanding of the residents' concerns, however, the Transit Village ordinance has been scrutinized and revised based on feedback for an extended period of time. The Township will benefit from the ordinance, and if it can be improved once instituted, resident feedback will be most welcome.

Mr. Janota expressed his disagreement with Mr. Veteri's comments and explained his rationale. Mr. Janota explained the Walnut Street property is an unusual situation. Discussion ensued as to what method would best fit the situation. Mr. Northgrave advised and Mr. Janota agreed, that a statement be included to say any property fronting Walnut Street that is less than the number of feet equal to the land referenced will conform to the R1V. This modification will impact only the piece of land in question, rather than the entire parcel and does not involved split zoning.

Mr. Northgrave advised against defining retail sales.

Discussion ensued with regard to the exclusion of 5 & 8 Main Street from Transit Village. Mr. Janota expressed his opinion that from a planning perspective, connectivity of the downtown to those parcels makes sense. Councilmember MACERI requested Mr. Tilton provide his rationale for exclusion. Mr. Tilton expanded upon his family business and intention to remain in Little Falls and support the Township, despite having deep reservations regarding Transit Village. He explained he is unsure of the future ramifications of Transit Village on his business, and leaving Schumacher Chevrolet out of Transit Village should not affect the central business district greatly as Schumacher is not in the core.

Council President FONTANA requested overnight parking be addressed at another meeting

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 Eagle Rescue Squad Co. #1 to hold a boot drive at the intersection of Main Street and Union Avenue on Saturday, October 10, 2015, and Sunday, October 11, 2015.

APPLICATIONS

Little Falls Fire Department Auxiliary- Vincent A. Sacoto, 6th Street, Clifton, Enterprise Fire Co. #2

NJ State Firemen's Association – Michael S. Murphy, Tivoli Court, Great Notch Fire Co. #4

Blue Light Permit- Orlando Lopez, Wellington Street, Clifton, Little Falls Fire Department

Blue Light Permit- Karen Garcia, Lake Avenue, Clifton, Little Falls Fire Department

Blue Light Permit- Edward Farnon, William Street, Clifton, Little Falls Fire Department

Raffle- Little Falls School #1 PTA, On-Premise Draw Raffle, 10/26/15, 6:00P.M.-9:00P.M., 32 Stevens Avenue, Little Falls

Raffle-KOC #3835 Our Lady of the Highway Council. Off-Premise Draw Raffle, 2/19/16, 7:30 P.M., 465 Main Street, Little Falls

Raffle- Care 4 A Cure, On-Premise 50/50 Raffle, 10/20/15, 7:00P.M.-11:00P.M., 131 Newark Pompton Turnpike, Little Falls

Raffle- Family Promise of Passaic County, On-Premise 50/50, 11/14/15, 6:00 P.M.-11:00 P.M., 245 Paterson Avenue, Little Falls

Meeting of September 21, 2015

Raffle- Our Lady of the Holy Angels Church, Calendar Raffle, December 2015-March 2016, 9:00 A.M.-4:00P.M., 465 Main Street Little Falls

REPORTS

MUNICIPAL CLERK'S REPORT - MONTH OF AUGUST 2015

MUNICIPAL CLERKS REPORT
Month of August 2015

ABC LICENSES		
OTHER LICENSES		
Business Licenses	\$580.00	
Pre-paid Business Licenses		
Raffle Licenses	\$20.00	
		\$600.00
REGISTRAR OF VITAL STATISTICS		
Fees & Permits	\$248.00	
Marriage Licenses-LF	\$36.00	
Marriage Licenses-NJ	\$300.00	
		\$584.00
MRNA		
Street Maps	\$9.00	
Zoning Maps	\$6.00	
Zoning Ordinances		
Document Copies	\$6.90	
Garage Sales	\$25.00	
Misc. Fees & Refunds:	\$280.00	
TOTAL MRNA		\$326.90
TOTAL CURRENT ACCOUNT		\$1,510.90
TOTAL TO TREASURER		\$1,510.90

MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT - MONTH OF AUGUST 2015

MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT
Month of August 2015

Dog Licenses issued 08/01/2015 thru 08/31/2015	
Nos. 311 to 338 =29 Licenses	
Amount due Little Falls	\$190.40
Amount due State	51.60
Total Cash Received	\$242.00
Cat Licenses issued 08/01/2015 thru 08/31/2015	
Nos. 30 to 31	
Licenses Issued 2	
Total Cash Received	\$16.00
Total to Treas.	\$258.00

TAX COLLECTOR'S REPORT - MONTH OF JULY 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 July 2015

Categories 01-	July 1-31, 2015	2015 Year to Date
2015 Taxes	\$2,891,390.10	\$24,446,609.71
2014 Taxes	15,128.56	370,676.97
2013 Taxes	0.00	69.70
Interest	8,306.68	56,357.58
Duplicate Tax Bills	10.00	190.00
Insufficient Check Charge	40.00	140.00
6% Penalty Fee	0.00	9,105.07
GRAND TOTALS	\$2,914,875.34	\$24,883,149.03

Delinquent 2014 Taxes	\$187,314.91 (1 st -4th Qtrs.).
Delinquent 2015 Taxes	\$499,325.14 (1 st - 2 nd Qtrs.).
Total Delinquent Taxes	\$686,640.05

2015 Refunds this month = -\$ 443.39
2015 Year to date refunds = -\$4,048.00

Breakdown of refunds for years 2012-2015 completed in 2015(see attached).

Prepared by: _____ Dated: September 15, 2015.*
Denise Whiteside, Tax Collector

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

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 July 2015

Categories 34-	July 1-31, 2015	2015 Year to Date
----------------	-----------------	-------------------

Meeting of September 21, 2015

Outside Lien	\$0.00	\$80,961.77
GRAND TOTALS	\$0.00	\$80,961.77

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
Totals	\$25,864.41

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
Totals	\$40,022.30	\$4,990.13	\$5,251.48	\$0.00	\$0.00	\$443.39	\$0.00	\$0.00	\$0.00	\$3,604.61	\$80,176.32

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 July 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	\$ 0.00	\$157,600.00
Ending Balance as of July 31, 2015		\$157,600.00

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 July 2015

	2015 Deposit	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
Total Collected as of July 31, 2015		\$80,961.77

TAX COLLECTOR'S REPORT - MONTH OF AUGUST 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 August 2015

Categories 01-	August 1-31, 2015	2015 Year to Date
2015 Taxes	\$8,306,100.76	\$32,752,710.47
2014 Taxes	11,319.95	381,996.92
2013 Taxes	0.00	69.70
Interest	8,197.38	64,554.96
Duplicate Tax Bills	35.00	225.00
Tax Searches	4.00	4.00

Meeting of September 21, 2015

Insufficient Check Charge	40.00	180.00
6% Penalty Fee	0.00	9,105.07
GRAND TOTALS	\$8,325,697.09	\$33,208,846.12

Delinquent 2014 Taxes \$175,994.96 (1st-4th Qtrs.).
 Delinquent 2015 Taxes \$994,418.48 (1st- 3rd Qtrs.).
Total Delinquent Taxes \$1,170,413.44

2015 Refunds this month = -\$3,335.49
 2015 Year to date refunds = -\$7,383.49
Breakdown of refunds for years 2012-2015 completed in 2015(see attached).

Prepared by: _____ Dated: September 15, 2015.
 Denise Whiteside, Tax Collector

*N.J.S.A. 54:4-73 due to governing body on September 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 August 2015

Categories 34-	August 1-31, 2015	2015 Year to Date
Outside Lien	\$0.00	\$80,961.77
GRAND TOTALS	\$0.00	\$80,961.77

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
Totals	\$25,864.41

+

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
Totals	\$40,022.30	\$4,990.13	\$5,251.48	\$0.00	\$0.00	\$3,778.88	\$0.00	\$0.00	\$0.00	\$3,604.61	\$83,511.81

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 August 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	\$ 0.00	\$157,600.00
August 2015	\$ 0.00	\$157,600.00

Meeting of September 21, 2015

Ending Balance as of August 31, 2015 \$157,600.00

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 August 2015

	<u>Deposit</u>	<u>Year-to-Date</u>
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
Total Collected as of August 31, 2015		\$80,961.77

RESOLUTIONS

Refund of 2015 Overpayment of Taxes on 116 Francisco Avenue

RESOLUTION [A] 15-09-21 #1

WHEREAS, the property known as Block 233 Lot 17.01 assessed to Jeffrey & Doreen Dooney of 116 Francisco Avenue, Little Falls, NJ has a credit on their 3rd quarter 2015 taxes in the amount of \$3,335.49; and

WHEREAS, Chase mortgage has requested in writing to our Tax Collector that the overpayment be refunded to the taxpayer directly in the amount of \$3,335.49; and

WHEREAS, the Tax Collector authorizes our Treasurer to refund the amount of \$3,335.49 made payable to: Jeffrey & Doreen Dooney, 116 Francisco Avenue, Little Falls, NJ 07424;

NOW, THEREFORE BE IT RESOLVED by the Township Council of Little Falls on this 21st day of September 21, 2015 that the Dooney's be refunded the total amount of \$3,335.49 in taxes due to an overpayment of taxes on the 2015 3rd quarter taxes.

Bids for Vegetative Waste

RESOLUTION [B] 15-09-21 - #2

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP CLERK TO ADVERTISE FOR RECEIPT OF BIDS FOR VEGETATIVE WASTE

WHEREAS, it is necessary to approve the advertisement for receipt of bids;

NOW THEREFORE BE IT RESOLVED, by the governing body of the Township of Little Falls that the Township Clerk is hereby authorized to place a notice of bid for the above referenced services in accordance with N.J.S.A. 40:11.

BE IT FURTHER RESOLVED that the Clerk of the Township be and is hereby authorized to certify the within resolution and that the provisions thereof are in conformity with the provisions of law.

Contract for Environmental Preliminary Assessment Services

RESOLUTION [C] 15-09-21 - #3

AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR ENVIRONMENTAL PRELIMINARY ASSESSMENT SERVICES

WHEREAS the Township of Little Falls solicited bids for environmental preliminary assessment services, which were received and reviewed by the Clerk and the Township Attorney as follows:

PARS Environmental Bid: \$1,800	SADAT Associates, Inc. Bid: \$1,200
GZA/Geo Environmental, Inc. Bid: \$1,125	Prestige Environmental, Inc. Bid: \$2,250
Tectonic Engineering & Surveying Bid: \$1,295	JM Sorge, Inc Bid: \$1,700
H2M Architects & Engineers Bid: \$1,299	Boswell Engineering Bid: \$2,200
Remington, Vernick & Arango Engineers Bid: \$2,950	T-Slack Environmental Services Bid: \$990
T&M Associates Bid: \$2,000	Brownfield Science & Technology Bid: \$4,750
Brinkerhoff Environmental Services Bid: \$1,800	Engineering & Land Planning Assoc. Bid: \$1,850
BGI Resources International Corp. Bid: \$2,600	

WHEREAS, the Treasurer has provided a Certification of the Availability of Funds (a copy of which is appended to the original of the with 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

T. Slack Environmental Services
 180 Market Street
 Kenilworth, NJ 07033

in the amount of

\$990.00

be and the same is hereby accepted subject to satisfactory request and confirmation of references; 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.

Meeting of September 21, 2015

Contract for Land Survey Services

**RESOLUTION [D] 15-09-21 - #4
AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR
LAND SURVEY SERVICES**

WHEREAS the Township of Little Falls solicited bids for land survey services, which were received and reviewed by the Clerk and the Township Attorney as follows:

Remington, Vernick & Arango Engineers	Boswell Engineering
1 Family: \$7,500	1 Family: \$2,850
2 Family: \$8,500	2 Family: \$2,850
3 Family: \$9,500	3 Family: \$2,850

WHEREAS, the Treasurer has provided a Certification of the Availability of Funds (a copy of which is appended to the original of the with 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

Boswell Engineering
330 Phillips Avenue
South Hackensack, NJ 07606

in the amount of
\$2,850 per property

be and the same is hereby accepted subject to satisfactory request and confirmation of references; 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.

Execution of Contract for Completion of Work at 19 Louis Street

**RESOLUTION [E] 15-09-21 - #5
RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF
PASSAIC, STATE OF NEW JERSEY APPROVING AND RATIFYING THE AWARD AND EXECUTION OF A
CONTRACT WITH RGH ENTERPRISES, INC.**

WHEREAS, on August 24, 2015, the Township of Little Falls issued a Request for Bids (“RFB”) for completion of work necessary to complete the Elevation of an existing residential dwelling located at 19 Louis Street (the “Work”); and

WHEREAS, on September 2, 2015 bids were received by the Township in response to the RFB from RGH Enterprises, Inc. located in Maplewood New Jersey in the amount of \$115,000 and McCann Acoustics & Construction, Inc. located in Bloomfield New Jersey in the amount of \$166,530, and based on a review of the bids, the bid submitted by RGH Enterprises, Inc. was deemed the lowest responsive bid; and

WHEREAS, a contract award for the Work was issued by the Township’s Qualified Purchasing Agent to RGH Enterprises, Inc. and a notice issued to the company to proceed to immediately commence the Work, in light of: (a) the timing of the next Council Meeting of September 21, 2015; (b) the need to expeditiously commence the Work to enable the property owner to return to the property; (c) the determination by Township Counsel as to the responsiveness and compliance of the bid submitted by RGH Enterprises, Inc.; and (d) a determination that the bid price submitted was reasonable, within budget and adequate funds were available for the contract; and

WHEREAS, there is a need to ratify the contract award to RGH Enterprises, Inc. and Council desires to take such action at this time.

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

1. The Township Council hereby approves and ratifies the contract award by the Township’s Qualified Purchasing Agent to RGH Enterprises, Inc. for the Work on 19 Louis Street.

Negotiation of Lease for Billboards

**RESOLUTION [F] 15-09-21 - #6
RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF
PASSAIC, STATE OF NEW JERSEY AUTHORIZING NEGOTIATION OF A LEASE AGREEMENT WITH
INTERSTATE OUTDOOR ADVERTISING, L.P. FOR AN OUTSIDE BILLBOARD TO BE LOCATED AT THE
PATERSON AVENUE SITE AND RE-SOLICITATION FOR AN OUTSIDE BILLBOARD FOR THE CLOVE
ROAD SITE**

WHEREAS, on September 10, 2015 the Township of Little Falls received proposals from Interstate Outdoor Advertising, L.P. (“Interstate”) located in Cherry Hill, New Jersey, and Lamar located in New York, New York, in response to the Township’s Request for Proposals (“RFP”) for outdoor billboards for the following locations: Paterson Avenue (US 46 West Milepost 58.0) and Clove Road (US 46 East Milepost 59.9). The RFP required a minimum annual payment bid for each site of \$40,000; and

WHEREAS, Lamar submitted a bid proposal for only the Clove Road location and proposed an annual payment of \$20,000, which was below the required \$40,000 minimum annual payment, and consequently, the Lamar bid was not responsive and must be rejected; and

WHEREAS, Interstate submitted a bid proposal for the Paterson Avenue location, and proposed an annual payment of \$40,000 or 25% of the sign’s annual gross revenue, whichever is greater, and therefore, satisfied the minimum annual payment requirement. Interstate also submitted a bid proposal for the Clove Road location, and proposed an annual payment of \$30,000 or 25% of the sign’s annual gross revenue, whichever is greater. Interstate’s payment proposal for this location does not satisfy the \$40,000 minimum annual payment requirement and therefore, the proposal for this location was not responsive and must be rejected; and

WHEREAS, it is recommended that Council: (1) reject the bid proposal of Lamar and Interstate that was non-responsive as set forth herein; (2) authorize the negotiation of a lease agreement, acceptable to the Township, with Interstate for the Paterson Avenue location based on the company’s proposal and in accordance with the requirements of the RFP, and (3) authorize the re-solicitation of proposals, with any modifications deemed necessary, for the Clove Road location; and

WHEREAS, a proposed form of Lease Agreement with Interstate for the Paterson Avenue location, shall be presented to Council for review and approval.

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

1. The Township Council hereby approves and authorizes (1) the rejection of the non-responsive bid proposals of Lamar and Interstate as set forth herein; (2) authorizes negotiations with Interstate Outdoor Advertising, L.P. for a Lease Agreement for an outdoor billboard on the Paterson Avenue location, in accordance with the requirements of the RFP and proposal submitted by the company; and (3) authorizes the re-solicitation of the RFP, with any modifications as deemed necessary, for the Clove Road location.
2. The proposed form of Lease Agreement shall be presented to Council for review and approval.

Extension of Solid Waste Contract

RESOLUTION [G] 15-09-21 - #7

Meeting of September 21, 2015

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING AN EXTENSION TO THE TOWNSHIP'S SOLID WASTE CONTRACT WITH F. BASSO, JR. RUBBISH REMOVAL, INC.

WHEREAS, on December 22 , 2014, the Township of Little Falls entered into a one year contract with F. Basso, Jr. Rubbish Removal, Inc. for the collection and disposal of solid waste and the collection of recyclable materials in the Township; ; and

WHEREAS, the Basso contract will expire on December 31, 2015 and the Township is permitted under N.J.S.A. 40A:11-15(45) of the Local Public Contracts Law to extend the contract, provided that there are no substantial changes to the terms and conditions of the contract; and

WHEREAS, the Township desires to extend the Basso contract for an additional two year term commencing on January 1, 2016 and terminating on December 31, 2017, on the same terms and conditions, except for an adjustment to the time for the end of pick-up from 3 pm to 2 pm. This change however shall not apply to the pick-up of recyclable materials, which shall remain at 4 pm, and the pick-up day following a holiday, which shall remain at 3 pm.; and

WHEREAS, the costs for the two year contract extension shall be the costs that were proposed by Basso in his original bid to the Township as follows:

Solid Waste: \$319,995. - each year of extension
Recycling: \$79,998. - each year of extension
Tip per ton: First Yr. of extension: \$73.13; second Yr. of extension: \$74.60

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

The Township Council hereby approves and authorizes a one year extension to the Basso contract on the same terms and conditions, with the adjustments and the costs, as set forth herein, commencing on January 1, 2016 and terminating on December 31, 2017.

Amendment to Municipal Shared Services Agreement

RESOLUTION [H] 15-09-21 - #8

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING EXECUTION OF AN AMENDMENT TO THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT

WHEREAS, the Township of Little Falls filed a Declaratory Judgment Action in the Superior Court of New Jersey Passaic County in furtherance of the Supreme Court's March 10, 2015 decision captioned, In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Litigation"); and

WHEREAS, the Fair Share Housing Center, through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers for use by the 15 vicinages Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Township Council previously authorized the Township to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers University"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers University in order to establish a rational and reasonable methodology for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, in furtherance of the Township's participation in this regard, the Township Council also authorized the Township to enter into a Municipal Shared Services Defense Agreement (hereinafter "MSSDA"), with the various municipalities for the retention of Dr. Burchell for the provision of these services and serving as a common expert in the Litigation; and

WHEREAS, Dr. Burchell has become ill and has been unable to complete the obligations under the Research Agreement that was entered into with him, pursuant to the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA ("Amendment") has been prepared to effectuate the modification; and

WHEREAS, the Township has determined that it is in the best interests of the citizens of the Township to approve the Amendment, and to authorize the designated counsel to take actions on behalf of the Township with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA.

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

1. The terms and conditions of the Amendment to the MSSDA attached hereto are hereby approved.
2. The Mayor is hereby authorized to execute the aforesaid Amendment.
3. The Township hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Township with Econsult Solutions, Inc., the alternative experts/consultants.
4. The Township hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Township, with the approval of the Township's designated counsel, such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.
5. The Township further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the Township with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the Township to appropriate and commit any additional funding for the MSSDA.
6. In the event such changes and actions require the Township to appropriate and commit any additional funding for the MSSDA, the Township shall only be responsible for such funding if it authorizes same.
7. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Township.
8. This Resolution shall take effect immediately.

Purchase of 2015 Fire Engine

RESOLUTION [I] 15-09-21 - #9

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF A 2015 FIRE ENGINE

Meeting of September 21, 2015

WHEREAS, the Township of Little Falls pursuant to N.J.S.A. 52:34-6.2 (b) 3, may by resolution and without advertising for bids, purchase any goods or services through the use of nationally recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey or within any other state; and

WHEREAS, the qualified purchasing agent and the department head have determined that utilizing a National Cooperative contract program will meet the Township’s needs for the required Fire apparatus and that it is more cost effective for the Township to purchase said Fire apparatus through the National Cooperative contract program; and

WHEREAS, the statutorily required compliance contract forms will be utilized for this purchase, including a Business Entity Disclosure Certification which certifies that the company has not made any reportable contributions to a political or candidate committee in the Township of Little Falls or it’s elected officials in the previous year; and

WHEREAS, as required by law, the contract with the company will prohibit the company from making any such reportable contributions through the term of the contract; and

WHEREAS, the chief financial officer has determined that funds are available in the appropriate Capital Ordinance for this purpose.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Township of Little Falls (“Township”) as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Governing Body hereby authorizes the Qualified Purchasing Agent to utilize the National Cooperative contract program to purchase from Seagrave Fire Apparatus, LLC, using the Houston-Galveston Area Council (H-GAC) program, under its Contract FS12-13 for the procurement of a New 2015 Seagrave Fire Engine with related accessories.
3. The total purchase price of the 2015 Seagrave Fire Engine with related accessories shall not exceed \$599,939.00
4. The Business Disclosure Entity Certification and Determination of Value shall be maintained on file with this resolution.
5. A copy of this resolution and said contract shall be available for public inspection at the office of the Township Clerk.
6. This resolution shall take effect immediately.

BE IT FURTHER RESOLVED that the Clerk of the Township be and is hereby authorized to certify the within resolution and that the provisions thereof are in conformity with the provisions of law.

Sale at Public Auction of the Township’s Personal Property

RESOLUTION [J] 15-09-21 - #10

RESOLUTION AUTHORIZING THE SALE AT PUBLIC AUCTION OF THE TOWNSHIP’S PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE

WHEREAS, the attached is a list of personal property, which is no longer needed for public use by the Township of Little Falls; and

WHEREAS, pursuant to N.J.S.A.40A:11-36, “Sale or other disposition of personal property,” the governing body may authorize the public sale of municipal owned property no longer needed for public use; and

WHEREAS, the Little Falls Township Council does hereby declare that the personal property listed is surplus and no longer needed for Township use; and

NOW, THEREFORE BE IT RESOLVED, that the Township Council does hereby authorize the sale of the Township’s personal property, not needed for public use, at public auction.

Refunding Bonds

RESOLUTION [K] 15-09-21 #11

Resolution determining the form and other details of not to exceed \$5,400,000 general improvement refunding bonds, series 2015, of the township of little falls, in the county of Passaic, New Jersey or such other amount as determined by the chief financial officer to accomplish the refunding on the terms required by the local finance board pursuant to N.J.A.C. 5:30-2.5 and consistent with the refunding provisions of the internal revenue code and providing for the sale and the delivery of such bonds to RBC capital markets, LLC

RESOLUTION [L] 15-09-21 - #12

WHEREAS, Mayor Darlene J. Conti appointed Judge Belford-Damiano, Esq. as the Municipal Court Judge for the Township of Little Falls; and

WHEREAS, this appointment is made as an interim appointment until 1/1/16 or for the period so long as Judge Corradino is not serving as Municipal Court Judge, whichever is sooner;

NOW, THEREFORE, BE IT RESOLVED, that the appointment of Judge Toni Belford-Damiano, Esq. is hereby made by the Mayor with the advice and consent of the Council.

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

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

REGULAR AGENDA

Ordinance No. 1224 - It was moved by Councilmember Damiano, seconded by Councilmember Liess, that the public hearing on Ordinance No. 1224, “**ORDINANCE TO AMEND AND IMPLEMENT VARIOUS ZONING DESIGNATIONS FOR LAND USE IN THE TOWNSHIP LAND USE ORDINANCE (CHAPTER 280) AND THE TOWNSHIP ZONING MAP TO CREATE TRANSIT ORIENTED DEVELOPMENT ZONES MD-TV, TV-R2, CBD-TV & OR-TV ZONES AND THE STANDARDS ASSOCIATED WITH THEM IN THE TOWNSHIP OF LITTLE FALLS, NEW JERSEY**” be and it was opened.

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

The Council President declared the motion passed.

Councilmember MACERI requested to exclude the properties Mr. Tilton was requesting be removed. Mr. Northgrave deferred to Mr. Janota as to whether this would signify a substantial change that would require sending the ordinance back to the Planning Board. Mr. Janota informed that excluding those properties is not a substantive change. If there are other changes that are substantive. Mr. Northgrave advised to wait until public comment and see if other changes come up, then Councilmmember Maceri can make a motion.

It was moved by Councilmember Damiano, seconded by Councilmember Porter made a motion to amend to exclude the properties at 5 & 8 Main Street from the Transit Village ordinance.

Meeting of September 21, 2015

Motion to amend the ordinance to reflect that any property fronting on Walnut Street that is less than (the parcel in question will be noted on the map and the planner will indicate on the map) property that size will pick up the R1B zone if it is subdivided.

It was moved by Councilmember Porter, seconded by Councilmember Liess, that the public hearing on Ordinance No. 1224 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Maceri, seconded by Councilmember Porter, that the Ordinance No. 1224 be and it was adopted.

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

The Council President declared the motion passed.

Ordinance No. 1226 – It was moved by Councilmember Liess, seconded by Councilmember Porter, that there be introduced and the meeting of October 19, 2015 set as date and time for the public hearing on the following:

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

WHEREAS, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and **WHEREAS**, the Township’s Code of General Ordinances (“Code”) currently provides for publication of delinquent taxpayers names annually in the Township;

WHEREAS, the municipal council (“Municipal Council”) of the Township has determined to amend Chapter 240, of the Code entitled Taxpayer List; and

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

§ 240-1. Publication of delinquent taxpayer list.

The Tax Collector be and hereby is authorized to have published once in a newspaper circulating within the municipality after December 1 of each year the names of all taxpayers who are delinquent in payment of their taxes for three consecutive quarters. Delinquent taxpayers who do not wish their names to be so published shall cause all unpaid taxes and interest to be paid on or before December 1 of each year.

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 240-1 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 after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

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

The Council President declared the motion passed.

Ordinance No. 1227 – It was moved by Councilmember Maceri, seconded by Councilmember Liess, that there be introduced and the meeting of October 19, 2015 set as date and time for the public hearing on the following:

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

WHEREAS, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and **WHEREAS**, the Township’s Code of General Ordinances (“Code”) currently provides for local ethics board in the Township; **WHEREAS**, the municipal council (“Municipal Council”) of the Township has determined to amend Chapter 3 -12.9. of the Code entitled Municipal Ethics Board; and

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

Chapter 3-12.9 Municipal Ethics Board is repealed in its entirety.

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 3-12.9 of the Code of the Township of Little Falls.
7. 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 3-12.9 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.
8. 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.
9. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

Meeting of September 21, 2015

10. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

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

The Council President declared the motion passed.

Ordinance No. 1228 – It was moved by Councilmember Porter, seconded by Councilmember Liess, that there be introduced and the meeting of October 19, 2015 set as date and time for the public hearing on the following:

**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 BUSINESSES**

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”) provides for certain provisions within the chapter covering massage, body work and somatic therapy businesses in the Township; and

WHEREAS, the municipal council (“Municipal Council”) of the Township had established provisions for fingerprinting and criminal background checks for applicants thereof; and

WHEREAS, the Municipal Council has determined to amend Chapter 130 of the Code and makes the following **amendment**:
Chapter 130-4 Application for establishment permit:
Chapter 130-4.E (7) is amended as follows:

All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and circumstances thereof. The applicant shall ~~execute a waiver and~~ consent to allow, and pay for, fingerprinting and criminal background check be made by a private fingerprinting and criminal background checking company selected and approved by the Little Falls Township Police Department ~~by the Township Police Department~~. All information developed as a result of the background check and fingerprinting shall be forwarded directly from the company to the Township of Little Falls Police department for review. Failure to ~~execute such a waiver and~~ consent and comply with this provision shall result in the denial of a permit. An establishment permit shall be denied to any person who has been convicted of any crime or disorderly person’s offense, other than traffic violations.

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

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

The Council President declared the motion passed.

Ordinance No. 1229 – It was moved by Councilmember Liess, seconded by Councilmember Maceri, that there be introduced and the meeting of October 19, 2015 set as date and time for the public hearing on the following:

**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**

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”) provides for certain personnel policies in the Township; and **WHEREAS**, the municipal council (“Municipal Council”) of the Township has adopted a concise personnel policies and procedures manual for employees and department heads thereof; and

WHEREAS, the Municipal Council has determined to amend Chapter 155 of the Code and makes the following **amendment**:
Chapter 155 Articles I through VII are hereby repealed in its entirety:
Chapter 155 Article 1. Purpose -is re-established as follows:

- A. The Personnel Policy and Procedure Manual is a compilation of policies and procedures which govern and affect personnel administration for all departments within the jurisdiction of the Township of Little Falls. The purpose of the manual is to improve the quality of the personnel management function.
- B. In addition, the manual serves as a repository which codifies existing rules and procedures relating to personnel administration in the Township of Little Falls. Its intent is to provide an orderly explanation of personnel regulations which aid in assuring equitable and fair treatment of applicants and employees in selection and promotion, and in the provision of benefits and compensation without regard to political views, race, national origin, sex, religion, age or disability, provided that the latter does not directly affect job performance.

Chapter 155 Article 2-Adoption; revisions. - is re-established as follows:

A. The Personnel Policy and Procedure Manual is hereby adopted and incorporated herein, in its entirety, by reference.¹¹

[1]:

Editor's Note: Said manual is on file in the Township Offices.

B. Revisions may be made to the manual from time to time by the adoption of a resolution by the Township Council.

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 155- Personnel Policies

11. 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 155 of the Code shall remain unchanged and have full force and legal effect. All other resolutions and ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.

Meeting of September 21, 2015

12. 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.

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

14. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

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

The Council President declared the motion passed.

Ordinance No. 1230 – It was moved by Councilmember Liess, seconded by Councilmember Porter, that there be introduced and the meeting of October 19, 2015 set as date and time for the public hearing on the following:

ORDINANCE NO. 1230

**AN ORDINANCE ESTABLISHING THE LITTLE FALLS
FIRE DEPARTMENT EMERGENCY MEDICAL SERVICE IN THE CODE OF THE TOWNSHIP OF LITTLE FALLS CODE
SECTION 3.7.8.1**

ARTICLE #1 Establishment and Organization

1. Township of Little Falls Emergency Medical Service.

The Township of Little Falls Emergency Medical Service is hereby created and established.

2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

EMERGENCY MEDICAL SERVICE - Herein to be known as the Little Emergency Medical Service, (EMS).

AUTHORITY – The right to issue orders, give commands, enforce obedience, initiate actions, and make necessary decisions commensurate with rank or assignments as provided for in the Emergency Medical Service rules, policies and procedures. Authority may be delegated by those designated. Acts performed without proper authority or authorization shall be considered to be in violation of the rules.

CHAIN OF COMMAND – Vertical lines of communication, authority and responsibility within the organizational structure of the Emergency Medical Service.

A. The Little Falls Emergency Medical Service shall fall under the direct supervision and the responsibility of the Chief of the Little Falls Fire Department.

DIRECTIVE – A document detailing the performance of a specific activity or method of operation. “Directive” includes:

- A. GENERAL ORDER – Broadly based directive dealing with policy and procedure and effecting one or more organizational subdivisions of the Emergency Medical Service.
- B. PERSONNEL ORDER – A directive initiating and announcing a change in the assignment, rank, or status of personnel.
- C. SPECIAL ORDER - A directive dealing with a specific circumstance or event that is usually self-canceling.

EMERGENCY MEDICAL SERVICES - Any service, including transportation provided by the Emergency Medical Service, to a potentially ill, or injured person in response to a call for service.

EMPLOYEE/MEMBER – A person who performs in the capacity of an emergency medical technician not more than twenty-four (24) hours per week.

EMERGENCY MEDICAL TECHNICIAN

MAY/SHOULD – The action indicated is permitted.

MEDICAL DIRECTOR-Within Emergency Medical Services a **Medical Director** is a physician who provides guidance, leadership, oversight and quality assurance for the practice of local paramedics and EMTs within a predefined area. In North America, medical directors are typically board-certified in emergency medicine.

ORDER – Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of duty.

PATIENT – Any person who receives Emergency Medical Services from the Emergency Medical Service.

POLICY – A statement of Emergency Medical Service principles that provides the basis for the development of procedures and directives.

PROCEDURE – A written statement providing specific direction of performing Emergency Medical Service activities. Procedures are implemented through policies and directives.

SHALL/WILL – The action indicated is mandatory.

SUPERVISOR – Employee assigned to a position requiring the exercise of immediate supervision over the activities of other employees.

THIRD PARTY BILLING AGENCY – A business entity engaged by the Township of Little Falls for the purpose of affecting the billing of patients and collecting payments there from, which payment shall be remitted to the Township of Little Falls.

3. Division created- Within the Department of Administration, there is hereby created a Division of Emergency Medical Service.

Chief of the Division of Emergency Medical Services. Position created.

The position of Chief of the Fire Department will also function as the Chief the Division of Emergency Medical Service and serve under the direction and supervision of the Township Administrator and the Medical Director.

Compensation. The Chief of the Fire Department shall receive no compensation such for this position.

Meeting of September 21, 2015

MEDICAL DIRECTOR- Position created. The position of Medical Director will provide guidance, leadership, oversight and quality assurance for the practice of local paramedics and EMTs within the Township of Little Falls. The medical directors shall be board-certified in emergency medicine and serve under the direction and supervision of the Township Administrator.

Appointment. The Medical Director shall be appointed by the Mayor.

Membership; Officers and uniformed force.-Table of Organization

The Little Falls Emergency Medical Service shall consist of an EMS Coordinator and as many other EMT members as are or may be appointed and approved by the Chief of the Little Falls Fire Department with authority of the Mayor. Officers must hold a valid NJ or National EMT certification and be residents of the Township OR IN AN IMMEDIATE BORDERING MUNICIPALITY

4. Ownership of assets; expenses; and operating costs.

All Emergency Medical Service vehicles, currently owned or purchased by the Township of Little Falls will remain the property of the Township of Little Falls (ref Ambulance Unit #843,842). All expenses and costs for proper maintenance and operation of the Emergency Medical Service vehicles and equipment shall be funded through revenue generated by the Township of Little Falls EMS services.

5. Qualifications for employees.

No person shall be eligible to become an employee of the Little Falls Emergency Medical Service unless such person possesses and provides proof of the following qualifications:

- A. All applicants for membership shall be between the age of eighteen (18) and the state maximum permitted age and be a resident of the Township or an immediately bordering municipality.
- B. Be physically fit to perform the duties of an emergency medical technician. The applicant shall submit to a medical evaluation by a licensed physician designated by the Township.
- C. Be subject to a criminal background check and have no prior convictions for any offense or crime.
- D. Be subject to a motor vehicle background check with no prior record of careless or reckless driving, driving under the influence of drugs or alcohol or any other serious moving violation.
- E. Be subject to pre-employment and random drug testing.
- F. Be a certified emergency medical technician of the State of New Jersey or National Certification. Any lapse in certification will be cause for immediate suspension of duties. Reinstatement will only occur upon certification is reinstated.
- G. Possess a valid New Jersey driver's license.

6. Application and approval for employment.

- A. Paid employees shall comply with and follow the Township of Little Falls Personnel Policy Manual and make application to the Township as directed by said manual. Appointments as employees will follow the provisions of the optional municipal charter law 40:69A-1 et. Seq.
- B. Volunteer Members- shall be appointed in the same fashion as all volunteer members in the Little Falls Fire Department. Except that EMS Volunteers need not be Fire Fighter 1 certified, they need only hold a certified emergency medical technician certification of the State of New Jersey or National Certification.

Volunteer Trainees- shall be appointed in the same fashion as all volunteer members in the Little Falls Fire Department. They will have 18 months to obtain their certification as an EMT and become a Volunteer member.

7. Membership roll; identification.

- A. The names of the members and trainees shall be written upon the membership roll maintained by the Township Clerk.
- B. A member and trainees shall be issued a photo identification card as evidence of membership. This photo identification card shall be surrendered to the EMS Coordinator when demanded or whenever a member has been formally suspended from the Emergency Medical Service or when the member shall cease to be a member of the Emergency Medical Service.

8. Classes of Membership/Employee- Members shall be divided into two major classifications.

- A. Per-diem member/employee is defined as a member/employee who is compensated at an hourly rate for his/her service in the Emergency Medical Service.
- B. Volunteer member: Any qualified person who meets the criteria of a Per-diem member but is not compensated in any way for their time or expenses.

9. Compensation.

- A. Per Diem Members may work a maximum of twenty-eight (28) hours per week. This may be exceeded only when a life-threatening incident requires a recall of personnel orduring a declared state of local emergency.
- B. Per Diem Members shall be compensated at a rate established by the Mayor and included as part of the yearly salary ordinance established and approved by the Township Council.
- C. Any Per Diem officer or member who is appointed to serve as a crew chief on the ambulance for a period of Thirty (30) days or more and acting in the capacity of crew Chief will be compensated at the established rate for that position.
- D. All Members shall be covered by Worker's Compensation insurance and group life insurance. In the event of a line of duty death, the Township shall insure that all applications are processed and procedures are followed for any eligible state or federal benefits.
- E. Per Diem Members may be required to contribute a portion of their wages to the Public Employees Retirement System ("PERS"). Employer costs for PERS pension shall be funded

Meeting of September 21, 2015

through the medical billing revenues

10. Emergency Medical Service Composition.

The active roster of the Emergency Medical Service shall be comprised of Twenty Five (25) Per Diem EMT's necessary to maintain the operations of the Emergency Medical Services. The EMS Coordinator is in addition to the 25 person roster.

11. Disbandment of Emergency Medical Service.

The Emergency Medical Service may be disbanded in the following manner:

- A. Should the Mayor consider at any time that the interests of the Township will be best served by the disbandment of the service, either for neglect of duty or disobedience of orders, or for any other cause, or in the interest of the economic wellbeing of the Township, the Mayor may do so at any regular meeting by requesting a resolution to disband. A majority vote of the full membership of the Council with 120 days' notice being given to the Chief of the Fire Department, EMS Coordinator, and Medical Director at the end of the 120 days' time the Division will be disbanded.

ARTICLE H Executive Board

12. Composition of Board; Control of the Emergency Medical Service

- A. The Chief of the Fire Department, the EMS Coordinator, the Medical Director, and the Mayor or his designee, shall constitute the Executive Board. The Board shall meet quarterly or more frequently as needed for the transaction of Emergency Medical Service business.
- B. The Board shall coordinate with the Chief of the Fire Department in the management of the Emergency Medical Service whenever matters pertain to Emergency Medical Services as set forth in the rules and regulations of the Emergency Medical Service.

13. Adoption of Rules and Regulations.

- A. The Executive Board is hereby authorized, empowered and required when necessary to adopt rules and regulations for the control, management, and government of the Emergency Medical Service. These rules and regulations, after adoption by the Executive Board, shall not become effective and operative until presented and approved by the Chief of the Fire Department, Medical Director and authorized by the Mayor.
- B. Application. These rules are applicable to all members of the Emergency Medical Service.
- C. Distribution: One copy of these rules shall be distributed to each member of the Emergency Medical Service. Each member will be required to sign to confirm receipt of the document.
- D. Responsibility for maintenance. It is the continuing responsibility of each member to maintain a current copy of the rules, including additions, revisions, and amendments as issued.
- E. Familiarization. Members shall thoroughly familiarize themselves with the provisions of the rules. Ignorance of any provision of these rules will not be a defense to a charge of a violation of these rules. It is the continuing responsibility of each member to seek clarification through the chain of command for any rule that is not fully understood.

14. Chief of the Little Falls Fire Department.

The Chief of the Fire Department will also function as the head the Division of Emergency Medical Service. Pursuant to municipal ordinance, the Chief shall be the head of the Emergency Medical Service and shall be directly responsible to the Township Administrator for the efficiency and day-to-day operations of the Emergency Medical Service. Pursuant to policies established the Executive Board, the Chief shall:

- A. Administer and enforce the rules and regulations of the Emergency Medical Service and any special emergency directives for the disposition and discipline of the Service and its members and officers;
- B. Have, exercise and discharge the functions, powers and duties of the Emergency Medical Service.
- C. Prescribe the duties and assignments of all members and officers;
- D. Delegate such authority as may be deemed necessary for the efficient operation of the Emergency Medical Service to be exercised under the direction and control of the Chief.
- E. Report at least monthly to the Township Administrator in such form as shall be prescribed on the operation of the Emergency Medical Service during the preceding month and make such other reports as may be requested by the appropriate authority.
- F. To prepare and submit the annual budget and proposed expenditure programs to the appropriate authority or other designated officials.
- G. To allocate funds within the budget which are appropriated by the governing body.

15. Responsibilities of the Executive Board.

The responsibilities of the Executive Board are, subject to the approval and oversight of the Mayor, as follows:

- A. To maintain the efficient operation of the Emergency Medical Service.
- B. To organize, control and maintain all property and resources of the EMS.
- C. To develop and implement policies and procedures necessary to govern and direct the day-to-day operations of the EMS.
- D. To provide for the proper training of all members.
- E. To maintain the overall discipline of the Division of Emergency Medical Service.
- F. To maintain a constructive relationship with the public, community organizations, the media and other agencies.

16. Appointment of an EMS Program Coordinator.

Meeting of September 21, 2015

The Mayor shall appoint an EMS Program Coordinator. He/she shall be a part-time township employee and be designated as a Division Manager of the Emergency Medical Service Program.

A. Qualifications:

1. Be not less than eighteen (18) years of age.
2. Be subject to a criminal and motor vehicle background check.
3. Possess a valid New Jersey driver's license.
4. Possess knowledge of emergency medical care and the process and procedures of Emergency Medical Services. Be a certified emergency medical technician of the State of New Jersey or National Certification
5. Possess knowledge in computers and common programs including Microsoft Word and Excel.
6. Be available to manage absences and other problems involving shift schedules.
7. The applicant is not required to be a member of the Emergency Medical Service or a member of the Little Falls Fire Department, however preference should be given to a member who meets the qualifications

B. Responsibilities:

1. Maintain the staffing schedule of the Emergency Medical Service insuring that all shifts are fully staffed without exception.
2. Maintain a roster of all members with their availability to cover regular shifts and shifts that must be staffed due to sickness, vacations, and other absences.
3. Maintain a call out roster of those members available to respond to general calls.
4. Collect, review, and forward all run sheets and forward them to the authorized billing agency.
5. Collect and forward to appropriate official all personnel and training records as prescribed in the Rules and Regulations.
6. Collect, review, and forward all time sheets to the Township for payroll processing.
7. Any and all other functions necessary to insure that shifts are staffed and information is provided to the billing agent.
8. The EMS Program Coordinator will be an employee subject to all requirements, allowances and regulations of such employee set forth in Township Personnel Policy manual and Township Code.
9. The appointee shall serve a probationary period of six (6) months.
10. The EMS Program Coordinator will submit a monthly activity report to the Chief of the fire department. The chief will include this report in his/her monthly report to the Mayor.
11. The EMS Coordinator shall coordinate the activities of all Volunteer members assigned to the Division of Emergency Medical Service, in all aspects of training, service and assignments with Township BLS units.

C. Compensation. The EMS Program Coordinator will be compensated at a yearly rate established by the Mayor.

18. Records maintained.

The EMS Coordinator shall see that timely and accurate records are kept of all responses for calls for service, training, attendance, certifications, and any other records required by the State, Township, or other authorized agency.

ARTICLE III Appointment of Crew Chiefs

19. Appointment of Crew Chiefs

Members who meet the qualifications for the position of EMS Crew Chief may submit their names for consideration. These names shall be presented to the Executive Board for review. The Executive Board will review the qualifications of all interested members. The Executive Board may conduct interviews to establish facts such as available time and management skills. The Executive Board shall make recommendations to the Mayor. The Mayor will appoint the EMS Crew Chiefs.

ARTICLE IV Command of Emergency Medical Service

20. General supervision of Emergency Medical Service

The Chief of the Fire Department shall have the general supervision of the Service, in conjunction with the Medical Director. Said general supervision by the Chief shall not conflict with such rules and regulations for the government and management of the Emergency Medical Service. The Chief shall coordinate with the Township Administrator in the Daily operations and management of the Emergency Medical Service.

21. Command at calls for service.

- A. In all cases of calls for service, the Chief shall have full power and absolute command and control under authority of this chapter.
- B. When the Chief is absent from the call for service, the highest-ranking line officer shall assume the duties of command until relieved by a higher-ranking officer under authority of this chapter.
- C. When all officers are absent from the call for service. The on-duty crew chief shall assume the duties of command.

Meeting of September 21, 2015

22. Monthly report by Chief.

The Chief shall report monthly to the Mayor, including the number of calls for service for the month, the condition of apparatus and equipment, personnel status and any other business passed by the Executive Board.

ARTICLE V Service and Conduct

23. Response to calls for service.

The on-duty crew members shall respond immediately to the call for service, unless otherwise directed by the officer in charge.

24. Training and drills.

The Chief or his/her designee shall maintain a schedule of training and drills and shall activate the Emergency Medical Service for drills or training when and where it becomes necessary. These training sessions may include any and all mandated training courses as set forth in the rules and regulations of the Emergency Medical Service and any elective training sessions as the Executive Board may deem necessary or beneficial. Members will not be compensated for the time required to maintain required certifications. The Township will pay any fees or costs for the training that is not covered by the State or other agencies.

25. Record of calls for service and training exercises.

The EMS Program Coordinator shall keep a permanent record of the duty time and attendance at training sessions of each active member of the Emergency Medical Service.

26. Authorized drivers.

Any member of the Emergency Medical Service who drives any Township vehicle must complete the required driver training as set forth in the rules and regulations of the Emergency Medical Service. Members of other Township agencies shall be permitted to operate an ambulance if having completed the adequate driver training course; however they will only be permitted to drive as long as the proper minimum requirements are maintained for proper staffing of an ambulance.

All drivers are subject to an annual driver's license abstract check to be conducted by the Township of Little Falls

27. Request for repairs or supplies.

All requests for repairs or supplies for the Emergency Medical Service shall be presented to the Chief for approval. Purchases shall be made in accordance with applicable state and municipal regulations.

28. Unauthorized repairs; emergencies.

No member of the Emergency Medical Service shall be permitted to tamper with, fix or repair any apparatus unless directed to do so by the Chief or line officer, and then only in the case of an emergency.

29. Rules of conduct.

A. General conduct.

1. Performance of duty: All members shall promptly perform their duties as required or directed by law, Emergency Medical Service rules, policy or directive and by lawful order of a supervisor.
2. Obedience to laws and rules: Members shall obey all laws, ordinances, rules, policies, procedures and directives of the Emergency Medical Service.
3. Reporting violations of laws and rules: Members knowing of other members violating laws, ordinances or rules of the Emergency Medical Service shall report same in writing to the Chief.
4. Insubordination: Members shall not;
 - a. Fail or refuse to obey a lawful and reasonable order given by a supervisor;
 - b. Use of any disrespectful or abusive language or action towards a supervisor or designated crew chief.
5. Conduct toward other department employees: Members shall treat other Emergency Medical Service members with respect. They shall be courteous and civil at all times in their relationships with one another. When on duty and in the presence of the public, officers should be referred to by rank.
6. Fitness for duty: Personnel shall maintain sufficient physical and psychological condition in order to handle the variety of activities required of an emergency medical technician.
7. Driver's license: Members operating Township motor vehicles shall possess a valid U.S. driver's license. Whenever a driver's license is revoked, suspended or lost, the member shall immediately notify the appropriate supervisor, giving full particulars.
8. Address and telephone numbers: Members are required to have a telephone or other method of twenty-four (24) hour contact. Changes in address or telephone number shall be reported in writing to the appropriate supervisor within 24 hours of the change.

30. Alcoholic beverages and drugs.

The Township of Little Falls recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is observed by a Supervisor to be intoxicated or under the influence of alcohol or drugs during working hours or is under the reasonable suspicion of same shall be immediately tested and is subject to discipline up to and including termination. The Division Head will immediately report any reasonable suspicions to the Township Administrator.

31. Judicial appearance and testimony regarding EMS matters.

- A. Members shall not volunteer to testify in actions arising out of Emergency Medical Service employment and shall not testify unless subpoenaed. If the subpoena arises out of Township employment or if members are informed that they are a party to a civil action arising out of Township employment, they shall immediately notify the appropriate supervisor and shall consult with the Chief and the Township Administrator before responding to any such subpoena, giving a deposition, or signing any affidavit.
- B. Court appearance: When appearing in court on Emergency Medical Service business, members

shall wear either the Emergency Medical Service uniform or appropriate business attire.

- C. Department investigations. Members are required to answer questions, file reports or render material and relevant statements in an Emergency Medical Service investigation when such questions and statements are directly related to job responsibilities. Members shall be advised of and permitted to invoke, all applicable constitutional and statutory rights, including consultation with Counsel at the member's expense.
- D. Truthfulness: Members are required to be truthful regarding their words and actions relating to the conduct of their duties at all times whether under oath or not.

Article VI POLICY FOR EMERGENCY MEDICAL SERVICES BILLING.

32. Purpose.

- A. The Township of Little Falls recognizes the need to bill for the provision of Emergency Medical Services to aid in the provision of those services.
- B. No person requiring EMERGENCY MEDICAL SERVICES shall be denied services due to a lack of insurance or ability to pay.
- C. Whereas, the Little Falls Emergency Medical Service is funded by local taxes, it is in the best interest of the residents of Little Falls to establish the Payment Plan in accordance with the Health Care Finance Administration (HCFA) guidelines so that residents will not be responsible for any out of pocket expenses.

33. Billing for Service

- A. The Little Falls Emergency Medical Service (the "Program") shall obtain licensure from the New Jersey State Department of Health. The Little Falls Emergency Medical Service is part of the Little Falls Fire Department.
- B. The Township of Little Falls shall apply for a "Provider Number" from the Federal and State Medicare/Medicaid programs enabling the municipality to institute a Third Party Payment Plan (the "Payment Plan").
- C. All patients; whether or not residents of the Township of Little Falls, and/or their financially responsible parties, insurers or carriers, will be billed for emergency medical services provided by the Little Falls Emergency Medical Service according to the Fee Schedule established herein or at rates established by the Township of Little Falls from time to time.
- D. A patient who receives Emergency Medical Services from the Emergency Medical Service is obligated at the time of service or as soon as practicable thereafter, to provide the Emergency Medical Service with all pertinent insurance and payment information to facilitate the Township's billing of third party payment sources for services rendered. The Township may, at its option and shall, where required by law, bill insurers or carriers on a patient's behalf and may accept payment on an assignment basis.
- E. All patients shall be liable for any co-payment or deductible amounts not satisfied by public or private insurance and the Township shall make reasonable collection efforts for all such balances according to the most current rules or regulations set forth by applicable Health Care Financing Administration federal policies and regulations. The Township may bill any applicable coinsurance carriers for such amounts. Exceptions include only those instances where the Township has knowledge of a particular patient's indigence or where the Township has made a determination that the cost of billing and collecting such co-payments or deductibles exceeds or is disproportionate to the amounts to be collected.
- F. The Township shall not bill any Little Falls resident for any fee, balance, deductible, or co-payments not satisfied by public or private insurance including Medicare/Medicaid, nor will the Township bill a Little Falls resident for Emergency Medical Services provided if the resident is not covered by private or public insurance.
- G. The Township of Little Falls may, either directly or through any third party billing agency with which it has contracted for billing and/or collections for emergency medical services, make arrangements with patients and/or their financially responsible party for installment payments of bills or forgive any bill or portion thereof so long as the Township determines that: (1) the financial condition of the patient requires such an arrangement; and (2) the patient and/or financially responsible party has demonstrated a willingness to make good faith efforts towards payment of the bill.
- H. A patient, for whom the Township of Little Falls has not received payment from a third party payer on assignment, and who receives payment directly from a third party payer for Emergency Medical Services rendered by the Emergency Medical Service is obligated to remit such monies to the Township in the event the Township has not been paid for services rendered. Patients who do not remit such monies may be held liable for costs of collection in addition to the charges for emergency medical services rendered.
- I. The Township of Little Falls shall be authorized to enter into contracts with area hospitals that provide Advanced Life Support (ALS) services to patients that are transported by the Little Falls Emergency Medical Service. This will allow the hospitals to bill for Emergency Medical Services and reimburse the Township for its transportation costs within 45 days of receiving payment.

34. Procedure for Third Party Emergency Medical Services Billing

- A. The Township of Little Falls is hereby authorized to enter into a contract with a third party billing agency for the performance of EMS billing and collection services, provided however that the following standards for such third party billing contracts are met.
 - 1. Third party billing agency has in place a compliance program conforming to standards set forth in the Office of Inspector General's Compliance Program Guidance for Third Party Medical Billing Companies, 63 Federal Register 70138, as amended.
 - 2. Neither the billing agency nor any of its employees are subject to exclusion from any

Meeting of September 21, 2015

state or federal health care program.

- 3. The billing agency is bonded and/or insured in amounts satisfactory to the Township of Little Falls.
- B. A detailed listing of patients who utilize Emergency Medical Services provided by the Little Falls Emergency Medical Service will be compiled by the Township of Little Falls. This information will be transmitted to the third party billing agency. The information will be subjected to the confidentiality requirements of applicable law. This information will include, at a minimum, the following:
 - 1. Name, address and telephone number of patients.
 - 2. Name, address and claim number of insurance carrier, if applicable.
 - 3. Date, time and EMS chart number.
 - 4. Point of origin and destination.
 - 5. Odometer reading at point of pick up and destination.
 - 6. Reason for transport/ patient’s complaint/ current condition.
 - 7. Itemization and description of services provided and charges.
 - 8. Signature of the patient when possible or authorized decision maker.
 - 9. Name of receiving physician.
 - 10. Names, titles and signatures of ambulance personnel, when possible.
- C. The third party billing agency shall obtain the information from the Emergency Medical Service and will bill the patient and or their financial representative parties, insurers or carriers according to the Fee Schedule established herein, provided however that the third party billing agency shall not bill any Little Falls resident for any fee, balance, deductible, or co-payment not satisfied by public or private insurance including Medicare/Medicaid, nor will the Township bill a Little Falls resident for Emergency Medical Services provided if the resident is not covered by private or public insurance.
- D. The fee for Emergency Medical Services shall be \$800.00 plus \$9.00 per mile per trip. Non-transportations where aid is provided shall be billed at a rate of \$400.00. No fee will be charged when medical attention is refused (RMA).
- E. The Mayor shall review the fees for services listed in section “D” above annually and adjust said fees based on the recommendation of the Chief of the Fire Department, the EMS Program Coordinator and the Township Financial Officer and in accordance with the federally approved Medicare Fee Schedule.
- F. The Township of Little Falls may at its discretion, bill additionally for materials, vehicle and/or personnel costs in the case of major or unique incidents.

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

The Council President declared the motion passed.

Ordinance No. 1231 – It was moved by Councilmember Liess, seconded by Councilmember Porter, that there be introduced and the meeting of October 19, 2015 set as date and time for the public hearing on the following:

ORDINANCE # 1 2 3 1

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

WHEREAS, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and
WHEREAS, Township residents have made numerous complaints and experienced disturbances resulting from improper and disruptive conduct occurring at certain local rental properties maintained by indifferent landlords; and

WHEREAS, the New Jersey Legislature has enacted *N.J.S.A. 40:48-2.12(n) et seq.* to enable communities to take action to assure that landlords be held to sufficient standards of responsibility; and

WHEREAS, the municipal council (“Municipal Council”) of the Township has determined to amend and supplement the Little Falls Township Code (“Code”) to require an owner of rental property which has become the source of at least two (2) substantiated nuisance-type complaints to post a bond or equivalent security to compensate for any future damage or expense suffered from future repetition of disorderly, indecent, tumultuous or riotous conduct; and

WHEREAS, the Code at Chapter 147 concerns the maintenance of peace and good order within the Township; and

WHEREAS, the Municipal Council has determined to amend and supplement Chapter 147 of the Code with new Article III, to read as follows (additions are underlined and deletions are in [brackets]):

Article III: Procedures to Require an Owner of Rental Property to Post a Bond Against Consequences of Disorderly Behavior of Tenants

§147-8 Legislative Findings.

The Township Council finds, determines and declares that:

- a. The Township and its residents its citizens have experienced disturbances, damage and public expense resulting from carelessly granted and inadequately supervised rentals to irresponsible tenants by inept or indifferent landlords.

Meeting of September 21, 2015

b. This section is enacted to preserve the peace and tranquility of the community for its permanent residents, and to maintain the integrity of the municipality for all persons and families availing themselves of the facilities therein.

c. The enactment of this section is necessary and desirable to provide a means to curb and discourage those occasional excesses arising from irresponsible rentals.

d. The Legislature of the State of New Jersey enacted N.J.S.A. 40:48-2.12(n) et seq. to enable certain communities to take effective action to assure that excesses, when they occur, shall not be repeated, and that landlords offering rentals be held to sufficient standards of responsibility.

§147-9 Definitions.

For the purpose of this section, the following meanings shall apply:

Hearing officer shall mean a licensed attorney of the State of New Jersey appointed by the Mayor, subject to the advice and consent of the Township Council. The hearing officer shall not own or lease any real property within the Township of Little Falls, nor hold any interest in the assets of or profits arising from the ownership of such property.

Landlord shall mean the person or persons who own or purport to own any building in which there is rented or offered for rent housing space for living or dwelling under either a written or oral lease, including but not limited to any building subject to the "Hotel and Multiple Dwelling Law," N.J.S.A. 55:13A-1 et seq., and owner-occupied two-unit premises.

Substantiated complaint shall mean a complaint of an act of disorderly, indecent, tumultuous or riotous conduct, including by way of example but not limited to, simple assault, terroristic threats, harassment, urinating in public, lewdness, criminal mischief, or excessive noise, upon or in proximity to any rental premises, and attributable to the acts or incitements of any of the tenants of those premises which have been substantiated by prosecution and conviction as a violation of any statute or local ordinance in any court of competent jurisdiction.

§147-10 Hearing, Penalty.

a. If, in any twenty-four (24) month period, two (2) complaints, as defined in subsection 147-9 hereof, on separate occasions, of disorderly, indecent, tumultuous or riotous conduct, including by way of example, but not limited to, simple assault, assault, terroristic threats, harassment, lewdness, urinating in public, criminal mischief, or excessive noise, upon or in proximity to any rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction, the Township Council or any officer or employee of the Township so designated by the Township Council for this purpose, may institute proceedings to require the landlord of the rental premises to post a bond against the consequences of future incidents of the same character.

b. The Township Council or any officer or employee of the municipality designated by the Township Council shall cause to be served upon the landlord, in person or by registered mail, to the address appearing on the tax records of the municipality, notice advising of the institution of such proceedings, together with particulars of the substantiated complaint upon which those proceedings are based, and of the time and place at which the hearing will be held in the matter, which shall be in the Municipal Building, Municipal Court or such other public place as designated by the Township Council, and which shall be no sooner than thirty (30) days from the date upon which the notice is served or mailed.

c. At the hearing convened pursuant to paragraph b. above, the hearing officer shall give full hearing to both the complaint of the municipality and to any evidence in contradiction or mitigation that the landlord, if present or represented or offering such evidence, may present. At the conclusion of the hearing, the officer shall determine whether the landlord shall be required to post a bond in accordance with the terms of this ordinance.

d. Any bond required to be posted shall be in accordance with the judgment of the hearing officer, in light of the nature and extent of the offenses indicated in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for:

1. Damages likely to be caused to public or private property consequent upon disruption of affected residents' rights of fair use and quiet enjoyment of their premises; and
2. Securing the payment of fines and penalties likely to be levied for such offenses; and
3. Compensating the municipality for the costs of repressing and prosecuting such incidents of disorderly behavior; provided, however, no such bond shall be in an amount less than five hundred (\$500.00) dollars nor more than five thousand (\$5,000.00) dollars. The municipality may enforce the bond thus required by action in the Superior Court, and shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the municipality.

e. Any bond or other security deposited in compliance with paragraph d(3) above shall remain in force for a period of four (4) years. Upon the lapse of the four (4) year period, the landlord shall be entitled to the discharge of the bond, unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under subsection 147-11 below, in which case the security shall be renewed in an amount and for a period that shall be specified by the hearing officer. A transfer of ownership or control of the property shall not void a requirement of security imposed under this section. The person or persons to whom ownership or control is transferred shall maintain that security, and shall be subject to injunctive proceedings as authorized by paragraph d. above in the same manner as the landlord upon which the requirement was originally imposed; provided however, the Township Council may by resolution shorten the period for which security is required to not less than one (1) year from the date of the transfer of ownership or control, if during that year no substantiated complaints are recorded with respect to the property in question.

§147-11 Bond Forfeiture, Extension.

a. If during the period for which a landlord is required to give security pursuant to subsection 147-10 above, a substantiated complaint is recorded against the property in question, the Township Council or its designee may institute proceedings against the landlord for the forfeiture or partial forfeiture of the security, for an extension as provided in subsection 147-10(e) above, of the period for which the security is required, or for increase in the amount of security required, or for any or all of those purposes.

b. Any forfeiture or partial forfeiture of security shall be determined by the hearing officer solely in accordance with the amount deemed necessary to provide for the compensatory purposes set forth in subsection 147-10(d) above. Any decision by the hearing officer to increase the amount or extend the period of the required security shall be determined in light of the same factors set forth in subsection 147-10(d) above, and shall be taken only to the extent that the nature of the substantiated complaint or complaints out of which proceedings arise

Meeting of September 21, 2015

under this action indicates the appropriateness of such change in order to effectually carry out the purposes of this ordinance. The decision of the hearing officer in such circumstances shall be enforceable in the same manner as provided in subsection 147-10 (d) above.

§147-12 Hearing Officer, Qualifications.

The hearing officer shall be a person or persons appointed by the Mayor, subject to the advice and consent of the Township Council. A hearing officer shall not own or lease any real property within the Township of Little Falls, nor hold any interest in the assets of or profits arising from the ownership or lease of such property.”

WHEREAS, the Municipal Council finds that some disturbances in the Township are attributable to the overcrowding of dwelling units in excess of appropriate occupancy limits; and

WHEREAS, the Municipal Council has determined to supplement the Code at Chapter 147, concerning the maintenance of peace and good order, to establish minimum occupancy area requirements to prohibit overcrowding of dwelling units; and

WHEREAS, the Municipal Council has determined to amend and supplement Chapter 147 of the Code with new Article IV, to read as follows (additions are underlined and deletions are in [brackets]):

“Article IV: Occupancy Limitations

§147-13 Overcrowding.

Dwelling units shall not be occupied by more occupants than permitted by the minimum occupancy area requirements of the table below.

**Table 147-13
MINIMUM OCCUPANCY AREA REQUIREMENTS**

<u>Space</u>	<u>1-2 occupants</u>	<u>3-6 occupants</u>	<u>6 or more occupants</u>
<u>Living Room</u>	<u>No requirement</u>	<u>120 square feet</u>	<u>150 square feet</u>
<u>Dining Room</u>	<u>No requirement</u>	<u>80 square feet</u>	<u>100 square feet</u>
<u>Kitchen</u>	<u>50 square feet</u>	<u>50 square feet</u>	<u>60 square feet</u>
<u>Bedrooms</u>	<u>Shall comply with section 147-14 herein.</u>		

§147-14 Bedroom Area.

Every bedroom occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every bedroom occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet of floor area for each occupant thereof.

§147-15 Combined Spaces.

Combined living room and dining room spaces shall comply with the requirements of Table 147-13 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

§147-16 Prohibited Occupancy.

Kitchens, nonhabitable spaces and interior public areas shall not be occupied for sleeping purposes.

§147-17 Property Inspection as to Occupancy Limitations of Dwellings.

a. *Authority.* The Construction Official may perform an inspection to determine the conditions of buildings, dwellings, dwelling units, rooming and boarding units and houses, and premises located within the Township so that his or her duty of safeguarding the health and safety of the occupants of the buildings or dwellings and of the general public is performed. For the purpose of making such inspections, the Construction Official is authorized to enter a structure or premises at reasonable times to inspect. Prior to entering into a space not otherwise opened to the general public, the Construction Official shall make a reasonable effort to locate the owner or other person having charge or control of the structure or premises, present proper identification and request entry. If the request to enter is refused or not obtained, the Construction Official shall pursue recourse as provided by law.

b. *Duty of Owner or Occupant.* If an inspection has been scheduled by the property owner or his agent, the owner or occupant of the building, dwelling, dwelling unit, or the person in charge thereof, shall give the Construction Official free access to all at reasonable times for the purpose of performing an inspection, examination, or survey permitted under the Code to effect compliance with the provisions therein or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions herein.

c. *Search Warrant.* The Construction Official may, upon affidavit, apply to the Municipal Court for a search warrant setting forth the factual circumstances that provide a reasonable basis for believing that a violation of the Code exists on the premises and if the Municipal Judge is satisfied as to the matter set forth in the affidavit, he or she shall authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the violation allegedly exists.

d. Nothing contained in this subsection 147-17 shall be construed to authorize any municipal official to enter a dwelling unit without the permission of the occupant for the sole purpose of determining whether the occupancy of the dwelling unit exceeds that permitted by law.

§147-18 Violations, and Penalty.

The landlord and all tenants of a dwelling unit at the time the occupancy thereof unlawfully exceeds the maximum permitted occupancy as calculated by the Code pursuant to Table 147-13 shall be issued a summons which carries a minimum fine of two hundred sixty-five dollars (\$265.00), plus court costs, payable through the violations bureau of the Municipal Court.”

Meeting of September 21, 2015

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 147 of the Code to add Article III to read as follows:

“Article III: Procedures to Require an Owner of Rental Property to Post a Bond Against Consequences of Disorderly Behavior of Tenants

§147-8 Legislative Findings.

The Township Council finds, determines and declares that:

- a. The Township and its residents its citizens have experienced disturbances, damage and public expense resulting from carelessly granted and inadequately supervised rentals to irresponsible tenants by inept or indifferent landlords.
- b. This section is enacted to preserve the peace and tranquility of the community for its permanent residents, and to maintain the integrity of the municipality for all persons and families availing themselves of the facilities therein.
- c. The enactment of this section is necessary and desirable to provide a means to curb and discourage those occasional excesses arising from irresponsible rentals.
- d. The Legislature of the State of New Jersey enacted *N.J.S.A. 40:48-2.12(n) et seq.* to enable certain communities to take effective action to assure that excesses, when they occur, shall not be repeated, and that landlords offering rentals be held to sufficient standards of responsibility.

§147-9 Definitions.

For the purpose of this section, the following meanings shall apply:

Hearing officer shall mean a licensed attorney of the State of New Jersey appointed by the Mayor, subject to the advice and consent of the Township Council. The hearing officer shall not own or lease any real property within the Township of Little Falls, nor hold any interest in the assets of or profits arising from the ownership of such property.

Landlord shall mean the person or persons who own or purport to own any building in which there is rented or offered for rent housing space for living or dwelling under either a written or oral lease, including but not limited to any building subject to the "Hotel and Multiple Dwelling Law," *N.J.S.A. 55:13A-1 et seq.*, and owner-occupied two-unit premises.

Substantiated complaint shall mean a complaint of an act of disorderly, indecent, tumultuous or riotous conduct, including by way of example but not limited to, simple assault, terroristic threats, harassment, urinating in public, lewdness, criminal mischief, or excessive noise, upon or in proximity to any rental premises, and attributable to the acts or incitements of any of the tenants of those premises which have been substantiated by prosecution and conviction as a violation of any statute or local ordinance in any court of competent jurisdiction.

§147-10 Hearing, Penalty.

- a. If, in any twenty-four (24) month period, two (2) complaints, as defined in subsection 147-9 hereof, on separate occasions, of disorderly, indecent, tumultuous or riotous conduct, including by way of example, but not limited to, simple assault, terroristic threats, harassment, lewdness, urinating in public, criminal mischief, or excessive noise, upon or in proximity to any rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction, the Township Council or any officer or employee of the Township so designated by the Township Council for this purpose, may institute proceedings to require the landlord of the rental premises to post a bond against the consequences of future incidents of the same character.
- b. The Township Council or any officer or employee of the municipality designated by the Township Council shall cause to be served upon the landlord, in person or by registered mail, to the address appearing on the tax records of the municipality, notice advising of the institution of such proceedings, together with particulars of the substantiated complaint upon which those proceedings are based, and of the time and place at which the hearing will be held in the matter, which shall be in the Municipal Building, Municipal Court or such other public place as designated by the Township Council, and which shall be no sooner than thirty (30) days from the date upon which the notice is served or mailed.
- c. At the hearing convened pursuant to paragraph b. above, the hearing officer shall give full hearing to both the complaint of the municipality and to any evidence in contradiction or mitigation that the landlord, if present or represented or offering such evidence, may present. At the conclusion of the hearing, the officer shall determine whether the landlord shall be required to post a bond in accordance with the terms of this ordinance.
- d. Any bond required to be posted shall be in accordance with the judgment of the hearing officer, in light of the nature and extent of the offenses indicated in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for:
 1. Damages likely to be caused to public or private property consequent upon disruption of affected residents' rights of fair use and quiet enjoyment of their premises; and
 2. Securing the payment of fines and penalties likely to be levied for such offenses; and
 3. Compensating the municipality for the costs of repressing and prosecuting such incidents of disorderly behavior; provided, however, no such bond shall be in an amount less than five hundred (\$500.00) dollars nor more than five thousand (\$5,000.00) dollars. The municipality may enforce the bond thus required by action in the Superior Court, and shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the municipality.
- e. Any bond or other security deposited in compliance with paragraph d(3) above shall remain in force for a period of four (4) years. Upon the lapse of the four (4) year period, the landlord shall be entitled to the discharge of the bond, unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under subsection 147-11 below, in which case the security shall be renewed in an amount and for a period that shall be specified by the hearing officer. A transfer of ownership or control

Meeting of September 21, 2015

of the property shall not void a requirement of security imposed under this section. The person or persons to whom ownership or control is transferred shall maintain that security, and shall be subject to injunctive proceedings as authorized by paragraph d. above in the same manner as the landlord upon which the requirement was originally imposed; provided however, the Township Council may by resolution shorten the period for which security is required to not less than one (1) year from the date of the transfer of ownership or control, if during that year no substantiated complaints are recorded with respect to the property in question.

§147-11 Bond Forfeiture, Extension.

a. If during the period for which a landlord is required to give security pursuant to subsection 147-10 above, a substantiated complaint is recorded against the property in question, the Township Council or its designee may institute proceedings against the landlord for the forfeiture or partial forfeiture of the security, for an extension as provided in subsection 147-10(e) above, of the period for which the security is required, or for increase in the amount of security required, or for any or all of those purposes.

b. Any forfeiture or partial forfeiture of security shall be determined by the hearing officer solely in accordance with the amount deemed necessary to provide for the compensatory purposes set forth in subsection 147-10(d) above. Any decision by the hearing officer to increase the amount or extend the period of the required security shall be determined in light of the same factors set forth in subsection 147-10(d) above, and shall be taken only to the extent that the nature of the substantiated complaint or complaints out of which proceedings arise under this action indicates the appropriateness of such change in order to effectually carry out the purposes of this ordinance. The decision of the hearing officer in such circumstances shall be enforceable in the same manner as provided in subsection 147-10 (d) above.

§147-12 Hearing Officer, Qualifications.

The hearing officer shall be a person or persons appointed by the Mayor, subject to the advice and consent of the Township Council. A hearing officer shall not own or lease any real property within the Township of Little Falls, nor hold any interest in the assets of or profits arising from the ownership or lease of such property.”

3. The Municipal Council hereby amends Chapter 147 of the Code to add Article IV to read as follows:

“Article IV: Occupancy Limitations

§147-13 Overcrowding.

Dwelling units shall not be occupied by more occupants than permitted by the minimum occupancy area requirements of the table below.

**Table 147-13
MINIMUM OCCUPANCY AREA REQUIREMENTS**

Space	1-2 occupants	3-6 occupants		6 or more occupants
Living Room	No requirement	120 square feet	1	50 square feet
Dining Room	No requirement	80 square feet		100 square feet
Kitchen	50 square feet	50 square feet		60 square feet
Bedrooms	Shall comply with section 147-14 herein.			

§147-14 Bedroom Area.

Every bedroom occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every bedroom occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet of floor area for each occupant thereof.

§147-15 Combined Spaces.

Combined living room and dining room spaces shall comply with the requirements of Table 147-13 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

§147-16 Prohibited Occupancy.

Kitchens, nonhabitable spaces and interior public areas shall not be occupied for sleeping purposes.

§147-17 Property Inspection as to Occupancy Limitations of Dwellings.

a. *Authority.* The Construction Official may perform an inspection to determine the conditions of buildings, dwellings, dwelling units, rooming and boarding units and houses, and premises located within the Township so that his or her duty of safeguarding the health and safety of the occupants of the buildings or dwellings and of the general public is performed. For the purpose of making such inspections, the Construction Official is authorized to enter a structure or premises at reasonable times to inspect. Prior to entering into a space not otherwise opened to the general public, the Construction Official shall make a reasonable effort to locate the owner or other person having charge or control of the structure or premises, present proper identification and request entry. If the request to enter is refused or not obtained, the Construction Official shall pursue recourse as provided by law.

b. *Duty of Owner or Occupant.* If an inspection has been scheduled by the property owner or his agent, the owner or occupant of the building, dwelling, dwelling unit, or the person in charge thereof, shall give the Construction Official free access to all at reasonable times for the purpose of performing an inspection, examination, or survey permitted under the Code to effect compliance with the provisions therein or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions herein.

c. *Search Warrant.* The Construction Official may, upon affidavit, apply to the Municipal Court for a search warrant setting forth the factual circumstances that provide a reasonable basis for believing that a violation of the Code exists on the premises and if the

Meeting of September 21, 2015

Municipal Judge is satisfied as to the matter set forth in the affidavit, he or she shall authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the violation allegedly exists.

d. Nothing contained in this subsection 147-17 shall be construed to authorize any municipal official to enter a dwelling unit without the permission of the occupant for the sole purpose of determining whether the occupancy of the dwelling unit exceeds that permitted by law.

§147-18 Violations, and Penalty.

The landlord and all tenants of a dwelling unit at the time the occupancy thereof unlawfully exceeds the maximum permitted occupancy as calculated by the Code pursuant to Table 147-13 shall be issued a summons which carries a minimum fine of two hundred sixty-five dollars (\$265.00), plus court costs, payable through the violations bureau of the Municipal Court.”

4. It is the intent of the Municipal Council to incorporate the additions, amendments and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 147 of the Code shall remain unchanged and have full force and legal effect. All other resolutions and ordinances governing the regulation of rental property and/or dwelling in the Township with respect to bonding for disruptive behavior and occupancy limitations enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.

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

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

7. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

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

Ordinance No. 1232 – It was moved by Councilmember Damiano, seconded by Councilmember Maceri, that there be introduced and the meeting of October 19, 2015 set as date and time for the public hearing on the following:

ORDINANCE # 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

WHEREAS, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and **WHEREAS**, the Township is the record owner of real property located on Block , Lot in the Township (the “Township Property”); and

WHEREAS, Sal, Salvatore B. and Daniel Ribaldo are the record owners of land contiguous to the Township Property located at 7-11 East Main Street, Block 122, Lot 1, on the Township tax maps (together the “ Contiguous Property Owners”); and

WHEREAS, a retaining wall measuring , was inadvertently constructed on the Township Property by the Contiguous Property Owners or their predecessors in interest, as the case may be; and

WHEREAS, in order to address this issue, the Township desires to grant and convey an easement on the Township Property, pursuant to N.J.S.A. 40A:12-21(a), to the Contiguous Property Owners, for the sole purpose of providing for the continued operation, maintenance and repair of the retaining wall located upon the Township Property, and on terms and conditions to be negotiated by the Township with the Contiguous Property Owners pursuant to a certain Easement Agreement; and

WHEREAS, the Township’s conveyance of the Easement, all as aforementioned, requires approval by ordinance of the Council pursuant to N.J.S.A. 40A:12-5 within the New Jersey Local Lands and Buildings Law.

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

- 1. The aforementioned recitals are hereby incorporated herein as though fully set forth at length.
- 2. The Council hereby grants and authorizes the conveyance of an Easement on the Township Property to the Contiguous Property Owners, for the sole purpose of providing for the continued operation, maintenance and repair of the retaining wall that currently sits on the Township Property, based on terms and conditions to be negotiated with the Contiguous Property Owners, which shall be set forth in an Easement Agreement acceptable to the Township and to be subsequently negotiated.
- 3. The Township Council finds that the area on the Township Property encompassed by the Easement contemplated hereby is not presently needed for municipal purposes, and that the Easement shall only be used for the purposes set forth herein, and for so long as the Contiguous Property is owned by the Contiguous Property Owners. Should any of these conditions be violated, the Easement contemplated and conveyed hereby shall revert to the Township without any entry or reentry made thereon on behalf of the Township.
- 4. The Township Council hereby authorizes the Mayor, Township Business Administrator and/or the Township Counsel to negotiate and execute an Easement Agreement, and, execute, deliver and accept the normal and customary documents in this regard, and undertake all actions reasonably necessary to effectuate the aforementioned Easement conveyance, and this Ordinance.
- 5. The Township Council hereby authorizes the Mayor, Township Business Administrator and/or the Township Counsel and other necessary Township Officials to authorize, sign and/or consent to any applications, approvals, permits and the like that may be required by the Contiguous Property Owners to operate, maintain and repair the retaining wall, subsequent to the execution of the Easement Agreement.
- 6. A copy of this Ordinance and the Easement Agreement, once negotiated between the Parties, shall be available for public inspection at the offices of the Township Clerk.
- 7. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

Poll: Ayes: Porter, Maceri, 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

Meeting of September 21, 2015

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, THEREOFRE, 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, Maceri, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

The Council entered Executive Session at 10:37 p.m.

At 11: 25 p.m. the Council returned and it was moved by Councilmember Maceri , seconded by Councilmember Porter, that the meeting return to Open Session.

PAYMENT OF BILLS

It was moved by Councilmember Damiano, seconded by Councilmember Liess, 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, Maceri, Liess, Damiano and Council President Fontana
 Nays: None

The Council President declared the motion passed.

There being no further business to come before the meeting, it was moved by Councilmember Porter, seconded by Councilmember Maceri, that the meeting be and it was adjourned at 11:25 p.m.

Cynthia Kraus
Municipal Clerk