

**TOWNSHIP COUNCIL WORKSHOP AGENDA**

MONDAY, DECEMBER 9, 2024

7:00 P.M.

**SALUTE TO THE FLAG**

**STATEMENT OF PUBLIC NOTICE** - TAKE NOTICE THAT ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED IN ACCORDANCE WITH N.J.S.A. 10:4-8 AND N.J.S.A. 10:4-10 AS FOLLOWS: A NOTICE OF THE MEETING WAS PROMINENTLY POSTED ON THE BULLETIN BOARD AT THE MUNICIPAL BUILDING, LOCATED AT 225 MAIN STREET, LITTLE FALLS, N.J. ON JANUARY 4, 2024. A COPY OF THE NOTICE WAS SENT TO THE NORTH JERSEY HERALD & NEWS AND THE RECORD ON THE SAME DATE. ADDITIONALLY, A COPY OF THE NOTICE WAS FILED IN THE OFFICE OF THE TOWNSHIP CLERK ON SAID DATE.

**A LINK AND A TELEPHONE NUMBER TO JOIN THE MEETING VIRTUALLY CAN BE ACCESSED ON THE TOWNSHIP WEBSITE AT [WWW.LENJ.COM](http://WWW.LENJ.COM). ELECTRONIC PROVISIONS HAVE BEEN ESTABLISHED FOR THE PUBLIC TO PARTICIPATE DURING THE PUBLIC COMMENT PORTION OF THE MEETING.**

**ROLL CALL**

**MAYOR'S REPORT**

**PUBLIC COMMENT - GENERAL MATTERS AND AGENDA ITEMS**

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

MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING VIRTUALLY AND DESIRE TO PROVIDE COMMENT SHALL RAISE THEIR VIRTUAL HAND IN THE ZOOM APPLICATION. THE MEETING MODERATOR WILL QUEUE THE MEMBERS OF THE PUBLIC THAT WISH TO PROVIDE COMMENT AND THE COUNCIL PRESIDENT WILL RECOGNIZE THEM IN ORDER. MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING BY CALLING IN MUST PRESS \*6 TO MUTE AND UNMUTE THEMSELVES AND \*9 TO RAISE THEIR HAND. MEMBERS OF THE PUBLIC WHO HAVE JOINED THE MEETING VIA THE ZOOM APPLICATION MUST CLICK THE REACTIONS ICON AND THEN THE RAISE HAND ICON. ONCE THE PROCESS IS COMPLETE, WE WILL RETURN TO THE REGULAR ORDER OF BUSINESS.

**ITEMS TO BE DISCUSSED:**

**MAYOR/ADMINISTRATOR:**

1. TAX APPEAL SETTLEMENT RESOLUTION
2. RESOLUTION AUTHORIZING PARTICIPATION IN LITIGATION TO ADDRESS AFFORDABLE HOUSING MANDATES

**ACTION ITEMS:**

RESOLUTION AUTHORIZING TAX APPEAL SETTLEMENTS ON SEVERAL PROPERTIES [A]

RESOLUTION AUTHORIZING THE PARTICIPATION IN LITIGATION TO ADDRESS THE CONSTITUTIONALITY AND/OR VALIDITY OF NEW JERSEY'S AFFORDABLE HOUSING MANDATES [B]

BILL LIST [C]

**APPLICATIONS**

RAFFLE, UNICO PASSAIC VALLEY, 03/12/2025, 7:00 P.M., 75 MAIN STREET, LITTLE FALLS, NJ

**NEW BUSINESS**

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1505, AN ORDINANCE ENTITLED, "ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING CHAPTER 218, STORMWATER MANAGEMENT, OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS".

**COUNCIL TOPICS FOR DISCUSSION**

**PUBLIC COMMENT - AGENDA ITEMS ONLY**

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**ADJOURN**

**TOWNSHIP OF LITTLE FALLS  
PASSAIC COUNTY, NEW JERSEY**

**RESOLUTION [A] 24-12-09 - #\_\_\_\_\_**

**WHEREAS**, appeals of the real property tax assessments of the following properties have been filed in the Tax Court of New Jersey ('Tax Appeals'):

<b>PROPERTY OWNER</b>	<b>BLOCK</b>	<b>LOT</b>	<b>ADDRESS</b>
1755 Rt 46 Little Falls LLC	217	17.02	1755 Rt 46 Little Falls LLC
Local 464 Welfare & Pension Bldgs	89	5.01	245 Paterson Ave
Little Falls La Sala LLC/LaSala Developers LLC	168	35	201 E Main St

; and

**WHEREAS**, the Mayor and Council of the Township of Little Falls have been advised as to proposed settlements for the above Tax Appeals, and as to the merits thereof, by legal counsel, the Township Appraiser, and the Township Tax Assessor, and;

**WHEREAS**, the proposed Tax Appeal settlement components are set forth in the Schedule 'A' attached hereto and made part hereof, and;

**WHEREAS**, it is in the best interest of the Township to settle the subject Tax Appeals in accordance with the settlement proposals set forth in Schedule 'A.'

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Little Falls, that the proposed settlements of the aforesaid Tax Appeals be approved, and

**BE IT FURTHER RESOLVED**, that, with respect to the same, the Mayor, Township Administrator, Township Tax Attorney, Township Tax Assessor, Tax Collector Treasurer and/or any other appropriate Township official is hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution.

**CERTIFICATION**

I hereby certify that I, the undersigned, am the Township Clerk of the Township of Little Falls and am duly authorized to certify resolutions adopted by the Township Council at a workshop meeting held on the day of , 2024.

\_\_\_\_\_  
Cynthia Kraus  
Township Clerk, Little Falls

cc: Finance Dept  
Tax Collector

**EXHIBIT 'A'**

<b>PROPERTY OWNER</b>	<b>YEAR</b>	<b>ORIGINAL ASSESSMENT</b>	<b>PROPOSED SETTLEMENT ASSESSMENT</b>
1755 Rt 46 Little Falls LLC	2022	\$2,700,000	\$2,700,000-Withdraw
	2023	\$2,700,000	\$2,250,000
Local 464 Welfare & Pension Bldgs	2021	\$6,400,000	\$6,400,000-Withdraw
	2022	\$6,400,000	\$6,400,000-Withdraw
	2023	\$6,400,000	\$5,750,000
	2024	\$6,400,000	\$5,400,000
Little Falls La Sala LLC/LaSala Developers LLC	2021	\$3,055,200	\$3,055,200-Withdraw
	2022	\$3,055,200	\$2,700,000
	2023	\$3,055,200	\$2,450,000
	2024	\$3,055,200	\$2,200,000

**RESOLUTION [ ] 24-12-09 - # \_\_\_\_\_**

**RESOLUTION AUTHORIZING THE PARTICIPATION IN LITIGATION TO ADDRESS THE CONSTITUTIONALITY AND/OR VALIDITY OF NEW JERSEY'S AFFORDABLE HOUSING MANDATES**

WHEREAS, the Township of Little Falls (Passaic County) is coordinating litigation or potential litigation to review, challenge and/or declare unconstitutional certain mandates from the State of New Jersey concerning the obligations of municipalities relating to affordable housing; and

WHEREAS, affordable housing can be a benefit to every municipality within the State of New Jersey if such obligation is shared fairly and proportionately among all municipalities; and

WHEREAS, the Township of Little Falls is seeking additional municipalities to join in such litigation in order to promote the efficiency and effectiveness of same; and

WHEREAS, participation in such litigation would permit each municipality to benefit from any relief awarded by the Court; and

WHEREAS, the Township of Little Falls has provided a preliminary cost estimate for such litigation of Ten Thousand Dollars (\$10,000.00) for each year of 2024 and 2025 for an estimated commitment from each participating municipality of Twenty Thousand Dollars (\$20,000.00); and

WHEREAS, the public interest favors participation in such litigation;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Little Falls, County of Passaic, State of New Jersey, that the Township of Little Falls is hereby authorized to join as a party the above referenced litigation and is hereby authorized to contribute \$10,000.00 in 2024 and another \$10,000.00 in 2025; and

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute such Agreements with Counsel to be selected by the Township of Little Falls so as to effectuate participation in such litigation, including but not limited to any Retainer Agreement, Confidentiality Agreement, or such other documents as may be necessary to effectuate participation in said litigation; and

BE IT FURTHER RESOLVED, that participation in such litigation shall not be deemed a rejection of any currently obligation while such litigation is pending.

This Resolution was adopted by the Township Council at a public meeting on December 9, 2024.

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

cc:

## ORDINANCE NO. 1505

### ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, AMENDING CHAPTER 218, STORMWATER MANAGEMENT, OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS

#### **SECTION I. Purpose:**

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the **Township of Little Falls** to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

#### **SECTION II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. "Storm drain inlet" means the point of entry into the storm sewer system.
- D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;

2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
  3. The structure shall be erected on an impermeable slab;
  4. The structure cannot be open sided; and
  5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

### **SECTION III. Deicing Material Storage Requirements:**

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15<sup>th</sup> and April 15<sup>th</sup>:
1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
  2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
  3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
  4. Loose materials shall be covered as follows:
    - a. The cover shall be waterproof, impermeable, and flexible;
    - b. The cover shall extend to the base of the pile(s);
    - c. The cover shall be free from holes or tears;
    - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
    - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

- (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
  5. Containers must be sealed when not in use; and
  6. The site shall be free of all de-icing materials between April 16<sup>th</sup> and October 14<sup>th</sup>.
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
- C. **All such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations as per Chapter 280, Zoning.**
- D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

#### **SECTION IV. Exemptions:**

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

#### **SECTION V. Enforcement:**



This ordinance shall be enforced by the **Construction Official or Code Enforcement Officer** during the course of ordinary enforcement duties.

**SECTION VI. Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines according to **Chapter 1** of the Township Code.

**SECTION VII. Severability:**

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

**SECTION VIII. Effective Date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

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

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

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

ATTEST: \_\_\_\_\_  
Township Clerk