

TOWNSHIP COUNCIL MEETING AGENDA

MONDAY, SEPTEMBER 23, 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.LFNJ.COM. ELECTRONIC PROVISIONS HAVE BEEN ESTABLISHED FOR THE PUBLIC TO PARTICIPATE DURING THE PUBLIC COMMENT PORTION OF THE MEETING.**

ROLL CALL

MINUTES

APPROVAL OF MINUTES FROM THE REGULAR MEETING OF AUGUST 26, 2024
AND THE WORKSHOP MEETING OF SEPTEMBER 9, 2024

MAYOR'S REPORT

DISCUSSION OF AFFORDABLE HOUSING MANDATES

REMARKS FROM THE CHAIR

COUNCIL MEMBER REPORTS

ATTORNEY'S REPORT

PUBLIC COMMENT - AGENDA ITEMS ONLY

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.

CONSENT AGENDA

ALL ITEMS ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED WITH A SINGLE MOTION. FOR ANY ITEMS UNDER REQUISITIONS THE TREASURER HAS SUPPLIED A CERTIFICATION OF THE AVAILABILITY OF FUNDS.

REPORTS

MUNICIPAL CLERK'S REPORT FOR THE MONTH OF AUGUST 2024

MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT FOR THE MONTH OF AUGUST 2024

TAX COLLECTOR'S REPORT FOR THE MONTH OF AUGUST 2024

RECREATION CENTER REPORT FOR THE MONTH OF AUGUST 2024

CIVIC CENTER REPORT FOR THE MONTH OF AUGUST 2024

POLICE DEPARTMENT REPORT FOR THE MONTH OF AUGUST 2024

CONSTRUCTION REPORT FOR THE MONTH OF AUGUST 2024

FINANCE DEPARTMENT REPORT FOR THE MONTH OF AUGUST 2024

HEALTH DEPARTMENT REPORT FOR THE MONTH OF AUGUST 2024

APPLICATIONS

RAFFLE, ST. GEORGE ANTIOCHIAN ORTHODOX CHRISTIAN CHURCH, TRICKY TRAY, 11/2/24, 6:00 P.M. - 11:00 P.M., 237 LONG HILL ROAD, LITTLE FALLS

RAFFLE, ST. GEORGE ANTIOCHIAN ORTHODOX CHRISTIAN CHURCH, MERCHANDISE RAFFLE, 11/2/24, 6:00 P.M. - 11:00 P.M., 237 LONG HILL ROAD, LITTLE FALLS

CORRESPONDENCE

REQUEST FROM RESIDENT FOR PERMISSION TO HOLD A BLOCK PARTY ON REINERS ROAD ON SATURDAY, OCTOBER 5, 2024 FROM 11:00 A.M. - 4:00 P.M.

RESOLUTIONS

RESOLUTION AUTHORIZING THE TREASURER TO ISSUE CHECKS IN AN AMOUNT TOTALING \$5,837.05 REPRESENTING TAX REFUNDS IN THE YEAR 2024 ON SEVERAL PROPERTIES DUE TO 100% DISABLED VETERAN EXEMPTIONS [A]

RESOLUTION AUTHORIZING THE TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$6,869.26 REPRESENTING TAX REFUND OF 2024 1ST AND 2ND QUARTER TAXES ON THE PROPERTY KNOWN AS BLOCK 93, LOT 1 DUE TO 2024 COUNTY BOARD JUDGMENT [B]

RESOLUTION AUTHORIZING THE TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$18,841.96 REPRESENTING TAX REFUND IN THE YEAR 2023 ON THE PROPERTY KNOWN AS BLOCK 93, LOT 1 DUE TO STATE TAX COURT JUDGMENT [C]

RESOLUTION AUTHORIZING THE TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$18,864.93 REPRESENTING TAX REFUND IN THE YEAR 2022 ON THE PROPERTY KNOWN AS BLOCK 93, LOT 1 DUE TO STATE TAX COURT JUDGMENT [D]

RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES ON THE PROPERTY KNOWN AS BLOCK 81, LOT 11 IN THE AMOUNT OF \$5,134.75 DUE TO 100% DISABLED VETERAN EXEMPTION [E]

RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES ON THE PROPERTY KNOWN AS BLOCK 40, LOT 50 IN THE AMOUNT OF \$7,488.36 DUE TO 100% DISABLED VETERAN EXEMPTION [F]

RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES ON THE PROPERTY KNOWN AS BLOCK 125, LOT 11 IN THE AMOUNT OF \$14,433.35 DUE TO 100% DISABLED VETERAN EXEMPTION [G]

RESOLUTION APPROVING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE FOR THE PERIOD FROM JULY 1, 2023 THROUGH JUNE 30, 2024 [H]

RESOLUTION APPROVING RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE FOR THE PERIOD FROM JULY 1, 2024 THROUGH JUNE 30, 2025 [I]

RESOLUTION OPPOSING ASSEMBLY BILL NO. 4/SENATE BILL NO. 50, WHICH PROPOSES TO OVERHAUL THE FAIR HOUSING ACT ("FHA") IN A WAY THAT IMPOSES UNREALISTIC OBLIGATIONS WITH UNREALISTIC DEADLINES BASED UPON ONEROUS STANDARDS [J]

BILL LIST [K]

NEW BUSINESS

INTRODUCTION OF ORDINANCE NO. 1501, AN ORDINANCE ENTITLED, "AN ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO AMEND CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR OCTOBER 7, 2024.

INTRODUCTION OF ORDINANCE NO. 1502, AN ORDINANCE ENTITLED, "AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO AMEND CHAPTER 7 (ON-STREET REGULATIONS) OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR OCTOBER 7, 2024.

INTRODUCTION OF ORDINANCE NO. 1503, AN ORDINANCE ENTITLED, "CAPITAL ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, NEW JERSEY AUTHORIZING THE LITTLE FALLS TOWNSHIP MAIN STREET STREETScape PROJECT FROM VAN NESS AVENUE TO PECKMAN BRIDGE IMPROVEMENT PROJECT 16 BY AND FOR THE TOWNSHIP, APPROPRIATING THEREFOR THE SUM OF \$644,137.00 AND THAT SUCH SUM SO APPROPRIATED SHALL BE FUNDED BY A GRANT FROM THE STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR OCTOBER 7, 2024.

INTRODUCTION OF ORDINANCE NO. 1504, AN ORDINANCE ENTITLED, "AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO RELEASE, EXTINGUISH AND VACATE THE RIGHTS OF THE PUBLIC IN A PORTION OF PAPER STREETS (AMITY STREET AND CROSS STREET)", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR OCTOBER 7, 2024.

PUBLIC COMMENT - GENERAL MATTERS

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.

ADJOURN

RESOLUTION [A] 24-09-23 # _____

REFUND OF 2024 TAXES DUE TO 100% DISABLED VETERAN EXEMPTIONS

WHEREAS the following properties in the Township of Little Falls, New Jersey have overpaid real estate taxes in 2024 due to Tax Assessor approving 100% disabled veteran exemptions; and

WHEREAS the Tax Assessor granted the 100% disabled veteran exemptions this year in 2024 and

WHEREAS the Tax Collector is now requesting that the Township Council direct the Treasurer to refund said amounts overpaid listed below for the pro-ration of 2024 taxes from their exemption date(s) that the taxpayers paid while being exempt; and

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

<u>Tax Year Amount & Qtr.</u>	<u>Block Lot</u>	<u>Taxpayer/ Location</u>	<u>Payee</u>	<u>Reason</u>	
2024/3	40/50	Edmund & Eliz Pomponio 130 Donato Dr	Edmund & Eliz Pomponio 130 Donato Dr Little Falls NJ 07424	EX	\$1,675.88
2024/3	81/11	Juan C Trujillo 40 Zeliff Ave	Juan C Trujillo 40 Zeliff Ave Little Falls NJ 07424	EX	1,081.19
2024/1 & 2	125/11	Nicolina Politz 13 Hopson Ave	Nicolina Politz 13 Hopson Ave Little Falls NJ 07424	EX	<u>3,079.98</u>
TOTAL REFUNDS =					\$5,837.05

Approved:

cc: Finance Dept.
Tax Collector
Tax Assessor

RESOLUTION (B) 24-09-23#_____

**REFUND 2024 1ST & 2ND QTR TAXES DUE
2024 COUNTY BOARD JUDGMENT**

WHEREAS the following property in the Township of Little Falls, New Jersey has overpaid real estate taxes in the Year 2024 due to Count Board Judgment; and

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

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

<u>Tax Year & Qtr.</u>	<u>Block Lot</u>	<u>Taxpayer/ Location</u>	<u>Payee</u>	<u>Reason</u>	<u>Amount</u>
2024/1	93/1	JSL Properties LLC 1 Center Ave	JSL Properties LLC 3 University Plz Ste 207 Hackensack NJ 07601	OP/CBJ	\$ 920.64
2024/2	93/1	JSL Properties LLC 1 Center Ave	JSL Properties LLC 3 University Plz Ste 207 Hackensack NJ 07601		<u>5,948.62</u>
Total Refund =					\$6,869.26

APPROVED: _____

cc: Finance Dept.
Tax Collector
Tax Assessor
Dept.

RESOLUTION (C) 24-09-23# _____

WHEREAS the following property in the Township of Little Falls, New Jersey known as Block 93 Lot 1, JSL Properties LLC @ 1 Center Ave, has overpaid real estate taxes in the Year 2023 due to State Tax Court Judgment; and

WHEREAS the Judgment was entered on August 26, 2024; and Stipulation of Settlement states no interest is to be paid on the refund paid by **90 days from August 26, 2024, which would be on or before November 26, 2024**; and

WHEREAS Year 2023 assessed value was \$725,000 and Judgment reduced the assessed value to \$150,900 with a difference of 547,100 with tax rate of \$3.282 totaling \$18,841.96 refund; and

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

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

<u>Tax Year & Qtr.</u>	<u>Block Lot</u>	<u>Taxpayer/ Location</u>	<u>Payee</u>	<u>Amount</u>
2023/1-4	93/1	JSL Properties LLC 1 Center Ave	Spiotti & Associates, PC 612 Godwin Avenue Midland Park NJ 07432	\$18,841.96
Total Refund =				\$18,841.96

APPROVED: _____

cc: Finance Dept.
Tax Collector
Assessor
Dept.

RESOLUTION (D) 24-09-23# _____

WHEREAS the following property in the Township of Little Falls, New Jersey known as Block 93 Lot 1, JSL Properties LLC @ 1 Center Ave, has overpaid real estate taxes in the Year 2022 due to State Tax Court Judgment; and

WHEREAS the Judgment was entered on August 26, 2024; and Stipulation of Settlement states no interest is to be paid on the refund paid by **90 days from August 26, 2024, which would be on or before November 26, 2024**; and

WHEREAS Year 2022 assessed value was \$725,000 and Judgment reduced the assessed value to \$150,900 with a difference of 547,100 with tax rate of \$3.286 totaling \$18,864.93 refund; and

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

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

<u>Tax Year & Qtr.</u>	<u>Block Lot</u>	<u>Taxpayer/ Location</u>	<u>Payee</u>	<u>Amount</u>
2022/1-4	93/1	JSL Properties LLC 1 Center Ave	Spiotti & Associates, PC 612 Godwin Avenue Midland Park NJ 07432	\$18,864.93
Total Refund =				\$18,864.93

APPROVED: _____

cc: Finance Dept.
Tax Collector
Assessor
Dept.

RESOLUTION [E] 24-09-23 # _____

CANCEL TAXES DUE TO 100% DISABLED VETERAN EXEMPTION

WHEREAS the following property in the Township of Little Falls, New Jersey was granted 100% Disabled Veteran Exemption in the Year 2024 by our Tax Assessor; and

WHEREAS the Council shall authorize the Tax Collector to cancel the below taxes; and

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Little Falls, County of Passaic, State of New Jersey that the following listed taxes be canceled by the Tax Collector:

<u>Tax Year & Qtr.</u>	<u>Block Lot</u>	<u>Taxpayer/ Location</u>	<u>Exempt Date</u>	<u>Amount</u>
2024/3	81/11	Trujillo, Juan C 40 Zeliff Ave	July 18, 2024	\$1,081.19
2024/4	81/11	Trujillo, Juan C 40 Zeliff Ave		1,364.63
2025/1	81/11	Trujillo, Juan C 40 Zeliff Ave		1,344.47
2025/2	81/11	Trujillo, Juan C 40 Zeliff Ave		<u>1,344.46</u>
TOTAL CANCELATION =				\$ 5,134.75

Approved:

cc: Tax Collector
Tax Assessor

RESOLUTION [F] 24-09-23 # _____

CANCEL TAXES DUE TO 100% DISABLED VETERAN EXEMPTION

WHEREAS the following property in the Township of Little Falls, New Jersey was granted 100% Disabled Veteran Exemption in the Year 2024 by our Tax Assessor; and

WHEREAS the Council shall authorize the Tax Collector to cancel the below taxes; and

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Little Falls, County of Passaic, State of New Jersey that the following listed taxes be canceled by the Tax Collector:

<u>Tax Year & Qtr.</u>	<u>Block Lot</u>	<u>Taxpayer/ Location</u>	<u>Exempt Date</u>	<u>Amount</u>
2024/3	40/50	Pomponio, Edmund R & Elizabeth 130 Donato Dr	July 13, 2024	\$1,675.88
2024/4	40/50	Pomponio, Edmund R & Elizabeth 130 Donato Dr		1,957.40
2025/1	40/50	Pomponio, Edmund R & Elizabeth 130 Donato Dr		1,927.54
2025/2	40/50	Pomponio, Edmund R & Elizabeth 130 Donato Dr		<u>1,927.54</u>
TOTAL CANCELTION =				\$7,488.36

Approved:

cc: Tax Collector
Tax Assessor

RESOLUTION [G] 24-09-23 # _____

CANCEL TAXES DUE TO 100% DISABLED VETERAN EXEMPTION

WHEREAS the following property in the Township of Little Falls, New Jersey was granted 100% Disabled Veteran Exemption in the Year 2024 by our Tax Assessor; and

WHEREAS the Council shall authorize the Tax Collector to cancel the below taxes; and

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Little Falls, County of Passaic, State of New Jersey that the following listed taxes be canceled by the Tax Collector:

<u>Tax Year & Qtr.</u>	<u>Block Lot</u>	<u>Taxpayer/ Location</u>	<u>Exempt Date</u>	<u>Amount</u>
2024/1	125/11	Politz, Nicolina 13 Hopson Ave	March 22, 2024	\$ 305.05
2024/2	125/11	Politz, Nicolina 13 Hopson Ave		2,774.93
2024/3	125/11	Politz, Nicolina 13 Hopson Ave		2,859.48
2024/4	125/11	Politz, Nicolina 13 Hopson Ave		2,859.48
2025/1	125/11	Politz, Nicolina 13 Hopson Ave		2,817.21
2025/2	125/11	Politz, Nicolina 13 Hopson Ave		<u>2,817.20</u>
TOTAL CANCELTION =				\$14,433.35

Approved:

cc: Tax Collector
Tax Assessor

TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY NEW JERSEY

RESOLUTION [H] 24-09-23 - # _____

BE IT RESOLVED by the Little Falls Township Council as follows:

WHEREAS, an application for renewal of a PLENARY RETAIL CONSUMPTION LICENSE has been filed as follows:

<u>License No.</u>	<u>License and/or t/a name</u>	<u>Fee</u>
1605-33-007-013	JJF Spirits, LLC 109 Newark Pompton Tpke.	\$2,200.00

and WHEREAS, it appears that the said application is in satisfactory form; that the applicant has complied with all necessary requirements; that the application is for renewal by the same person for the same stands; and that no objections, in writing or otherwise, have been made or filed to said application; and

WHEREAS, the Township Council is familiar with the aforementioned applicant and the place for which they apply and sees no objection; and

WHEREAS, the applicant has been granted 12.39 relief from the Director of the Division of Alcoholic Beverage Control for the 2023-2024 license term for the license, which is in pocket;

NOW, THEREFORE, BE IT RESOLVED that the above-listed application be and the same is hereby granted; and

BE IT FURTHER RESOLVED that the license be issued accordingly, to become effective on July 1, 2023 and expire on June 30, 2024.

APPROVED:

ccc: ABC
cc: ABC File
Dept.

TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY NEW JERSEY

RESOLUTION [I] 24-09-23 - # _____

BE IT RESOLVED by the Little Falls Township Council as follows:

WHEREAS, an application for renewal of a PLENARY RETAIL CONSUMPTION LICENSE has been filed as follows:

<u>License No.</u>	<u>License and/or t/a name</u>	<u>Fee</u>
1605-33-007-013	JJF Spirits, LLC 109 Newark Pompton Tpke.	\$2,200.00

and WHEREAS, it appears that the said application is in satisfactory form; that the applicant has complied with all necessary requirements; that the application is for renewal by the same person for the same stands; and that no objections, in writing or otherwise, have been made or filed to said application; and

WHEREAS, the Township Council is familiar with the aforementioned applicant and the place for which they apply and sees no objection; and

WHEREAS, the applicant has been granted 12.39 relief from the Director of the Division of Alcoholic Beverage Control for the 2024-2025 license term for the license, which is in pocket;

NOW, THEREFORE, BE IT RESOLVED that the above-listed application be and the same is hereby granted; and

BE IT FURTHER RESOLVED that the license be issued accordingly, to become effective on July 1, 2024 and expire on June 30, 2025.

APPROVED:

ccc: ABC
cc: ABC File
Dept.

RESOLUTION [J] 24-09-23 - # _____

RESOLUTION OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, OPPOSING
ASSEMBLY BILL NO. 4/SENATE BILL NO. 50, WHICH PROPOSES TO OVERHAUL THE
FAIR HOUSING ACT (“FHA”) IN A WAY THAT IMPOSES UNREALISTIC OBLIGATIONS WITH
UNREALISTIC DEADLINES BASED UPON ONEROUS STANDARDS

Mount Laurel II

WHEREAS, in 1983, the Supreme Court decided a landmark case, commonly referred to as Mount Laurel II; and

WHEREAS, Mount Laurel II and its progeny generated substantial litigation culminating in the enactment of the New Jersey Fair Housing Act in 1985 (“FHA”); and

The Fair Housing Act of 1985

WHEREAS, the Legislature enacted the FHA to restore home rule, to bring the fair share numbers back to reality and to reduce the burdens of Mount Laurel compliance; and

WHEREAS, more specifically, the FHA sought to restore home rule by imposing a moratorium on the builder’s remedy and by providing an administrative process that municipalities could voluntarily pursue wherein they would be insulated from developers seeking builder’s remedies to try to compel them to capitulate their zoning demands; and

WHEREAS, the FHA sought to bring the fair share numbers back to reality by among other things defining the prospective need as the need “based on development and growth which is reasonably likely to occur” and by calling for the fair share to be adjusted to a number lower than the fair share formula generated if the municipality lacked sufficient land to satisfy the obligation generated by the fair share formula; and

WHEREAS, the FHA sought to reduce the burdens on municipalities by prohibiting any requirement for municipalities to expend their own resources to comply; and

The New Jersey Council on Affordable Housing

WHEREAS, the FHA created COAH and conferred “primary jurisdiction” on COAH to administer the FHA and to implement the affordable housing policies of our State; and

WHEREAS, all acknowledge – even Fair Share Housing Center (“FSHC”) – that COAH functioned just fine in Rounds 1 and 2; and

WHEREAS, COAH did not adopt valid regulations for Round 3 despite multiple efforts to do so and made no efforts to cure the bottleneck the third time COAH voted 3-3 on Round 3 regulations; and

Mount Laurel IV

WHEREAS, in 2015, the Supreme Court issued a decision, commonly referred to as Mount Laurel IV, in response to a motion to transfer the responsibilities of COAH back to the courts in light of COAH's failure to adopt valid regulations; and

WHEREAS, in Mount Laurel IV, the Supreme Court returned the task of implementing the doctrine back to the Courts because COAH had failed to do its job and made no effort to cure the roadblock when it voted 3-3 on the third iteration of Round 3 regulations; and

WHEREAS, notwithstanding the foregoing, the Court emphasized that it preferred the administrative remedy created by the FHA to a judicial one and hoped that COAH would be effective so that towns could comply once again through the administrative process created by the FHA; and

WHEREAS, the Court process proved to be far more expensive than the COAH process and was ill-suited for resolving comprehensive planning disputes over affordable housing matters; and

WHEREAS, the Round 3 process was a disaster with judges pressing municipalities to comply before even establishing the obligations with which they must comply; and

WHEREAS, ultimately, on March 8, 2018, after a 41-day trial in Mercer County, Judge Jacobson issued an opinion in which she set forth a fair share methodology; and

WHEREAS, in that trial and in various other instances throughout the state, FSHC took the position that the Statewide obligation should exceed 300,000 to be addressed between 2015 and 2025; and

WHEREAS, municipalities, through Dr. Robert Powell, presented evidence that, in a best case scenario, the State could only absorb less than 40,000 affordable housing units and thus argued that FSHC's calculations was not grounded in reality whatsoever; and

WHEREAS, the Court, having been constrained by the Supreme Court to prescriptively utilize a formula from 1993, ultimately concluded that the Statewide obligation to be constructed between 2015-2025 was roughly 153,000 units; and

The 354 Settlements with FSHC

WHEREAS, FSHC reports that it entered 354 settlements in Round 3, and

WHEREAS, many municipalities are reeling under the burden of satisfying their obligations under those settlements entered between 2015 and 2023; and

WHEREAS, many of those Round 3 settlements will result in development during the Round 4 period; and

WHEREAS, Round 4 is set to begin on July 1, 2025 and there is no comprehensive analysis on the impacts of the 354 Round 3 settlements and over-zoning described above; and

WHEREAS, indeed, the A4/S50 Bill fails to consider the impact from affordable housing projects that were approved during the Third Round, but are still not yet under construction, as said projects, as

well as additional future projects, will impact legitimate public concerns like infrastructure, the environment, schools, traffic, parking and open space; and

WHEREAS, the Round 3 process destroyed the balance achieved by the Fair Housing Act in 1985; and

A-4/S-50

WHEREAS, on December 19, 2023, against the above backdrop, the Housing Committee of the Assembly (a) unveiled, the Legislation (A-4) – a detailed 69-page bill that the Chairwoman of the Housing Committee announced had been worked on for a long time; and (b) scheduled the bill for a vote at a hearing scheduled less than 24 hours later; and

WHEREAS, on December 19, 2023, the Administrative Office of the Courts wrote to the Legislature and made clear that it could not structure the bill in the manner set forth in the proposed legislation; and

WHEREAS, notwithstanding the foregoing, on December 20, 2023, the Housing Committee voted the bill out of the Committee and announced that the bill needed to be ready for signing by the Governor before the end of the lame duck session on January 8, 2024; and

WHEREAS, the perception that the Legislature designed was to adopt the bill before the public had an opportunity to review it and provide meaningful comment was as real as it was unmistakable; and

WHEREAS, consequently, the Legislature did not ram the bill through in the lame duck session; and

WHEREAS, instead, on January 29, 2024, the Housing Committee of the Assembly met to consider a new version of A-4 and voted to release it out of the Committee; and

WHEREAS, on February 8, 2024, as a result of comments, letters and resolutions challenging this new version of A-4, the Appropriations Committee of the Assembly announced a number of changes to the Bill; and

WHEREAS, one witness likened the summary presented to the public at the February 8, 2024 Appropriations meeting to that of an auctioneer; and

WHEREAS, the Appropriations Committee voted the bill out of the Committee at its February 8, 2024 meeting before the public had an opportunity to even see the changes, much less process their significance and comment on them; and

WHEREAS, the bill has been improved marginally as it has evolved from its initial version in December of 2023 to the current version voted out of the Appropriations Committee of the Assembly on February 8, 2024; and

WHEREAS, despite elimination of just some of the gross excesses of the prior version of the bill, the current bill released after the February 8, 2024 Appropriations Committee meeting is still severely flawed; and

WHEREAS, the bill still creates a judicial entity made up of 3-7 retired Mount Laurel judges called “The Program”, which, unlike COAH, is not comprised of an equal number of municipal and housing representatives, and is not made up of an equal number of Republicans and Democrats, thereby depriving the citizens of our State of the carefully crafted COAH Board that included a diversity of interests and that was the centerpiece of the FHA adopted in 1985; and

WHEREAS, the Bill still does not require the promulgation of affordable housing obligations, or the adoption of substantive regulations, in a way that utilizes an open and transparent process that COAH used and that gave all interested parties an opportunity to comment and receive COAH’s response to their comments; and

WHEREAS, as detailed below, the bill created a patently unreasonable responsibility on municipalities by imposing an obligation on the to create a realistic opportunity for satisfaction of a fair share than is itself unrealistic; and

WHEREAS, the current version still details the methodology to be used for determining the fair share numbers of municipalities in Round 4 and in subsequent rounds; and

WHEREAS, the current version still presumes that 40 percent of all new households will qualify as low or moderate; and

WHEREAS, the current version still calls for the determination of the prospective need by subtracting the number of households reported in the 2010 Decennial Census from the number of households reported in the 2020 Decennial Census and multiplying that figure by 40 percent; and

WHEREAS, we calculate the statewide need number to be 84,690 based upon the formula set forth in the bill; and

WHEREAS, the current version of the Bill calls for 84,690 to be adjusted by the number of conversions and demolitions; and

WHEREAS, the statewide fair share would be increased from 84,690 to 96,780, if we assume the same number of demolitions and conversions used by Judge Jacobson in her formula for Round 3 that will apply in Round 4; and

WHEREAS, we can estimate the obligation of each municipality if we assume that the same percentage of the regional need in Round 3 for each municipality applies in Round 4; and

WHEREAS, we have widely distributed our estimates and invited input after acknowledging that we have done the best we can to formulate estimates in very limited time; and

WHEREAS, other than an analysis of the allocation factors by an expert for the American Planning Association (Creigh Rahenkamp) who identified problems with the allocation factors, nobody has accepted our invitation to review and comment on our rough estimates; and

WHEREAS, to the contrary, the Executive Director of Fair Share Housing Center testified that he did not have a calculation of the fair share numbers; and

WHEREAS, more importantly, no committee of the Assembly or Senate has identified the fair share obligations municipalities should expect based upon the formula set forth in the bill; and

WHEREAS, the 96,780 fair share number estimated for Round 4 compares to the roughly 211,000 COs issued between 2010 and 2020; and

WHEREAS, the 96,780 fair share number divided by 211,000 COs equals roughly 46 percent (45.867 percent to be more precise); and

WHEREAS, all municipalities should be able to cure any violations of the prohibition against exclusionary zoning with inclusionary zoning; and

WHEREAS, traditional inclusionary zoning ordinances generally require no more than 20 percent of the units to be affordable; and

WHEREAS, it is mathematically impossible to satisfy a 46 percent problem with a 20 percent solution and, therefore, the number generated by the statutory formula is patently excessive; and

WHEREAS, while this mathematical error conceptually may have existed at COAH, COAH utilized its discretion to reduce the statewide number to roughly 5,000 units per year in Rounds 1-2 (or lower for prospective need in its attempted regulations in 2014); and

WHEREAS, in addition, COAH's Round 2 regulations had flexible standards, Regional Contribution Agreements (RCAs), an achievable bonus structure, waivers and other flexible standards to further mitigate the problem; and

WHEREAS, had COAH not mitigated the problem, it is likely that the regulations would have been challenged by municipalities; and

WHEREAS, as detailed below, the Bill still fails to account for the enormous burdens on municipalities to comply with their Round 3 obligations before imposing very substantial additional burdens on those 354 municipalities for Round 4; and

WHEREAS, a representative of FSHC testified that it has entered into 354 settlements and that it would furnish those settlements to the Housing Committee, which it has failed to do; and

WHEREAS, we have pressed FSHC to advise how much development will take place in Round 4 as a result of municipalities implementing the 354 settlements reached in Round 3; and

WHEREAS, Adam Gordon on behalf of FSHC has indicated he doesn't know the answer to this question and no committee of the Assembly or Senate has even hinted at what the answer might be; and

WHEREAS, the Bill require municipalities to create a realistic opportunity for satisfaction of a fair share without taking into account how many affordable units can realistically be achieved through traditional inclusionary zoning (where generally one out of every five units must be affordable); and

WHEREAS, we also sought to ascertain how many affordable units could be realistically achieved through traditional inclusionary zoning by urging the Legislature to do a market study since the strength of the housing market will determine the number of market units that can reasonably be anticipated that are essential to generating one affordable unit for every four market units constructed; and

WHEREAS, the Legislature has not furnished a market study in response to our repeated emphasis on the need for one to ascertain how many affordable units could be realistically achieved through traditional inclusionary zoning; and

WHEREAS, as explained below, the bill dilutes the protections to which a municipality is currently entitled as it seeks to comply voluntarily and even after it secures approval of its affordable housing plan; and

WHEREAS, current laws preserve a municipality's immunity in the absence of proof that the municipality is "determined to be constitutionally noncompliant", the proposed bill does not give municipalities seeking to comply voluntarily the same measure of protection the Supreme Court deemed appropriate; and

WHEREAS, A4/S50 subjects municipalities to litigation not only as they seek approval of their Housing Element and Fair Share Plans, but also even after they secure approval of those plans; and

WHEREAS, more specifically, A4/S50 provides municipalities a "compliance certification" if the municipality secures approval of its affordable housing plan; however, that certification does not prevent an interested party from "alleging that, despite the issuance of compliance certification, a municipality's fair share obligation, fair share plan, housing element, or ordinances implementing the fair share plan or housing element are in violation of the Mount Laurel doctrine"; and

WHEREAS, the Bill suffers from a myriad of different flaws; and

WHEREAS, under current laws, a municipality would have a right to rely on the fair share number that COAH provides; however, under the new bill a municipality would only have a presumption of validity that the number the DCA provides to the municipality is appropriate and FSHC, a deep pocketed developer or any other interested party could seek to overcome that presumption through litigation; and

WHEREAS, the A4/S50 Bill replaces a straightforward system by which a municipality could secure bonus credits up to a 25 percent cap with a highly complicated system for securing bonuses with many conditions attached to various forms of bonus; and

WHEREAS, the Legislature previously capped the fair share of any municipality down to 1,000 recognition that any obligation above 1,000 would be "onerous"; A4/S50 applies the 1,000-unit cap only to a component of the municipality's fair share – the prospective need – and authorizes the imposition of an obligation that is onerous; and

WHEREAS, the A4/S50 Bill creates unfair requirements and ambiguity when it comes to the Vacant Land Adjustment process, which would lead to municipalities that lack sufficient vacant land being required to produce more affordable housing units than is practical; and

WHEREAS, the A4/S50 Bill includes many other provisions and changes to the FHA that are impractical and devoid of any consideration of the burdens created by the statute; and

WHEREAS, as a result of the facts set forth above, a bill that boasts of its effectiveness in reducing costs and litigation will clearly have the exact opposite effect; and

WHEREAS, in addition to all the concerns expressed above, a bill that so radically changes the affordable housing laws of our state still needs considerable work; and

WHEREAS, indeed, as the following facts demonstrate, the Legislature has yet to do the most fundamental due diligence before enacting a statute with such broad ramifications;

1. The Legislature has not and cannot inform the public of the fair share obligations the bill, if enacted, would impose on the public;
2. The Legislature has not and cannot inform the public of the obligations that municipalities will satisfy in Round 4 from the 354 settlements achieved in Round 3 before heaping substantial additional burdens on them for Round 4;
3. The Legislature has not and cannot inform the public of the number of affordable units that can realistically be achieved through traditional inclusionary zoning while imposing obligations on municipalities to create a realistic opportunity for a fair share that far exceeds any number a municipality can realistically achieve through inclusionary zoning; and

WHEREAS, as a result of the pronounced lack of due diligence, the bill will likely force taxes to increase dramatically and will foster serious overdevelopment creating unreasonable burdens on our schools, public services, roads, sewer and water infrastructure; and

WHEREAS, the Legislature clearly can and should upgrade the affordable housing policies of our State; however, the current version of A4 is not the answer and the most fundamental diligence can and should be exercised before adopting such a bill.

NOW, THEREFORE, BE IT RESOLVED, that for all of the above reasons, the Mayor and Council of the Township of Little Falls, County of Passaic, objects to and opposes Assembly Bill No. 4/ Senate Bill No. 50, and requests that the bill be tabled, re-written and re-introduced in a way that imposes achievable obligations and facilitates the ability of the municipality to satisfy its obligations.

**TOWNSHIP OF LITTLE FALLS
ORDINANCE NO. 1501**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY,
TO AMEND CHAPTER 3 (ADMINISTRATION OF GOVERNMENT)
OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS**

WHEREAS, there is a need for additional personnel to assist the Little Falls Police Department; and

WHEREAS, the Little Falls Police Chief and Township Administrator have reviewed staffing levels and have determined that the most cost-effective means is to retain the services of Special Law Enforcement Officers Class III (SLEO III); and

WHEREAS, SLEO III are retired police officers who can handle many administrative and ministerial tasks to alleviate the pressure of placing current active police officers in such roles and instead have them attend to public safety matters directly; and

WHEREAS, the Township Council desires to support the request of the Police Chief and Administrator by including a SLEO III designation within the Township Ordinances as none exists currently; and

WHEREAS, the Township Council has found it proper to amend the language of the Code accordance therewith;

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls, that Chapter 3, Administration of Government, of the Code of the Township of Little Falls, is hereby amended as follows (underlined is additions and ~~striketrough~~ are deletions):

§3-7.7 (S) SPECIAL POLICE

(6) Requirements for special law enforcement officers (Class II). Upon appointment, each Township Class II special law enforcement officer shall:

(a) Be a Class II officer as prescribed by the State Police Training Commission.

(b) Be authorized to exercise full powers similar to those of a permanent, regularly appointed, full-time officer in performing routine traffic detail, spectator control, court officer and sergeant at arms duties, issue summonses for disorderly persons and petty disorderly persons offences, violations of municipal ordinances and violations of Title 39 of the Revised Statutes.

(c) Be authorized to use firearms only after the officer has been fully certified as successfully completing training as prescribed by the State Police Training Commission. An officer so trained may only carry a firearm while engaged in the actual performance of the officer's official duties.

(7) Requirements for special law enforcement officers (Class III). Upon appointment, each Township Class III special law enforcement officer shall:

(a) Be a retired officer who has previously served as a duly qualified, full time law enforcement officer in any municipality, county, agency of this state, bi-state agency, or federal agency, and must be living in New Jersey.

(b) Be retired from that agency in good standing (necessary to have a letter of good standing issued by the agency from which officer retired, listing the date and type of retirement. A copy will be submitted to the Police Training Commission)

(c) Be less than 65 years of age for appointment.

(d) Pass a psychological exam.

(e) Pass a medical exam and have doctor complete Medical Certification Form (Form PTC 8A).

(f) Pass a Drug Test pursuant to Attorney General's Law Enforcement Drug Testing Policy.

(g) Have an updated background investigation.

(h) Complete the Basic Course for Police Officer if retired more than 3 years, but a waiver for Physical Conditioning and Defensive Tactics will be granted.

(8) Powers and duties. The powers and duties of Township special police officers shall be in accordance with those prescribed in statute. Those powers and duties shall cease at the expiration of the term of each special police officer.

(9) Rules and regulations. All special police officers shall, at all times subsequent to their appointment, be subject to the rules and regulations of the division and to all orders and directions promulgated by the Chief or higher authority.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. Ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency; and

2. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portion of the Ordinance; and

3. Except as hereby amended, the Code of the Township of Little Falls shall remain in full force and effect.

4. This Ordinance shall take effect twenty days after final passage and publication in accordance with law.

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus
Municipal Clerk

James Belford Damiano
Mayor

**TOWNSHIP OF LITTLE FALLS
ORDINANCE NO. 1502**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY,
TO AMEND CHAPTER 7 (ON-STREET REGULATIONS)
OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS**

WHEREAS, a municipal may enact ordinances to designate parking restrictions of roadways under municipal control,

WHEREAS, it is necessary to update and amend the Municipal Code to include additional areas to prohibit or restrict parking in order to ensure the consistent flow of traffic, reduction of motor vehicle offenses, and prevention of automotive and pedestrian accidents; and

WHEREAS, the Township Council has found it proper to amend the language of the Code accordance therewith;

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls, that Chapter 7, On-Street Regulations, of the Code of the Township of Little Falls, is hereby amended and supplemented as follows (~~strike through~~ is deleted and underlined is added):

§7-11 (B) Parking time limited on certain streets.

Main Street	a. North	3hrs.	8:00 a.m. to 8:00 p.m.	Beginning 105 feet from the westerly curbline of Maple Street to a point 45 feet east of the easterly curbline of Paterson Avenue
		<u>2 hrs.</u>	<u>7:00 a.m. to 9:00 p.m.</u>	<u>In all marked spaces</u>
	b. South	[Repealed 4-17-2023 by Ord. No. 1451]		
	c. South	3hrs.	8:00 a.m. to 8:00 p.m.	Beginning 33 feet from the easterly curbline of Stevens Avenue to a point 132 feet therefrom
		<u>2 hrs.</u>	<u>7:00 a.m. to 9:00 p.m.</u>	<u>In all marked spaces</u>
	d. North	3 hrs.	8:00 a.m. to 8:00 p.m.	Beginning at a point 50 feet west from the west curbline of Paterson Avenue and from said point extending westerly 130 feet west
	e. North	3 hrs.	8:00 a.m. to 8:00 p.m.	Beginning at a point 325 feet west from the west curbline of Paterson Avenue and from said point extending westerly 120 feet west
		[Amended 4-17-2023 by Ord. No. 1451]		

§7-31 Safety Sticks

A. Purpose. The Township has deployed safety sticks technology at various locations to monitor parking activity and enforce parking regulations on public roadways where parking is only allowed in marked spaces and in certain no-parking zones such as fire hydrants, bus stops, crosswalks, and loading zones.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. Ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency; and
2. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portion of the Ordinance; and
3. Except as hereby amended, the Code of the Township of Little Falls shall remain in full force and effect.
4. Township Police Department shall have the authority to place such signs as deemed necessary to advise the public of the aforementioned parking restrictions.
4. This Ordinance shall take effect twenty days after final passage and publication in accordance with law.

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus
Municipal Clerk

James Belford Damiano
Mayor

ORDINANCE NO. 1503

CAPITAL ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, NEW JERSEY AUTHORIZING THE LITTLE FALLS TOWNSHIP MAIN STREET STREETScape PROJECT FROM VAN NESS AVENUE TO PECKMAN BRIDGE IMPROVEMENT PROJECT 16 BY AND FOR THE TOWNSHIP, APPROPRIATING THEREFOR THE SUM OF \$644,137.00 AND THAT SUCH SUM SO APPROPRIATED SHALL BE FUNDED BY A GRANT FROM THE STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION.

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

Section 1. The Township of Little Falls, New Jersey (the "Township") is hereby authorized to commence with the Main Street Streetscape Project from Van Ness Avenue to Peckman Bridge Improvement Project 16. Said improvement shall include all work, materials and appurtenances necessary and suitable therefor.

Section 2. The sum of \$644,137 is hereby appropriated to the payment of the cost of the improvement authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be funded by a grant in the sum of \$644,137 from the State of New Jersey Department of Transportation.

Section 3. Said improvement is a lawful capital improvement of the County having a period of usefulness of at least five (5) years. Said improvement shall be made as a general improvement, no part of the cost of which shall be assessed against property specially benefited.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk of the Township and is available for public inspection.

Section 5. This ordinance shall take effect at the time and in the manner provided by law.

James Damiano, Mayor

**TOWNSHIP OF LITTLE FALLS
ORDINANCE NO. 1504**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY,
TO RELEASE, EXTINGUISH AND VACATE THE RIGHTS OF THE PUBLIC IN
A PORTION OF PAPER STREETS (AMITY STREET AND CROSS STREET)**

WHEREAS, there exists within the Amity Park area of the Township of Little Falls various unimproved paper streets and/or portions of unimproved paper streets known as: (1) Amity Street between Haines Place and Cross Street and (2) Cross Street between Amity Street and Hughes Place, all as shown on the Official Tax Map of the Township of Little Falls (collectively known as “Streets to be Vacated”) as delineated on the attached Exhibit “A” hereto; and

WHEREAS, the Streets to be Vacated serve no public purpose as streets and would require unwarranted and significant expenditures of public monies to plan, construct and maintain by the Township of Little Falls, and need to be vacated; and

WHEREAS, the entirety of the Streets to be Vacated are neither open to the public for the purposes of vehicular traffic nor publicly maintained as a street; therefore, this vacation ordinance is not subject to review by the Commissioner of the New Jersey Department of Transportation with regard to the traffic regulations thereon pursuant to N.J.S.A. 39:4-8; and

WHEREAS, the land occupied by the Streets to be Vacated are currently and have been for many years used for active public recreation in Amity Park including as ball fields and monuments; and

WHEREAS, N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-19 empowers the governing body of a municipality to make, amend, repeal and enforce ordinances to vacate any public street, including the vacation of any portion of any public street, and to vacate any street, or any part thereof, dedicated to public use but not accepted by the municipality, whether or not the same, or any part, has been actually opened or improved; and

WHEREAS, the Township Council of the Township of Little Falls has considered evidence and concluded that the Streets to be Vacated are not needed by the general public as a public thoroughfare and lend themselves to higher and better uses as active public recreation and monuments and for use by the general public, and that the public interest will best be served by abandoning, vacating, releasing and extinguishing any and all public rights which the Township may have in and to the Streets to be Vacated;

WHEREAS, title to the Streets to be Vacated shall be apportioned to adjacent property owners, if any, in accordance with law; and

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

1. Subject to the conditions set forth herein, the rights of the public in and to the Street to be Vacated, as more particularly delineated in Exhibit “A” hereto, are hereby released, extinguished and vacated.
2. Title to the Streets to be Vacated shall be apportioned to adjacent property owners as listed on Exhibit “B” hereto, if any, in accordance with law.
3. Pursuant to N.J.S.A. 40:67-1(b), all public easements, rights and interests to the Streets to be Vacated, as more particularly delineated in Exhibit “A” hereto, are hereby vacated, released and extinguished except for said easements and rights specifically set forth herein and except for all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and by any Cable Television Company, as defined in the “Cable Television Act,” N.J.S.A. 48:5A-1, et seq., to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, or any part thereof, to be vacated.
4. Pursuant to N.J.S.A. 40:67-21, the Township Clerk shall within 60 days after this ordinance becomes effective file a copy of this ordinance, certified by her, under the seal of the Township of

Little Falls, to be a true copy of such ordinance, together with a copy of proof of publication, if publication be required, in the office where conveyances of lands are recorded in Passaic County and such certified copy shall be recorded in a book with proper index to be provided for the purpose and entitled "Vacations."

5. After introduction, this Ordinance shall be referred to the Planning Board of the Township of Little Falls for review and comment pursuant to N.J.S.A. 40:55D-26, -32, and -33, since vacation of a public street or portion thereof constitutes a change to the official map of the Township of Little Falls, Passaic County and the closing of public streets, albeit paper unimproved streets.

6. At least seven (7) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be given by the Township Clerk to the owners of all real property whose lands may be affected by this Ordinance or any assessment which may be made in pursuance thereof, so far as the same may be ascertained, directed to his last known post-office address. At least ten (10) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be published at least once in a newspaper published and circulated in the Township of Little Falls. This is the notice required by N.J.S.A. 40:67-19 and N.J.S.A. 40:49-6.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. Ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency; and
2. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portion of the Ordinance; and
3. Except as hereby amended, the Code of the Township of Little Falls shall remain in full force and effect.
4. This Ordinance shall take effect upon final publication in accordance with law.

PASSED: _____

ATTEST:

Cynthia Kraus
Municipal Clerk

APPROVE:

James Belford Damiano
Mayor

EXHIBIT "A"

Tax Map of Amity Park

Amity Street & Cross Street (as highlighted)

EXHIBIT "B"

List of Adjacent Property Owners for Notice

Block 29, Lot 25 & 26

Leonard Shark __ (address) _____, Little Falls, New Jersey

Block 29, Lot 22, 23, & 24

Richard Harraka and Maria Suppa, ____ (address) _____, Little Falls New Jersey