

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

Monday, April 22, 2013

Council President John Vantuno called the meeting to order at 7:30 p.m. with the following members present: Louis Fontana and Joseph Maceri. Also present were Mayor Darlene Post, Township Attorney William Northgrave, Township Engineer Dennis Lindsay and Township Administrator Joanne Bergin.

Absent: Councilmember Pamela Porter and Councilmember Joseph Rento

Township Employees present: Construction Official Joseph Macones, Recreation Director John Pace, CMFO/Treasurer William Schaffner, DPW Superintendent Phillip Simone, Police Chief John Dmuchowski, Fire Chief Jack Sweezy, Deputy Municipal Clerk Cynthia Kraus and Assistant to Municipal Clerk Marlene Simone.

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 8, 2013; a copy of the notice was faxed 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.

APPROVAL OF MINUTES

It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the Minutes of the meeting of February 25, 2013 be and they were approved.

Poll: Ayes: Fontana, Maceri and President Vantuno
 Nays: None

The Council President declared the motion passed.

REMARKS FROM CHAIR

Council President VANTUNO had nothing to report.

COUNCIL MEMBER REPORTS

Councilmember FONTANA expressed his condolences to the Witecki family, noting that Helen Witecki lived in town for many years and will surely be missed. He informed that he attended an Open Space meeting this past week, where the Town Planner, Jeffrey Janota was present; they are moving forward with this.

At this time, Councilmember VANTUNO said there is a resolution on tonight's agenda regarding the noise barriers to be placed on Route 46. He informed that there is an engineer from the NJDOT in attendance to answer any questions anyone may have.

Councilmember MACERI informed that last Saturday was opening day for baseball and softball. He was happy to report that there was a tremendous turnout. He also informed that there was a Flood Board meeting last Thursday at the Woodland Park Municipal Building, which he said was a very informative meeting. The next meeting will be held on 5/9/13 in Little Falls, which is open to the public.

MAYOR'S REPORT

Mayor Post expressed her condolences to the family of Helen Witecki, and said she will be missed. She reiterated that there is an engineer from NJDOT in attendance this evening. She also informed that she attended a meeting last week regarding the noise barriers on Route 46; tonight there will be a request for the Council to approve a resolution supporting this. She attended an Open Space meeting as well. She also attended the baseball parade and the Installation Dinner for three of the fire companies on Saturday. She congratulated all of those who were installed into their positions and to all who received company awards. She also congratulated Perfect Threading on their grand opening and wished them many years of success in Little Falls. She congratulated Little Falls Trophy on their fiftieth anniversary; she also wished them many more years of success.

ATTORNEY'S REPORT

Mr. Northgrave had nothing to report.

ADMINISTRATOR'S REPORT

Mrs. Bergin reported as follows:

On tonight's regular agenda, under correspondence, there is a request from the Alliance for a better Community (ABC) to permit the hanging of a banner on Stevens Avenue announcing the Farmers Market and Concert in the Park summer series. Requests to hang banners are approved by the Business Administrator unless a group is asking for a waiver of the township policy, that allows for groups to hang banners for 8 days - 7 days prior to and the date of an event. The ABC is requesting a waiver due to the summer schedule of the weekly concert series.

The email request for a waiver indicates that the event is all Summer long, inviting all of the Town to come weekly to either buy items where we are helping other Small Businesses as well as, our Concert Series where everyone in our Town and adjoining Towns can enjoy not only togetherness but a wonderful time to hear and enjoy all different types of music.

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While this is valid, granting this will preclude other groups from having a banner hung for their events. There are two other requests for summer events at this point. Therefore, I am recommending that we agree to hang the banner on the date requested. However, the banner will have to come down to allow for other groups to hang banners as well. Our DPW staff is responsible to hang and dismantle and will work to re-hang the ABC banner whenever it has to come down to allow for equal banner time by other community groups. We cannot commit to this work in any other schedule than as time allows.

Therefore, I recommend and ask for your support in approving the waiver under the condition that any other requests filed throughout the summer be accommodated in an effort to be fair to all of our community groups, recognizing that our DPW have the ability to prioritize their time in this regard. The process from this point will be managed through the Administrator's office.

In new business, I will ask Dennis to speak to ordinance #1174.

Mr. Lindsay gave an explanation of Ordinance No. 1174 at this time.

Ordinance #1175 is the introduction of a bond ordinance to make improvements to Wilmore Road and Amity Field. Both of these improvement projects are the recipients of grant funds from the Passaic County Open Space Trust Fund. The township must complete the project and then process reimbursement requests, therefore requiring a bond. At Wilmore Road Park, improvements include new fencing, and new playground equipment including ones that allow for use by all children including those with disabilities. At Amity Field, improvements include safety areas for batters warming up, field improvements and new dugouts.

Both the road improvement project Dennis spoke to and the park improvement projects I just outlined are considered capital improvement projects, requiring the need for Resolution G to amend the capital budget to reflect these projects.

Resolution H is the result of a series of public meeting hosted in Town by the NJDOT regarding the installation of noise barriers in conjunction with the improvement project at Route 3/ Route 46/ Valley Road and Notch Road/Rifle Camp Road interchange. The original plans for the noise barriers were modified following feedback from residents. At the last meeting held two weeks ago, all in attendance agreed the modified plans were the most amenable and addressed the main concerns raised initially by residents impacted by the project.

Bill Schaffner will discuss Resolution I.

Mr. Schaffner explained Resolution I at this time.

Resolutions K and L allow for the Township to continue work on the Open Space Master Plan as well as the Master Plan Re-Examination with Planner Jeff Janota. The Township contracted for these projects with Mr. Janota when he was employed with Birdsall Services Group, and we are now free and eager to continue these projects with Mr. Janota as he begins a new venture as Janota Planning Group. Both of the contracts represent the projects being completed as outlined within the confines of the original budget.

Resolution M is the authorization to proceed with wetlands delineation work at the Rose Street property. Mayor Post is committed to the identification of new ratables, and this site has the potential for development and is one that has generated significant interest from developers. In order for the Township to assess the site's ability for development, a wetlands delineation survey and mapping must be complete and this contract allows the Township to proceed with that work.

PUBLIC PORTION

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

Poll: Ayes: Fontana, Maceri and President Vantuno
 Nays: None

The Council President declared the motion passed.

Dorothy O'Haire, Turnberry Road, said there are two allocations; one for the Peckman project to proceed and the other for the Passaic River; the money for the Passaic River project includes the re-evaluation on Beattie's Dam. Now they will be able to move forward. The Army Corp will be coming soon for an inspection of the river; she and Mr. Simone and Nicholas Agnoli will go along with them. She also notified the Army Corp of the Rose Street property. Between the river and the recycling yard, they intend to put a small dam. This will direct the flood waters into the culvert into the Passaic River. Referring to posts that have recently been placed in Wilmore Road Park, she asked what purpose these serve.

Arlene Krell, 23 Clove Road, would like to speak regarding the Clove Road project plans of making the road a one-way. She would like the Council to review this again, as she doesn't understand why they are making it a one-way.

Donald Radcliffe, 239 Long Hill Road, explained that he was here regarding the town-wide assessment's impact on Inwood. No one contacted Inwood from the Assessment agency; therefore, the assessment was made without facts. The property manager was referred to the Tax Assessor by ASI, who said there was no need to speak unless they had market data. Mr. Radcliffe provided documentation to the Assessor, who did not respond. Since he has been the president of Inwood, they have filed three tax appeals. In each case they were successful. He urged the Mayor and Council to try to resolve this matter this year.

Al Attianese, 27 Dewey Avenue, informed that the Minutes of the 2/11/13 Council meeting were posted on the website last week. At that meeting, he had questioned the Mayor's message on the website, which he felt contained material that went against the first amendment right of freedom of speech. The Mayor's response had been that she

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said nothing about blogs or writing to the editors of newspapers. He explained that her response was untruthful. He quoted from the Mayor's message on the website at this time.

Arnold Korotkin, Long Hill Road, referred to an article in the 4/11/13 edition of the Passaic Valley Today Newspaper, which informed that Little Falls Township recently renamed Woodside Avenue as Chief Vince Dransfield Way in honor of his 74 years of service to the Little Falls Fire Department. This is a commendable recognition of Chief Dransfield's years of dedicated service to the community. Mr. Korotkin asked for clarification regarding the Township's policies and procedures for renaming a section of a Township street in honor of any individual.

Rosemarie Bello-Truland, explained that a few meetings ago, there was discussion regarding the telecommunications tower. She is wondering if anyone has researched the possibility of a statewide system. She listed some of the benefits of having a statewide system, including maintenance costs. She asked if the Council could get someone to come and discuss this with them.

Renea Shapiro, Little Falls ABC, informed that she attended a Transportation meeting recently, where they discussed the idea of having signs of illusion. She would like to see if the Council would consider looking into these signs, noting that they help with speeding issues. Another issue that was discussed was the Route 46/3 project. There is concern about the traffic this project will cause. She appreciates their consideration on both matters.

Brian Reynolds, 7 Notch Road, asked for clarification regarding the statewide system Mrs. Truland mentioned. He said he was taken aback to find out that the Overlook Tower recently had a tax appeal approved for \$750,000. He explained that the revenues keep decreasing, noting that something needs to be done about this. The Township cannot keep borrowing and raising taxes. The reassessment doesn't reduce spending. He read that the commercial businesses will now pay taxes based on income. This is good when business is good, but not otherwise. Eventually the town will have to make cuts and find more income. Mr. Schumacher asked him to ask the Council to recognize Mr. and Mrs. Witecki.

Marilyn Anthony, 181 Long Hill Road, asked about the status of shared services in town.

No one further having come forward to be heard, it was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the meeting be and it was closed to the public.

Poll: Ayes: Fontana, Maceri, Porter and President Vantuno
 Nays: None

The Council President declared the motion passed.

Council President VANTUNO thanked Mrs. O'Haire for her comments. Mr. Simone explained that there were problems with people parking on the grass at Wilmore Road Park. The wooden posts are serving as a guardrail to keep people from parking there, and they will be cut down to level height.

Mr. Lindsay said there is no change right now regarding the plans for Clove Road. He explained that the Council took comments very seriously about the plans for this project. The Council had many meetings with the public and the County to discuss this and all plans were presented. There were concerns regarding impact to properties on Clove Road. The one-way had a narrower improvement to the area. Every plan had impacts, but this was considered to be the best alternative.

Mrs. Bergin said she spoke with the Assessor a few times regarding Inwood. He did review the spreadsheet from Inwood, but felt this was completely defensible on appeal and that it was not appropriate to be negotiating any other way. She will speak to him again tomorrow.

Mayor Post said nowhere in her Mayor's message is she taking anyone's first amendment away, noting that it is everyone's right to write letters or blogs.

Mrs. Bergin informed that ceremonial things are approved by the Mayor. The dedication of the street to Chief Dransfield was a ceremonial thing and the name of the street was not changed.

Council President VANTUNO said the I.T. Committee has gotten involved to look at a whole bunch of solutions. Chief Dmuchowski said the system is called the PSIC System. The State Police have built it, and nothing we own today would work on the system. They are looking into this as a possible solution down the road. The focus at the moment is to get the current equipment to work. Regarding the tower, there will have to be some kind of connectivity with other towns no matter what system they are on. They are in the process of getting loaner radios. Referring to Mr. Reynolds, he informed that the system he questioned is a standard.

Mr. Lindsay said he hasn't worked with signs of illusion before. There are other systems he has used to slow drivers down. He can look into this matter further.

Chief Dmuchowski said there have been many meetings to discuss the project at Routes 3 and 46. Mr. Lindsay explained that they will talk about these plans, but said there may be some bypass traffic.

Council President VANTUNO informed that the Council entered Executive Session to speak about the Overlook appeal at the last meeting. They are trying to reduce costs in many ways. Mrs. Bergin informed that the Overlook Building appeal was for a four-year period, noting that there were many things factored into this appeal. She also pointed out that the reassessment does reduce spending on legal fees and tax appeal refunds. They have budgeted accordingly for what is coming in tax appeals.

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Council President VANTUNO assured that they are always looking into shared services. They looked into this with the school, but there weren't many opportunities there. Mrs. Bergin said they have shared services with Parsippany and they will continue to look for shared services in the future. They are considering sharing services when the dispatch center opens in the new building.

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.

APPLICATIONS

- Raffle – American Legion Post 108, On-Premise 50/50, 5/25/13, 12:00 p.m. – 5:00 p.m.
- Missionary Sisters of the Immaculate Conception, On-Premise 50/50, 6/3/13, 1:00 p.m. – 3:00 p.m.
- Missionary Sisters of the Immaculate Conception, Tricky Tray, 6/2/13, 1:00 p.m. – 3:00 p.m.
- St. George Antiochian Orthodox Church, Carnival Games, 6/14/13, 6PM-11PM, 6/15/13, 5PM – 11PM, 6/16/13, 1PM – 8PM
- St. George Antiochian Orthodox Church, On-Premise 50/50, 6/14/13, 6PM – 11PM, 6/15/13, 5PM – 11PM, 6/16/13, 1PM – 8PM

Little Falls Fire Department Auxiliary – Daniel De Leon, Louis Street, Enterprise Fire Co. #2

RESOLUTIONS

Settlement of Property Tax Appeal

RESOLUTION [A] 13-04-22 - #1

WHEREAS, the Mayor and Council of the Township of Little Falls have been advised of the proposed settlement of a property tax appeal filed by M. Pia, LLC (hereinafter the "Tax Appeal"), under Docket Numbers 010481-2010; 002447-2011 and 008783-2012, and;

WHEREAS, the aforesaid Tax Appeal involves two adjacent commercial parcels located at 215 Newark Pompton Turnpike and Van Pelt Place, which are also designated as Block 33 Lot 1 and Block 34 Lot 16.01 on the tax assessment map of the Township (hereinafter the "subject property"), and;

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel and the Township Tax Assessor, and;

WHEREAS, the proposed settlement components of this Tax Appeal are set forth in the Schedule "A" attached hereto and made a part hereof, and;

WHEREAS, this settlement will result in the issuance of Tax Court Judgments that will require the payment of a taxpayer refund in the following amounts:

2010: \$0.00 (withdrawal)
 2011: \$1,175.46
 2012: \$1,260.40
 Total: \$2,435.86

WHEREAS, it is in the best interest of the Township to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Little Falls, that the proposed settlement of the aforesaid Tax Appeal is hereby approved, and;

BE IT FURTHER RESOLVED, that with respect to 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, and;

BE IT FURTHER RESOLVED, that upon the entry of Tax Court Judgments requiring the issuance of refunds for the overpayment of property taxes in above-referenced tax years, the Tax Collector hereby authorizes the Township Treasurer to refund the total amounts stated herein to Plaintiff's counsel, or as otherwise directed in the Stipulation of Settlement, within 60 days of the date of receipt of those Judgments.

Murphy McKeon, P.C.

RESOLUTION [B] 13-04-22 - #2

BE IT RESOLVED by the Township Council of the Township of Little Falls, the Treasurer having certified to the availability of funds, that the Mayor, Clerk and Treasurer be and they are hereby authorized and directed to issue a check in the amount of:

\$75.00

payable to:

Murphy McKeon, P.C.

representing payment for legal services rendered in connection with Tri County Lexus – Bob Ciasulli Auto Group; and

BE IT FURTHER RESOLVED that the within payment be made from the escrow account on deposit with the Township for expenses incurred in connection with the within development project.

Dennis G. Lindsay, P.E.

RESOLUTION [C] 13-04-22 - #3

BE IT RESOLVED by the Township Council of the Township of Little Falls, the Treasurer having certified to the availability of funds, that the Mayor, Clerk and Treasurer be and they are hereby authorized and directed to issue a check in the amount of:

\$2,745.00

payable to:

Dennis G. Lindsay, P.E.

representing payment for engineering services rendered in connection with B&P Little Falls, LLC (Animal Hospital) – 418-420 Main Street – Block 70, Lot 21 et al – Preliminary and Final Site Plan with Variances; and

BE IT FURTHER RESOLVED that the within payment be made from the escrow account on deposit with the Township for expenses incurred in connection with the within development project.

Welfare

RESOLUTION [D] 13-04-22 - #4

BE IT RESOLVED by the Township Council of the Township of Little Falls, the Treasurer having timely certified to the availability of funds therefor, that the action of the Mayor, Clerk and Treasurer in issuing checks in the amount of:

\$938.00

payable to:

Welfare Clients #55, 61, 71, 73 & 74

representing payment of Self-Care for the month of April 2013 be and the same is hereby authorized and ratified.

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BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO RIDGE AVENUE IN AND BY THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$284,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$284,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Little Falls, in the County of Passaic, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$284,500, including a grant expected to be received from the State of New Jersey Department of Transportation in the amount of \$175,114 (the "State Grant"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvement since the project described in Section 3(a) hereof is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement or purpose and in anticipation of the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$284,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to Ridge Avenue from Stanley Street to Prospect Street, including milling, repaving, restriping, and partial curb and sidewalk replacement, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$284,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$57,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Poll: Ayes: Fontana, Maceri and President Vantuno
Nays: None

The Council President declared the motion passed.

Amend the 2013 Capital for Various Park Improvements – It was moved by Councilmember Maceri, seconded by Councilmember Fontana, that the Council approve the following:
RESOLUTION TO AMEND THE 2013 CAPITAL BUDGET TO REFLECT THE SUPPLEMENTAL APPROPRIATION FOR VARIOUS PARK IMPROVEMENTS [G]#7

Poll: Ayes: Fontana, Maceri and President Vantuno
Nays: None

The Council President declared the motion passed.

Ordinance No. 1175 – It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that there be introduced and the meeting of May 6, 2013 set as the date and time for the public hearing on the following:
BOND ORDINANCE NO. 1175

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BOND ORDINANCE PROVIDING FOR VARIOUS PARK IMPROVEMENTS OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$253,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$240,350 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Little Falls, in the County of Passaic, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$253,000, including a grant in the amount of \$71,000 expected to be received from the County of Passaic Open Space and Farmland Preservation Trust Fund Program for Wilmore Park improvements and a grant in the amount of \$79,670 expected to be received from the County of Passaic Open Space and Farmland Preservation Trust Fund Program for Amity Street Park improvements (collectively, the "County Grants") and further including the aggregate sum of \$12,650 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments and in anticipation of receipt of the County Grants, negotiable bonds are hereby authorized to be issued in the principal amount of \$240,350 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) Improvements to Wilmore Park, including but not limited to the installation of a rubber surface, handicap accessible modular playground equipment, a picnic table, and a water fountain with benches, signs, gates, sidewalk and fencing, including all work and materials necessary therefor and incidental thereto.	\$142,000 (includes a \$71,000 grant expected to be received from the County of Passaic Open Space and Farmland Preservation Trust Fund Program)	\$134,900	15 years
b) Improvements to Amity Street Park, including but not limited to the rehabilitation of the tennis courts and improvements to the baseball field and walking trail, including all work and materials necessary therefor and incidental thereto.	\$111,000 (includes a \$79,670 grant expected to be received from the County of Passaic Open Space and Farmland Preservation Trust Fund Program)	\$105,450	15 years
TOTALS	\$253,000	\$240,350	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements that the Township may lawfully undertake as general improvements, and no part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$240,350, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$45,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in

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connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Poll: Ayes: Fontana, Maceri and President Vantuno
Nays: None

The Council President declared the motion passed.

Supporting Installation of Noise Barriers in Little Falls – It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the Council approve the following:

RESOLUTION [H] 13-04-22 - #8

RESOLUTION SUPPORTING THE INSTALLATION OF NOISE BARRIERS IN THE TOWNSHIP OF LITTLE FALLS BY THE STATE OF NEW JERSEY IN CONJUNCTION WITH THE IMPROVEMENT PROJECT AT ROUTE 3/ROUTE 46/VALLEY ROAD AND NOTCH ROAD/RIFLE CAMP ROAD INTERCHANGE BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT)

WHEREAS, the New Jersey Department of Transportation (NJDOT) will undertake an extensive improvement project for the Route 46, Route 3, Valley Road and Notch Road, Rifle Camp Road Interchanges in the Borough of Woodland Park, Township of Little Falls and City of Clifton in the future; and

WHEREAS, the project will entail adding acceleration and deceleration speed change lanes and property shoulders on Route 46 and Route 3, and realigning Route 46 to converge westbound and diverge eastbound with Route 3 from the right side instead of the current left; and

WHEREAS, as part of the project, noise walls have been proposed to mitigate noise levels, to be located within Little Falls, Clifton and Woodland Park; and

WHEREAS, noise, pollution and traffic problems have plagued the residents and businesses in that area for years, and this Governing Body supports any measure that would alleviate those problems;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Little Falls hereby go on record as STRONGLY SUPPORTING the installation of noise walls in the Township of Little Falls in connection with the Route 3/Route 46/ Valley Road and Notch Road/Rifle Camp Road improvements program; and

BE IT FURTHER RESOLVED, that the Township Clerk or Township Administrator forward a copy of this supporting resolution to Debbie Hirt, Regional Manager, Office of Community Relations, New Jersey Department of Transportation, P.O. Box 600, Trenton, NJ 08625-0600

Poll: Ayes: Fontana, Maceri and President Vantuno
Nays: None

The Council President declared the motion passed.

Approving Certified List of LOSAP Eligible Volunteer Member of the LFFD – It was moved by Councilmember Maceri, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [I] 13-04-22 - #9

APPROVING CERTIFIED LIST OF LOSAP ELIGIBLE VOLUNTEER MEMBERS OF THE LITTLE FALLS VOLUNTEER FIRE DEPARTMENT

BE IT RESOLVED by the Township Council of the Township of Little Falls, that the attached certified list of volunteer members of the Little Falls Volunteer Fire Department eligible to participate in the Little Falls Length of Service Award Program is hereby approved.

Poll: Ayes: Fontana, Maceri and President Vantuno
Nays: None

The Council President declared the motion passed.

Award of Fair and Open Contract for Building Cleaning Services to Ocean Clean, Inc. – It was moved by Councilmember Maceri, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [J] 13-04-22 - #10

AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR BUILDING CLEANING SERVICES

WHEREAS the Township of Little Falls solicited proposals for cleaning of the Municipal Building, Civic Center, Violation Bureau and Police Station which were received and reviewed by DPW Superintendent Phillip Simone and the Township Attorney as follows:

Ocean Clean Inc.	First Community Devel. Corp. of NJ
Cedar Grove, NJ 07090	Clifton, NJ 07011
\$1,825.00/month	\$3,267.00/month
\$21,900.00/year	\$39,204.00/year

Oriental Pacific Maintenance Co.	Shamrock Maintenance Company, Inc.
Mahwah, NJ	Bogota, NJ 07603
\$2,100.00/month	\$2,507.93/month
\$25,200.00/year	\$30,095.16/year

Excellent Building Services Corp.
Orange, NJ 07050
\$2,598.00/month
\$31,176.00/year

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 Building and Grounds O/E; and

WHEREAS, the term of the contract is one year and will commence on May 1, 2013 through April 30, 2014;

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

1) That the proposal of

Ocean Clean, Inc.
41 Sunset Terrace

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Cedar Grove, NJ 07009

in the amount of

\$1,825.00 per month

be and the same is hereby accepted; and

2) That the Mayor and Clerk be and they are hereby authorized to execute a contract in a form approved by the Township Attorney for the purchase of the within designated services subject to the successful contractor's filing the required New Jersey Employee Information Report (Form AA302) or providing a Certificate of Employee Information to the Township.

Poll: Ayes: Fontana, Maceri and President Vantuno
Nays: None

The Council President declared the motion passed.

Award of Contract for Master Plan Re-Examination Services to the Janota Planning Group, LLC – It was moved by Councilmember Maceri, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [K] 13-04-22 - #11

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR MASTER PLAN RE-EXAMINATION SERVICES TO THE JANOTA PLANNING GROUP, LLC

WHEREAS, the Township has received a proposal from The Janota Planning Group, LLC for Master Plan Re-Examination services; and

WHEREAS, the scope of services is outlined in the proposal; and

WHEREAS, the Treasurer has provided in advance of the award of contract a Certification of the Availability of Funds (copy of which is appended to the original of the within Resolution) pursuant to Rule 5:30-1.10 of the Local Finance Board;

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

1. That the proposal of

The Janota Planning Group, LLC

in the amount of

\$16,860.00

be and it is hereby accepted subject to compliance with Public Contracts regulations N.J.S.A 10:5-31 et seq. and N.J.A.C. 17:27, as well as Pay-to-Play Law N.J.S.A. 19:44A-20.4 et seq.;

2. That the Mayor and Clerk be and they are hereby authorized to execute a Contract for the said services.

Poll: Ayes: Fontana, Maceri and President Vantuno
Nays: None

The Council President declared the motion passed.

Award of a Contract for Recreation, Conservation and Open Space Master Plan Elements to the Janota Planning Group, LLC – It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the Council approve the following:

RESOLUTION [L] 13-04-22 - #12

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR THE PREPARATION OF THE RECREATION, CONSERVATION AND OPEN SPACE MASTER PLAN ELEMENTS OF THE MASTER PLAN TO THE JANOTA PLANNING GROUP, LLC

WHEREAS, the Township has received a proposal from The Janota Planning Group, LLC for the preparation of the Recreation, Conservation & Open Space Master Plan Elements of the Master Plan; and

WHEREAS, the scope of services is outlined in the proposal; and

WHEREAS, the Treasurer has provided in advance of the award of contract a Certification of the Availability of Funds (copy of which is appended to the original of the within Resolution) pursuant to Rule 5:30-1.10 of the Local Finance Board;

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

1. That the proposal of

The Janota Planning Group, LLC

in the amount of

\$8,826.00

be and it is hereby accepted subject to compliance with Public Contracts regulations N.J.S.A 10:5-31 et seq. and N.J.A.C. 17:27, as well as Pay-to-Play Law N.J.S.A. 19:44A-20.4 et seq.;

2. That the Mayor and Clerk be and they are hereby authorized to execute a Contract for the said services.

Poll: Ayes: Fontana, Maceri and President Vantuno
Nays: None

The Council President declared the motion passed.

Award of Contract for Professional Engineering, Surveying and Environmental Services to H2M Architects & Engineers for Wetlands Delineation of the Rose Street Property – It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the Council approve the following:

RESOLUTION [M] 13-04-22 - #13

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL ENGINEERING, SURVEYING AND ENVIRONMENTAL SERVICES TO H2M ARCHITECTS & ENGINEERS FOR WETLANDS DELINEATION OF TOWNSHIP PROPERTY (ROSE STREET PROPERTY)

WHEREAS, the Township has received a proposal from H2M Architects & Engineers for services described herein for Township-owned property located at Block 193, Lot 7 and Block 194, Lots 5 & 5.01, known as the Rose Street property; and

WHEREAS, H2M Architects & Engineers will provide the following services for the Township: professional engineering, surveying and environmental services for a site investigation and preparation of an environmental constraints map, performance of a wetland delineation and property survey, mapping of floodplain areas, submission of a Freshwater Wetlands Protection Act Letter of Interpretation (LOI), and Food Hazard Control Act verification for the above-referenced parcels; and

WHEREAS, the proposal has been reviewed by the Township Engineer for technical sufficiency; and

WHEREAS, the Treasurer has provided in advance of the award of contract a Certification of the Availability of Funds (copy of which is appended to the original of the within Resolution) pursuant to Rule 5:30-1.10 of the Local Finance Board;

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

1. That the proposal of

H2M Architects & Engineers
119 Cherry Hill Road

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Suite 200
Parsippany, NJ 07054

In an amount not to exceed

\$34,900.00

be and it is hereby accepted subject to compliance with Public Contracts regulations N.J.S.A 10:5-31 et seq. and N.J.A.C. 17:27, as well as Pay-to-Play Law N.J.S.A. 19:44A-20.4 et seq.:

- 2. That the Mayor and Clerk be and they are hereby authorized to execute a Contract for the said services.

Poll: Ayes: Fontana, Maceri and President Vantuno
 Nays: None

The Council President declared the motion passed.

PAYMENT OF BILLS

It was moved by Councilmember Fontana, seconded by Councilmember Maceri, 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: Fontana, Maceri and President Vantuno
 Nays: None

The Council President declared the motion passed.

There being no further business to come before the meeting, it was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the meeting be and it was adjourned at 8:30 p.m.

Cynthia Kraus
Municipal Clerk