

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

**Monday, April 23, 2012**

Council President Louis Fontana called the meeting to order at 7:31 p.m. with the following members present: Mercedes Gonzalez, Pamela Porter, Joseph Sisco and John Vantuno. Also present were Mayor Darlene Post, Township Attorney Lawrence Tosi, Township Engineer Dennis Lindsay, Township Auditor Associate Ralph Picone, Municipal Clerk William Wilk and Township Administrator Joanne Bergin.

Absent: None

Township Employees present: Police Chief John Dmuchowski, DPW Superintendent Phillip Simone, CMFO/Treasurer Kathryn Albanese, William Schaffner, Marlene Simone, Charles Simone and Deputy Municipal Clerk Cynthia Meyer

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 bulleting board at the Municipal Building, located at 225 Main Street, Little Falls, N.J. on January 5, 2012; 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 Gonzalez, seconded by Councilmember Vantuno, that the Minutes of the meetings of January 3, 2012 and January 9, 2012 be and they were approved.

Poll:           Ayes:           Gonzalez, Porter, Sisco, Vantuno and Council President Fontana  
                  Nays:           None

The Council President declared the motion passed.

**REMARKS FROM THE CHAIR**

Council President FONTANA said this past Saturday was Annual Baseball/Softball Parade, which turned out to be a nice event.

**COUNCIL MEMBER REPORTS**

Councilmember SISCO had nothing to report

Councilmember GONZALEZ had nothing to report.

Councilmember PORTER said she attended the Baseball/Softball Parade as well. She informed that there was a Municipal Alliance Dance held for the fifth and sixth graders this past Friday night. She also informed that the Farmers Market and the concerts in the park will begin in June. She informed that a couple of members from the Giants visited School #1 last week, which was a nice event. They spoke to the kids about the importance of exercise. She explained that Passaic County will be holding a Household Hazardous Waste Program in the near future. She also informed that the spring rabies clinic will be held in Clifton this year; fliers are in the Clerk's Office with all of the information.

Councilmember VANTUNO said he recently met with Mr. Organisciak, Mrs. Bergin and the Webmaster. Plans are being put together regarding the new email system and new ways to back it up. He and Mrs. Bergin would like to meet with the department heads to see how everyone can best utilize the website.

**MAYOR'S REPORT**

Mayor Post informed that she recently met with Mrs. Bergin, Mr. Hamilton and Mr. Tosi to discuss tax appeals for 2012. This situation is a problem when trying to budget for the year 2012. She informed that the Assessor had previously requested from the County to do a reassessment in Little Falls. Mayor Post said she will be appealing to the State for a town-wide reassessment; she feels very confident about this. She also informed that she attended Fire Company #1 and Fire Company #2's Installation Dinners; she thanked all of the firefighters for all they do and congratulated those who were installed. Regarding the traffic signs requested by Little Falls ABC, Mr. Simone informed that they will be put in place as soon as they are received. She also thanked Mr. Pace for hosting the Easter egg hunt and she thanked the Library for the opportunity to read to the children.

**ATTORNEY'S REPORT**

Mr. Tosi gave a brief report regarding tax appeals, noting that this has become a big problem in Little Falls. With regard to billboard advertising, he explained that he has been in touch with All Vision and they will be supplying him with documents so they can move forward with this.

**ADMINISTRATOR'S REPORT**

Mrs. Bergin reported as follows:

*FEMA Mitigation Project:* As you know, the Township has applied to the NJDEP Green Acres Program (Blue Acres) for the bridge funds needed to acquire the properties included in the SRL Round 1 and 2 applications. The state had indicated it would make its funding announcements by December 2011. That did not occur. However, the

## Meeting of April 23, 2012

Blue Acres representatives have indicated what I believe is a very compelling reason why we are experiencing continued delays. Representatives have said it would be easy to say no and move on simply because they received millions more in requests than available funding. In the case of Little Falls, they believe greatly in our project and the need to acquire homes as opposed to elevate. They have indicated that rather than decline our application, they are thinking outside of the box and looking for every possible resource to match or leverage funds in order to provide us with the acquisition funds. So, yes, we wait, but I believe we're waiting with good reason. An update to this effect has gone out to all property owners in both rounds.

On April 3, I was invited to attend a presentation being made by FEMA, Blue Acres and the New Jersey Office of Emergency Management before a subcommittee of the Passaic County Freeholder Board. The Freeholder Board requested this meeting to learn more about FEMA's mitigation plans for municipalities within the County. While not on the agenda to speak, I was asked to do so to help the Freeholders Committee understand more about the day-to-day impact of these projects. Fortunately, I had maps and photos which I used to help tell our story of flooding, the Township Council's strategy to leave no one behind, and our need for funding to get people out of harm's way once and for all. I left that room fully confident that Little Falls will be at the table when the County meets to decide how it will spend the money coming from the federal government through Housing and Urban Development (HUD) program specific for flood mitigation and that acquisition funding would be incorporated into the County's plans for open space.

In other news, the application the Township submitted in September to mitigation another 12 properties (known as SRL Round 3) was denied due to lack of funds. Letters have gone out to those property owners and we will continue to work to find ways to provide flood-prone properties with a mitigation plan.

*NJDEP:* On April 12, I attended a meeting hosted by the NJDEP to outline the Pompton Lake Dam Floodgate Operations Study as prepared by an outside consultant. I invited resident Dorothy O'Haire to join me for the meeting on behalf of the Flood Board. The study found that the Pompton Lakes Dam Gates are performing as designed with no significant increases in the downstream impacts. The report was not embraced by all communities in attendance and is being reviewed by the NJDEP. Commissioner Bob Martin and staff also gave an overview of the recommendations of the Passaic River Basin Flood Advisory Commission. The recommendations include many of things we are already doing such as floodplain property acquisition, structure elevations in floodplains, as well as other impactful approaches such as federal open space acquisition and preservation to increase flood storage areas, cleaning feeder dams, enhancing the Passaic River flood warning system and de-snagging. I have copies of both reports if anyone is interested, please let me know.

*Community Rating System:* Mayor Post has convened a committee to examine ways to improve the Township's rating as part of the Community Rating System. On April 18, I participated in a meeting with the Mayor, Nick Agnoli from our Flood Board, Joe Maccones, a representative from the NJDEP and ISO (the insurance group that oversees the CRS). Mr. Maccones and I serve as co-coordinators of the CRS Program and will be working together in the coming months to improve the Township's rating. The CRS rating in Little Falls is currently a 9 and the goal is to lower that to a 7 in the immediate future and then eventually down to a 5. A rating of 5 will save residents \$450.00 per year on their flood insurance. Special thanks to Mr. Agnoli for giving his time and talent to this effort. We will continue working on this important initiative throughout the year.

*Grants:* The New Jersey Transit application for a new bus as needed for senior citizen transportation has been submitted. This week, I will be processing a FEMA Assistance to Firefighters Grant in the Fire Prevention and Safety category for fire prevention programs and educational materials to be offered throughout our schools and community groups. I will be working on the Passaic County Open Space Trust Fund application due June 22.

*From the Fire Department:* The Little Falls Fire Department responded to a reported garage fire on Wednesday April 18, to 101 Stevens Ave. Upon arrival within three (3) minutes, a 2-story garage w/ loft was fully involved, along with a GMC Yukon vehicle parked in front of the garage. A second vehicle was also damaged. The main body of fire was knocked down in 10 minutes. The fire was brought under control within 30 minutes. There were no injuries. All companies returned and were back in service within 1 hr. and 15 minutes. No mutual aid was received and none was requested.

Mr. Simone referred to Wilmore Road Park, and said they are expecting to receive the new playground equipment next week. He also informed that the bronze plates for the time capsule have been removed, noting that someone must have been tampering with them. The plates are now in his office.

With regard to the new recycling containers, he informed that approximately 625 containers have been claimed. The next newsletter will include information about the containers to inform all of the residents.

Mr. Lindsay said there was a meeting at the County last week regarding Clove Road. They have confirmed that the plan they are proceeding with is the one the Council endorsed. The County is now proceeding with the design and they expect to have some plans ready in about six months. They plan to have an informational meeting with residents in the next six months so they can see what is going on. They anticipate that it will take a full year and a half until they go out to bid. They anticipate to start this project between 2013 and 2014.

Mr. Lindsay also informed that the tennis courts were paved earlier this month and the fencing was installed. They anticipate that the surfacing will be completed this week.

Council President FONTANA referred to the Clove Road project and pointed out that Mr. Lindsay previously provided a timeline to the Council of the project. Mr. Lindsay explained that they must complete this within a certain period of time; the funder was at this meeting and they discussed scheduling. Councilmember SISCO asked if they would leave Upper Mountain Avenue alone. Mr. Lindsay said they will be installing curbs and doing some work on the shoulders, which will have some impact, but no substantial loss of property. There was some significant impact on Clove Road.

### **PUBLIC PORTION**

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

## Meeting of April 23, 2012

Poll: Ayes: Gonzalez, Porter, Sisco and Council President Fontana  
Nays: None

The Council President declared the motion passed.

Arlene Krell, 23 Clove Road, asked when they will start working on Clove Road and Long Hill Road.

Al Attianese, 27 Dewey Avenue, directed his comments to the Mayor with regard to the recent posting of the Mayor's message on the website. He explained that the Township's elected officials are never willing to take responsibility when the residents will be faced with an increase in taxes. He explained that someone must take responsibility for the 400 tax appeals pending in town. In the Mayor's message, Mayor Post refers to the new Business Administrator as well as the new Attorney and the three percent increases for the Township employees. The Police Department and the DPW are under bargaining units, but the other employees don't have a contractual obligation to receive that increase. He explained that whether these issues were inherited or not, if the elected officials voted on these matters, then they must bear some responsibility.

Louis Fernandez, 54 Harrison Street, referred to Mr. Attianese's comments regarding being accountable, and pointed out that the Council will vote on the Budget this evening. He said the average homeowner will see an increase of about \$400 on their tax bills; this is unacceptable. He asked the Council to consider the residents before voting to adopt the Budget tonight.

Brian Reynolds, 7 Notch Road, explained that the agendas which are posted on the website are still the preliminary agendas and should be replaced. Referring to those residents who will have their homes bought out, he asked if they would receive current assessed value for their homes.

Ron Borges, 59 Morningside Circle, said the residents do not feel that they are getting fair value for their property taxes and they don't want to live in town anymore. He also said that the community is in terrible condition. He referred to Wilmore Road Park, and said there are large trucks and vehicles that are parking on the grass; there must be a better place for them to park. He also explained that PSE&G has been cutting trees down around town. He asked if anyone is monitoring this.

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

Poll: Ayes: Gonzalez, Porter, Sisco, Vantuno and Council President Fontana  
Nays: None

The Council President declared the motion passed.

Mr. Lindsay said his notes reflect that the earliest they can start work on Clove Road is in 2014; they may start in 2015. They anticipate one year for construction.

Council President FONTANA agreed with Mr. Attianese's comments about responsibility.

President FONTANA also agreed with Mr. Fernandez, but explained that there is not much for them to cut in the Budget.

Mr. Picone referred to this year's Budget that is being adopted this evening and informed that there is an impact to the average homeowner of \$87.00 and a 2.9% increase. Councilmember SISCO asked if they have taken into account the tax appeals or the bonding.

Mr. Wilk pointed out that the agendas clearly state that they are drafts and that they will not be updated; the Council opted not to change that.

Mrs. Bergin said FEMA requires the Township hire a Certified Appraiser who goes out and conducts that in a pre-storm condition. It is an appraised value that is determined.

President FONTANA disagreed with Mr. Borges. He appreciated him bringing things to his attention and said they would try to address them as they come up. He also informed that Wilmore Road is not a Township road; Mr. Lindsay confirmed that it is a County road, noting that they don't have any control, but they can request curbing.

Council President FONTANA agreed that the park is a disaster. Mr. Lindsay informed that the County has a plan for the park; he said he would contact them and report back to the Council about this. President FONTANA said they would discuss this further.

Mr. Simone explained that he has stopped his workers from going into the Dunkin Donuts parking lot due to congestion. He will see if they can come up with another plan for them to park on a side street.

Mr. Simone said he would reach out to PSE&G about cutting the trees; he will try to get a report on this for the Council.

### 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.

### REPORTS

Municipal Clerk's Report – Month of March 2012

**Meeting of April 23, 2012**

MUNICIPAL CLERKS REPORT  
Month of March 2012

|                               |          |                   |
|-------------------------------|----------|-------------------|
| ABC LICENSES                  |          |                   |
| OTHER LICENSES                |          |                   |
| Business Licenses             | \$550.00 |                   |
| Pre-paid Business Licenses    |          |                   |
| Raffle Licenses               | 810.00   | \$1,360.00        |
|                               |          |                   |
| REGISTRAR OF VITAL STATISTICS |          |                   |
| Fees & Permits                | \$744.00 |                   |
| Marriage Licenses-LF          | 12.00    |                   |
| Marriage Licenses-NJ          | 100.00   | \$856.00          |
|                               |          |                   |
| MRNA                          |          |                   |
| Street Maps                   |          |                   |
| Zoning Maps                   |          |                   |
| Zoning Ordinances             |          |                   |
| Document Copies               | \$68.55  |                   |
| Garage Sales                  | 20.00    |                   |
| Misc. Fees & Refunds:         |          |                   |
|                               |          |                   |
| TOTAL MRNA                    |          | \$88.55           |
| TOTAL CURRENT ACCOUNT         |          | <u>\$2,304.55</u> |
| TOTAL TO TREASURER            |          | <u>\$2,304.55</u> |

Municipal Clerk's Dog/Cat License Report – Month of March 2012  
MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT  
Month of March 2012

|   |  |                |
|---|--|----------------|
| <b>Dog Licenses issued 03/31/2012 thru 03/31/2012</b> |  |                |
| Nos. 451 to 452 = 2 Licenses                          |  |                |
| Amount due Little Falls                               |  | \$13.60        |
| Amount due State                                      |  | 2.40           |
| Total Cash Received                                   |  | \$16.00        |
|   |  |                |
| Total to Treas.                                       |  | <u>\$16.00</u> |

Certificate of Determination and Award for the \$2,000,000 Tax Anticipation Note Authorized on April 2, 2012

Tax Collector's Report – Month of March 2012  
**MONTHLY REPORT**

**Revised 04/03/12**

Municipality of Township of Little Falls  
Office of the Tax Collector  
Revenues Collector for the Month of March 2012  
Tax Collection Current Account #622402226 Lakeland Bank

| Categories                   | To March 30, 2012   | 2012 Year to Date      |
|------------------------------|---------------------|------------------------|
| 2012 Taxes                   | \$163,780.01        | \$10,052,599.16        |
| 2011 Taxes                   | 52,925.51           | 289,192.20             |
| 2010 Taxes                   | 0.00                | 799.70                 |
| Prepaid 2013 Taxes           | 0.00                | 0.00                   |
| Interest                     | 6,094.01            | 23,501.49              |
| Township Tax Title Lien      | 0.00                | 0.00                   |
| Township Tax Title Lien Int. | 0.00                | 0.00                   |
| Cost of Tax Sale             | 1,176.82            | 1,176.82               |
| Outside Tax Liens            | 11,604.83           | 140,058.91             |
| Duplicate Tax Bills          | 10.00               | 75.00                  |
| Tax Searches                 | 0.00                | 0.00                   |
| Insufficient Check Charge    | 20.00               | 80.00                  |
| 6% Penalty Fee               | 745.81              | 5,296.22               |
| Misc. Line Item Fee          | 0.00                | 0.00                   |
| Premium Outside Lien         | 0.00                | 0.00                   |
| Tax Sale Additional Fee      | 50.00               | 50.00                  |
| Municipal Copy Fee           | 0.00                | 0.00                   |
| <b>GRAND TOTALS</b>          | <b>\$236,406.99</b> | <b>\$10,512,829.50</b> |

|                                 |                     |                      |
|---------------------------------|---------------------|----------------------|
| Comparison of Years             |                     |                      |
| March 1, 2012 to March 30, 2012 | \$236,406.99        | \$10,512,829.50      |
| March 1, 2011 to March 31, 2011 | <u>291,759.17</u>   | <u>10,055,891.47</u> |
|                                 | <b>-\$55,352.18</b> | <b>+\$456,938.03</b> |

|                               |  |
|-------------------------------|--|
| Delinquent 2012 Taxes         | \$270,315.53 (1 <sup>st</sup> Qtr.) 151 line items.                              |
| Delinquent 2011 Taxes         | <u>259,260.67</u> (1 <sup>st</sup> -4 <sup>th</sup> Qtrs.) 47 tax sale 04/19/12. |
| <b>Total Delinquent Taxes</b> | <b>\$529,576.20</b>  |

|  |  |
|--|--|
| <b>Comparison same time last year:</b> |  |
| Delinquent 2011 Taxes                  | \$268,416.10 (1 <sup>st</sup> Qtr.) 157 line items.                              |
| Delinquent 2010 Taxes                  | <u>289,348.78</u> (1 <sup>st</sup> -4 <sup>th</sup> Qtrs.) 70 tax sale 06/15/11. |
| <b>Total Delinquent Taxes</b>          | <b>\$557,764.88</b>  |

|  |           |
|--|-----------|
| <b>2012 Refunds this month =</b>                       | -\$0.00   |
| <b>2012 Year to date refunds =</b>                     | -\$470.19 |
| <b>Refunds for other Years in 2012 (see attached).</b> |           |

**Meeting of April 23, 2012**

2012 Insufficient check charge backs (year to date) = **-\$23,840.53**.

**APPLICATIONS**

Little Falls Fire Department Auxiliary Jr. Firefighter – Frank Conti, First Avenue, Enterprise Fire Company #2

- Raffles - - Missionary Sisters of the Immaculate Conception, Tricky Tray, 6/3/12, 3:00 p.m. – 5:00 p.m.
- - Missionary Sisters of the Immaculate Conception, On –Premise 50/50, 6/3/12, 3:00 p.m.-5:00 p.m.
- - Holy Cross Church, Tricky Tray, 10/26/12, 6:00 p.m. – 10:00 p.m.
- - Holy Cross Church, Off-Premise 50/50, 10/26/12, 6:00 p.m. – 10:00 p.m.
- - Give the Kids Hope Foundation, On-Premise 50/50, May 2012 – December 2012, 4:00 p.m.
- - St. George Antiochian Orthodox Church, 6/15/12, 6pm-11pm, 6/16/12, 5pm-11pm, 6/17/12, 1pm-8pm
- - Our Lady of the Holy Angels Church, Games of Chance, 6/22/12, 6pm-10pm, 6/23/12, 2pm-10pm
- - Our Lady of the Holy Angels Church, On-Premise 50/50, 6/22/12, 6pm-10pm, 6/23/12, 2pm-10pm

**RESOLUTIONS**

Riddick Associates, P.C.

RESOLUTION [A] 12-04-23 - #1

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:  
\$900.00

payable to:

Riddick Associates, P.C.

representing payment for legal services rendered in connection with Ciasulli/Lexus – Lots 7 & 8 – Inspection and administrative requirements in connection with approved site plan; 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.

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NJ Dept. of Health – Dog License Fees

RESOLUTION [B] 12-04-23 - #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:

\$1.20

payable to:

NJ State Dept. of Health

representing payment of State dog license fee, license Nos. 451 to 451 for the month of March 2012.

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Treasurer, State of NJ – Marriage License/Civil Union Fees

RESOLUTION [C] 12-04-23 - #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:

\$175.00

payable to:

Treasurer, State of NJ

representing 1<sup>st</sup> Quarter 2012 Marriage License/Civil Union Fees.

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Welfare

RESOLUTION [D] 12-04-23 - #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:

\$1,470.00 (\$210.00 each)

payable to:

Welfare Clients #55, 60, 61, 63, 66, 68 & 69

representing payment of Self-Care for the month of April 2012 be and the same is hereby authorized and ratified.

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Payment to Lienholder of Redeemed Tax Certificate

RESOLUTION [E] 12-04-23- #5

**WHEREAS**, at the Municipal Tax Sale held on June 15, 2011, a lien was sold on Block 186.01 Lot 5, known as Robert & Maria Dixon of 5 Lynn Place, Little Falls, NJ, for 2010 delinquent taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #2011-15, was sold to Robert U. DelVecchio, Pension Trust, for a premium amount of \$5,500.00; and

**WHEREAS**, Ms. Dixon has effected redemption of Certificate #2011-15 in the amount of \$11,604.83;

**NOW, THEREFORE BE IT RESOLVED**, that the Treasurer be authorized to issue a check in the amount of \$17,104.83 payable to Robert U. DelVecchio, Pension Trust; P.O. Box 196, Hawthorne, NJ 07507 for the redemption of Tax Sale Certificate #2011-15. **This check shall be forwarded to the Tax Collector on April 24, 2012** as she must surrender the tax sale certificate before Mr. DelVecchio receives payment.

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

Poll: Ayes: Gonzalez, Porter, Sisco, Vantuno and Council President Fontana  
Nays: None

The Council President declared the motion passed.

**REGULAR AGENDA**

The following items were individually considered.

## Meeting of April 23, 2012

### INTERDEPARTMENTAL

Finance - - It was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, that the Council approve the following:

RESOLUTION [F] 12-04-23 - #6

WHEREAS, the Director of the Division of Local Government Services has formally directed all municipalities to adopt a Corrective Action Plan as part of their annual audit process; and

WHEREAS, this Corrective Action Plan shall be submitted to the Director of Local Government Services upon adoption of the Governing Body and it shall be kept on file with the Township Clerk; and

WHEREAS, the Plan shall cover all audit findings and recommendations and be prepared in accordance with the Single Audit Act OMB Circular 128 and Local Finance Notice of 92-15; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council hereby approves the attached Corrective Action Plan for the 2011 Annual Audit;

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to maintain said Plan in Township files, available to the public.

BE IT FURTHER RESOLVED that a certified copy of this Resolution, including the Corrective Action Plan, be forwarded to the Director of the Division of Local Government Services.

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### NEW BUSINESS

Ordinance No. 1152 – It was moved by Councilmember Porter, seconded by Councilmember Vantuno, that the public hearing on Ordinance No. 1152, **“TOWNSHIP OF LITTLE FALLS, PASSAIC COUNTY, NEW JERSEY CALENDAR YEAR 2012 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A-4-45.14)”**, be and it was opened.

Poll:           Ayes:           Gonzalez, Porter, Sisco, Vantuno and Council President Fontana  
                  Nays:           None

The Council President declared the motion passed.

Mr. Picone provided an explanation of this ordinance. This provides the municipality with flexibility. This budget is \$250,000 under that cap.

Raymond Kostrowski, 170 Donato Drive, questioned what happens after two years. Mr. Picone explained that it just drops off after those two years and clarified further.

Brian Reynolds, 7 Notch Road, asked if funds would be raised and set aside for this. Mr. Picone explained that this \$98,000 is not being utilized in the current budget, but it is being set aside and banked for possible future use.

No one further having come forward to be heard, it was moved by Councilmember Gonzalez, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1152, be and it was closed.

Poll:           Ayes:           Gonzalez, Porter, Sisco, Vantuno and Council President Fontana  
                  Nays:           None

The Council President declared the motion passed.

It was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, that the Ordinance No. 1152, be and it was adopted.

Poll:           Ayes:           Gonzalez, Porter, Sisco, Vantuno and Council President Fontana  
                  Nays:           None

The Council President declared the motion passed.

Public Hearing of Amendment to 2012 Municipal Budget – It was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, that the hearing on the amendment to the 2012 Municipal Budget be opened.

Poll:           Ayes:           Gonzalez, Porter, Sisco, Vantuno and Council President Fontana  
                  Nays:           None

The Council President declared the motion passed.

Matthew Kadosh, Passaic Valley Today Newspaper, asked why the tax levy is increasing.

Mr. Picone said there are many different components to this Budget amendment, noting that there are some line items that are increasing and decreasing. The overall net effect is to increase the taxes by a certain amount.

No one further having come forward to be heard, it was moved by Councilmember Porter, seconded by Councilmember Vantuno, that the hearing be and it was closed.

Poll:           Ayes:           Gonzalez, Porter, Sisco, Vantuno and Council President Fontana  
                  Nays:           None

The Council President declared the motion passed.

Resolution Adopting the 2012 Municipal Budget – It was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, that the Council approve the following:

RESOLUTION ADOPTING THE 2012 MUNICIPAL BUDGET [G]#7

Poll:           Ayes:           Gonzalez, Porter, Vantuno and Council President Fontana  
                  Nays:           Sisco

The Council President declared the motion passed.

**Meeting of April 23, 2012**

Requesting Approval for Authorization of Emergency Appropriation – Tax Appeal Refunds – It was moved by Councilmember Vantuno, seconded by Councilmember Porter, that the Council approve the following:

RESOLUTION [H] 12-04-23 - #8

Resolution Re: Requesting Approval for Authorization of an Emergency Appropriation in Accordance with N.J.S.A. 40A:4-46 – Tax Appeal Refunds

WHEREAS, an emergency has arisen with respect to tax appeal refunds due to substantial unanticipated and unforeseen tax appeals, and WHEREAS, no adequate provision was made in the 2012 budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is .....\$200,000 and, three percent (3%) of the total operating appropriations in the budget for the fiscal year 2012 is .....\$362,233.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Little Falls, in the County of Passaic, State of New Jersey, that in accordance with N.J.S.A. 40A:4-48, petition be made to the Director of the Division of Local Government Services for the creation of an appropriation set forth in the preamble in accordance with the following:

1. An emergency appropriation be and the same is hereby made for:  
Tax Appeal Refunds \$200,000
2. Said emergency appropriation shall be provided for in full in the 2012 budget.
3. That funds for the appropriation shall be provided from surplus funds on hand.
4. That an “Emergency Note” may be executed by the Chief Financial Officer and by the Township Clerk.
5. That two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services.
6. That the statements required by the Local Finance Board have been filed with the Clerk and a copy thereof will be transmitted to the Director of the Division of Local Government Services.
7. This resolution shall take effect after approval of the Director of the Division of Local Government Services.

\*\*\*\*\*

Mr. Picone gave an explanation of this resolution.

Poll: Ayes: Gonzalez, Porter, Vantuno and Council President Fontana  
Nays: Sisco

The Council President declared the motion passed.

Refund of 2010 Property Taxes – It was moved by Councilmember Porter, seconded by Councilmember Sisco, that the Council approve the following:

**RESOLUTION [I] 12-04-23#9**

WHEREAS, there is a State Tax Court Judgment on Block 201 Lot 10, known as Levco of 1200-1230 Rt 46W for the Year 2010 reducing the assessed value by \$120,100.00;

**YEAR 2010**

|                     |                     |
|---------------------|---------------------|
| Original Assessment | \$2,420,100.00      |
| STCJ                | <u>2,300,000.00</u> |
| Difference          | 120,100.00          |
| '10 Tax Rate        | x 2.062%            |
|                     | \$2,476.46          |

WHEREAS, the Tax Collector authorizes the CMFO/Treasurer to refund the total amount of \$2,476.46 for the Year 2010 payable to Levco, Plaintiff and/or The Irwin Law Firm, P.A., as attorneys for to “Levco, Plaintiff”; mail to: The Irwin Law Firm, P.A., 80 Main Street, Suite 410, West Orange, NJ 07052; and

WHEREAS, the above monies shall be refunded on or before April 17, 2012 as per the Stipulation of Settlement dated November 29, 2011 whereas statutory interest shall be waived if paid 60 days of the date of entry of the Tax Court Judgment (date of entry was February 17, 2012); however, the Irwin Law Firm has graciously consented to a ten (10) day extension for the payment to be received in their office no later than Friday, April 27, 2012 which was requested and confirmed by Jeffrey Trapanese, Esq.

**NOW,**

**THEREFORE BE IT RESOLVED** by the Township Council of Little Falls on this 23rd day of April 2012 that the above attorney and taxpayer be refunded the total amount of \$2,476.46 for the overpayment of taxes due to a State Tax Court Judgment on Block 201 Lot 10.

\*\*\*\*\*

Mr. Wilk provided a brief explanation of this resolution. In response to Councilmember GONZALEZ, Mr. Tosi informed that the Township does win some tax appeals. Mr. Tosi explained that the Assessor must give a fair assessment, but the Township has won a number of appeal cases.

Poll: Ayes: Gonzalez, Porter, Sisco, Vantuno and Council President Fontana  
Nays: None

The Council President declared the motion passed.

Refund of 2011 Property Taxes – It was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, that the Council approve the following:

**RESOLUTION [J] 12-04-23#10**

WHEREAS, there is a State Tax Court Judgment on Block 201 Lot 10, known as Levco of 1200-1230 Rt 46W for the Year 2011 reducing the assessed value by \$220,100.00;

**YEAR 2011**

|                     |                     |
|---------------------|---------------------|
| Original Assessment | \$2,420,100.00      |
| STCJ                | <u>2,200,000.00</u> |
| Difference          | 220,100.00          |
| '11 Tax Rate        | x 2.145%            |
|                     | \$4,721.15          |

WHEREAS, the Tax Collector authorizes the CMFO/Treasurer to refund the total amount of \$4,721.15 for the Year 2011 payable to Levco, Plaintiff and/or The Irwin Law Firm, P.A., as attorneys for to “Levco, Plaintiff”; mail to: The Irwin Law Firm, P.A., 80 Main Street, Suite 410, West Orange, NJ 07052; and

WHEREAS, the above monies shall be refunded on or before April 17, 2012 as per the Stipulation of Settlement dated November 29, 2011 whereas statutory interest shall be waived if paid 60 days of the date of entry of the Tax Court Judgment (date of entry was February 17, 2012);

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however, the Irwin Law Firm has graciously consented to a ten (10) day extension for the payment to be received in their office no later than Friday, April 27, 2012 which was requested and confirmed by Jeffrey Trapanese, Esq.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of Little Falls on this 23rd day of April 2012 that the above attorney and taxpayer be refunded the total amount of \$4,721.15 for the overpayment of taxes due to a State Tax Court Judgment on Block 201 Lot 10.

\*\*\*\*\*

Poll: Ayes: Gonzalez, Porter, Sisco, Vantuno and Council President Fontana  
 Nays: None

The Council President declared the motion passed.

Refund of 2010 Property Taxes – It was moved by Councilmember Sisco, seconded by Councilmember Fontana, that the Council approve the following:

**RESOLUTION [K] 12-04-23#11**

**WHEREAS**, there is a State Tax Court Judgment on Block 200 Lot 2, known as Saturn Realty of Little Falls LLC of 1655 Route 46 East for the Year 2010 reducing the assessed value by \$1,492,100.00;

**YEAR 2010**

|                     |                      |
|---------------------|----------------------|
| Original Assessment | \$12,492,100.00      |
| STCJ                | <u>11,000,000.00</u> |
| Difference          | 1,492,100.00         |
| '10 Tax Rate        | x 2.062%             |
|                     | \$30,767.10          |

**WHEREAS**, the Tax Collector authorizes the CMFO/Treasurer to refund the total amount of \$30,767.10 for the Year 2010 payable to Saturn Realty of Little Falls, LLC, Plaintiff and/or The Irwin Law Firm, P.A., as attorneys for “Saturn of Little Falls, LLC, Plaintiff”; mail to The Irwin Law Firm, 80 Main Street #410, West Orange, NJ 07052; and

**WHEREAS**, the above monies shall be refunded on or before April 17, 2012 as per the Stipulation of Settlement dated November 29, 2011 whereas statutory interest shall be waived if paid 60 days of the date of entry of the Tax Court Judgment (date of entry was February 17, 2012); however, the Irwin Law Firm has graciously consented to a ten (10) day extension for the payment to be received in their office no later than Friday, April 27, 2012 which was requested and confirmed by Jeffrey Trapanese, Esq.

**NOW,**

**THEREFORE BE IT RESOLVED** by the Township Council of Little Falls on this 23rd day of April 2012 that the above attorney and taxpayer be refunded the total amount of \$30,767.10 for the overpayment of taxes due to a State Tax Court Judgment on Block 200 Lot 2.

\*\*\*\*\*

Councilmember PORTER questioned this resolution, as well as Resolution [L]. Mr. Wilk pointed out that each resolution is a tax refund for a different year.

Poll: Ayes: Gonzalez, Porter, Sisco, Vantuno and Council President Fontana  
 Nays: None

The Council President declared the motion passed.

Refund of 2011 Property Taxes – It was moved by Councilmember Gonzalez, seconded by Councilmember Porter, that the Council approve the following:

**RESOLUTION [L] 12-04-23#12**

**WHEREAS**, there is a State Tax Court Judgment on Block 200 Lot 2, known as Saturn Realty of Little Falls LLC of 1655 Route 46 East for the Year 2011 reducing the assessed value by \$2,492,100.00;

**YEAR 2011**

|                     |                      |
|---------------------|----------------------|
| Original Assessment | \$12,492,100.00      |
| STCJ                | <u>10,000,000.00</u> |
| Difference          | 2,492,100.00         |
| '11 Tax Rate        | x 2.145%             |
|                     | \$53,455.55          |

**WHEREAS**, the Tax Collector authorizes the CMFO/Treasurer to refund the total amount of \$53,455.55 for the Year 2011 payable to Saturn Realty of Little Falls, LLC, Plaintiff and/or The Irwin Law Firm, P.A., as attorneys for “Saturn of Little Falls, LLC, Plaintiff”; mail to The Irwin Law Firm, 80 Main Street #410, West Orange, NJ 07052; and

**WHEREAS**, the above monies shall be refunded on or before April 17, 2012 as per the Stipulation of Settlement dated November 29, 2011 whereas statutory interest shall be waived if paid 60 days of the date of entry of the Tax Court Judgment (date of entry was February 17, 2012); however, the Irwin Law Firm has graciously consented to a ten (10) day extension for the payment to be received in their office no later than Friday, April 27, 2012 which was requested and confirmed by Jeffrey Trapanese, Esq.

**NOW,**

**THEREFORE BE IT RESOLVED** by the Township Council of Little Falls on this 23rd day of April 2012 that the above attorney and taxpayer be refunded the total amount of \$53,455.55 for the overpayment of taxes due to a State Tax Court Judgment on Block 200 Lot 2.

\*\*\*\*\*

Poll: Ayes: Gonzalez, Porter, Sisco, Vantuno and Council President Fontana  
 Nays: None

The Council President declared the motion passed.

Ordinance No. 1153 – It was moved by Councilmember Vantuno, seconded by Councilmember Porter, that there be introduced and the meeting of May 7, 2012 set as the date and time for the public hearing on the following:

**ORDINANCE NO. 1153**

**2012 LITTLE FALLS SALARY ORDINANCE**

| REGULAR OFFICERS AND EMPLOYEES                                    | METHOD OF PAYMENT |
|---|-------------------|
| <u>Title</u>  | <u>Semi-</u>      |
| <u>Monthly</u>  |                   |
| Administrator   | \$86,900.00       |
| Township Clerk/Assessment Search Officer/Reg. of Vital Statistics | \$122,642.21      |

**Meeting of April 23, 2012**

|  |                          |             |
|--|--------------------------|-------------|
| Deputy Township Clerk/Bd. Of Health Secretary                                      | \$50,000.00              |             |
| Deputy Registrar/Bd. Of Health Secretary, Township Clerk's Office                  | \$32,219.06              |             |
| Treasurer/Certified Municipal Finance Officer                                      | \$102,000.00             |             |
| Clerk, Treasurer's Office/Purchasing Agent   | \$38,410.92              |             |
| Clerk, General-Construction Office/Control Person/Assessor Office                  |                          | \$41,132.32 |
| Tax Collector - Full Time/Tax Search Officer                                       | \$76,371.78              |             |
| Clerk, Tax Collector Office, First six months                                      | \$21,218.00 -            |             |
| \$31,156.92  |                          |             |
| Clerk, Tax Collector Office, After six months                                      | \$22,278.90 -            |             |
| \$31,865.01  |                          |             |
| Supervisor of Fire, Senior   | \$39,966.49 -            |             |
| \$49,101.69  |                          |             |
| Supervisor of Fire Alarm, Assistant, After two years                               |                          |             |
| \$43,668.65  |                          |             |
| Supervisor of Fire Alarm, Assistant, After six months                              | \$38,296.80              |             |
| Supervisor of Fire Alarm, Assistant, First six months                              | \$34,214.38              |             |
| Fire Official, Bureau of Fire Prevention   | \$12,105.93              |             |
| Clerk, Fire Prevention Bureau  |                          |             |
| \$31,865.01  |                          |             |
| Court Administrator/Deputy Violations Clerk  |                          |             |
| \$57,957.15  |                          |             |
| Violations Clerk/Dep. Court Administrator  | \$33,956.49              |             |
| Construction Code/Building Subcode   | \$64,842.42              |             |
| Zoning and Housing Inspector   | \$27,977.73              |             |
| <b>Superintendent, DPW/Recycling Coordinator</b>                                   |                          |             |
| Foreman, DPW, on payroll before 12/31/96 (plus \$420 Maintenance Mechanic stipend) | \$70,476.52              |             |
| DPW Operator (A), on payroll before 12/31/96                                       | \$66,352.57              |             |
| DPW Operator (A), employed after 1/1/97, After 2 years                             | \$62,416.57              |             |
| DPW Operator (A), employed after 1/1/97, After 1 year                              | \$60,729.40              |             |
| DPW Operator (A), employed after 1/1/97, Start                                     | \$59,044.41              |             |
| DPW Operator (B), on payroll before 12/31/96                                       | \$61,800.27              |             |
| DPW Operator (B), employed after 1/1/97, After 1 year                              | \$57,356.15              |             |
| DPW Operator (B), employed after 1/1/97, Start                                     | \$55,670.07              |             |
| DPW Operator (C), on payroll before 12/31/96                                       | \$60,178.66              |             |
| Laborer/Driver hired after 1/1/97, After 7 years                                   | \$53,982.90              |             |
| Laborer/Driver hired after 1/1/97, After 6 years                                   | \$52,295.73              |             |
| Laborer/Driver hired after 1/1/97, After 5 years                                   | \$50,609.65              |             |
| Laborer/Driver hired after 1/1/97, After 4 years                                   | \$48,921.38              |             |
| Laborer/Driver hired after 1/1/97, After 3 years                                   | \$47,234.21              |             |
| Laborer/Driver hired after 1/1/97, After 2 years                                   | \$45,549.24              |             |
| Laborer/Driver hired after 1/1/97, After 1 year                                    | \$43,860.97              |             |
| Laborer/Driver hired after 1/1/97, After 6 months                                  | \$42,173.80              |             |
| Laborer/Driver hired after 1/1/97, Start   | \$40,488.82              |             |
| Township Mechanic  |                          |             |
| \$71,202.09  |                          |             |
| Sewer System Operator  |                          |             |
| \$60,729.40  |                          |             |
| Police Chief   | \$132,416.66             |             |
| Captain of Police  | \$118,405.89             |             |
| Lieutenant of Police   | \$112,361.19             |             |
| Sergeant Police  | \$105,135.05             |             |
| Corporal (after 12 years \$1,500 stipend)  | \$1,500.00               |             |
| Patrolman, hired after 9/1/98, after 7 years (at maximum)                          | \$97,125.87              |             |
| Patrolman, hired after 9/1/98, after 6.5 years                                     | \$92,671.62              |             |
| Patrolman, hired after 9/1/98, after 6 years                                       | \$88,218.76              |             |
| Patrolman, hired after 9/1/98, after 5.5 years                                     | \$83,763.13              |             |
| Patrolman, hired after 9/1/98, after 5 years                                       | \$79,307.54              |             |
| Patrolman, hired after 9/1/98, after 4.5 years                                     | \$74,854.66              |             |
| Patrolman, hired after 9/1/98, after 4 years                                       | \$70,400.42              |             |
| Patrolman, hired after 9/1/98, after 3.5 years                                     | \$65,943.46              |             |
| Patrolman, hired after 9/1/98, after 3 years                                       | \$61,489.22              |             |
| Patrolman, hired after 9/1/98, after 2.5 years                                     | \$57,036.34              |             |
| Patrolman, hired after 9/1/98, after 2 years                                       | \$52,579.39              |             |
| Patrolman, hired after 9/1/98, after 1.5 years                                     | \$48,125.15              |             |
| Patrolman, hired after 9/1/98, after 1 year  | \$43,670.89              |             |
| Patrolman, hired after 9/1/98, after .5 year                                       | \$39,215.30              |             |
| <b>Probationary Patrolman, first six months</b>                                    |                          | \$34,761.05 |
| Police Records Clerk   | \$47,582.80              |             |
| Police Dispatcher, after 2 years   | \$45,196.28              |             |
| Police Dispatcher, after six months  | \$39,828.80              |             |
| Police Dispatcher, first six months  | \$34,049.37              |             |
| Juvenile Officer   | \$463.50                 |             |
| Narcotics Officer  | \$463.50                 |             |
| Photography Officer  | \$231.75                 |             |
| Detective  | \$289.43                 |             |
| Emergency Management Coordinator   | \$10,000.00              |             |
| Senior Citizen Bus Driver/Coordinator  | \$19,743.39              |             |
| Recreation Director, first six months  | \$35,047.04              |             |
| Recreation Director, after six months  | \$38,190.81              |             |
| Assessor, Part-Time  | \$20,660.19              |             |
| <b>REGULAR OFFICERS AND EMPLOYEES</b>  | <b>METHOD OF PAYMENT</b> |             |
| <u>Title</u>   | <u>Monthly</u>           |             |
| Secretary to Shade Tree Commission   | \$1,267.56               |             |
| Township Attorney  | \$125,000.00             |             |
| Township Engineer  | \$3,926.16               |             |
| Counsel, Planning Board  | \$4,872.47               |             |
| Engineer, Planning Board   | \$7,260.08               |             |
| Secretary, Planning Board  | \$4,302.06               |             |
| Judge, Municipal Court   | \$45,367.84              |             |

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|   |             |
|---|-------------|
| Prosecutor                                    | \$17,790.69 |
| Electrical Sub-Code Official                  | \$14,759.47 |
| Plumbing Sub-Code Official                    | \$14,346.42 |
| Community Service Coordinator/Court Attendant | \$3,268.34  |
| Director, Public Assistance                   | \$12,198.11 |
| Member, Township Committee                    | \$2,000.00  |
| Mayor   | \$2,000.00  |

### HOURLY EMPLOYEES

|  | <u>Semi-monthly-per hour</u>                                    |
|--|---|
| Alliance Coordinator   | \$16.61   |
| Courtroom Security Attendant                                     | \$17.65   |
| Senior Inspector, Bureau of Fire Prevention                      | \$28.66   |
| Inspectors, Bureau of Fire Prevention                            | \$27.23   |
| Inspector/Clerical, Bureau of Fire Prevention                    | \$20.53   |
| Inspector, Code Enforcement                                      | \$20.53   |
| Fire Dept. Clerk   | \$15.32   |
| DPW Secretary/Assistant to Recycling Coordinator                 | \$16.10   |
| Part-time Permanent Clerk/Budget Coordinator Police Department   | \$20.80   |
| Recycling Aide   | \$10.38   |
| Laborer  | \$10.09   |
| Temporary Skilled Worker, depending on Qualifications<br>\$40.56 | \$8.95-   |
| Temporary Unskilled Worker<br>\$12.31                            | \$9.21-   |
| Temporary Building Supervisors                                   | \$9.93  |
| Assistant to Recreation Director – Part Time                     | \$15.08   |
| P/T Police Dispatcher - after 2 years                            | \$19.11   |
| P/T Police Dispatcher - after 6 months                           | \$18.05   |
| P/T Police Dispatcher - first six months                         | \$17.21   |
| Clerical and Secretarial<br>\$16.10                              | \$9.64-   |
| School Crossing Guard  | \$17.64   |
| Special Summer Help<br>Cleaner – Police Building                 | From Larger of NJ/Federal Minimum Wage to<br>\$10.08<br>\$16.43 |
| Parking/Dog regulations enforcement<br>\$12.65                   | \$11.38-  |

### Section 2. ADDITIONAL COMPENSATION

Deputy Township Clerk shall be paid \$45.00 per evening meeting worked, payable by voucher. Maintenance Mechanic, DPW, shall be paid an additional \$420.00 annually. Cleaner, Recreation Community Center shall be paid \$24 per cleaning, payable by voucher.

Police Dispatchers shall work a four-and-two schedule (four days at work followed by two days off) except that the Police Chief may, with the approval of the Township Council, designate one dispatcher to work a five-and-two schedule (five days at work, followed by two days off); a Police Dispatcher working a five-and-two shift shall be paid an additional \$500 annually. The Township administration reserves the right to require, at its discretion, that all Police Dispatchers work a five-and-two schedule upon payment of an additional \$500 each per year.

### Section 3. LONGEVITY

Except for new hires after January 1, 1998, there shall be added to and made a part of the remuneration for each full-time Township officer and employee and permanent part-time Township officer and employee who are regularly scheduled to work twenty (20) hours or more weekly for twelve (12) months a year, whether paid on an annual salary basis or hourly basis, other than members of the Police Department bargaining unit, who has completed or does hereafter during the current year complete five (5) years cumulative service in and for the Township of Little Falls, the sum of \$250.00 and an additional sum of \$250.00 for each additional five (5) years of cumulative service, but not to exceed a maximum of \$1,000.00, provided, however, that the cumulative service shall be consecutive and uninterrupted. All periods of employment shall be computed from January 1 of the year of appointment or employment unless the date of said appointment or employment took place on or after July 1, in which case said period of employment shall be computed from January 1 of the year following said employment or appointment. The provisions of Resolution #10 of March 20, 1995 are hereby ratified and confirmed and made a part hereof.

The Chief of Police shall be entitled to longevity pay based upon years of accumulative service to the Township at the following rates: upon completion of five (5) years of service – two (2%) percent; upon completion of ten (10) years of service – four (4%) percent; upon completion of fifteen (15) years of service – six (6%) percent; upon completion of twenty (20) years of service – eight (8%) percent; upon completion of twenty-four (24) years of service – ten (10%) percent.

### Section 4. OVERTIME and KEY EMPLOYEE VACATION

The following provisions of the within ordinance are subject to the provisions of any applicable Federal or State statute; and to the provisions of any applicable collective bargaining agreements.

- a. Key employees: The following employees, when employed full-time, are considered exempt key employees and designated management of their departments: Township Clerk, Chief Municipal Finance Officer, Construction Code Official, Superintendent of Public Works, Tax Collector, Tax Assessor and Court Administrator. Key employees shall not receive overtime nor any regimented compensatory time off in lieu of overtime but shall be paid on an annual salary basis as provided from time to time in the Salary Ordinance.
- b. In lieu of overtime or compensatory time off they shall receive an additional vacation week effective January 1, 1993. Overtime may be paid to key employees only upon authorization by the Mayor.
- c. Non-key employees: Overtime pay may be paid to or compensatory time off may be given to non-key employees; however, compensatory time must be used within the same year and may not be carried over. Compensatory time shall commence only after the employee has worked the prescribed work week. Authorized compensatory time shall be computed at one and one-half (1½) times the hourly rate.  
The hourly rate for overtime shall be computed by dividing the weekly rate by the number of hours in the employee's prescribed work week. In the case of a forty-hour work week, the employee shall be paid time and one-half after the full forty hours have been worked. For employees working a thirty-five hour week, compensation shall be at straight time for the first five hours of overtime worked; the time and one-half provisions shall take effect only after the full forty hours have been worked.
- d. Part-time employees: Part-time employees shall be paid overtime only when in a particular week they work a number of hours which under provisions of Federal or State Law requires the payment of overtime.

### Section 5.

The Counsel to the Rent Leveling Board shall be compensated for meetings attended in the amount of \$100.00 per meeting, payable by voucher.

### Section 6.

The Attorney to the Board of Health shall be compensated for meetings attended, payable by voucher.

### Section 7.

All salaries, compensation, retainer fees and longevity hereinabove set forth shall be effective as of January 1, 2012 and are hereby retroactive to that date save that employees who have left the Township's employ of their own volition or were terminated prior to adoption of the salary

## Meeting of April 23, 2012

ordinance shall not receive retroactive wage adjustment. In the event a new appointment or a change in appointment is or shall be made after January 1, 2012 the salary provisions therefor shall be retroactive only to the effective date of such new or changed appointment.

### Section 8.

Such deductions as may be required by law shall be made from the salaries, compensation and fees as hereinabove set forth.

### Section 9.

The Township Treasurer is hereby authorized to sign all payroll checks.

### Section 10.

The Township Auditor shall be paid for services actually rendered in accordance with the customary reasonable charges of the profession and upon the submission of vouchers.

### Section 11.

In addition to the salary provided in the within ordinance, the Township Engineer shall be paid for services actually rendered in accordance with the customary reasonable charges of the profession and upon the submission of vouchers.

### Section 12.

In addition to the salary provided in the within ordinance, the Township Attorney shall be paid for services actually rendered in accordance with the customary reasonable charges of the profession and upon the submission of vouchers.

### Section 13. HOLIDAYS

Permanent full-time officers and employees and permanent part-time Township officers and employees who are regularly scheduled to work twenty (20) hours or more weekly for twelve (12) months a year, whether paid on an annual salary basis or hourly basis, are entitled to the following paid Holidays:

|                  |  |
|------------------|--|
| New Year's Day   | General Election Day                                       |
| President's Day  | Columbus Day   |
| Good Friday      | Veterans' Day  |
| Memorial Day     | Thanksgiving Day   |
| Independence Day | Day After Thanksgiving                                     |
| Labor Day        | Christmas Day  |
|                  | One-half of the last work day preceding New Year's Day and |
|                  | One-half of the last work day preceding Christmas Day      |

Permanent part-time Township officers and employees who are regularly scheduled to work twenty (20) hours or more weekly for twelve (12) months a year, whether paid on an annual salary basis or hourly basis, shall receive holiday leave on a prorated basis.

When the requirements of their department demand employment on one or more of the specified holidays, the compensation time off shall be given at the rate of time and one-half, with the exception of the PBA negotiating unit, whose members are subject to PBA negotiated contract.

### Section 14.

In addition to the holidays set forth in Section 14, all full-time employees and part-time full-year employees paid by annual salary shall be entitled to two (2) personal days off each year, except as may be provided by collective bargaining contract.

### Section 15.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

### Section 16.

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

\*\*\*\*\*

Council President FONTANA pointed out that this ordinance sets the salaries for all of the positions in town.

Poll:           Ayes:           Gonzalez, Porter, Sisco, Vantuno and Council President Fontana  
                  Nays:           None

The Council President declared the motion passed.

Ordinance No. 1154 – It was moved by Councilmember Vantuno, seconded by Councilmember Porter, that there be introduced and the meeting of May 7, 2012 set as the date and time for the public hearing on the following:

ORDINANCE NO. 1154  
AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES  
OF THE TOWNSHIP OF LITTLE FALLS AS THEY RELATE TO THE ORGANIZATION OF THE PUBLIC WORKS AND LEGAL  
FUNCTIONS

ARTICLE 3-2.9 Administrative Organization Generally

Shall be DELETED in its entirety and replaced with the following:

3-2.9 Administrative Organization Generally

The administrative functions, powers and duties of the Township are allocated and assigned among and within departments and offices established/constituted by this code as follows:

A. Departments.

- (1) Department of Finance.
- (2) Department of Public Works
- (3) Department of Administration.

B. Separate offices, boards and commissions.

- (1) Municipal Clerk.
- (2) Municipal Court.
- (3) Tax Assessor.
- (4) Planning Board.
- (5) Board of Health.
- (6) Shade Tree Commission.
- (7) Environmental Commission.
- (8) Public Library.
- (9) Library Board of Trustees.
- (10) Local Assistance Board.
- (11) Municipal Alliance on Alcoholism and Drug Abuse.
- (12) Municipal Ethics Board.
- (13) Emergency Management Council.
- (14) Rent Leveling Board.
- (15) Historic Preservation Commission.

ARTICLE 3-6 Article VI through 3-6.9 Records and Papers

Shall be DELETED in their entirety and replaced with the following:

Article VI. Division of Law.

## Meeting of April 23, 2012

§ 3-6.1 Division generally. Within the Department of Administration, there shall be a Division of Law, the head of which shall be known as the Township Attorney.

§ 3-6.2 Township Attorney.

A. Position created. The position of Township Attorney is hereby created.

B. Appointment. The Township Attorney shall be appointed annually by the Mayor with the advice and consent of the Council. The Township Attorney need not serve on a full-time basis.

C. Compensation. The salary for the Township Attorney shall be as provided in the Salary Ordinance and shall be subject to such fees as shall be approved by the Council for all services at the time of his or her appointment, unless subsequently increased by the Council.

D. Duties. The Township Attorney shall perform the following duties:

(1) The Township Attorney, as head of the Division of Law, shall be the chief legal advisor of the Township government and all of its officers, departments, divisions and committees. He shall give his opinion and advise the Mayor and the Council when requested to do so on matters relating to the conduct of the Township government.

(2) Advise other department heads on matters relating to their duties and the business of the Township.

(3) Attend all regular meetings of the Mayor and Council and special meetings of the Mayor and Council upon request.

(4) Draft, prepare and/or review for form and sufficiency all ordinances, resolutions, contracts, deeds and other legal papers as may be necessary for the proper conduct of the public business and the due performance of the Mayor and Council.

(5) Prepare easement agreements, right-of-entry agreements when requested to do so by the Mayor and Council and shall prepare and process and perform those services relating to the acquisition of title when the Township government elects to acquire title to real estate.

(6) Supervise the Division of Law and all matters relating to that Division and supervise the conduct of any other employees or attorneys who are within the jurisdiction of that Division.

(7) Conduct or defend all litigation, arbitrations, administrative hearings, and/or appeals from orders, decisions or judgments affecting any interest of the Township as directed by the Mayor and Council.

(8) Subject to the approval of the Mayor and Council, he shall have the power to enter into any agreement, compromise or settlement of any litigation in which the Township is involved.

(9) Render opinions in writing upon any question of law submitted to him by the Mayor and Council with respect to their official powers and duties, or the powers and duties of any officer of the Township.

(10) Maintain a record of all actions, suits, proceedings and legal matters which relate to the Township's interest, and report thereon from time to time as the Mayor and Council may require.

(11) Have such other and different functions, powers and duties as may be provided by statute, ordinance or regulation.

§ 3-6.3 Special counsel.

Whenever he deems the interests of the Township so require, the Township Attorney may, with the approval of the Mayor and within the limits of available appropriations or bond issues, appoint special counsel to assist him in the preparation, trial or argument of such legal matters or proceedings as he may determine.

§ 3-6.4 Disqualification of Township of Attorney.

If the Township Attorney should be disqualified with respect to any matter, the Mayor may appoint special counsel, with the approval of the Council, to represent the Township for and with respect to such matter.

§ 3-6.5 Municipal Prosecutor.

A. Position created. The position of Municipal Prosecutor is hereby created.

B. Appointment. The Municipal Prosecutor shall be appointed by the Mayor for a term ending the 31st day of December next following his appointment.

C. Qualifications. The Municipal Prosecutor shall be an attorney-at-law duly admitted to practice in the State of New Jersey.

D. Compensation. The Municipal Prosecutor shall receive such compensation as shall be provided by the Council.

E. Duties. The Municipal Prosecutor shall conduct prosecutions for crimes and offenses cognizable by the Municipal Court of the Township of Little Falls, including violations of ordinances of the Township, complaints of any department under state law and violations of rules or regulations duly promulgated by any Township department or official, except such crimes and offenses as it may be the duty of the County Prosecutor to prosecute.

§ 3-6.6 Municipal Public Defender.

A. Position created. The position of Municipal Public Defender is hereby created.

B. Appointment. The Municipal Public Defender shall be appointed by the Mayor for a term ending the 31st day of December next following his appointment or such time thereafter until reappointed or a successor is appointed.

C. Qualifications. The Municipal Public Defender shall be an attorney-at-law of the State of New Jersey in good standing.

D. Compensation. The Municipal Public Defender shall receive such compensation as shall be provided by the Council.

E. Duties. The Municipal Public Defender shall represent indigent defendants to which the Public Defender is appointed in proceedings in the Municipal Court in accordance with the requirements and procedures set forth in the state statutes governing municipal public defenders, as same may be amended from time to time.

F. Representation fees. A person applying for representation by the Municipal Public Defender or Court-approved counsel must pay, unless waived by the Court, an application fee in an amount necessary to pay the costs of Municipal Public Defender services as set by the Court; however, such amount shall not exceed the amount set forth in Chapter 71, Fees. The Township shall have a lien on any property to which a defendant shall have or acquire an interest for an amount equal to the reasonable value of the services rendered to a defendant pursuant to law as calculated at the same rate as the Office of the Public Defender bills clients at that time. Such lien shall be effectuated at the option of the Council by its directing the Municipal Attorney to file a notice with the Clerk of the Superior Court in accordance with the provisions of the state statutes.

§ 3-7.5 Alternate Municipal Public Defenders.

In the interest of providing legal Council on an uninterrupted basis, the Township Council may, at its sole discretion, appoint up to three alternate Municipal Public Defenders so that Court activities may proceed in the event of the absence of the primary Municipal Public Defender.

§ 3-7.5 Rent Leveling Board Attorney.

A. Position created. The position of Rent Leveling Board Attorney is hereby created.

B. Appointment. A Rent Leveling Board Attorney may be appointed by the Mayor for a term ending the 31st day of December next following his appointment.

C. Qualifications. The Rent Leveling Board Attorney shall be an attorney-at-law duly admitted to practice in the State of New Jersey.

D. Compensation. The Rent Leveling Board Attorney shall receive such compensation as shall be provided by the Council.

E. Duties. The Rent Leveling Board Attorney shall attend all meetings of the Rent Leveling Board, as required, and advise said Board on the interpretation of the Township's rent control ordinances.

§ 3-6.9 Records and papers.

All papers, documents, memoranda, reports and all other materials relating to the administration of the Division of Law shall be and remain the property of the Township. Upon the termination of his service with the Township, the Township Attorney shall forthwith surrender to his successor all such property, together with a written consent to substitution of his successor in all legal actions and proceedings then pending to which the Township is a party, as the Township Council may require.

### ARTICLE 3-7.5 Division of Public Works

Shall be DELETED in its entirety and replaced with the following:

§ 3-7.5 Department of Public Works.

A. Department created. There shall be a Department Head for the Department of Public Works appointed by the Mayor, with advice and consent of the Council, who shall possess a current and valid New Jersey Certified Public Works Manager certificate.

B. Superintendent of Public Works.

(1) Position created. The position of Superintendent of Public Works is hereby created.

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- (2) Compensation. The Superintendent of Public Works shall receive as compensation such salary as is provided in the Salary Ordinance.
- (3) Appointment. The Superintendent of Public Works shall be appointed by the Mayor and the term of his office shall be in accordance with the provisions of statute.
- (4) Qualifications. The Superintendent of Public Works shall be qualified by training, experience and such certifications/licenses as required by statute for the duties of his office. He may be required to hold a professional engineer's license in the State of New Jersey.
- (5) Tenure. A person holding the office, position or employment as a full-time Municipal Superintendent of Public Works who has held the office, position or employment continuously for five years or more shall continue to hold the office, position or employment, notwithstanding he is serving for a fixed term, during good behavior and efficiency and shall not be removed there from for political or other reasons except for good cause, upon written charges filed with the Municipal Clerk, and after a public, fair and impartial hearing.
- (6) Duties and responsibilities. The Superintendent of Public Works shall supervise all personnel and operations of the department. The Superintendent shall supervise the operations of the following areas:
  - (a) Public buildings and grounds;
  - (b) Streets;
  - (c) Recycling;
  - (d) Municipal waste (solid waste garbage collection);
  - (e) Wastewater collection;
  - (f) Stormwater collection; and
  - (g) Repair and maintenance of mechanical equipment and vehicles.

### C. Sewer System Operator.

- (1) Qualifications. There shall be a sewer system operator who shall be qualified by training and possess all licenses required to operate the sewer system as required by NJDEPE.
- (2) The operator shall work under the supervision of the Superintendent of Public Works.
- (3) Compensation. The compensation for the Sewer System Operator shall be as provided in the Salary Ordinance.
- (4) Duties. The duties of the Sanitary Sewer Collection System Operator shall be to operate the sanitary sewer collection system as required by statute and by Department of Environmental Protection and Energy. The duties of the Sewer System Operator may be carried out by the Superintendent of Public Works, if qualified.

### D. Public Works Foreman.

- (1) Appointment. There shall be a Public Works Foreman, who shall be appointed by the Mayor.
- (2) The Foreman shall be subordinate to the Superintendent of Public Works and shall perform such duties as shall be assigned to him by the Superintendent of Public Works in addition to his responsibility to provide supervision of all Public Works employees.
- (3) Compensation. The compensation for Foreman shall be as provided in the Salary Ordinance.

E. Department personnel. In addition to the employees specifically provided for herein, the department may employ such other personnel, subject to the approval of the Mayor and within the limits of available appropriations, to carry out the functions of the department.

### F. Buildings and grounds.

- (1) The Department of Public Works shall be responsible for buildings and grounds owned by the Township.
- (2) Duties and responsibilities. Under the direction of the Superintendent, the department shall:
  - (a) Operate and maintain public buildings owned by the Township.
  - (b) Provide for, or supervise the care, maintenance, and repair of the utilities within such buildings and grounds, such as heating, air conditioning, traffic signals, and the like.
  - (c) Trim, plant and care for trees, public parks and greens.
  - (d) Administer Township-owned properties.
  - (e) Maintain and repair fields, playgrounds, recreational areas and facilities, as requested by the Recreation Director to the Superintendent of Public Works, within a reasonable time.
  - (f) Review, record and submit readings of all water meters within the Township to the Administrator. Readings shall be taken in accordance with a schedule indicated.
  - (g) Provide custodial and janitorial services for all Township buildings.

### G. Street services.

- (1) The Department of Public Works shall be responsible for servicing all public streets in the Township.
- (2) Duties and responsibilities. Under the Direction of the Superintendent, the department shall:
  - (a) Maintain and repair all Township streets, bridges, culverts and drains.
  - (b) Undertake and administer Township road construction projects and road surfacing and resurfacing projects which are to be performed by Township contractors.
  - (c) Maintain all Township streets in a clean and safe condition for travel, free of obstructions and hazards, and remove snow and ice there from as required.
  - (d) Install, repair and maintain street traffic signs, lines and markers.
  - (e) Receive applications for and issue street opening permits and administer the Township's ordinances relating to street openings.
  - (f) Provide or supervise the provision for, the care, storage, use and maintenance of motor vehicles and motorized equipment owned by the Township, in accordance with policies set by the Superintendent.

### H. Sewers.

- (1) The Department of Public Works shall be responsible for sanitary and stormwater sewers.
- (2) Duties and responsibilities. Under the direction of the Superintendent, the department shall:
  - (a) Operate and maintain the Township's intercepting sewers, sewage pumping stations and all other sanitary and storm sewer installations and appurtenances.
  - (b) Provide such sanitation and general services relating thereto as may be required.

Mayor Post explained that Mr. Simone was been an employee in the Township for more than 30 years, during which time, he has been a very responsible leader. He is a wealth of knowledge and is always willing to help. She highly recommended that he be named as a department head. Councilmember PORTER also commended the DPW and Mr. Simone for all of their hard work. The Council concurred with the Mayor's remarks about Mr. Simone.

Poll:           Ayes:           Gonzalez, Porter, Sisco, Vantuno and Council President Fontana  
                  Nays:           None

The Council President declared the motion passed.

**Bond Ordinance No. 1155** – It was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, there be introduced and the meeting of May 7, 2012 set as the date and time for the public hearing on the following:

#### **BOND ORDINANCE NO. 1155**

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$450,000 FOR THE CONSTRUCTION OF THE JUSTICE COMPLEX BUILDING IN AND BY THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$427,500 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.

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 of this bond ordinance has heretofore been authorized to be undertaken by the Township of Little Falls, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the

## Meeting of April 23, 2012

supplemental amount of \$450,000, such sum being in addition to the \$4,400,000 appropriated therefor by bond ordinance #1020 of the Township, finally adopted July 16, 2007, as amended by ordinance #1055, finally adopted September 8, 2008, the \$500,000 appropriated therefor by supplemental bond ordinance #1086 of the Township, finally adopted May 24, 2010, the \$100,000 appropriated therefor by supplemental bond ordinance #1149, finally adopted February 27, 2012 (collectively, the "Prior Bond Ordinances") and including the sum of \$22,500 as the additional down payment required by the Local Bond Law. The additional down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$427,500 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.

(a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is the construction of the Justice Complex Building as described in the Prior Bond Ordinances, 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 \$5,422,500, including the \$4,400,000 bonds or notes authorized by bond ordinance #1020 of the Township, finally adopted July 16, 2007, as amended by ordinance #1055, finally adopted September 8, 2008, \$500,000 bond or notes authorized by supplemental bond ordinance #1086 of the Township, finally adopted May 24, 2010, \$95,000 bond or notes authorized by supplemental bond ordinance #1149 of the Township, finally adopted February 27, 2012 and the \$427,500 bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$5,450,000, including the \$4,400,000 appropriated by bond ordinance #1020 of the Township, finally adopted July 16, 2007, as amended by ordinance #1055, finally adopted September 8, 2008, the \$500,000 appropriated therefor by supplemental bond ordinance #1086 of the Township, finally adopted May 24, 2010, the \$100,000 appropriated therefor by supplemental bond ordinance #1149, finally adopted February 27, 2012 and the \$450,000 appropriated herein. 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.

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.

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

(a) The improvement or purpose described in Section 3 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 20 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 \$427,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$850,000 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. Of this amount, \$550,000 was estimated for these items of expense in bond ordinance #1020 of the Township finally adopted July 16, 2007, as amended by ordinance #1055, finally adopted September 8, 2008, \$200,000 was estimated for these items of expense in supplemental bond ordinance #1086 of the Township, finally adopted May 24, 2010, \$10,000 was estimated for these expenses in supplemental bond ordinance #1086 of the Township, finally adopted February 27, 2012 and an additional \$90,000 is estimated therefor herein.

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 §1.150-2 or any successor provisions of federal income tax law.

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 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.

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Poll: Ayes: Gonzalez, Porter, Sisco, Vantuno and Council President Fontana  
Nays: None

The Council President declared the motion passed.

### PUBLIC PORTION

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

**Meeting of April 23, 2012**

Poll: Ayes: Gonzalez, Porter, Sisco, Vantuno and Council President Fontana  
Nays: None

The Council President declared the motion passed.

Louis Fernandez, 54 Harrison Street, agreed that Mr. Simone was a good worker. He referred to previous comments made by Mr. Borges about leaving Little Falls. He pointed out that New Jersey is the State that is in the lead regarding residents leaving. The state has the highest taxes; other states have taxes at a much cheaper rate.

Al Attianese, 27 Dewey Avenue, was appreciative of Council President Fontana’s response to his comments and questions. He also appreciated the courtesy of having the Mayor comment, noting that he has asked her a number of questions without a response from her.

Brian Reynolds, 7 Notch Road, suggested that final agendas be posted on the website after a meeting. He also questioned why there is a delay with getting Minutes done.

Ron Borges, 59 Morningside Circle, would appreciate it if Mr. Simone could follow up with PSE&G; this is not the only tree they have unnecessarily butchered.

Regarding his comment about people wanting to leave town, he said it is clear that the values of the homes in this town are lagging behind those in other towns.

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

Poll: Ayes: Gonzalez, Porter, Sisco, Vantuno and Council President Fontana  
Nays: None

The Council President declared the motion passed.

Council President FONTANA said the town does win some tax appeals.

Mayor Post said the reason she didn’t respond to his questions is because this is a Council meeting. She informed that the revaluation of all of the properties in town was done in 2008 prior to her coming into office. She is trying very diligently to have another assessment done. She has also inherited two emergencies since she became Mayor. There are certain items she cannot change, and she takes accountability for that, but said she is trying to save the town money moving forward. They are checking out wetland delineation for the Rose Street property and they are looking into a second billboard as well. Mayor Post said she holds herself accountable for the previous Administrator and the previous Attorney, both of which she has addressed already. She holds herself accountable for the three percent increases as well.

Council members Gonzalez and Sisco clarified that neither of them voted for Mr. Trapanese’s contract.

Mr. Wilk said it wouldn’t make any sense to update an agenda after the meeting is over; there are people working overtime to get Minutes done. All of these extra things take more time and energy. The office has been down a person and we are currently trying to catch up on the Minutes. Mrs. Bergin reminded that they were originally going to post agendas on Monday, so it would be a more updated version. However, it was asked to have them posted prior to that, with the understanding that there would be changes. She suggested sending the agenda out on Monday morning. Council President FONTANA said they will discuss this further. Councilmember VANTUNO agreed and said it is frivolous to keep updating the agenda after the fact. Councilmember GONZALEZ pointed out that she has changes to her agenda on a Monday as well, but she is happy because she gets answers when she calls and she is aware of what is going on. Mr. Wilk said there are some staffing issues at the present time and they hope to be caught up with Minutes around June. Mrs. Bergin noted that the Township is floating staff to provide assistance in the Clerk’s Office.

Mr. Simone said he will get in touch with PSE&G and contact Mr. Borges with a response. He will also provide a report to the Mayor and Council.

President FONTANA agreed with Mr. Borges regarding the values of the homes in town.

**PAYMENT OF BILLS**

It was moved by Councilmember Vantuno, seconded by Councilmember Porter, 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.

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Poll: Ayes: Gonzalez, Porter, Sisco, Vantuno and Council President Fontana  
Nays: None

The Council President declared the motion passed.

There being no further business to come before the meeting, it was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, that the meeting be and it was adjourned at 9:06 p.m.

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William E. Wilk  
Municipal Clerk

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Cynthia Meyer  
Deputy Municipal Clerk