

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

Monday, April 25, 2011

Council President Louis Fontana called the meeting to order at 7:34 p.m. with the following members present: Mercedes Gonzalez, Darlene Post and Joseph Sisco. Also present were Mayor Michael DeFrancisci, Township Attorney Joseph Trapanese, Township Engineer Dennis Lindsay, Township Auditor Gary Higgins, Municipal Clerk William Wilk, Township Administrator Henry Underhill and Township Grant Writer Joanne Bergin.

Absent: Councilmember John Vantuno

Township Employees present: Police Chief John Dmuchowski, Fire Chief Jack Sweezy 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 4, 2011; 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.

REMARKS FROM CHAIR

Council President FONTANA explained that he attended the Flood Board meeting on Tuesday, which was all about keeping the pressure on elected officials who can help the Township in this situation. He informed that the Governing Body would be sending a letter out to elected officials about this shortly.

COUNCIL MEMBER REPORTS

Councilmember GONZALEZ informed that she attended the Flood Board meeting, and noted that all who spoke were very educated on the subject and well prepared; there is a lot of work going into this. The Senior Citizens Board will be getting an email from her regarding a program for next month. She is also progressing with the Domestic Violence Committee; there was a request that they represent the committee in the parade. She informed that the Garden Club is working hard to fix things up. She will be speaking with the Mayor about a 300-year anniversary celebration. They will also be asking residents to donate a plant for the celebration. Referring to the *Arts In Bloom* event, she informed that Little Falls is participating and will be doing a flower display.

Councilmember POST said she attended the Flood Board meeting, which she described to be very informative. She also attended the ABC meeting, where they discussed several topics, including concerts in the park and the beautification of the Morris Canal Greenway.

MAYOR'S REPORT

Mayor DeFrancisci reported that he attended the Flood Board meeting as well, which he said was very well attended. He assured that the Township would continue to keep the pressure on the elected officials as much as possible. He informed that he authored a letter to DEP Commissioner Bob Martin. One thing they were able to accomplish was a study/reevaluation of the Pompton Lakes flood gates at the dam. They convinced the DEP to go out independently to look for a company to create a new model as to the operation of those gates. He also made mention of Beattie's Dam on Union Avenue. He suggested that they reevaluate the study of 1989 to see if they can make this work for Pompton Lakes and Little Falls. He referred to flooding and the Peckman River, as well as the wall on Cedar Grove Road. He sent the Passaic County Freeholder Board a letter about two months ago regarding these topics; they are trying to get moving on these projects.

Councilmember SISCO entered the meeting at 7:42 p.m.

Mayor DeFrancisci pointed out that FEMA denied the State's request to make the March 2011 storm a federal disaster. The formula that FEMA uses is a statewide one; unfortunately, the flooding and damage didn't happen statewide. He voiced his disappointment, noting that it is unfair to use that formula for Little Falls. The March storm cost the Township \$150,000 plus; it will come from the Budget if the Township isn't reimbursed for it. The decision is going to be reevaluated and he hopes they will get some positive news. He explained that Joanne Bergin would now talk about the latest FEMA elevation project.

Joanne Bergin explained that the Township was able to submit application for additional monies to mitigate Little Falls flood properties, within a two-week deadline. There were 68 true properties that were eligible for this property elevation. She had delivered all of the notices to the residents in order to meet the application deadline. This round will cover 33 elevations, while the last round covered 34 homes; they also have a five home RFC project, which brings them to a total of 72 homes. They have not met with the full need of the residents; the application amount was for about \$700,000. They will wait for word from FEMA as to whether or not they have been funded, and they should have a grant agreement in hand by June. However, they need to know sooner than that. At that point, they can start working with an architect and continue from there.

Mayor DeFrancisci thanked Mrs. Bergin, noting that a two-week timeline is a nearly impossible task; he commended her. Councilmember GONZALEZ also thanked Mrs. Bergin on behalf of the Council.

ATTORNEY'S REPORT

Mr. Trapanese said request for bids went out for the billboards and there was only one submission, which was a successful bidder. He explained that he would review same and present it to the Council. The proposed contract from this company is that they don't get paid unless they erect billboards for the Township.

Meeting of April 25, 2011

He also pointed out that the Traffic Control Ordinance is being introduced this evening. He explained that a traffic control monitoring system will be placed at two locations in town regarding speed and other violations. He has added some language to that, saying that the video can be reviewed, if necessary, in fairness.

Councilmember GONZALEZ questioned the billboard bid. Mr. Trapanese explained that the company determines types of billboards and then they seek a company to erect the billboards. Councilmember GONZALEZ asked if the Council would have a say in how the billboard will be displayed, and Mr. Trapanese said they would. Councilmember GONZALEZ questioned if the Township has done a traffic implement study in relation to the traffic ordinance being introduced this evening. Mr. Trapanese said they have not done this, as this is the ordinance to implement this; they need this ordinance in place first. Councilmember GONZALEZ clarified that they are voting to start a procedure; Mr. Trapanese agreed.

Police Chief Dmuchowski said passing this ordinance is the triggering event to even start exploring another project; this must be in place first. That study would be done in the event that this ordinance is passed. If it doesn't pass the criteria, then it doesn't go forward. Councilmember GONZALEZ asked if the Council would have to approve this after the study is done, and Chief Dmuchowski agreed that they would.

At this time, Mr. Wilk asked for a motion to make an award to All Vision under a Fair and Open contract for the service for billboards, subject to further review by the legal office.

Award Fair and Open Contract to All Vision for Billboards – It was moved by Councilmember Post, seconded by Councilmember Gonzalez, that the Council approve the following:

Poll: Ayes: Gonzalez, Post and President Fontana
 Nays: Sisco

The Council President declared the motion passed.

PUBLIC HEARING ON 2011 BUDGET – Township Auditor, Gary Higgins, said this evening's budget was introduced at a previous meeting and was scheduled for public hearing this evening. However, since the Budget is being amended, the Council cannot adopt the budget this evening. He explained that this is a historic budget, as it is the first budget in Little Falls that was done under the two percent levy cap. With the amendment this evening, they are including \$150,000 for flood costs; the Mayor and Council were able to come up with funding sources and decreases in other line items so the taxpayers don't suffer.

It was moved by Councilmember Gonzalez, seconded by Councilmember Post, that the public hearing on the 2011 Budget be and it was opened.

Poll: Ayes: Gonzalez, Post, Sisco and President Fontana
 Nays: None

The Council President declared the motion passed.

Brian Reynolds, 7 Notch Road, said he was happy that the total increase was so small, but said he would have like for it to decrease. He asked several questions with regard to the line item increases/decreases, all of which he wanted clarified. Mr. Higgins provided explanations of each line item questioned.

Arnold Korotkin, Long Hill Road, said he was pleased to hear that the modified budget will take into account the \$150,000 that may have been a shortfall, because of last year's flood. It was mentioned that \$80,000 of that would come from FEMA FEMA funding from last year; he asked where the remaining \$70,000 is coming from. He pointed out that it may be helpful to have a line-by-line budget for certain items, and Mr. Higgins explained that the Budget document is promulgation by the Division of Local Government Services; it is a mandated format and any municipality cannot expand or change the format of the Budget. Mr. Korotkin asked if he would have to request this through an OPRA request and Mr. Trapanese said he was unsure, but assured that he would look into this.

Ellie Abdie, 105 Bergen Drive, asked if the town would have the same services as last year, or if certain services would be cut. Mayor DeFrancisci said they would have the same services as last year.

No one further having come forward to be heard, it was moved by Councilmember Gonzalez, seconded by Councilmember Sisco, that the public hearing on the 2011 Municipal Budget be and it was closed.

Poll: Ayes: Gonzalez, Post, Sisco and President Fontana
 Nays: None

The Council President declared the motion passed.

Resolution Amending 2011 Municipal Budget – It was moved by Councilmember Gonzalez, seconded by Councilmember Post, that the Council approve the following:

RESOLUTION [A] 11-04-25 - #3

Resolution Re: Resolution to Amend 2011 Budget

WHEREAS, the local municipal budget of the year 2011 was approved on the 21st day of March, 2011, and,

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Little Falls, County of Passaic, that the following amendments to the approved budget of 2011 be made:

Recorded Vote
(Insert last names)

(((
((Abstained
(((
Ayes	((
(((
(((
((Absent
(((

Meeting of April 25, 2011

	<u>From</u>	<u>To</u>
CURRENT FUND		
General Revenues:		
3. Miscellaneous Revenues		
Section F: Special Items of General Revenue Anticipated With Prior Written Consent of Director of Local Government Services – Public and Private Revenues Offset With Appropriations:		
New Jersey Division of Highway Safety-Over the Limit Grant	\$ 4,400	\$ 4,225
 Total Section F: Special Items of General Revenue Anticipated With Prior Written Consent of Director of Local Government Services – Public and Private Revenues Offset With Appropriations	 56,622	 56,447
 Section G: Special Items of General Revenue Anticipated With Prior Written Consent of Director of Local Government Services – Other Special Items		
FEMA	-0-	83,000
 Total Section G: Special Items of General Revenue Anticipated With Prior Written Consent of Director of Local Government Services – Other Special Items	 767,274	 850,274
 Total Miscellaneous Revenues	 2,827,425	 2,910,250
5. Subtotal General Revenues	3,749,810	3,832,635
6. Amount to be Raised by Taxes for Support of Municipal Budget		
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	11,121,613	10,487,720
c) Minimum Library Tax	-0-	633,893
 Total Amount to be Raised by Taxes for Support of Municipal Budget	 11,121,613	 11,121,613
7. Total General Revenues	14,871,423	14,954,248
8. General Appropriations		
Operations – Within “CAPS”		
Insurance		
Employee Group Health	\$ 880,880	\$ 874,101
 Public Safety		
Police		
Salaries and Wages	2,818,600	2,790,600
 Health and Human Services		
Board of Health		
Other Expenses	103,200	111,200
 State Uniform Construction Code		
Construction Code Official		
Salaries and Wages	107,000	95,000
 Other Common Operating Functions		
Salaries Adjustment	134,570	101,800
 Municipal Court		
Other Expenses	14,080	19,080
 Total Operations (Item 8(A) Within “CAPS”)	 8,971,248	 8,904,699
 Total Operations Including Contingent Within “CAPS”	 8,971,248	 8,904,699
 Detail:		
Salaries and Wages	4,959,070	4,886,300
Other Expenses	4,012,178	4,018,399
 Deferred Charges and Statutory Expenditures – Municipal Within “CAPS”		
Prior Year Bills - Engineering	-0-	2,770
 Total Deferred Charges and Statutory Expenditures – Municipal Within “CAPS”	 980,407	 983,177
(H-1) Total General Appropriations for Municipal Purposes Within “CAPS”	9,951,655	9,887,876
Operations Excluded From “CAPS”		
Other Operations Excluded from “CAPS”		
Health Insurance	1,221	-0-
N.J.S.A. 40A:4-45.3.bb		
Police		
Salaries and Wages	-0-	46,000
Other Expenses	-0-	1,900
Fire Department		
Other Expenses	-0-	600
Streets and Roads Maintenance		
Salaries and Wages	-0-	17,749
Other Expenses	-0-	48,751
Solid Waste Collection		
Other Expenses	-0-	13,000
Landfill/Solid Waste Disposal Costs	-0-	20,000
 Total Other Operations Excluded from “CAPS”	 1,657,485	 1,804,264

Meeting of April 25, 2011

Public and Private Programs Offset by Revenues		
New Jersey Division of Highway Safety-Over the Limit	4,400	4,225
Total Public and Private Programs Offset by Revenues	67,912	67,737
Total Operations Excluded from "CAPS"	1,725,397	1,872,001
Detail:		
Salaries and Wages	-0-	63,749
Other Expenses	1,725,397	1,808,252
Capital Improvements Excluded from "CAPS"		
Capital Improvement Fund	25,000	15,000
Total Capital Improvements Excluded from "CAPS"	50,000	40,000
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	\$4,472,768	\$4,609,372
(O) Total General Appropriations Excluded from "CAPS"	4,472,768	4,609,372
(L) Subtotal General Appropriations	14,424,423	14,497,248
(M) Reserve for Uncollected Taxes	447,000	457,000
9. Total General Appropriations	14,871,423	14,954,248

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the 2011 local municipal budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment in accordance with the provisions of NJS 40A:4-9, be published in The Herald News in the issue of April 29, 2011 and that said publication contain notice of public hearing on said amendment to be held at the Municipal Building on May 9, 2011 at 7:30 P.M.

Mr. Higgins said this amendment is a result of new information that came out dealing with modification of the over the limit grant; the Township also received money from FEMA from last year's flood. He explained the amendment in depth and said there will be a public hearing on the amendment on 5/9/11, and if it is passed, they can then proceed to adopt the Budget on 5/9/11.

Poll: Ayes: Gonzalez, Post, Sisco and President Fontana
 Nays: None

The Council President declared the motion passed.

Calculating Reserve for Uncollected Taxes – It was moved by Councilmember Gonzalez, seconded by Councilmember Sisco, that the Council approve the following:

RESOLUTION [B] 11-04-25 - #4

RESOLUTION RE: UTILIZING AN ALTERNATE METHOD OF CALCULATING THE RESERVE FOR UNCOLLECTED TAXES

WHEREAS, N.J.S.A. 40A:4-41d permits the Director of the Division of Local Government Services to promulgate rules and regulations to permit a three year average to be utilized in calculating the reserve for uncollected taxes in lieu of the preceding year's tax collection rate, and

WHEREAS, the 2010 tax collection rate was lower than prior years due to the current economic recession, and

WHEREAS, the governing body of the municipality may elect to calculate the reserve for uncollected taxes by using the average of the percentages of taxes levied which were received in cash by the last day of the each of the three preceding fiscal years, and

WHEREAS, election of this choice shall be made by resolution, approved by a majority vote of the full membership of the governing body prior to the adoption of the municipal budget, and

WHEREAS, it is in the best interest of the taxpayers of the Township of Little Falls that the Township utilize this alternate method of calculating the reserve for uncollected taxes.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body that the Township of Little Falls utilize a rate of 98.85% which is higher than the CY 2010 collection rate.

Mr. Higgins said many towns have experienced many tax appeals, which has affected the collection rate for taxes. This resolution is authorizing the method of calculation.

Poll: Ayes: Gonzalez, Post, Sisco and President Fontana
 Nays: None

The Council President declared the motion passed.

Self-Examination of the 2011 Municipal Budget

RESOLUTION [C] 11-04-25 - #5

RE: Self Examination of Budget

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Township of Little Falls has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township meets the necessary conditions to participate in the program for the 2011 budget year.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Little Falls that the 2011 annual budget be examined in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, if applicable, the amounts have been calculated pursuant to law and appropriated as such in the budget.
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.

Meeting of April 25, 2011

- 2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law).
 - 3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
 - 4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated;
 - b. Items of appropriations are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
 - 5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
 - 6. That all other applicable statutory requirements have been fulfilled.
- BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Mr. Higgins explained that all NJ municipalities are broken up into three groups; there is a rotation of these groups by group number, which would allow you to inspect your own budget, stating that the budget meets the criteria of the DLGS.

Poll: Ayes: Gonzalez, Post, Sisco and President Fontana
Nays: None

The Council President declared the motion passed.

Accepting the 2010 Municipal Audit – It was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, that the Council approve the following:

RESOLUTION [D] 11-04-25 - #6

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, The Annual Report of Audit for the year 2010 has been filled by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and, WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Little Falls, hereby states that it has complied with the promulgation of the Local Finance Board of the state of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Mr. Higgins said the audit was completed, and was reviewed with Finance and Administration. There were six audit recommendations. This resolution simply states that the Governing Body has reviewed, at a minimum, the 2010 Municipal Audit.

Poll: Ayes: Gonzalez, Post, Sisco and President Fontana
Nays: None

The Council President declared the motion passed.

Amending the 2011 Temporary Capital Budget – It was moved by Councilmember Post, seconded by Councilmember Gonzalez, that the Council approve the following:

RESOLUTION AMENDING THE 2011 TEMPORARY CAPITAL BUDGET [E]#7

Mr. Higgins provided an explanation of this, noting that since the final budget is not yet adopted, they must operate under the Temporary Capital Budget.

Poll: Ayes: Gonzalez, Post, Sisco and President Fontana
Nays: None

The Council President declared the motion passed.

Council President FONTANA informed that the Council never approve the resolution deferring school taxes, and asked for an explanation of same. Mr Higgins provided a detailed explanation of this, noting that this must be in place.

Authorizing Increase in Deferred School Taxes for Regional High School Taxes – It was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, that the Council approve the following:

RESOLUTION [S] 11-04-25 - #2

RE: Self Examination of Budget

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Township of Little Falls has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township meets the necessary conditions to participate in the program for the 2011 budget year.

Meeting of April 25, 2011

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Little Falls that the 2011 annual budget be examined in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, if applicable, the amounts have been calculated pursuant to law and appropriated as such in the budget.
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated;
 - b. Items of appropriations are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.
BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Poll: Ayes: Gonzalez, Post, Sisco and President Fontana
Nays: None

The Council President declared the motion passed.

PUBLIC PORTION

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

Poll: Ayes: Gonzalez, Post, Sisco and President Fontana
Nays: None

The Council President declared the motion passed.

Larry D' Astolfo, 82 William Street, said the Flood Board meeting was a great meeting; however, he pointed out that this section of Little Falls is at a crossroads. There are a lot of people that are exhausted; this last storm was "the straw that broke the camel's back". He explained that this issue must be taken care of; it is not a new issue. He suggested they listen to the neighborhood and do whatever can be done to move the process along.

Arnold Korotkin, informed that the *Art in Bloom* event at MSU will be taking place the week of May 11th at the MSU Art Museum. He reminded that this Wednesday, 4/27/11, is the School Board Election. The amended budget will be voted on at the meeting of 5/9/11. He questioned what would happen if the School Budget didn't pass on Wednesday, and asked what the procedure is if the school needs additional funding.

Renea Shapiro, thanked the Mayor for getting signage up on Main Street by the Morris Canal. She pointed out that the ground is coming up at the Morris Canal and said she would like input on working on this. When it came to people giving proposals and quotes, she called the DPW to get names; that part is done. She informed that she will be meeting with the County on Thursday, after which time, she would like to meet with the Mayor, Council and the Administrator to discuss this. She said they hope to replace all of the fencing with ornamental gauged fencing. She informed that there will be several pieces of equipment added to the park, the gazebo will be fixed and the landscaping will be cleaned up. She explained that the cost to remove the Japanese weeds would be approximately \$20,000; she asked for input on this. She also pointed out that she had previously asked for a discussion to be held regarding street lights on Wilmore Road, Main Street and Union Avenue. She explained this was the County's idea and they are aware of the proposal.

Victor Nowak, 6 Stephen Place, said the Little Falls Outlook Newsletter can hardly be called informative. He voiced his opinion that it has been used as a self serving pat on the back for administrations to touch base with the public once in a while; in no way has it been informative and accepting of the residents to be active in the community. He hopes there is money in the budget to improve the newsletter and keep the citizens informed of what is really going on.

Bill Organisciak, 20 Yolanda Drive, said he took his son to the Easter Egg Hunt, and said they did a great job setting this up. He questioned the amendment to the budget for the Police Department. He understands that they are losing an officer, so they are cutting the part they are losing. However, he questioned if they should keep this in the budget to replace that officer.

Brian Reynolds, 7 Notch Road, asked for an explanation of the increase in the Budget for recreational services and programs and celebration of events. He also asked for explanations of the Reverse 911 Capital Budget Appropriations for this year.

Robert Ingram, Valley Road, Clifton, explained that he filed an OPRA request in the Township last week regarding the paid EMS proposal. He explained that the squad is not against this, but they are not for it, as they have not seen the proposal. They would like to see this; they want to make sure they are always improving their service to the Township.

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

Poll: Ayes: Gonzalez, Post, Sisco and President Fontana
Nays: None

The Council President declared the motion passed.

Meeting of April 25, 2011

Council President FONTANA said they are doing what they can at this time and the Council always likes to hear from the residents; they are going to pass the grant tonight. Mayor DeFrancisci said Little Falls has done more than any other municipality in the State. He explained that it is a process and reminded that they had initially said this would commence in 2012; they are on track. He also pointed out that the emergency management plan has improved tremendously. Councilmember GONZALEZ said she has seen so much work coming out of everyone in regard to this project. She said it is a waiting process, but everyone is on target. She also said she has never seen a committee work so hard to help out. Mr. D'Astolfo said he is trying to get the Council to appreciate that there is a strong sense of disconnect with that neighborhood.

Council President FONTANA agreed that they should have announced the School Board Election on Wednesday. He explained that the School Board would come back to the Council if their budget was not passed. Mr. Wilk explained that it would not impact the Township Budget, noting that it only cuts or allows an increase in the School Board Budget.

President FONTANA referred to Mrs. Shapiro's comments regarding the Morris Canal grant work. Councilmember POST volunteered to help out with this. Mayor DeFrancisci said he would talk to Mr. Simone about the Japanese weeds.

Councilmember GONZALEZ agreed with Mr. Nowak's comments pertaining to the newsletter, noting that it should be more informative to the public. She also questioned whether the town had an ordinance addressing store fronts, and Mr. Trapanese explained that there is an ordinance in place by the Construction Code Official, which addresses residential and commercial properties.

Mayor DeFrancisci said they haven't published the Outlook Newsletter in quite some time, and further noted that he hasn't had any requests for it; it was costing at least \$10,000 a year to publish it. The cost didn't equate the justification to spend that money. Mr. Nowak understood, but said it is very important to raise the level of understanding of what Little Falls is all about, adding that money should be spent to draw the public towards the government, as it is very important for residents to understand more. Mayor DeFrancisci agreed, but said his door is open to everyone in town. He suggested they might be able to publish something and run it through the schools, but pointed out that it would only be circulated to so many people. Mrs. Shapiro said they could use the website for a monthly report. Mayor DeFrancisci agreed and said he would look into this.

Councilmember FONTANA agreed that the Easter egg hunt was a good time. Mayor DeFrancisci explained the loss of an officer in the budget, and said they are trying to hire some people to replace that officer at that same salary, so they aren't appropriating anymore money. Councilmember GONZALEZ questioned how many officers are needed in the Police Department. Chief Dmuchowski said they should be up to 35 officers. Councilmember GONZALEZ said she would like to come into the Police Department to review this and see how things work.

Mayor DeFrancisci explained that he didn't have the budget numbers in front of him and said he would answer these questions next week. Mr. Wilk explained that the celebration of events in the budget is about a \$2,500 item for wreathes on Memorial Day, etc. The line under that is the salary adjustment line, which is the amount of money you put in the budget so you can authorize the salary ordinance later in the year and allocate that money over each of the employees. Referring to the Reverse 911 System, Mr. Underhill explained that this is not the Reverse 911; this is just a replacement of 9-1-1 equipment.

Fire Chief Jack Sweezy, referred to the EMS proposal and explained that Mr. Ingram was unaware of this, as he was out of State.

CONSENT AGENDA

All items on the Consent Agenda were considered to be routine and were enacted with a single motion. Any items under REQUISITIONS carried a Treasurer's certification as to sufficiency of funds.

APPLICATIONS

Raffle -- Calvary Assembly of God, On-Premise 50/50, 5/14/11, 6:00 p.m. – 11:00 p.m.

- Calvary Assembly of God, 50/50 Raffle Baskets, 5/14/11, 6:00 p.m. – 11:00 p.m.
- St. George Antiochian Orthodox Church, On-Premise 50/50, 6/17/11, 6:00 p.m. – 11:00 p.m., 6/18/11, 5:00 p.m. – 11:00 p.m., 6/19/11, 1:00 p.m. – 8:00 p.m.
- St. George Antiochian Orthodox Church, Wheels of Chance, 6/17/11, 6:00 p.m. – 11:00 p.m., 6/18/11, 5:00 p.m. – 11:00 p.m., 6/19/11, 1:00 p.m. – 8:00 p.m.

RESOLUTIONS

Refund for Overpayment of 2011 2nd Quarter Taxes

RESOLUTION [F] 11-04-25 - #8

WHEREAS, the property known as Block 177.02 Lot 22 assessed to Pravinbhai & Jyotsnaben Patel of 3 Jacobus Avenue, Little Falls, NJ has an overpayment of taxes on their 2011 2nd quarter in the amount of \$332.10; and

WHEREAS, the above taxpayer applied to the State of New Jersey for the 2009 Homestead Benefit credit and was eligible for the same; and

WHEREAS, the taxpayer's mortgage company (SunTrust) paid the amount of the 2nd Quarter before the credit amount on April 15, 2011; and

WHEREAS, the Tax Collector shall authorize our CMFO/Treasurer to issue a refund check made payable Pravinbhai & Jyotsnaben Patel, 3 Jacobus Avenue, Little Falls, NJ 07424 in the amount of \$332.10;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls on this 25th day of April 2011 that the amount of \$332.10 be refunded to Pravinbhai & Jyotsnaben Patel due to an overpayment of taxes from a Homestead Benefit credit.

RESOLUTION [G] 11-04-25 - #9

WHEREAS, the property known as Block 129 Lots 4, 5 & 6 assessed to Geraldine & Warren Congleton, Jr. of 71 Van Ness Avenue, Little Falls, NJ has a credit of taxes on their 2011 2nd Quarter in the amount of \$271.96; and

WHEREAS, the above taxpayer applied to the State of New Jersey for the 2009 Homestead Benefit credit and was eligible for the same; and

WHEREAS, the Tax Assessor made this property tax exempt on May 21, 2010 due to a disabled veteran; and

WHEREAS, the Tax Collector received a credit from the State of New Jersey for the May 1, 2011 taxes in the amount of \$271.96; and

WHEREAS, the Tax Collector shall authorize our CMFO/Treasurer to issue a refund check made payable to Geraldine & Warren Congleton, Jr. in the amount of \$271.96 and mail to 71 Van Ness Avenue, Little Falls, NJ 07424;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls on this 25th day of April 2011 that the amount of \$271.96 be refunded to Geraldine & Warren Congleton due to a credit of taxes from the State of New Jersey on exempt property.

Welfare

RESOLUTION [H] 11-04-25 - #10

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:

Meeting of April 25, 2011

\$210.00

payable to:

Welfare Clients #63

representing payment of Self-Care for the month of March 2011 be and the same is hereby authorized and ratified.

Refund for Overpayment of 2011 1st Quarter Taxes

RESOLUTION [I] 11-04-25 - #11

WHEREAS, the property known as Block 9 Lot 21 assessed to Barbara & Daniel Taylor of 17 Mozart Avenue, Little Falls, NJ has an overpayment of taxes on their 2011 1st quarter in the amount of \$1,398.04; and

WHEREAS, BAC Home Loans paid on January 12, 2011 and January 24, 2011; and

WHEREAS, the Tax Collector shall authorize our CMFO/Treasurer to issue a refund check made payable to BAC Tax Services Corp., 1757 Tapo Canyon Road, Simi Valley, CA 93063, in the amount of \$1,398.04;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls on this 25th day of April 2011 that the amount of \$1,398.04 be refunded to BAC Tax Services Corp. due to an overpayment of taxes.

Dennis G. Lindsay, PE

RESOLUTION [J] 11-04-25 - #12

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:

\$350.00

payable to:

Dennis G. Lindsay, PE

representing payment for engineering services rendered in connection with Dr. Ulanet – Block 53, Lot 39 – Site Plan for Signs with Variances; and

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

Bernard B. Montalbano, Esq.

RESOLUTION [K] 11-04-25 - #13

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:

\$200.00

payable to:

Bernard B. Montalbano, Esq.

representing payment for legal services rendered in connection with Finderne (Dr. Ulanet) Resolution; 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.

Stipulation of Settlement on 2009/2010 Tax Appeals

RESOLUTION [L] 11-04-25 - #14

WHEREAS, a Tax Appeal has previously been filed with regard to the below mentioned property before the Tax Court of New Jersey with regard to the 2009 and 2010 tax years; and

WHEREAS, a proposed Stipulation of Settlement has been negotiated by the Township Attorney with the attorney for the taxpayer; and

WHEREAS, the Tax Assessor, Richard Hamilton and the Township’s expert appraiser Appraisal Systems, Inc. have recommended that the terms of the proposed settlement be accepted;

1. The proposed settlement of the 2009 and 2010 tax appeals pending before the Tax Court of New Jersey as hereinafter enumerated be and the same is hereby authorized, approved and ratified:

17 Glen Rock Road Block 241 Lot 1

		Original	County Board	Requested Tax	Court Judgment
		Assessment		Judgement	
2009					
Land:		\$243,000		243,000	\$243,000
Improvements:	\$274,200	274,200	\$257,000		
Total:	\$517,200	517,200	\$500,000		

17 Glen Rock Road Block 241 Lot 1

		Original	County Board	Requested Tax	Court Judgment
		Assessment		Judgement	
2010					
Land:		\$243,000		243,000	\$243,000
Improvements:	\$274,200	274,200	\$217,000		
Total:	\$517,200	517,200	\$460,000		

2. There will be no prejudgment interest.

3. The Township Attorney and Tax Assessor are authorized and directed to execute Stipulations of Settlement and to take such other and further action as may be required to effectuate the above.

Hazardous Waste Compliance Monitoring Fee

RESOLUTION [M] 11-04-25 - #15

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

\$30.00

payable to:

Treasurer-State of New Jersey
NJ Dept. of Treasury
Division of Revenue
PO Box S
Trenton, New Jersey 08646-0S

Meeting of April 25, 2011

representing payment of Hazardous Waste Compliance Monitoring Fees.

Boiler Inspection Fee

RESOLUTION [N] 11-04-25 - #16

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

\$55.00

payable to:

The Hartford Steam Boiler Inspection & Insurance Co.
P.O. Box 21045, Chicago, IL 60673-1210

representing payment of Certificate fee for boiler for 35 Stevens Avenue.

Refund of Unused Escrow

RESOLUTION [O] 11-04-25 - #17

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

\$2,552.86

payable to:

Mrs. Rosalie Rizzo
46 Reiners Road
Little Falls, NJ 07424

representing payment for return of unused escrow rendered in connection with Rosalie Rizzo escrow; 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.

Mr. Trapanese said there was a litigation regarding Resolution [O], and Mr. Wilk informed that the check has been received. Mr. Trapanese advised that the refund can be made if the check was cleared.

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

Poll: Ayes: Gonzalez, Post, Sisco and President Fontana
Nays: None

The Council President declared the motion passed.

REGULAR AGENDA

The following items were individually considered.

INTERDEPARTMENTAL

Finance - - It was moved by Councilmember Sisco, seconded by Councilmember Post, that the Council approve the following:

RESOLUTION AUTHORIZING A TEMPORARY EMERGENCY APPROPRIATION FOR THE 2011 MUNICIPAL BUDGET: \$1,300,280.00 [P]#18

Poll: Ayes: Gonzalez, Post, Sisco and President Fontana
Nays: None

The Council President declared the motion passed.

NEW BUSINESS

2011 Outdoor Advertising Sign Permits – It was moved by Councilmember Gonzalez, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [Q] 11-04-25 - #19

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:

\$1,270.00 (\$635.00 each)

payable to:

State of New Jersey
Department of Transportation
P.O. Box 600
Trenton, New Jersey 08625-0600

representing payment for 2011 permit fees in connection with outdoor advertising signs; and

BE IT FURTHER RESOLVED that the within payment be made from the General Administration account.

Councilmember GONZALEZ questioned this, and Mr. Wilk said two checks would be issued.

Poll: Ayes: Gonzalez, Post, Sisco and President Fontana
Nays: None

The Council President declared the motion passed.

Ordinance No. 1121 – It was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, that there be introduced and the meeting of May 9, 2011 set as the date and time for the public hearing on the following:

ORDINANCE NO. 1121

ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY APPROPRIATING A \$364,770 GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE ELEVATION OF HOMES

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY AS FOLLOWS:

Meeting of April 25, 2011

Section 1. \$364,770 is hereby appropriated, all of which will be funded by grant from the Federal Emergency Management Agency, for the elevation of homes throughout the Township of Little Falls, in the County of Passaic, New Jersey (the "Township") under the Federal Emergency Management Agency's Repetitive Flood Claims Program.

Section 2. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

Mrs. Bergin explained that this needs to be in place in order to retain the services of the professionals that need to be provided for the elevation process. This money will come back to us completely funded through a grant. Mr. Wilk said this is not a bond ordinance, noting that it is not accumulating any interest.

Poll: Ayes: Gonzalez, Post, Sisco and President Fontana
Nays: None

The Council President declared the motion passed.

Ordinance No. 1122 – It was moved by Councilmember Post, seconded by Councilmember Gonzalez, that there be introduced and the meeting of May 9, 2011 set as the date and time for the public hearing on the following:

ORDINANCE NO. 1122
AN ORDINANCE ESTABLISHING CHAPTER _____,
"CHARITABLE DONATION BINS", OF THE GENERAL
ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS,
IN ORDER TO REGULATE THE PLACEMENT AND OPERATION OF
DONATION BINS WITHIN THE TOWNSHIP OF LITTLE FALLS

WHEREAS, the Mayor and Council of the Township of Little Falls are desirous of adopting an Ordinance to regulate the placement and operation of charitable donation bins within the Township of Little Falls; and

WHEREAS, the New Jersey Legislature has adopted N.J.S.A. 40:48-2.60 et. seq., in order to regulate charitable donation bins; and

WHEREAS, pursuant to N.J.S.A. 40:48-2.60 et. seq., any persons desiring to place and/or operate charitable donation bins within the Township of Little Falls must provide certain information to the Township and otherwise comply with State Law;

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

Section 1. The Code of the Township of Little Falls is hereby amended and supplemented by adding a new Chapter _____, entitled "Charitable Donation Bins", as follows :

CHAPTER _____
Charitable Donation Bins

- § 29-1 **Purpose.**
- § 29-2 **Definitions.**
- § 29-3 **Permit required.**
- § 29-4 **Application for permit; Fee.**
- § 29-5 **Regulations.**
- § 29-6 **Duty to maintain and service charitable donation bins.**
- § 29-7 **Enforcement.**
- § 29-8 **Receipt, investigation of complaints relative to clothing bin.**
- § 29-9 **Additional penalties; remedies**

§ 29-1 Purpose.

Pursuant to N.J.S.A. 40:48-2.60 through N.J.S.A. 40:48-2.64, the purpose of this Chapter is to provide a uniform set of procedures for administering the placement and maintenance of clothing bins within the Township of Little Falls (hereinafter referred to as "Township"), as well as providing for a uniform set of procedures for administering the issuance and revocation of all permits issued by the Township for the placement of clothing bins, consistent with the laws of the State of New Jersey.

§ 29-2 Definitions.

For purpose of this Chapter, the following terms shall be defined as follows :

CHARITABLE DONATION BIN - Any enclosed receptacle, container or other depository made of metal, steel, or a similar product, and designed or intended for the donation and the temporary storage of clothing or other materials.

SOLICITATION or SOLICIT - The request, directly or indirectly, for money, credit, property, financial assistance, or other thing of any kind of value. Solicitation shall include, but not be limited to, the use of employment of canisters, cards, receptacles or similar devices for the collection of money or other thing of value. A solicitation shall take place whether or not the person making the solicitation receives any contribution.

BONA FIDE OFFICE - Location at which a representative of the person or entity can be reached at a telephone information line during normal business hours for the purpose of offering information concerning the person or entity. An answering machine or service unrelated to the person or entity does not constitute a bona fide office.

§ 29-3 Permit required.

A. Notwithstanding any other provision of law to the contrary, no person shall place, use or employ a clothing bin for solicitation purposes, within the Township, without first obtaining a permit valid for a period of one (1) year, from the Township Clerk, as hereinafter provided. The annual period for each permit shall commence on January 1st and conclude on December 31st of each year.

B. The Township will only issue permits for _____ (____) charitable donation bins per year. The Township shall create a "wait list" for all of the applicants. The permits for the receptacles will be issued on a first come first serve basis, with each company receiving a permit for only _____ (____) bin(s).

§ 29-4 Applications for permit; Fee.

A. Application for a permit to place and/or maintain a clothing bin shall be made, in writing, to the Township Clerk, prior to placing and/or maintaining the clothing bin.

B. The application shall contain the following information :

- a. Name, address, bona fide office and telephone number of the person, firm, corporation, club or charitable organization, institution or association placing and/or maintaining such clothing bin;
- b. Name and address of the owner of the premises on which the clothing bin is to be located and the written consent of the owner, if the applicant is other than the owner;
- c. Name, address, bona fide office and telephone number of any entity which may share or profit from any clothing or other donations collected via the bin;
- d. The location where the clothing bin would be situated, described as precisely as possible;
- e. A description of the proposed clothing bin, including dimensions;
- f. The manner in which the person, firm, corporation, club or charitable organization, institution or association anticipates any clothing or other donations collected via the charitable donation bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent; and
- g. The schedule of pick-ups removing the articles from the clothing bins, which can be no less than once per week, and the name and telephone number of the person to be notified if the clothing bin is overflowing prior to the scheduled date of pick up; and

Meeting of April 25, 2011

- h. Liability Insurance Certificate in an amount not less than five hundred thousand dollars (\$500,000.00) per incident.
- C. The fee for such application for the permit to place and/or maintain a clothing bin shall be twenty-five dollars (\$25.00).
- D. An expiring clothing bin permit may be renewed, upon application to the Township Clerk for renewal, which application shall include the following information and payment of a twenty-five dollar (\$25.00) permit renewal application fee;
 - a. Name, address, bona fide office and telephone number of the person, firm, corporation, club or charitable organization, institution or association placing and/or maintaining such clothing bin;
 - b. Name and address of the owner of the premises on which the clothing bin is to be located, and the written consent of the owner if the applicant is other than the owner, and, if the applicant intends to move the charitable donation bin to a new location upon renewal, the name and address of the owner of the premises on which the clothing bin is to be located and the written consent of the owner if the applicant is other than the owner;
 - c. Name, address, bona fide office and telephone number of any entity which shared or profited from any clothing or other donations collected via the bin and of any entities which may do so during the period covered by the renewal;
 - d. The location where the clothing bin would be situated, as precisely and possible, and, if the applicant intends to move it, the new location where the clothing bin would be situated, as precisely as possible;
 - e. A description of the proposed clothing bin, including dimensions;
 - f. The manner in which the person, firm, corporation, club or charitable organization, institution or association has used, sold or dispersed any clothing or other donations collected via the clothing bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person, firm, corporation, club or charitable organization, institution or association anticipates it may make in these processes during the period covered by the renewal; and
 - g. The schedule of pick-ups removing the articles from the charitable donation bins, which can be no less than once per week, and the name and telephone number of the person to be notified if the clothing bin is overflowing prior to the scheduled date of pick up.
 - h. Liability Insurance Certificate in an amount not less than five hundred thousand dollars (\$500,000.00) per incident.

§ 29-5 Regulations.

- A. The following information shall be clearly and conspicuously displayed on the exterior of each charitable donation bin :
 - 1. The permit number and date of expiration;
 - 2. The name and address of the registered person, firm, corporation, club or charitable organization, institution or association that owns the charitable donation bin, and any other entity which may share or profit from any clothing or other donations collected via the bin;
 - 3. The telephone number of the person, firm, corporation, club or charitable organization, institution or association's bona fide office and, if applicable, the telephone number of any other entity which may share or profit from any clothing or other donations collected via the bin;
 - 4. In cases when an entity other than the person who owns the clothing bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person, firm, corporation, club or charitable organization, institution or association who owns the bin, and identifying all such entities which may share or profit from such donations; and
 - 5. A statement indicating the manner in which the person, firm, corporation, club or charitable organization, institution or association anticipates any clothing or other donations collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.
- B. An application for a permit to place and/or maintain a charitable donation bin shall not be granted and/or may be revoked if the Township's Building Official and/or Police Division determines that the placement of the bin constitutes a health or safety hazard. Such hazards shall include, but are not limited to, the placement of a clothing bin in parking spaces, in any area that interferes with pedestrian or vehicular traffic, landscaping, required setbacks, or within one hundred (100) yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases, or is likely to or does attract vermin or litter.
- C. Charitable donation bins may not be placed upon residential properties.
- D. Each charitable donation bin shall be considered an accessory to any existing non-residential use, and shall not be located within one hundred (100) feet of any residential area, except if located upon Township property.
- E. Charitable donation bins are not to be placed in any front yards, and a minimum set back of ten (10) feet from property lines shall be required.
- F. Charitable donation bins may not be placed in any required driveways or upon any unimproved lots within the Township.
- G. Charitable donation bins may be placed within a parking area, provided that the Municipal Engineer determines that the space or spaces dedicated to the bins are underutilized.

§ 29-6 Duty to maintain and service charitable donation bins.

It shall be the obligation and duty of the person, firm, corporation, club or charitable organization, institution or association placing, using, employing or owning a charitable donation bin to properly maintain and service each such bin placed within the Township, so as to prevent the creation and/or maintenance of any nuisance, hazardous or unsafe condition.

§ 29-7 Enforcement.

This Chapter shall be enforced by the Building Division and/or the Police Division. All charitable donation bins shall be subject to inspection by the Building Division, Police Division, or any duly authorized representative of the Township.

§ 29-8 Receipt, investigation of complaints relative to charitable donation bins.

- A. The Building Division and/or the Police Division shall receive and investigate, within ten (10) days, any complaints from the public about a charitable donation bin.
 - 1. Whenever it appears that a person, firm, corporation, club or charitable organization, institution or association has engaged in, or is engaging in any act, omission or practice which violates this Ordinance, the person, firm, corporation, club or charitable organization, institution or association who placed and/or maintains the clothing bin shall be issued a warning, stating that if the violation is not rectified or a hearing is not requested within forty-five (45) days, the bin will be seized or removed at the expense of the person, firm, corporation, club or charitable organization, institution or association who placed the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of, in the sole discretion of the Township.
 - 2. In addition to any other means used to notify the person, firm, corporation, club or charitable organization, institution or association who placed the bin, such warning shall be affixed to the exterior of the bin itself.
- B. In the event that the person who placed the bin does not rectify the violation or request a hearing within forty-five (45) days of the posting of the warning, the Township may seize the bin, remove it, or have it removed at the expense of the person who placed the bin, and sell at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be retained by the Township.

§ 29-9 Additional penalties; remedies.

- A. In addition to any other penalties or remedies authorized by the laws of this State, any person, firm, corporation, club or charitable organization, institution or association violating any of the provisions of this Chapter and/or any provisions of P.L. 2007, C.209 (C40:48-2.60 et. seq.), which results in the seizure of the charitable donation bin, shall be :
 - 1. Subject to a penalty of up to twenty thousand dollars (\$20,000.00) for each violation. The Building Division and/or Police Division may bring this action in the Municipal Court, or in the Superior Court as a summary proceeding, under the "Penalty Enforcement Law of 1999", N.J.S.A. 2A:58-10 et. seq., and any penalty monies collected shall be paid to the Township; and

Meeting of April 25, 2011

2. Deemed ineligible to place and maintain a clothing bin pursuant to this Chapter. However, a person, firm, corporation, club or charitable organization, institution or association that has been disqualified from placing and/or maintaining a charitable donation bin in the Township, due to a violation of the provisions of this Chapter, may apply to the Township to have their eligibility restored. The Township may restore eligibility of any person, firm, corporation, club or charitable organization, institution or association who :
 - a. Acts within the public interest; and
 - b. Demonstrates a good faith effort to comply with the provisions of this Chapter and all other applicable laws and regulations, or had no fraudulent intentions.
- B. In addition to any other penalties or remedies authorized by the laws of this State and/or under this Chapter, any person, firm, corporation, club or charitable organization, institution or association that violates any provision hereof, and which results in a threat to public health or safety, shall be subject to all other penalties and remedies provided by the laws governing and conferring the Township police powers.

Section 2. Severability.

If any provision or portion of a provision of this Ordinance is held by any Court of competent jurisdiction to be unconstitutional, preempted by Federal or State law, or otherwise invalid, the remaining provisions of the Ordinance shall remain in full force and effect and shall not be invalidated.

Section 3. Effective Date.

This Ordinance shall become effective thirty (30) days after final passage and publication as required by law.

Section 4. Repeal of inconsistent Ordinances.

All Ordinances and parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Poll: Ayes: Gonzalez, Post, Sisco and President Fontana
 Nays: None

The Council President declared the motion passed.

Ordinance No. 1123 – It was moved by Councilmember Sisco, seconded by Councilmember Post, that there be introduced and the meeting of May 9, 2011 set as the date and time for the public hearing on the following:

ORDINANCE NO. 1123

AN ORDINANCE ESTABLISHING A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM

WHEREAS, by P.L. 2007, Chapter 348 (the "Act"), the Legislature of the State of New Jersey has determined that the installation of a traffic control monitoring system by municipalities complementing local law enforcement could serve as an effective tool in encouraging drivers to observe and obey traffic control devices at intersections, thereby increasing traffic flow and pedestrian safety; and

WHEREAS, the Township of Little Falls is desirous of installing traffic control signal monitoring systems at various intersections within the Township of Little Falls; and

WHEREAS, the Township of Little Falls has determined that adoption of this Ordinance is in the best interests of the health, safety and welfare of the Township and its residents.

NOW, THEREFORE, be it ordained by the Council of the Township of Little Falls, County of Passaic and the State of New Jersey as follows:

Section 1. Installation.

- (a) The Township of Little Falls hereby determines to install and utilize a traffic control signal monitoring system ("System") at various intersections within the Township of Little Falls as approved by the Commissioner of Transportation pursuant to the Act.
- (b) They System to be installed shall be approved by the Governing Body by Resolution.
- (c) The Township shall have the authority to enter into a contract, following a lawful procurement process, for the installation of the System. Any contract that shall contain provisions contrary to the Act shall not be deemed invalid but rather reformed to conform to the Act.
- (d) The signs notifying drivers that a System is being utilized shall be approved by the municipal engineer, and shall be placed on each street converging into the affected intersection as required by the Act and the Manual on Uniform Traffic Control Devices.
- (e) The Municipal Engineer shall inspect and certify the System at least once every six (6) months from the date of its installation.

Section 2. Issuance of a Summons.

The Police Department of the Township of Little Falls shall review the recorded images produced by the System, to determine whether sufficient evidence exists demonstrating that a traffic control signal violation has occurred and shall issue a Summons when appropriate in accordance with the rules of the Court.

Section 3. Use of Recorded Images.

- (a) Except as otherwise provided in this section, the recorded images produced by the System shall be available for the exclusive use of the Police Department for the purpose of discharging his or her duties under P.L. 2007, Ch. 384.
- (b) Any recorded image or information produced in connection with the System shall not be deemed a public record under N.J.S.A. 47:1A-1 et seq., or common law. The recorded images shall not be: (i) discoverable as a public record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter, or (ii) offered as evidence in any civil or administrative proceeding not directly related to a traffic control signal violation. This section does not deny the right of a person charged with a violation to receive discovery for the preparation of their case.
- (c) Any recorded image or information collection in connection with a traffic control signal violation shall not be retained after sixty (60) following the collection of any fine or penalty.
- (d) If a summons is not issued within forty (40) business days following the traffic control signal violation, all recorded images and any information collected with respect to the traffic control signal violation shall be removed by the Police Department within two (2) business days.
- (e) The Township of Little Falls shall certify compliance of this Section by filing a report with the Commissioner of Transportation in accordance with the Act.

Section 4. Owner's Liability.

The liability of the Owner and Operator of a motor vehicle for a traffic control signal violation summons pursuant to the System shall be joint subject to provisions of the Act.

Section 5. Fines.

Any person liable for a traffic control signal violation, pursuant to the Ordinance and the Act, utilizing the System shall be subject to the following fines:

Violation \$85

Section 6. Repealer.

All ordinances or parts or ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 7. Severability.

If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance, and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentence, clauses or phrases may be declared unconstitutional or invalid.

Meeting of April 25, 2011

Section 8. Effective Date.

This Ordinance shall take effect immediately upon passage and publication according to law.

Poll: Ayes: Gonzalez, Post, Sisco and President Fontana
Nays: None

The Council President declared the motion passed.

PUBLIC PORTION

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

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

The Council President declared the motion passed.

Renea Shapiro, Little Falls ABC, referred to ordinance vs the planning board – town has to start looking cleaner than it is. We have to do whatever it takes to accomplish this. Give out warnings or summonses. The planning board only can work with what the council gives them. The planning board cannot refuse anyone based on the current ordinances. Arnold Korotkin, suggested a posting on the website or via email for outlook information; it would be helpful. He was wondering about the issue of shared services with the police department. It results in cost savings for the towns. Keep pounding the drum about shared services.

Larry, William Street, thanked the council for passing the ordinance for the elevation of the houses process – help Joanne out – she needs help to move forward. Keep this process moving forward. Little Falls is getting trashed by the media – the outlook is good to push the town forward.

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

Poll: Ayes: Gonzalez, Post, Sisco and President Fontana
Nays: None

The Council President declared the motion passed.

Council President FONTANA said discussion of signage and LED lights will be placed on the next Workshop Agenda. Mr. Lindsay explained that the Planning Board took up the matter of the sign on Route 23 at its last meeting. The Board didn't think it was approving that kind of a sign. Applications for signs can go to the Construction Code Official, and if it is a complying sign, they can be approved. The Construction Code Official has to abide by the ordinances; an application was made to him for the sign, which was deemed to be a complying sign under the code. The number of flashes it is making is a subsequent event; since then, he has made a request to have that stop. The Planning Board was also concerned because they thought it was different than what they had approved. He thinks the sign ordinance needs to be reviewed to make sure it is to the satisfaction of the Township officials.

President FONTANA referred to Mr. Korotkin's comments regarding shared services. Chief Dmuchowski informed that they do share some services with other towns. Mayor DeFrancisci said he would look into the computer-generated Outlook option.

PAYMENT OF BILLS

It was moved by Councilmember Gonzalez, seconded by Councilmember Sisco, that the Council approve the following:

RESOLUTION [BL]

BE IT RESOLVED by the Township Council of the Township of Little Falls the Council having received the Treasurer's certification of the availability of funds for payment of all bills presented, that payment of all bills approved by the Finance Committee be and is hereby authorized, subject to the availability of funds and subject to the appropriate and available appropriation in the line item.

Poll: Ayes: Gonzalez, Post, Sisco and President Fontana
Nays: None

The Council President declared the motion passed.

North Jersey Media	General Admin.	59.00
Clarion Office Supply	A & E	264.02
North Jersey Media		156.05
North Jersey Media		42.00
Widmer Time Recorder Co., Inc.		135.00
Lerch, Vinci & Higgins, LLP	Annual Audit 2010 2010	13,600.00
Clarion Office Supply	Treasurer	75.98
Clarion Office Supply		43.64
Lerch, Vinci & Higgins, LLP		1700.00
Poland Springs Water		52.88
Lerch, Vinci & Higgins, LLP		250.00
Clarion Office Supply	Tax Assessor	122.36
Munidex, Inc.	Tax Collector	105.00
NJ State League of Municipalities		55.00
McManimon & Scotland, LLC	Legal	2338.07
McManimon & Scotland, LLC		20,163.88
Action Interpreting LLC	Municipal Court	757.50
Municipal Record Service		348.00
Poland Springs		10.99
G & L Transcription of NJ	Municipal Prosecutor	168.77
William J. Marotta, III	Public Defender	300.00
Paul Schilling & Son	Engineer Costs	265.00
Paul Schilling & Son		9500.00
Riddick Associates, PC		831.25
Riddick Associates, PC		262.50
Riddick Associates, PC		700.00

Meeting of April 25, 2011

Riddick Associates, PC				43.75
Riddick Associates, PC				87.50
Riddick Associates, PC				43.75
Riddick Associates, PC				398.75
Riddick Associates, PC				373.75
Delta Dental Plan of NJ	Group Health Ins.			3186.63
Delta Dental Plan of NJ				2825.75
NJ Intergovernmental Ins.	Workmen's Comp. Ins. NJIIF			31,976.39
Emergency Training Assoc. LLC	Aid to Volunteer Fire	2010		500.00
Ally				534.69
Approved Fire Protection				332.00
James Di Maria				265.78
John Conti				300.00
Robert W. Vita				900.00
Jonathan Cespedes				450.00
Jonathan Cespedes				150.00
Motorola Solutions	Aid to Volunteer Fire			284.00
Murphy	2010			3372.74
Singac Fire Co. # 3				650.00
Timothy Conti				150.00
Verizon Wireless				88.36
Cartridge World	Police			209.66
Chief John Dmuchowski				50.00
Clarion Office Supply				215.94
Eagle Rescue Squad				375.40
Miami Systems Corporation				356.75
My Parking Permit Fee				532.50
Clarion Office Supply	Construction Code Official			100.72
Konica Minolta Premier Finance				203.99
National Fire Protection Ass'n				272.95
Branvall Construction, LLC	DPW			950.00
C.A.D. Roofing LLC				485.00
Clifton Power Equipment, Inc.				37.52
Jet-Vac Inc.				774.60
Northeast Equipment				23.28
One Call Concepts, Inc.				55.65
Outstanding Service Co., Inc.				29.95
Poland Spring				10.01
Rossi Decorating Center, Inc.				37.74
Rossi Decorating Center, Inc.				108.97
Rutgers, State Univer. Of NJ				165.00
Suburban Propane				1824.01
Suburban Propane				160.00
American Hose & Hydraulic Co.	Solid Waste			110.66
Gaeta Recycling Co., Inc.				7920.00
Konica Minolta				91.99
S. Rotondi & Sons, Inc.				4062.50
S. Rotondi & Sons, Inc.				4062.50
S. Rotondi & Sons, Inc.				4062.50
S. Rotondi & Sons, Inc.				4062.50
Dave Stern Inc.	Vehicle Maintenance DPW	2010		1761.30
Airgas East				31.80
Associated Truck Parts				240.00
Associated Truck Parts				85.72
Bridy Sales & Leasing	Recreation			600.00
Cintas Corporation				83.63
Konica Minolta Premier Finance				189.99
Mr. John				50.00
Mr. John				40.15
Regal Maintenance				236.75
Township of Pequannock	Board of Health			55,000.00
Accurate Door & Hardware	Bond Ord. - 0827			350.00
Comerro Coppa Architects, PC	Bond Ord. - 1020			4125.00
4 Clean-Up, Inc.	Bond Ord. - 1098			50,354.85
Paul Schilling & Son	Bond Ord. - 1098			320.00
Riddick Associates, PC	Bond Ord. - 1048			43.75
Riddick Associates, PC	Bond Ord. - 1048			977.50
Riddick Associates, PC	Bond Ord. - 1098			1837.50
Riddick Associates, PC	Bond Ord. - 1098			1697.50
Riddick Associates, PC	Bond Ord. - 0856			730.00
Riddick Associates, PC	Bond Ord. - 1020			43.75
Municipal Equip. Enterprises	Bond Ord. - 1112			25,037.00
Municipal Equip. Enterprises	Bond Ord. - 1112			34,449.10
National Terminal, Inc.	Bond Ord. - 1072			1204.53
MCI Communications	Telephone			57.05
Rachels/Michele's	Gasoline			5620.03
Apollo Flag Co., Inc.	Public Bldg. & Grounds			253.20
DAK Electric Company				400.00
Fox Fence Enterprises, Inc.				372.60
Prime Pest Control, LLC				100.00
Rentals Unlimited, Inc.				180.00
Ford Motor Credit Company	Acq. Of Police Car			1365.41
Draeger Safety Diagnostics Inc.	Appropri. Reserves DWI	2010		50.95
P B Electronics	2010			154.00
Little Falls Bd. of Ed.	Local School			1,009,461.00
Passaic Valley Regional HS	Regional School			528,813.92
Deborah Gessler	Widows			416.66

FINANCE COMMITTEE

Darlene Post

Louis Fontana

Joseph Sisco

Meeting of April 25, 2011

There being no further business to come before the meeting, it was moved by Councilmember Sisco, seconded by Councilmember Post, that the meeting be and it was adjourned at 9:35 p.m.

William E. Wilk
Municipal Clerk

Cynthia Meyer
Deputy Municipal Clerk