

Meeting of April 2, 2012

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

Monday, April 2, 2012

Council President Louis Fontana called the meeting to order at 7:30 p.m. with the following members present: Mercedes Gonzalez, Pamela Porter and Joseph Sisco. Also present were Mayor Darlene Post, Township Attorney Associate Jeffrey Trapanese, Township Engineer Dennis Lindsay, Township Auditor Associate Ralph Picone, Municipal Clerk William Wilk and Township Administrator 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 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.

AUTISM AWARENESS MONTH PROCLAMATION – Mayor Post informed that April is Autism Awareness month. She explained that so many people are affected by this, noting that one in 88 children are diagnosed every day. She informed that there will be a fundraiser held at the Recreation Center on 4/7/12. She encouraged all to come out to support this. At this time, Mayor Post read the proclamation aloud. A member of the Board of Education was present to accept the proclamation.

APPOINTMENT OF TOWNSHIP ATTORNEY (Nomination by the Mayor with Advice and Consent of the Council) It was moved by Councilmember Porter, seconded by Councilmember Gonzalez, that LAWRENCE G. TOSI be appointed as Township Attorney.

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

The Council President declared the motion passed.

At this time, Mayor Post administered the Oath of Office to Mr. Tosi.

REMARKS FROM THE CHAIR

Council President FONTANA informed that there will be an Easter egg hunt on Saturday, 4/7/12 at 10:00 a.m. He also informed that the annual Baseball/Softball Parade will be held on 4/21/12 at 9:30 a.m., which will begin at School #1. There will be a Passaic County Senior Art Show held from 5/29/12 through 5/31/12; an awards ceremony for this artwork will be held on 6/22/12 from 2:00 p.m. to 3:00 p.m. He acknowledged that there would be many questions about the budget tonight, and he assured that they would take all questions into consideration in order to provide answers during the public hearing on 4/16/12.

COUNCIL MEMBER REPORTS

Councilmember SISCO explained that there have been many grants awarded for fire equipment to other municipalities over the past month. He asked if Mrs. Bergin could look into these grants for Little Falls. He also informed that he attended a wake service for Mr. Simone's mother yesterday and asked everyone to keep his family in their prayers. He wished everyone a Happy Passover and a Happy Easter.

Councilmember GONZALEZ wished everyone a Happy Easter and Passover. She also informed that representatives would be at the Civic Center on 4/11/12 at 7:00 p.m. to discuss and provide information on the preservation of the Morris Canal. She further noted that there would be a walk-through of the Morris Canal on 4/14/12, which will depart at the Woodland Park Library. She was asked to remind every township employee and resident who sits on a Township Board to please file the Fire Department statements by 4/30/12.

Councilmember PORTER welcomed the new Township Attorney, Mr. Tosi. She also expressed her support of autism awareness, and said she was happy the proclamation was on the agenda tonight. Referring to the recycling pails, she informed that many residents still have not picked theirs up. She encouraged everyone to go pick one up at the Recycling Center. She informed that the Municipal Alliance will be sponsoring a Spring dance on 4/20/12 at the Recreation Center. She reminded that summer camp registration will begin soon, and informed everyone that they could save \$20.00 if they register before May. She referred to a program called Hoops for the Heart, explaining that the NY Giants will be at School #1 next week to challenge the students to exercise for 60 minutes per day. She also informed that she will be reporting for the Little Falls ABC in the near future.

MAYOR'S REPORT

Mayor Post thanked Mr. Tosi for being Township Attorney, and informed that he has agreed to be a salaried employee, which will be a tremendous savings to the town. He extended her condolences to Mr. Simone and his family on the loss of his mother. She informed that she recently attended a League of Municipalities seminar for Mayors, where they reviewed many topics including budgets. She attended a CERT Graduation of ten area volunteers this past Thursday; she thanked these people for their volunteerism. She also informed that NJDOT will

Meeting of April 2, 2012

be installing handicapped ramps along Route 23. She was pleased to announce that Renea Shapiro was honored with a proclamation. She and Mrs. Bergin met with MSU representatives today regarding shared services. She wished everyone a Happy Passover and Easter.

ATTORNEY'S REPORT

Mr. Tosi explained that he grew up in town, and said he is happy to be back and serving in Little Falls. He looks forward to working for the town.

ADMINISTRATOR'S REPORT

With regard to the recently purchased recycling containers, Mrs. Bergin informed that the cans were available for pickup as of 3/24/12; approximately 130 cans were picked up that day. She said they would continue to promote the availability to pick up the recycling containers using the web site, flyers and a press release. She reminded that the DPW office is open from 9:00 a.m. to 3:00 p.m. weekdays, and the Recycling Center is open from 9:00 a.m. to 2:00 p.m. on weekends. She reminded that residents must bring proof of residency, noting that the DPW would deliver cans upon request.

Mrs. Bergin provided clarification in response to questions from the public raised on 3/24/12 regarding the impact to taxpayers on the interest rates paid on FEMA-related bond ordinances. She informed that they expect there to be no permanent financing through the sale of bonds, and said the 2012 Budget doesn't include any interest expenses related to flood mitigation, nor has there ever been any interest paid by the Township for these grants. She informed that the money will be used as outlined in the application; specifically for flood mitigation through acquisition or elevation. She further noted that the Township has received permission to process reimbursements on a monthly basis as opposed to quarterly. At this point in time, there is no cost to the taxpayers. Future costs will be determined based upon future interest rates, the amount borrowed, and the term of the notes. The interest costs for the FEMA flood mitigation program are anticipated to have a minimal impact. However, at the same time, these programs limit future expenses related to flooding and neighborhood clean up after flood events.

With regard to FEMA ordinances in relation to storm response, Mrs. Bergin informed that the refunding ordinance and the emergency notes recently issued total \$934,000. The term of the note is from December 2011 to May 15, 2012 at an interest rate of 1.25%. The estimated interest cost in the 2012 budget is \$5,350.00.

Tennis Court Project: Paving will begin on the Paterson Avenue Tennis Courts later this week. There is one day of paving needed, after paving the contractor must wait 15 days for the pavement to cure and then he can apply surface color and striping. The fence will be installed during the curing period. If weather cooperates, the courts should be done by end of April.

Wilmore Road Park: Due to unsafe conditions, the wooden park equipment is closed for repairs. Signage has been posted at the site asking parents and caregivers to please keep children off the equipment until repairs can be made.

The necessary parts have been ordered and the equipment will be repaired as soon as the parts arrive. We expect to have the equipment repaired by end of April 2012 if not sooner.

New Jersey Transit Grant: The Township is applying for a NJT grant to secure a 20-passenger bus for use as part of the ongoing transportation program offered to senior citizens in the Township. The grant review period is 18 months to 2 years, and we are filing now, anticipating the need to replace an aging vehicle. This grant will allow the Township to replace the vehicle at minimal cost to the taxpayer. Currently, the Township does not have a transportation vehicle that provides handicapped accessibility, and as a result, many seniors in need of transportation assistance cannot participate. In order to qualify for this grant, the Township's transportation services needed to be included in the Passaic County Transportation Plan and thereby, considered a service that provides an essential, unmet need. That process began more than a year ago, and the Township is now included in that Plan.

Pinnacle: In response to the question raised at the last meeting in regards to the OPRA requests filed for Pinnacle documents, I have requested the former Township Attorney provide all related documents and a summary timeline of the matter and its status. I have received a response to that request, and would like to review it with our new Township Attorney to determine what is needed to formally resolve this matter and then subsequently release documentation to the public.

Mr. Lindsay said he sent a memo around informing that he and Mrs. Bergin attended a meeting regarding Routes 3 and 46 in relation to the construction work in that area. He informed that the State is trying to keep the municipalities involved in this process. The biggest change was that they broke it down into two phases; one will be the parallel road and the flyover for Clove Road. This is a very large project. The schedule on Phase One is in the final design stage and they will start construction in the spring of 2014. Phase Two is anticipated to be commenced in spring of 2016.

PUBLIC PORTION

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

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

The Council President declared the motion passed.

Jin Feng, 32 Notch Croft Road, gave some background information on Shen Yun, which is a performance that is outlawed in China. These performers express their support of traditional Chinese culture through classical dance. She encouraged Mayor Post to support this by preparing a proclamation, and asked everyone else to show their support by coming to see a show.

Al Attianese, 27 Dewey Avenue, reminded that since none of his questions were answered at the previous meeting, Mayor Post had promised that they would be answered tonight. He explained that two of his questions relating to the budget were touched upon this evening. He also said Mrs. Bergin had made mention of his question regarding a

Meeting of April 2, 2012

report from Special Counsel Mr. Brindisi of the Pinnacle radio equipment. He asked when his OPRA request will be acted upon. He was informed that this entire matter was referred to the County Prosecutor's Office; he would like to know if any determinations have been made by that office. With regard to the Fair Labor Standards Act, he questioned whether the issues with the paid squad have been cleared up.

Louis Fernandez, 54 Harrison Street, said he received an email over the weekend which included an article about the budget for Passaic County, which will increase two percent. He voiced his frustrations that raises are given to employees at the expense of the taxpayers, noting that it is extremely hard to make a living. He requested that the Mayor and Council invite the Freeholders to a Council meeting to listen to the taxpayers of Little Falls. His request to the mayor and council is to invite the freeholders to a council meeting to listen to the taxpayers of LF. He also referred to billboards and said this project is still continuing on McBride Avenue.

Mary Codisotti, 11 West End Avenue, explained that she has lived in her house for 50 years and has been through a lot of floods. She asked if they will see anything done and said money could be used to alleviate flooding.

Richard Goldberg, 612 Upper Mountain Avenue, referred to the Clove Road proposal and asked about detailed construction documents. He is happy about this proposal, but he would like some vigilance on behalf of the board to see if the documents can be obtained to confirm that this is the truth.

Arnold Korotkin, Long Hill Road, was pleased to hear about the Mayor's meeting with Jack Shannon of MSU. He was also glad to see that there is progress on Clove Road. However, this may cause further traffic problems. He also informed that the Township of Montclair is having an election on 5/8/12 for a new Mayor and Council member. He referred to Resolution [A] on this evening's agenda and voiced some of his concerns about same, noting that the Council already does most of this. He would like the resolution to state that the Township opposes the above-referenced changes.

Agnus Lambert, 660 Long Hill Road, referred to the Long Hill Road/Clove Road project, and said they went through a great deal to arrive at a Council decision. The County is going along with the resolution and the design, but we don't know how this affects Long Hill Road. Her concern is the wording of the resolution that went into the County regarding what the Council wanted and to see if the county will abide by this.

Donald Radcliffe, 239 Long Hill Road, welcomed Mr. Tosi, noting that this would be a good reduction in the legal costs in town. He commended Mayor Post on this accomplishment. Referring to issues of bonding, he informed that Englewood Cliffs had lower bond rates due to the fact that they didn't have any surplus. He asked if this would be the case for Little Falls.

Raymond Klepar, 8 Douglas Drive, referred to Resolution [A] and asked what the Township is opposing regarding open records. With regard to Clove Road, he suggested going on the County website to OPRA the contract with the County for Clove Road. He also commended the new CERT members.

Bob Dombrowsky, 49 Parkway, said he has contacted Code Enforcement about the garbage along Main Street several times. He asked what the procedure for this is and said something needs to be done.

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

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

The Council President declared the motion passed.

Mayor Post assured that she would look into the Shen Yun performance for more information.

Mrs. Bergin informed that there are a substantial amount of tax appeals and they will be working with Mr. Tosi to make the transition. She also said that Mr. Tosi will look into the Pinnacle matter, and assured that Mr. Attianese's request will be addressed.

Mrs. Bergin said there is a presentation scheduled for 4/16/12 regarding the paid EMS. She would like to address questions about this at that time.

Council President FONTANA said employees generally get a raise, which he finds to be frustrating as well. However, he pointed out that many of the employees have contracts, and they have to wait until contracts expire in order to renegotiate and save money.

Councilmember SISCO said they cannot continue to blame the tax increases on the County; the County taxes are decreasing and the Township's taxes are increasing.

Council President FONTANA encouraged Mr. Fernandez to attend Freeholder meetings.

Mayor Post informed that the billboard on McBride Avenue will be a static board, not a lit billboard.

Mrs. Bergin said there is not a significant amount of cost savings from snow removal; they don't have extra money from this to put toward another project. There are several flood mitigation projects currently being worked on and they have done de-snagging along the Peckman River. Mr. Lindsay said there are certain things they are allowed to do along the Peckman River, but the Passaic River is a much larger river, which would involve more money and obstacles. Little Falls is doing a lot of what they can to assist in flood mitigation. Mrs. Bergin said the money from FEMA is not for fixing the river, so they are trying to get whatever they can to make it work.

Meeting of April 2, 2012

Council President FONTANA informed that they passed recommendations to move forward with Clove Road. It looks as though the County will go along with what the Township has asked. Mr. Lindsay said he will contact the County, but he doesn't think it will help to see the contract for this. They can always talk to the County Engineer about future changes if need be.

Referring to Resolution [A], Mr. Wilk explained that there are two Senate Bills regarding OPRA and OPMA, which have been reviewed by the NJ Clerk's Association and the NJ League of Municipalities. Many of these things are already done by the Township, and the Township is not opposing these bills so as not to be required to do this stuff. There are some things that will incur additional costs. The resolutions specifically states that the Governing Body opposes the changes to these bills in their current form, and asks the Senate to reconsider same.

Mr. Picone said he is not aware that the Township's bond rating has been downgraded at this point.

In response to Mr. Dombrowsky, Mrs. Bergin said she will follow up with Mr. Macones regarding code enforcement on Main Street.

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

Raffles - - Give the Kids Hope Foundation, On-Premise 50/50, April 2012 – December 2012, 4:00 p.m.

Blue Light Permit – Thomas Trommelen, Donnaln Place, Clifton, Little Falls Fire Department
- - Michael Bandurski, Wabash Avenue, Clifton, Little Falls Fire Department

Raffles - - Little Falls Alliance for a Better Community, On-Premise 50/50, 5/1/12, 6:00 p.m. – 10:00 p.m.
- Little Falls Alliance for a Better Community, Tricky Tray, 5/1/12, 6:00 p.m. – 10:00 p.m.
- Sons of the American Legion Post #108, Off-Premise 50/50, 5/26/12, 4PM – 11PM

RESOLUTIONS

Opposing Senate Bills 1451 and 1452

RESOLUTION [A] 12-04-02 - #1

WHEREAS, the Senate State Government Committee has considered S-1451 and S-1452 which would, respectively, make major changes to the New Jersey Open Public Meetings Act, (OPMA), and the New Jersey Open Public Records Act, (OPRA); and

WHEREAS, the changes to each body of law will represent additional cost by way of unfunded mandate, make the business of government more cumbersome, more unable to meet the demands of the electronic world and more unable to act in a responsive manner as form is elevated above substance; and

WHEREAS, the proposed changes to OPMA include a restrictive and cumbersome process for adding a matter to a printed agenda, while no similar limitation is imposed upon State government; greatly inhibits or even prohibits the ability of the governing body to act upon matters brought up by members of the public if not on a pre-printed agenda; and requires enlarged openness in government without taking into account the legitimate privacy interests of individuals; and

WHEREAS, the proposed changes to OPRA would require the posting on the website of the municipality all materials recently acted upon within 30 days and all old materials, an undefined term, posted on the website within 60 days, a provision with potentially significant cost without concomitant benefit; permits the requestor of information to choose the medium for communication of requested information even when the same is readily available on the municipal website; and fails to provide funding to the municipalities for these unfunded mandates; and

WHEREAS the Township of Little Falls and its elected officials support the notion of open government but recognize the need to balance the same against the privacy rights of individuals working in and with government, the practical reality encountered in everyday life that sometimes requires departure from strict and inflexible rules and the need to balance access to public records with the potentially onerous costs placed upon government agencies, particularly in terms of manpower;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Township of Little Falls hereby opposes the changes to legislation proposed in these two bills in their current form and asks the Senate to reconsider the same in light of the comments thereto made by the New Jersey League of Municipalities and the New Jersey Clerk's Association which reflect the feelings of the people "in the trenches" who are called upon every day to meet the requirements imposed by such rules and regulations.

BE IT FURTHER RESOLVED, that a true copy of this Resolution be forwarded to the Senate of the State of New Jersey and Senators Robert Gordon and Loretta Weinberg, the chief sponsor of the legislation, as well as the Governing Bodies of all Passaic County and contiguous municipalities.

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

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

The Council President declared the motion passed.

REGULAR AGENDA

The following items were individually considered.

NEW BUSINESS

Modify Public Hearing Date for 2012 Municipal Budget – It was moved by Councilmember Gonzalez, seconded by Councilmember Sisco, that the Council approve the following:

RESOLUTION [B] 12-04-02 - #2

Resolution Re: Revision to Public Hearing Date for the 2012 Municipal Budget

WHEREAS, the 2012 Municipal Budget of the Township of Little Falls was introduced on March 12, 2012; and

WHEREAS, the budget was published in the Herald News in the issue of March 17, 2012; and

WHEREAS, the public hearing pursuant to N.J.S.A. 40A:4-8 on said budget was scheduled for April 23, 2012 at 7:30 PM at the Municipal Building; and

WHEREAS, the Governing Body desires to reschedule the public hearing on the 2012 Municipal Budget to April 16, 2012 at 8:00 PM or thereafter at the Municipal Building.

Meeting of April 2, 2012

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Little Falls that the public hearing on the 2012 Municipal Budget be rescheduled to April 16, 2012 at 8:00 PM or thereafter at the Municipal Building; and **BE IT FURTHER RESOLVED**, that this resolution be published in the Herald News in the issue of April 6, 2012.

Mr. Picone said they are moving the hearing date in order to allow the Township to make changes to the current proposed budget. Councilmember SISCO referred to the 400 pending tax appeals in town and asked how they will handle this. Mr. Picone explained that there are a couple of options, and said it would be done through a refunding bond ordinance.

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

The Council President declared the motion passed.

Authorizing Issuance of Tax Anticipation Notes – It was moved by Councilmember Gonzalez, seconded by Councilmember Porter, that the Council approve the following:

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,500,00 TAX ANTICIPATION NOTES OF 2012 OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY [C]#3

Mr. Wilk informed that this resolution has now been reduced to two million dollars. Mr. Picone explained that these notes are for cash flow purposes, noting that there are certain reasons why the Township has cash flow issues. He informed that the State doesn't start paying this money until July. He further noted that there are certain bills that are paid in the beginning of the year when there isn't any revenue. He explained that these notes will be issued on 4/10/12 and due as of 2/15/13; this will be between \$20-25,000 in interest.

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

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, Porter, Sisco and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Eugene Kulick, 74 Grove Street, said the Recycling Department's employees should be commended; they do a great job. He also informed that there is a gentleman who cleans up all of Main Street every Sunday; he also does a great job and should be commended.

Louis Fernandez, 54 Harrison Street, congratulated Mr. Tosi on his appointment, noting that this is a substantial savings. He asked for the figures and asked if the position will be full or part time. Regarding Resolution [C], he voiced his understanding that they did something similar last year, in which they bonded five million dollars. Mr. Picone clarified that it was \$2.5 million last year. Mr. Fernandez explained that according to Mr. Underhill, it cost the Township \$50,000 in interest last year.

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

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

The Council President declared the motion passed.

Council President FONTANA said he will commend those who Mr. Kulick mentioned.

Mayor Post said Mr. Tosi will be paid \$125,000 annually, without benefits; he will provide services as needed. He will also be bringing in an intern paralegal. All of this is included in the cost.

Mr. Picone explained that it is more of a cash flow issue than a budgeting issue.

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, Porter, Sisco and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Meeting of April 2, 2012

There being no further business to come before the meeting, it was moved by Councilmember Gonzalez, seconded by Councilmember Sisco, that the meeting be and it was adjourned at 8:59 p.m.

William E. Wilk
Municipal Clerk

Cynthia Meyer
Deputy Municipal Clerk