

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

Monday, April 8, 2013

Council President John Vantuno called the meeting to order at 7:30 p.m. with the following members present: Louis Fontana, Joseph Maceri, Pamela Porter and Joseph Rento (8:04 p.m.). Also present were Township Attorney William Northgrave, Township Engineer Dennis Lindsay, Township Administrator Joanne Bergin and Township Auditor Gary Higgins.

Absent: Mayor Darlene Post and Fire Chief Jack Sweezy

Township Employees present: Construction Official Joseph Macones, Recreation Director John Pace, CMFO/Treasurer William Schaffner, DPW Superintendent Phillip Simone, Deputy Municipal Clerk Cynthia Kraus and Deputy Registrar Arlene Karp.

Following the Salute to the Flag, the Statement of Public Notice was read.

STATEMENT OF PUBLIC NOTICE: Take notice that adequate notice of this meeting was provided in accordance with N.J.S.A. 10:4-8 and N.J.S.A. 10:4-10 as follows: A notice of the meeting was prominently posted on the bulletin board at the Municipal Building, located at 225 Main Street, Little Falls, N.J. on January 8, 2013; a copy of the notice was faxed to the North Jersey Herald and News and The Record on the same date; additionally, a copy of the notice was filed in the office of the Township Clerk on said date.

APPROVAL OF MINUTES

It was moved by Councilmember Porter, seconded by Council President Vantuno, that the Minutes of the meeting of February 11, 2013 be approved.

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

The Council President declared the motion passed.

PUBLIC HEARING OF AMENDMENT TO 2013 MUNICIPAL BUDGET

It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the public hearing on the amendment to the 2013 Municipal Budget be and it was opened.

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

The Council President declared the motion passed.

Mr. Higgins explained that this is the public hearing on the amendment to the Budget only. He informed that the Division of Local Government Services came up with technical amendments to the Budget this year regarding state aid. There is no change in the bottom line in the taxation that was included in the original budget.

No one having come forward to be heard, it was moved by Councilmember Fontana, seconded by Councilmember Porter, that the public hearing on the amendment to the 2013 Municipal Budget be and it was closed.

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

The Council President declared the motion passed.

Resolution Adopting the 2013 Municipal Budget – It was moved by Councilmember Fontana, seconded by Councilmember Porter, that the Council approve the following:

RESOLUTION ADOPTING THE 2013 MUNICIPAL BUDGET [A]#1

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

The Council President declared the motion passed.

REMARKS FROM CHAIR

Council President VANTUNO informed that there will be a slight format change, explaining that Mrs. Bergin will review the agenda and address each item during her report. This will be done prior to the public portion for clarification purposes. He also informed that there was an I.T. meeting recently, adding that Mr. Organisciak will be walking through all of the changes for the Justice Complex and Township with servers. He explained that there will be some changes to the website in the near future, and said he would report back when he has more information.

COUNCIL MEMBER REPORTS

Councilmember FONTANA said this past Saturday was the annual Easter egg hunt at the Recreation Center, which was a great success. He informed that this Saturday is the annual Baseball/Softball Parade at 9:30 a.m., which begins at School No. 1. He encouraged everyone to come out and support the kids.

Councilmember PORTER thanked Mr. Pace and Recreation Center employees, adding that the egg hunt was a lot of fun and the kids had a great time. She also informed that she attended the ceremony for Mr. Dransfield; his sign was

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put up on the end of Woodside Avenue. She pointed out that Mr. Dransfield has served on the LFFD for 74 years; she was happy and proud of his accomplishment. She reminded that the Municipal Alliance dance will take place next week at the Recreation Center.

Councilmember MACERI thanked Mr. Pace for organizing the Easter egg hunt. He also pointed out that a group of volunteers were busy getting everything ready for opening day at the field this past Saturday. The Regional Flood Board will have a Workshop tomorrow night at 7:00 p.m. in this building regarding the Passaic County Hazard Mitigation Plan. There will also be a Regional Flood Board meeting on 4/18/13 at the Woodland Park Municipal Building. He expressed his appreciation to Mrs. O’Haire for all of her work sending out information for the board.

MAYOR’S REPORT

Council President VANTUNO informed that the Mayor couldn’t be in attendance this evening. Mrs. Bergin gave a report in her absence. Mrs. Bergin informed that the Township’s Emergency Management Council met recently and discussed renewal of the Township’s Emergency Management Plan, which has to be updated every four years. The process includes getting input from all department heads and the Mayor, and it is led by our OEM Coordinator. Incident command training is required for Council members and the Mayor and will be arranged in the near future. Congratulations to Vanessa Vargas of Viva Salon on the grand opening of her new location on Main Street; she wished them continued success. The Township’s Local Assistance Board held its first meeting of 2013, which was very productive with regard to the task of identifying resources for those in need. The Mayor and Mrs. Bergin will be interviewing candidates from MSU to serve an internship with the board, as well as working with our Social Service Director Robert D’Antonio. A Master Plan Reexamination meeting was held today with the Planner Jeff Janota, and several others to discuss a strategy for updating the Master Plan. A public meeting will be held as a part of this process, which will be advertised accordingly. The NJDOT will be hosting another public meeting here in the Council Chambers this Thursday at 6:00 p.m. regarding the proposed noise barriers.

PROCLAMATION DECLARING APRIL AS AUTISM AWARENESS MONTH – Mrs. Bergin read and presented this proclamation at this time.

ATTORNEY’S REPORT

Mr. Northgrave said there will be a Closed Session tonight to discuss a tax appeal litigation prior to taking action on same.

ADMINISTRATOR’S REPORT

Mrs. Bergin reported as follows:

The Township has been experiencing some issues with its email system. This is likely related to the installation of the new server and the migration of email address accounts from the Lighthouse system to Outlook. Our IT people are diligently working to resolve this and we believe the issue has been corrected. However, if anyone experiences delays in terms of responses to emails, it is likely a result of the email not being delivered. This problem is impacting every address with lfnj.com so it includes employees and council members. We appreciate patience and understanding while this is corrected.

A Monmouth University survey of New Jersey municipal websites ranked Little Falls 251 out of 540 municipalities surveyed. The Township’s web site ranked sixth among municipalities in Passaic County.

The Township’s web site has evolved in terms of its content, ease of use and purpose. The Township’s Technology Committee will continue to work on ways to enhance the site by increasing its interactivity with the public, the use of more online forms, and aesthetics. Congratulations and thanks to Councilman John Vantuno, Bill Organisick and Scott Miller for their continued efforts. Residents are encouraged to share their feedback and suggestions through info@lfnj.com and to register for Nixel updates and Township Email Blasts.

At the request of Council President Vantuno, I will address tonight’s agenda items to provide some background prior to the public portion.

Tonight there will be a second reading and public hearing on the ordinance granting permission to Cross River Fiber to place certain telecommunications facilities within the Township. In mid January, the Township was contacted by Cross River Fiber for non-exclusive use of the Township public rights-of-way to attach and/or install their telecommunications fiber optic cable to existing utility poles or conduits in the Township. The Cross River Fiber ROW request is similar to the ROW request recently approved by the Township by ordinance, for United Federal Data (“UFD”). Cross River Fiber has been approved by the BPU to operate and maintain fiber optic facilities within the municipal, county and State rights-of-way in New Jersey for the purpose of providing telecommunications services.

Similar to the UFD ROW request, the Township will need to adopt an ordinance to grant such approval to Cross River Fiber. The Township should also seek reasonable fees for actual costs it incurs regarding their request. The fee we placed in the UFD ordinance was not to exceed \$2,500. Cross River Fiber does not provide television or telephone services and do not offer services to the residents of Little Falls, so the company will not be placing their cable all over the Township.

Also tonight, there is also a resolution to accept proposals to award a contract for the replacement of the light and pole at the Paterson Avenue ball field. Phil Simone will provide some background on this resolution.

There is also a resolution to award a contract for the provision of the Repetitive Flood Claim home elevation project. As I have previously reported, the Township advertised for bids twice and in both cases rejected all bids because the costs came in higher than the FEMA approved budget. The rejection of bids a second time enabled the Township – through myself, Dennis Lindsay and ADA (project architects) – to directly negotiate with the bidders to identify areas where items could be removed or adjusted and therefore, reduce the total construction costs. We have successfully completed that process and are prepared to recommend a contract be awarded to I&T Electric. This contract is for the elevation of the first three homes scheduled for mitigation through elevation as part of the Township’s approved FEMA funds. We hope to begin construction in the near future and will work with the three property owners to determine the most appropriate construction schedule. Once the construction is underway, the

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Township has a second set of elevation plans to go out for bid that includes properties in the Severe Repetitive Loss FY10 project (otherwise known as Round 1).

There is also a resolution to establish a separate bank account for Green Acres funding. The State requests that municipalities open a separate bank account for funds to be received by Green Acres so that it may be tracked and audited independently and for ease in wire transfers. As you recall from the last meeting, the Township has been awarded \$487,500.00 for its Hazard Mitigation Grant application.

There is also a resolution supporting the delay of draining three reservoirs on Garrett Mountain and replacing them with large concrete tanks. Our neighboring municipalities have asked for the township's support of this resolution for several reasons: the aesthetic impact of the proposed concrete tanks and the need to concurrently consider how the tanks would be used if reservoir management is pursued and identified as a means for flood control. The Township's Flood Board is in support of this resolution and Dorothy O'Haire is here this evening for further comment during the public comment portion of the meeting.

Mr. Simone provided background information on Resolution [G] at this time. He is asking the Council to make an award this evening; the Council will need to decide on installation and purchase or installation only.

In the absence of Councilmember Rento, Mrs. Bergin gave his report as follows:

There have been several Zoning/Property Maintenance Committee meetings, which have been very productive. We will be working diligently with the Planning Board to implement some changes that will address how we can aesthetically improve the beauty of our town.

Mrs. Bergin also congratulated Bill Liess, explained that she attended a meeting with him recently by Passaic County, where they both received recognition. Mr. Liess received recognition for the Senior Citizen Advisory Committee and Mrs. Bergin for the Transportation Committee. Mr. Liess is a wonderful advocate for this town.

PUBLIC PORTION

James Damiano, Sigim Drive, referred to the tax appeal on tonight's agenda which the Council will discuss in Closed Session. He asked if this money is already included in the proposed budget. With regard to Cross River Fiber, he pointed out that many towns allow these fiber optic cables, and asked if the Township would consider asking the company to dedicate several of those lines.

Al Attianese, 27 Dewey Avenue, informed that Mr. Northgrave had previously stated that he would be discussing a pay-to-play ordinance with Mrs. Bergin, which would be presented for introduction. He asked about the status of this. Also, with regard to the recent indictment of six employees at Birdsall Services Group, he asked what affect this would have on the Township in reference to contracts with the company.

Louis Fernandez, 54 Harrison Street, explained that in recent years, surrounding towns have not increased their taxes, even though Little Falls did. He explained that Woodland Park and Totowa pay the same amount of dollars to the school as Little Falls; however, Little Falls has the burden of other bills and issues with the school to handle. He pointed out that Passaic Valley High School just passed a budget of \$24 million, when the town has a budget of \$15 million; something is wrong.

Joseph Lojoi, 34 Woodhull Avenue, asked about the status of the parking ordinance. There is a car always parked on the street by his house.

Arnold Korotkin, Long Hill Road, was happy to hear that the IT Committee is meeting and moving forward. He informed that there is a 2013 unfunded mandate that the schools throughout the State of NJ are going to give a statewide standardized test via computer. Many of the schools in Little Falls are not equipped with WiFi; perhaps our IT Committee could extend a helping hand to the public schools of Little Falls. He also pointed out that there were historic photos of Little Falls hung in the Council Chambers before the room was renovated for court. He asked where the photos are now. He informed that the Little Falls ABC Gardening Group will be participating in the Montclair Art Museum "Art in Bloom" which will start this Friday and will continue through next Wednesday.

Rosemarie Bello-Truland, 15 High Court, asked for an explanation as to why Councilmember Maceri voted against the budget.

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

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

The Council President declared the motion passed.

Mr. Higgins explained the method in which a tax appeal refund is handled. Mrs. Bergin explained that this year's budget includes a line item for the 2012 unresolved tax appeals.

Councilmember VANTUNO referred to Mr. Damiano's comments regarding Cross River Fiber, and said this cannot be used by the town.

Mr. Northgrave said they have discussed the pay-to-play ordinance and they have not taken it any further at this time. He will get the Council a memo on this shortly.

Mrs. Bergin said Mr. Janota is moving from Birdsall Services Group to Janota Planning. The Township will be moving all work to his group; they have worked out all of these details. Therefore, the Township will not have any contracts with Birdsall from that period of time.

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Councilmember VANTUNO explained that each town has different dynamics, noting that it is possible that other towns cut services to keep taxes even. Mrs. Bergin said she stands by the budget proudly; they had a very little increase and it was diligently developed. She also informed that she attended the PVHS budget hearing, noting that any concerns should have been brought before that meeting. She also pointed out that the County’s tax rate is decreasing, which is good news.

Chief Dmuchowski said the parking ordinance is not being enforced at this time. He advised that phone calls could be made to the Police Department if there is a car parked in a place for an inordinate amount of time. He will speak with Mr. Lojoi about this issue.

Council President VANTUNO said he would contact the Superintendent to see if they could do anything from an IT perspective. Mrs. Bergin informed that the photos are in a safe place, adding that they cannot be hung, as it is an issue of court safety.

Councilmember MACERI informed that the Mayor, Administrator and Finance Committee all worked very hard on the Budget. He reminded that Councilmember Fontana had asked him what issues were important to him before being sworn in and his answer had been taxes. Therefore, he cannot agree to an increase in taxes.

CONSENT AGENDA

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

REPORTS

Municipal Clerk’s Report – Month of March 2013

MUNICIPAL CLERKS REPORT
Month of March 2013

ABC LICENSES		
OTHER LICENSES		
Business Licenses	\$1,185.00	
Pre-paid Business Licenses		
Raffle Licenses	790.00	\$1,975.00
REGISTRAR OF VITAL STATISTICS		
Fees & Permits	\$808.00	
Marriage Licenses-LF	24.00	
Marriage Licenses-NJ	200.00	\$1,032.00
MRNA		
Street Maps		
Zoning Maps	\$3.00	
Zoning Ordinances		
Document Copies	13.97	
Garage Sales		
Misc. Fees & Refunds:		
TOTAL MRNA		\$16.97
TOTAL CURRENT ACCOUNT		\$3,023.97
TOTAL TO TREASURER		\$3,023.97

Municipal Clerk’s Dog/Cat License Report – Month of March 2013

MUNICIPAL CLERK’S DOG/CAT LICENSE REPORT
Month of March 2013

Dog Licenses issued 3/1/13 thru 3/31/13	
Nos. 468 to 468 = 1 Licenses	
Amount due Little Falls	\$6.80
Amount due State	1.20
Total Cash Received	\$8.00

Total to Treas. \$8.00

Tax Collector’s Report – Month of March 2013

MONTHLY REPORT

Municipality of Township of Little Falls
Office of the Tax Collector
Township of Little Falls Current Account, Lakeland Bank
Revenues Collector for the Month of March 2013

Categories	March 1-29, 2013	2013 Year to Date
2013 Taxes	\$202,067.36	\$10,564,268.83
2012 Taxes	58,040.84	338,839.79
2011 Taxes	0.00	0.00
Prepaid 2014 Taxes	0.00	0.00
Interest	7,564.87	23,986.66

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Township Tax Title Lien	0.00	0.00
Township Tax Title Lien Int.	0.00	0.00
Township Tax Title Lien 6% PE	0.00	0.00
Cost of Tax Sale	1,134.85	1,442.79
Outside Tax Liens	0.00	61,643.78
Duplicate Tax Bills	5.00	40.00
Tax Searches	0.00	10.00
Insufficient Check Charge	20.00	80.00
6% Penalty Fee	0.00	1,643.73
Misc. Line Item Fee	0.00	0.00
Premium Outside Lien	0.00	0.00
Tax Sale Additional Fee	75.00	75.00
Municipal Copy Fee	0.00	0.00
GRAND TOTALS	\$268,907.92	\$10,992,030.58

Delinquent 2013 Taxes \$309,593.10 (159 line items) 1st Qtr. 02/01/13.
 Delinquent 2012 Taxes \$172,239.50 (42 line items) Tax Sale 04/17/13.
 Delinquent 2011 Taxes 1,236.85 (1 Bankruptcy/1 Senior Dis.-Tax Sale 04/17/13)
Total Delinquent Taxes \$483,069.45

2012 Senior-Disabled Person disallowances \$ 3,000.00 (12 line items) due June 3, 2013 @ \$250.00 ea.

Comparison same time last year:

Delinquent 2012 Taxes \$270,315.53 (150 line items) 1st Qtr. 02/01/12.
 Delinquent 2011 Taxes \$259,260.67 (47 line items) Tax Sale 04/19/12.
Total Delinquent Taxes \$529,576.20

2013 Refunds this month = -\$69.00
2013 Year to date refunds = -\$69.00

Breakdown of refunds for years 2010-2013 completed in 2013(see attached).

2013 Insufficient check charge backs (year to date) = -\$5,264.48.

REFUNDS IN THE YEAR 2013

Months	2010 STCJ	2011 STCJ	2012 STCJ	2013 STCJ	2013 CBJ	Regular 2013	2013 Veteran/Widow	2013 Senior/Disabled	Exempt 2013	2013 Homestead Benefit	Total by Months
January	\$0.00	\$23,972.52	\$83,908.60	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$107,881.12
February	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
March	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$69.00	\$0.00	\$0.00	\$0.00	\$0.00	\$69.00
April											
May											
June											
July											
August											
September											
October											
November											
December											
Totals	\$0.00	\$23,972.52	\$83,908.60	\$0.00	\$0.00	\$69.00	\$0.00	\$0.00	\$0.00	\$0.00	\$107,950.12

Note: The above figures represent the months that the Tax Collector did the adjustments in the computer; the Resolution(s) may have been adopted in the next month.

STCJ = State Tax Court Judgments.
 CBJ= County Board Judgments.

RESOLUTIONS

NJ State Dept. of Health

RESOLUTION [B] 13-04-08 - #2

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

\$1.20

payable to:

NJ State Dept. of Health

representing payment of State dog license fee, license Nos. 468 to 468 for the month of March, 2013.

Little Falls Public Library – 1st Qtr. 2013 Funds

RESOLUTION [C] 13-04-08 - #3

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:

\$147,858.00

payable to:

Little Falls Public Library

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representing payment of 2nd quarter 2013 funds.

Treasurer, State of NJ

RESOLUTION [D] 13-04-08 - #4

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:

Treasurer, State of NJ

representing 1st Quarter 2013 Marriage License/Civil Union Fees.

Reserve Account – Postage Meter

RESOLUTION [E] 13-04-08 - #5

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:
\$8,000.00

payable to:

Reserve Account

representing the replenishing of postage account maintained for telephone refill of the postage meter.

NJDOT – Renewal of Outdoor Advertising License

RESOLUTION [F] 13-04-08 - #6

WHEREAS, the Township of Little Falls applied for and received State license for outdoor advertising (billboards) along Route 46; and

WHEREAS, those permits need to be renewed annually with the New Jersey Department of Transportation,

NOW, THEREFORE, BE IT RESOLVED, the Treasurer is hereby authorized to issue a check to the New Jersey Department of Transportation in the amount of \$50.00 representing payment of the renewal costs for outdoor advertising license

REGULAR AGENDA

The following items were individually considered.

NEW BUSINESS

Ordinance No. 1173 – It was moved by Councilmember Fontana, seconded by Councilmember Rento, that the public hearing on Ordinance No. 1173, “**ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS GRANTING PERMISSION TO CROSS RIVER FIBER, LLC D/B/A CROSS RIVER FIBER, NJ, INC. TO PLACE CERTAIN TELECOMMUNICATIONS FACILITIES WITHIN THE TOWNSHIP OF LITTLE FALLS**”, be and it was opened.

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

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Fontana, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1173 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Fontana, seconded by Councilmember Porter, that the Ordinance No. 1173 be and it was adopted.

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

The Council President declared the motion passed.

Awarding Contract for the Replacement of Light and Pole at Paterson Avenue Ball Field – It was moved by Councilmember Fontana, seconded by Councilmember Rento, that the Council approve the following:

RESOLUTION [G] 13-04-08 - #7

AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FORREPLACEMENT OF THE BALL FIELD LIGHTS AND POLE DESTROYED DURING HURRICANE SANDY

WHEREAS, on April 5, 2013, the Township of Little Falls received proposals for the replacement of the ball field lights and pole destroyed during Hurricane Sandy:

Salomone Brothers, Inc.	I&T Electrical Lighting, LLC
Supply & Install: \$32,247.50	Supply & Install: \$38,750.00
Installation Only: \$12,125.00	Installation Only: No proposal

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

WHEREAS, the DPW Superintendent has reviewed the proposals for technical sufficiency and recommends that a contract be awarded to Salomone Brothers, Inc.; and

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

1) That the proposal of

Salomone Brothers, Inc.
17 Demarest Drive
Wayne, New Jersey 07470-6744

in the amount of

\$12,125.00

be and the same is hereby accepted; and

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

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

The Council President declared the motion passed.

Award of Fair and Open Contract for Provision of RFC Home Elevation Project – It was moved by Councilmember Fontana, seconded by Councilmember Rento, that the Council approve the following:

RESOLUTION [H] 13-04-08 - #8
AUTHORIZING THE AWARD OF FAIR AND OPEN CONTRACT FOR
PROVISION OF REPETITIVE FLOOD CLAIM (RFC) HOME ELEVATION PROJECT

WHEREAS, the Township of Little Falls has a need to acquire home elevation services as a FAIR AND OPEN CONTRACT pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, it is expected that the value of the acquisition of these services will exceed \$17,500; and

WHEREAS, the Township twice solicited proposals for the elevation of three (3) homes on Louis Street; and

WHEREAS, the Township received bids for this project in December 2012 and rejected same, as the base bid exceeded the budget;

and

WHEREAS, bids were again received on March 1, 2013 and were rejected, as the base bid again exceeded the budget; and

WHEREAS, the Township went into negotiations with the bidders as permitted by the Local Public Contracts Law; and

WHEREAS, I&T Electric has submitted a response to the Township's Request for Qualifications for provision of home elevation services in connection with the Repetitive Flood Claim Grant Program, and the submission clearly details I&T Electric's qualifications and experience; and

WHEREAS, the award is subject to the Availability of Funds and certification of same in the 2013 budget;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Little Falls authorizes the Mayor to enter into a contract with I&T Electric for the services as described herein; and

BE IT FURTHER RESOLVED that the Township Clerk is authorized and directed to cause notice to be published in the newspaper once in accordance with the provisions of statute.

BE IT FURTHER RESOLVED by the Township Council of the Township of Little Falls that, based on the recommendation of the Township Engineer, does hereby award a contract to I&T Electric to provide home elevation services in the amount of 464,970.00.

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

The Council President declared the motion passed.

Establishing Separate Bank Account for Green Acres Funding – It was moved by Councilmember Rento, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [I] 13-04-08-#9

WHEREAS, the Township of Little Falls has been awarded funding from the State of New Jersey Green Acres Program for the acquisition of flood plain homes; and

WHEREAS, the State of New Jersey requires that a separate bank account be established to receive said funding and any other potential funding from the Green Acres Program; and

WHEREAS, the Township of Little Falls fully intends to comply with this requirement;

NOW, THEREFORE BE IT RESOLVED on this 8th day of April 2013 that the governing body authorize the CMFO/Treasurer to set up a Green Acres Projects account with Lakeland Bank.

BE IT FURTHER RESOLVED that funds deposited into this bank account be subject to withdrawal upon checks or other orders for the payment of money when signed by the Mayor and the CMFO/Treasurer.

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

The Council President declared the motion passed.

Supporting Resolution Delaying Draining of three Reservoirs on Garrett Mountain – It was moved by Councilmember Rento, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [J] 13-04-08 - #10

SUPPORTING THE DELAYING OF DRAINING THREE (3) RESERVOIRS ON GARRET MOUNTAIN AND REPLACING THEM WITH LARGE CONCRETE TANKS, UNTIL UPDATED RULES ARE RELEASED BY THE ENVIRONMENTAL PROTECTION AGENCY

WHEREAS, in response to a Federal Environmental Protection Agency mandate to cover all treated drinking water supplies, the Passaic Valley Water Commission is planning on draining the three (3) reservoirs on Garret Mountain and replacing them with large concrete tanks; and

WHEREAS, the reservoirs are the Levine, New Street and the Great Notch, which happens to form about half of the western border of Rifle Camp County Park; and

WHEREAS, construction of the tanks would mar the landscape of the immediate area, which straddles Paterson and Woodland Park and would cost upwards of \$100 million; and

WHEREAS, the cost would be passed on to consumers; and

WHEREAS, being that local residents have been drinking this water for decades; and

WHEREAS, lawsuits filed against the mandate by New York City and Portland, Oregon, have spurred the Environmental Protection Agency (EPA) to revisit this requirement, known as LT2 and the EPA is taking until 2016 to release an updated version; and

WHEREAS, the Environmental Protection Agency has also granted New York City an extension for one particularly expensive reservoir replacement project; and

WHEREAS, based on this information, the Passaic County Planning Department would like to see the Passaic Valley Water Commission delay movement on the construction until the updated rules are released and less harmful solutions are explored; and

WHEREAS, these three sites about residential neighborhoods and the introduction of tanks would render them industrial in look while also raising the residents' water rates; and

WHEREAS, the Mayor and Council of the Township of Little Falls are desirous of demonstrating their support for the delay on the project, until the updated rules are released; and

WHEREAS, this matter was discussed at the Regular Meeting of the Governing Body of the Township of Little Falls on April 8, 2013;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Little Falls, County of Passaic, State of New Jersey hereby urges the delay in movement on the tank construction project, until the updated rules are released by the Environmental Protection Agency; and

Meeting of April 8, 2013

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to all New Jersey representatives.

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

The Council President declared the motion passed.

EXECUTIVE SESSION

It was moved by Councilmember Fontana, seconded by Councilmember Porter, that the Council approve the following:

RESOLUTION [EX]

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into executive session during a Public Meeting;
and

WHEREAS, the Governing Body of the Township of Little Falls has deemed it necessary to go into executive session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Little Falls will go into executive session for the following reason(s) as outlined in N.J.S.A 10:4-12: Discussion of Litigation Matter(s).

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

The Council President declared the motion passed.

The Council entered Executive Session at 8:15 p.m.

At 8:54 p.m., the Council returned and it was moved by Councilmember Fontana, seconded by Councilmember Porter, that the meeting return to Open Session.

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

The Council President declared the motion passed.

Authorizing Settlement of Tax Appeal – It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the Council approve the following:

RESOLUTION [K] 13-04-08 - #11

WHEREAS, the Mayor and Council of the Township of Little Falls have been advised of the proposed settlement of a property Tax Appeal filed by Theta Holding Company, LP (hereinafter the “Tax Appeal”), under Docket Numbers 001327-2009; 009354-2010; 009213-2011 and 006448-2012, and;

WHEREAS, the aforesaid Tax Appeal involves a commercial property located at 150 Clove Road, and is also designated as Block 251 Lots 3, 4, 5, 10 and 10.01 on the tax assessment map of the Township (hereinafter the “subject property”), and;

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

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

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

2009:	\$162,526.64
2010:	\$173,372.96
2011:	\$180,351.60
2012:	<u>\$193,384.00</u>
Total:	\$709,635.20

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

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

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Township Administrator, Township Tax Attorney, Township Tax Assessor, Tax Collector, Treasurer and/or any other appropriate Township official is hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution, and;

BE IT FURTHER RESOLVED, that upon the issuance of Tax Court Judgments requiring the issuance of refunds for the above-referenced tax years, the Tax Collector hereby authorizes the Township Treasurer to refund the total amounts stated herein, payable to Scarinci and Hollenbeck and forwarded to Mark K. Follender, Esq. c/o Scarinci and Hollenbeck, 1100 Valley Brook Avenue, Lyndhurst, New Jersey, 07071, within 90 days of the date of receipt of those Judgments.

SCHEDULE “A”

- A. The terms of the aforesaid tax appeal settlement shall consist as follows:
 - 2009 Appeal: \$62,250,000
 - 2010 Appeal: \$62,250,000
 - 2011 Appeal: \$62,250,000
 - 2012 Appeal: \$62,250,000
- B. The total assessment for the subject property shall be further adjusted to \$50,000,000 in the 2013 tax year.
- C. The provisions of N.J.S.A. 54:51A-8 (the “Freeze Act”) shall be applicable to the terms of this settlement.

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

The Council President declared the motion passed.

There being no further business to come before the meeting, it was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the meeting be and it was adjourned at 8:56 p.m.

Cynthia Kraus
Deputy Municipal Clerk