

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

Monday, August 10, 2015

Council President Louis Fontana called the meeting to order at 7:04 p.m. with the following members present: James Damiano, William Liess, Joseph Maceri and Pamela Porter. Also present were Mayor Darlene Conti, Township Attorney Leslie London, Township Engineer Dennis Lindsay, Township Planner Jeff Ward, Township Administrator Charles Cuccia, and Municipal Clerk Cynthia Kraus.

Absent: None

Township Employees present, Police Chief John Dmuchowski, Sgt. James Minnella, Sgt. Matthew Romaine, Sgt. Steven Post, Sgt. Daniel Gianduso Cpl Robert Prall, Ptlm Bryan Prall, Ptlm, Jason Pressing, Ptlm Al Pinnola, Ptlm, John Monaco, Ptlm, Jason Macaluso, Ptlm Ryan Hoyt, Ptlm Ted Shaplo, and Ptlm Dawn Gilchrist.

Township Employees Absent: DPW Superintendent Phillip Simone and Deputy Registrar Marlene Simone

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

STATEMENT OF PUBLIC NOTICE: Take notice that adequate notice of this meeting was provided in accordance with N.J.S.A. 10:4-8 and N.J.S.A. 10:4-10 as follows: A notice of the meeting was prominently posted on the bulletin board at the Municipal Building, located at 225 Main Street, Little Falls, N.J. on January 6, 2015; 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.

AWARD AND CEREMONIES

Mayor to Swear in the Following Police Officers;
Lieutenant Steven Post
Sergeant Robert Prall
Sergeant Bryan Prall
Sergeant Jason Presing

PRESENTATION BY SUPERINTENDENT OF SCHOOLS ON SCHOOL REFERENDUM

Tracy Marinelli, Superintendent of Schools, stated there will be a referendum on 9/29/15 to address three school buildings. Proposed upgrades include: mechanical, security, bathroom, corridor/ceiling lighting, exterior door and window replacements, and cafeteria upgrades. The improvements total \$2,267,389.00 for School No. 1; three of the items qualify for Regular Operation District (ROD) grants.

School No. 2 upgrades include security and mechanical upgrades, and exterior door replacements, totaling \$1,115,386.00.

School No. 3 upgrades include security and mechanical, and exterior door replacements totaling \$906,916.00.

The total cost of the referendum is \$4,289,691.00, of which \$1,285,600.00 will be ROD grant return. The cost to taxpayers is \$3,400,675.00, which translates to approximately \$64.77 for an average household. There are some other options to bring the amount down.

All were encouraged to support the schools on 9/29/15. Referendum meetings are scheduled for 8/24 and 9/8.

PUBLIC PORTION-GENERAL MATTERS

It was moved by Councilmember Maceri, seconded by Councilmember Porter, that the meeting be and it was opened to the public for items that are not on the agenda.

Poll: Ayes: Damiano, Liess, Maceri, Porter and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Ron Tolomeo, 12 Morningside Circle, requested pictures of the cracked pipe on his property, a cost comparison of repairs, and a status update on the underground pipe system.

Brian Reynolds, 7 Notch Road, lodged a noise complaint due to work performed by PSE&G. The work has been done at night and noise levels are intolerable. He requested reconsideration of the work hours.

Louis Fernandez, Harrison Street, asked for clarification on recent televised reports on the elevations and questioned what costs would fall on taxpayers.

Rosemarie Bello-Truland, High Court, reiterated the noise complaint regarding work on Notch Road and that roadwork hours also be considered with the Route 3/46 project.

Max Kohutich, representing the Student Advocates for Safety, thanked Mr. Cuccia for providing a detailed explanation of their project and Mr. Simone for allowing them to be guests at the recent Shade Tree Commission meeting. He thanked the Police Department for allowing them to meet with their traffic officers, and for those responsible for installing two speed limit signs on Browertown Road. He queried whether the students could be included in Grant and Transportation Committee meetings and if a status update could be provided.

No one further having come forward to be heard, it was moved by Councilmember Liess, seconded by Councilmember Porter, that the meeting be and it was closed to the public for items that are not on the agenda.

Poll: Ayes: Damiano, Liess, Maceri, Porter and Council President Fontana
Nays: None

The Council President declared the motion passed.

Mr. Lindsay responded to Mr. Tolomeo's request explaining the rationale included weighing the pros and cons of repairing the pipe versus the current plan. He elaborated that there are dual headwalls making access difficult. Repair would be expensive and access to residents' backyards would still need to be required, making it challenging to maintain going forward. An alternative option was given, which would be accessible and could be maintained. Mr. Lindsay added he will make the pictures, cost estimates, and copies of reports available.

Mr. Cuccia stated a request for day time work was made to PSE&G and the Department of Transportation. However, since the roadway was part of the Rte. 46 infrastructure, the DOT decided what time of day work would occur; it was not the Township's decision. Council President FONTANA recommended Mr. Cuccia make another request to PSE&G for work to be done during the day. Chief Dmuchowski to enforce roadway access during construction.

Mr. Cuccia explained the FEMA program that while the elevation of homes compromised by the flood are paid for, no funds are given for improvements. Therefore, there is a back and forth between what FEMA allows and the homeowners. The Township abides by the Local Public Contracts Law, which states the project is given to the lowest responsible bidder. The contractor must be given the ability to complete the project. This particular contractor filed for bankruptcy and walked off the job. The Township can only inspect and ask the contractor to correct while he is working. Once the contractor is through and the Township gets the project back, a walk through and punch list are created. In this case, the situation might be above the threshold. As a result, tonight will include a resolution to go out to bid. Mr. Cuccia added that he believes these costs will be funded to finish this project.

Councilmember DAMIANO reiterated his statement at a previous meeting that the students would be invited to Transportation and Grant Committee meetings when there are issues pertaining to Browertown Road or the sidewalks.

Mr. Lindsay stated the County received a grant for the extension of the Morris Canal. The County considers the concerns of the students valid and will change their procurement review to include the area southerly to the entrance of the high school. If the project is deemed viable, there is potential for the grant to be extended and sufficient funds made available. Mr. Lindsay to report back as information becomes available.

ITEMS TO BE DISCUSSED:

CLERK:

1. RESOLUTION FOR RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE FOR 2014-2015
Mrs. Kraus informed that this is an annual renewal.
2. RESOLUTION AUTHORIZING TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE FROM THE JUST KASH, INC. TO YELLOW LEAF, LLC
A request for approval will be forthcoming tonight regarding transfer of license for the Phone Booth.

ADMINISTRATOR:

1. 2015 ROAD RESURFACING PROGRAM
Mr. Cuccia provided a breakdown of roads included in the 2015 Road Resurfacing Program. Mr. Lindsay to evaluate which roads are in most need. Councilmember PORTER questioned if the library would be closed when Warren Street is paved. Mr. Lindsay responded it may require a temporary closure.
2. DISCUSSION OF BILLBOARDS
Mr. Cuccia stated a resolution will be presented tonight to request to bid. Councilmember DAMIANO requested clarification on the resolution. Mr. Cuccia explained the bid is for a land lease for two locations on Paterson Avenue near McBride and the other is on eastbound Route 46 beyond Clove Road but prior to Valley Road.
3. DISCUSSION ON BOND RATING
Mr. Cuccia was pleased to report the Township has been assigned an AA minus rating. The Township has a very strong debt and contingency liability profile, and was asked to do additional modeling with regard to budget forecasts. An even higher grade rating could be achieved, resulting in more savings on interest costs.
4. RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR CLEANING SERVICES
Mrs. London stated the bids for cleaning services were reviewed for legal sufficiency. The Council can proceed with the resolution of award with the caveat that references are satisfactory.
5. RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR HOUSE DEMOLITIONS
Mrs. London stated house demolition bids were reviewed. A potential bid protest was received and was not supported. She instructed to proceed to award to lowest responsible bidder. Mr. Cuccia listed the houses included in the award.
6. RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR RECYCLING MARKETING/ COLLECTION
Mrs. London informed the Council the bids were reviewed for legal sufficiency and were found to be compliant. A resolution is being presented to authorize a contract for services. In response to Council President FONTANA, Mr. Cuccia explained there are two companies being awarded and service to residents will not be impacted. Due to the volatile market of the coming piece, they will go back out to bid to obtain the best market strategy.

7. **RESOLUTION APPROVING HAZARD MITIGATION PLAN**
The plan was coordinated by the Office of Emergency Management and Passaic County and the resolution represents our portion of the County's plan.
8. **RESOLUTION INCREASING BID THRESHOLD**
A local Finance Board notice was released announcing the bid thresholds for townships who have qualified purchasing agents has been increased from \$36,000 to \$40,000. A resolution is required in order apply the new threshold.
9. **PUBLIC HEARING OF ORDINANCE #1223 – NORTH JERSEY DISTRICT WATER SUPPLY TRANSFER OF LAND**
Mr. Cuccia explained this completes the ordinance process for the Paterson Avenue property being deeded to the Township.
10. **PUBLIC HEARING OF ORDINANCE #1224 - TRANSIT VILLAGE ZONING ORDINANCE**
The Planning Board reviewed the document and determined it to be in compliance with the master plan.
11. **PUBLIC HEARING OF BOND ORDINANCE #1225 – REFUNDING BOND ORDINANCE**
Mr. Cuccia stated the refunding bonds were authorized at the last meeting. The bonds will be in the market shortly and savings are expected.
12. **RESOLUTION AUTHORIZING ADVERTISEMENT FOR THE RECEIPT OF BIDS FOR ELEVATION OF 19 LOUIS STREET**
Mr. Cuccia stated this resolution refers to discussion in the public comment and will allow a contractor to be obtained to complete the remainder of the work at 19 Louis Street.
13. **TOWNSHIP CODE AMENDMENTS:**
Councilmembers were provided with proposed amendments to the following codes to consider for introduction at the September meeting.
 - A. **DELINQUENT TAXPAYERS**
Mr. Cuccia explained the proposed changes would include taxpayers who are delinquent for more than three consecutive quarters instead of those missing one payment.
 - B. **SICK LEAVE**
Mr. Cuccia explained this amendment would adopt the personnel manual previously approved by the Council into the ordinance.
 - C. **ETHICS BOARD**
Mr. Cuccia explained the amendment proposed eliminates the local ethics board, as all ethical issues are required to be heard at the state level.
 - D. **MASSAGE, BODYWORK & THERAPY BUSINESSES**
Mr. Cuccia explained the amendment reflects current procedure.

TOWNSHIP ENGINEER:

- 1 **RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR RAILROAD PARK IMPROVEMENTS**
Mr. Lindsay informed the Council competitive proposals have been received, however, the lowest bid came in over budget. Mrs. London confirmed the lowest bid was reviewed and was found to be satisfactory. A separation action is proposed to provide the additional funding for the remainder over bid. A brief discussion ensued with regard to sources of funding. Part of the Little Falls Open Space program is going to be applied.

COUNCIL TOPICS FOR DISCUSSION:

There was no discussion.

PUBLIC PORTION-AGENDA ITEMS ONLY

It was moved by Councilmember Porter, seconded by Councilmember Maceri, that the meeting be and it was opened to the public for agenda items only.

Poll: Ayes: Damian, Liess, Maceri, Porter and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Brian Reynolds, Notch Road, brought forth the issue of curbing on his road, the purpose of bonds issued, and why the township issues debt. He asked which liquor license was being renewed, and found it was Top Cucina Bella Notte on Stevens Ave. He requested clarification on the cleaning services and recycling resolutions.

Dan D'Agostino, 15 Meadow Drive, commented the Transit Village zoning ordinance was crafted very well. He asked for clarification specific to the architectural regulations, and questioned some items in the TV-OR district. He discussed parking zoning areas and how they can be improved.

Roberto E. 15 Center Avenue, questioned how Ordinance No. 1224 would affect his property.

Alex Cruz, 41 Wilmore Road, voiced a concern regarding Ordinance No. 1224. He opposed structures three stories high as they will be over the tree line. This will take away the aesthetic of the park view.

John Veteri, 133 Prospect Street, stated there are some proponents of the Transit Village ordinance that require further consideration. Specifically, he highlighted the live/work unit on the second floor, the prohibited use list, a house on Walnut Street that is in the R2 zone, the zone designation of the Methodist Church, the Transit Village retail district, the TV OR zone, as well as some aspects within individual districts.

Ralph Ferro, Jr. office at 66 East Main Street, stated his client is Timko and it is important to keep the symmetry of that area as businesses attract other businesses.

Jeannie Gurdy, 2 Elm Street, emphasized that allowing a five story building on Main Street would change the look of the Township and reconsideration is needed.

Sal Benvenuti, 37 Warren Street, stated he was absent for the introduction of the ordinance but expressed his concern for how the Transit Village ordinance might affect his neighborhood.

Cheryl Bird, Montclair Avenue, expressed concern regarding building height and requested more information on how the ordinance would affect her property.

Brian Reynolds, Notch Road, requested information on what monies the Township has gotten back from recycling.

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

Poll: Ayes: Damiano, Liess, Maceri, Porter and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Mr. Lindsay confirmed Mr. Reynold's statement that Notch Road is a county road. Mr. Lindsay explained the County determines which roads are to be paved and this year Ridge Road is on the list. Mr. Lindsay to contact the County to request that Notch Road be put on next year's list. He added the County has new policy and is obligated to look at what type of traffic occurs on a roadway to see if curbs or sidewalks are warranted.

Mr. Cuccia elaborated on the two components to recycling: collection and marketing. The current resolution is pertaining to marketing, which refers to reimbursement for recyclable materials. Mr. Cuccia explained that the Township searches for the best market strategy where the Township can get paid and/or not pay a tipping fee.

The cleaning service resolution pertains to the Municipal building and the Police Department.

Mr. Cuccia reported in reference to the loss of tax dollars, that \$25 million assessed values were lost. The properties that were purchased and then demolished became open space and were off the tax rolls. To replace the lost revenue, development in other areas is considered. Regarding the bond issue, Mr. Cuccia expounded on the statutes that are followed. When a situation such as the current one arises where at least 3% may be saved, it is possible to approach the local finance board to apply for a new bond to cover the old bonds at a lower interest rate. The bonds are financing improvements to infrastructure such as parks, sewers, roads, etc.

Council President FONTANA discussed the recommendation of the Planning Board to drop the zoning from five stories to four stories. He agreed that the area near Quick Chek currently remain zoned as a B-1 District. Mr. Lindsay added the park would not be included in any transit village designation. Councilmember DAMIANO announced he would recuse himself from voting on the OR designation portion of the ordinance, as his family has holdings within that designation.

Councilmember PORTER agreed to keep the section from Van Ness down a B-1 area District. Regarding the property on Walnut Street, she asked if some kind of verbiage can be added to the ordinance to exclude this parcel.

Councilmember MACERI questioned whether a residential property owner in the OR zone could rebuild if the residence burnt down. Mr. Ward responded they would have to conform to new zoning requirements.

Councilmember DAMIANO requested clarification on the difference between R1B and TVR2 zones, to which Mr. Ward explained while they allow all of the same uses, the height is different. Councilmember DAMIANO expressed concerned with the height allowed near the railroad station. Mr. Ward explained that the zoning is to allow for transition.

Mr. Cuccia queried whether one of the hubs must be in the Transit Village for application purposes. Mr. Ward to research and report back.

Councilmember DAMIANO said live/work should be completely eliminated, as discussed at a previous meeting. Mr. Ward explained the rationale for keeping live/work in the ordinance. Councilmember DAMIANO stated in a mixed use area, if someone wanted to have both, they could. In this Township he does not see the need for a live/work unit. Council President FONTANA stated zoning should remain the way it is now. Eliminate live/work entirely from the Transit Village application. Mr. Ward explained that Wilmore Road Park is not in the suggested OR district and provided specific responses to each property owner who questioned how they would be affected by the ordinance.

In response to Mr. Veteri's request to bring back the prohibited use list. Mr. Lindsay and Mr. Ward advised against this because it is difficult to enumerate all possible uses that are prohibited. It may be more successful using performance standards rather than specific business types. Council President FONTANA does not want to split the property on Walnut Street.

Mr. Ward requested a decision on whether to eliminate the Transit Village OR Zone or leave it as existing B1 zone, or leave it as a Transit Village office/residential (live/work) zone. He also questioned the height for the medium density TVMD zone. All Councilmembers agreed this should be four stories. Councilmember MACERI noted the benefit of changing to office retail is revenue. Council agreed to maintain the B1 zone. Councilmember PORTER abstained from this section. Councilmember DAMIANO requested continuation of this discussion at the September meeting.

Meeting of August 10, 2015

Executive Session to be moved to the end of the regular meeting

There being no further business to come before the meeting, it was moved by Councilmember Porter, seconded by Councilmember Damiano, that the meeting be and it was adjourned at 9:23 p.m.

Cynthia Kraus
Municipal Clerk