

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

**Monday, February 10, 2014**

Council President Louis Fontana called the meeting to order at 7:30 p.m. with the following members present: Joseph Maceri, William Organisciak and Pamela Porter. Also present were Mayor Darlene Post, Township Attorney Associate Leslie London, Township Engineer Dennis Lindsay, Municipal Clerk Cynthia Kraus and Township Administrator Joanne Bergin.

Absent: Councilmember John Vantuno, Township Attorney William Northgrave and DPW Superintendent Phillip Simone.

Township Employees present: Fire Chief Jack Sweezy 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 February 4, 2014; 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 Organisciak, seconded by Councilmember Porter, that the Minutes of the meetings of December 9, 2013 and December 30, 2013 be approved.

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

The Council President declared the motion passed.

**REMARKS FROM CHAIR**

Council President FONTANA informed that kids' sports are in full swing; the Recreation Center has a full house every weekend. He also informed that they will be finalizing all of the committees that were discussed at the Reorganization Meeting. He asked all residents and business owners to keep all sidewalks clear of snow; he also asked everyone to help to clean around the fire hydrants just in case the Fire Department needs to use them. He also informed that he received a letter from the Mayor and Council of the Borough of Haledon, thanking the town for the Fire Department's assistance during a full working structure fire. Council President FONTANA thanked the Fire Department as well.

**COUNCIL MEMBER REPORTS**

Councilmember ORGANISCIAK informed that the Technology Committee had its first meeting a couple of weeks ago. He explained that they discussed some pending updates to the website, noting that the Council meeting videos are now up on the site.

Councilmember PORTER informed that the Senior Citizen Advisory Board will be having a tax specialist come to discuss about financial matters at the Civic Center on 2/19/14 at 10:00 a.m. She also informed that the Municipal Alliance is working on *Staying on the Right Track Day*, which is all about drug and alcohol awareness. The dance for the fifth and sixth graders is also coming up, during which the kids will have a period where they can ask questions about drugs and alcohol; it is very educational. She also informed that the PTA sponsored a great fundraiser at Passaic Valley High School yesterday with the Harlem Wizards.

Councilmember MACERI informed that the Regional Flood Board will hold its next meeting this Thursday in Cedar Grove at 7:00 p.m. They will be discussing a recent study that was performed and what needs to be done. He thanked the DPW for doing such a great job with the snow; Little Falls looks very clean after the storms.

### **MAYOR'S REPORT**

Mayor Post extended her condolences to Councilmember Porter. She also thanked the DPW for keeping the roads in town clear of snow. She also informed that she had five visitors come from the Banyan High School last week to take a tour of Town Hall; the kids had a great time and were able to ask questions. She also received a letter from Mrs. Burke regarding the hostage situation, in which she made mention of the wonderful job the dispatcher did, as well as the Police Department.

### **ATTORNEY'S REPORT**

Mrs. London had nothing to report.

### **ADMINISTRATOR'S REPORT**

Mrs. Bergin reported as follows:

Thank You Council President.

First, I'll provide an update on PSE&G's Northeast Grid Reliability Project, which was discussed at the last Council meeting. PSE&G has provided the Township with a construction schedule for the project which started on February 3 and is expected to be complete by February 15. Access road crews will be on the right-of-way off Ridge Road, Clove Road and Long Hill Road. Drilling foundation crews will be on the right-of-way off Ridge Drive and Sigtim Drive. Line construction crews will be on the right-of-way off Ridge Road, Clove Road, Long Hill Road and Sigtim Drive. Currently two (2) monopole foundations have been constructed, zero (0) monopoles have been erected and zero (0) transmission towers were removed along the route of the PSE&G Northeast Grid (NE Grid) electric transmission reliability project, which is being conducted within PSE&G's right of way; the work involves replacing the utility poles. Residents in the immediate vicinity have been contacted directed by the utility.

In late January, the Township was notified by FEMA that Little Falls has been selected as one of the plan integration Best Practices that FEMA will include in their online portfolio. The Township's work in Hazard Mitigation planning and in our implementation of flood mitigation projects has earned us this national recognition. This is an amazing honor and we will be the only Passaic County community – and one of the few in New Jersey – to have been selected. Credit of course to Dorothy O'Haire and the Regional Flood Board for their diligence in successfully convincing the Mayor and Council back in 2007 to complete the Hazard Mitigation Plan. Without that, the Township would not be eligible for the grants that have allowed for elevations and acquisitions of private properties in the floor area.

On tonight's agenda there is a resolution and ordinance needed to fund the Township's responsible portion of the cost of remediation of the Passaic River. The judgment is part of a settlement in the matter of the NJDEP vs. Occidental Chemical Corporation. Several months ago, the Council voted to approve the settlement, as the legal fees continued to climb with no end in sight. Tonight's action provides for the funding of that settlement. However, it should be noted that the case is not resolved, and continues to be heard at the federal level. Tonight's action resolves the matter in terms of the State portion of the suit. The Township continues to gauge the course of the matter in federal court.

Also on tonight's agenda is the introduction of ordinance 1189, amending the property maintenance code of the Township. The Council previously approved an amendment to the current ordinance that allows for a fee structure to be established, which gives our code officials more to work with when enforcing the codes of the Township. The State reviewed that ordinance and requested modifications specific to the fee structure. Those changes have been made and once this ordinance passes will go on to the State for approval. When that occurs, we can then establish consistent and equitable monetary penalties for offenses, which do seem to have more of an impact than written warnings. This ordinance came about as one of the recommendations by the Township's Property Maintenance Committee, chaired by Planning Board Chairman Bill Van Houten. This is the first step in moving toward a more stringent approach to property maintenance to ensure the community is maintained and that beautification and aesthetics are common practice.

William VanHouten, Little Falls Planning Board, explained that over the past summer an organization got together and determined three things that have to be done. There is a need for a resolution to be passed, there is a need for a fee schedule in the ordinance and there is a need for a Zoning Official dedicated to the purpose. He asked for the resolution to be approved so they can get started on this.

I'd also like to remind everyone that the Township Council and Planning Board will hold joint workshop meetings quarterly in 2014 specific to the Master Plan. The Township Planner will coordinate these meetings and will draft agendas and facilitate discussions to keep the dialogue alive and progressing into actual results – projects that we can do to make sure the objectives within the Master Plan Reexamination Report become reality. The first meeting is scheduled for: February 18 at 7 pm. An email blast with the information will be launched later this week, and it will be posted on the web site.

Lastly, I had hoped to introduce the 2014 budget at tonight's meeting. The budget must be introduced by March 14. The budget process this year is quite challenging due to the debt service we face this year as a result of the payments due on the two Refunding Bond ordinances the township encumbered as needed to settle tax appeals. The budget remains a work in progress and will be introduced prior to the deadline, with advance notice of the introduction to be sent out via email Blast.

On that note, I'd also like to apologize. The Email Blast that went out this morning with the Council agenda for this evening was not updated with information added to the agenda after last week's meeting was cancelled due to weather.

Council President FONTANA said Mrs. Bergin should receive credit for all of the work she does with FEMA.

### **PRESENTATION BY VICKY MALLOY AND JUSTIN, NEW JERSEY GOVERNMENT AGGREGATION PROGRAM**

Justin explained he is here to speak about Passaic County Energy Cooperative. He explained that there is a separation of the delivery and the supply of electricity and gas, noting that PSE&G only delivers your electricity, but they do not supply it. People fear switching to a third party provider; however, when doing so, nothing changes with your electricity. He discussed the benefits of switching to a third party provider for electric and gas. He informed that the Council must pass an ordinance in order to allow a third party to receive a list of those customers who have not yet switched to a third party provider. They then take that list and go to an online auction. The ordinance does not require the Council to commit to anything. After the auction, they can select the winning supplier and explain the contract to residents. At the end of the contract time, they put the rates back out to auction. This process is always guaranteed to be lower than the default rate. They will have community outreach as part of the program to explain the process to the residents. The contract signed by the municipality is created and goes to the BPU and the Rate Council so they can make comments and send it back if need be. They will also provide quarterly statements to the Township.

In response to Council President FONTANA, Justin said this is electric and gas. He also informed that no resident is forced to participate, even if the Council passes an ordinance.

Approximately 21 municipalities are doing this program right now. Councilmember MACERI asked for clarification and Justin said it is an opt out for those who don't wish to participate.

### **PUBLIC PORTION**

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

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

The Council President declared the motion passed.

Mark Simolaris, 111 First Avenue, reminded that there had been a presentation previously regarding records storage; he questioned how the Township would proceed with this and whether or not they would use the provider who presented on the subject.

Louis Fernandez, Harrison Street, pointed out that there haven't been any updates on the Pinnacle radio system. Referring to the equipment that the Township is holding, he asked if it is worth anything. He asked for an update on this subject.

Renea Shapiro, Little Falls ABC, wanted to publicly thank Debbie Liscio, who works in the Tax Assessor's Office, noting that she is always such a great person to work with; she is very helpful and friendly. She also informed that

Rossi was working with the ABC and the Business Association; they gave a check as a donation. They are thinking about using this money to make the Municipal signs larger. She thanked them for their donation.

John Herman, Ridge Avenue, noticed that there are homes in the flood area that are being sold; these are not homes that are being raised or knocked down. He questioned whether these buyers knew about the flooding issues, noting that it is not fair for them not to be informed by the town about this. He also asked what it has cost the taxpayers in the past year to help the people in the flood area.

Mercedes Gonzalez, Jacobus Avenue, referred to the towing ordinance, which was introduced on 10/10/13 and approved on 10/28/13. She voiced her understanding that it takes at least two weeks until it is in full effect, which would bring the effective date to 11/18/13. Applications were available on 11/1/13 through 11/30/13; she asked if this was done before the ordinance was passed.

She also informed that the Police Chief was mentioned on the front page of the Passaic Valley Today Newspaper in reference to the communications system being \$1.6 million. The communications system from Pinnacle Wireless cost \$602,000. There was a recent report by Pinnacle that the equipment is ready and only needs software updates. In the meantime, there were cuts made to the Fire Department; they are just as important as the Police Department and every other department for the safety of the citizens. She asked if the town is properly allocating funds to every department. She pointed out that over 20 houses in Little Falls were included in the buyout program. She asked where the money is from FEMA and how much has been received by the Township.

In the past year, the Township lost several employees. She questioned where all of the money from these employees' salaries has gone. It is devastating that the Mayor got rid of employees who had experience. She explained that the Township has an administrator who lacks experience, and therefore, the Township is accumulating legal fees. She informed that she submitted an OPRA request for employee salaries and because the Administrator is allowing people to do payroll who are not certified, the Township had to pay a company to complete this OPRA request. Mayor Post had previously stated that everyone in the Township can perform everyone else's job, which, she said, is a false statement. The Council is not doing the right thing under the Faulkner Act; the Administrator should be working with the Mayor and the Clerk should be working with the Council, which assures checks and balances. She suggested that it is time for Mayor Post to leave.

Roland Buchholz, 17 Ridge Road, explained that he appeared before the Planning Board last week. The lawyer came to visit him a couple of times regarding the property next to him, which is being purchased by a builder. He received a letter from the lawyer that there would be a hearing before the Planning Board; they also were requesting a variance to split one lot into two lots. He was opposed to this and came to a Planning Board meeting; it was his understanding that the board seemed to be in favor of it. He presented pictures of the subject property as it is now, as well as an anticipated after picture. He explained that he has lived in this community for 35 years and his voice is not being heard. The Planning Board already went through this process five years ago with the development across the street.

Steven Tilton, Schumacher Chevrolet, questioned the procedure regarding Ordinance No. 1189.

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

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

The Council President declared the motion passed.

Council President FONTANA explained that the Township has not taken any action with regard to records storage.

Mrs. Bergin said they are using the radio equipment in storage as much as they possibly can. She explained that they have opted into the State system for the Police Department's communications when outside. There is a significant amount of the equipment in storage that has been used. They did what they thought was best based on performance of the equipment and some of the equipment is being used for dispatch. She explained that they don't intend to waste any of it. The Council had asked that an internal investigation be completed and since then, they have put that piece to rest.

Council President FONTANA also thanked Rossi for their donation.

President FONTANA explained that home buyers are required by law to be notified as to whether a property is in a flood zone.

Mrs. Bergin informed that there was an amendment to the heavy towing ordinance and the applications were open for a period of time. She explained that there is a time period after adoption of an ordinance where it becomes law. The public hearing and approval of the ordinance occurred in the time period where they still had the 30 day window to submit applications.

Mrs. Bergin informed that the Township received three wire transfers last week close to \$1 million dollars; the transfers did take a lot longer than NJOEM had committed to in the beginning. However, the backlog is now cleared and the money seems to be coming back to us. They can continue to expect additional reimbursements.

Mrs. Bergin informed that the Township transfers any savings of moneys from one year into line items that are short; this is what they did with those salaries. Council President FONTANA said it is a major concern that there aren't many experienced employees left and there aren't enough people to do the job; Little Falls is historically underpaid; therefore, it is tough to fill these vacant positions. It is a tough situation when hiring someone new, but they are looking to improve.

Mr. Lindsay explained that the matter of the property on Ridge Road came before the Planning Board. He gave a history of the matter at this time, including the action that was taken by the Planning Board.

Mayor Post explained that the Township always pays for the education of Township employees, noting that this is something that is approved by the Council. She explained that all employees are being cross-trained in Town Hall. She also explained that under the Faulkner Act, the Business Administrator reports to the Mayor, while the Municipal Clerk reports to the Council. She will not step down as the Mayor.

Referring to Ordinance No. 1189, Council President FONTANA informed that the public hearing will be held on 2/24/14. Mrs. Bergin informed that the Council will vote to introduce the ordinance tonight, and vote on the adoption after the public hearing.

Mrs. Bergin provided clarification of Resolution [E] at this time.

### **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 – On-Premise 50/50, Ras. St. Aloysius Church, 4/12/14, 12PM – 4PM, Victor's Chateau, 219 Pompton Ave.  
- Tricky Tray, Ras. St. Aloysius Church, 4/12/14, 12PM – 4PM, Victor's Chateau, 219 Pompton Ave.  
- Off-Premise 50/50, Missionary Sisters of the Immaculate Conception, 6/22/14, 1:30 PM – 3PM, Main Street  
- Tricky Tray, Missionary Sisters of the Immaculate Conception, 6/22/14, 1:30 PM – 3PM, Main Street  
- On-Premise 50/50, Missionary Sisters of the Immaculate Conception, 6/22/14, 1:30 PM – 3PM, Main Street  
- Tricky Tray, Little Falls Alliance for a Better Community, 4/1/14, 6PM – 10PM, Russian Hall  
- On-Premise 50/50, Little Falls Alliance for a Better Community, 6/26/14, 7/3, 7/10, 7/17, 7/24, 7/31, 8/7, 8/14, 8/21, 8/28/14

- NJ State Firemen's Association – Matthew Englehardt, Sindle Avenue, Enterprise Co. #2  
- Adam Hamdan, Jani Court, Clifton, Enterprise Co. #2

### **RESOLUTIONS**

#### Refund of 2011 Property Taxes

#### **RESOLUTION [A] 14-02-03#1**

**WHEREAS**, there is a State Tax Court Judgment on Block 17 Lot 17, known as Frank Esposito of 161 Coney Road, Little Falls, NJ for the Year 2011 reducing the assessed value by \$50,000.00;

#### **YEAR 2011**

Original Assessment \$592,200.00

STCJ	542,200.00
Difference	\$50,000.00
2011 Tax Rate	x 2.145%
	\$1,072.50

**WHEREAS**, the Tax Collector authorizes the Treasurer to refund the total amount of \$1,072.50 for the Year 2011 payable to Davenport & Spiotti, Esqs., and mail to Davenport & Spiotti, Esqs., 219 Changebridge Road, Montville, NJ 07045; and

**WHEREAS**, the above monies **shall be refunded on or before February 27, 2014** as per the Stipulation of Settlement as it states whereas statutory interest shall be waived if paid 60 days of the date of entry of the Tax Court Judgment (date of entry was December 27, 2013);

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of Little Falls on this 3rd day of February 2014 that the above attorney be refunded the total amount of \$1,072.50 for the overpayment of taxes due to a State Tax Court Judgment on Block 17 Lot 17.

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## NJ Transit

### RESOLUTION [B] 14-02-10 - #2

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:

\$972.00

payable to:

NJ Transit  
P.O. Box 1549  
Newark, New Jersey 07101-1549

representing payment of Lease/Permit for 01/21/14 – 01/20/15 – Permit #P1607-1809-01.

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## REGULAR AGENDA

The following items were individually considered.

### **CORRESPONDENCE**

REQUEST FROM TEAM LITTLE FALLS FOR PERMISSION TO HOLD A CAN SHAKE ON SATURDAY, APRIL 26, 2014 AT THE INTERSECTIONS OF MAIN STREET/STEVENS AVENUE BETWEEN THE HOURS OF 11:00 A.M. AND 2:00 P.M.

There was an affirmative consensus from the Council to approve this.

### **NEW BUSINESS**

Finance – It was moved by Councilmember Maceri, seconded by Councilmember Porter, that the Council approve the following:

#### RESOLUTION [C] 14-02-10 - #3

#### RESOLUTION OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-20 IN THE AMOUNT OF \$95,000 TO FUND THE TOWNSHIP'S RESPONSIBLE PORTION OF THE COST OF REMEDIATION OF THE PASSAIC RIVER

**BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:**

**Section 1.** The Township of Little Falls, in the County of Passaic, New Jersey (the "Township") is required pursuant to the terms of a Consent Judgment dated December 12, 2013, issued by the Superior Court of New Jersey Law Division – Essex County, Docket No. ESX-L9868-05 (PASR), issued in connection with the settlement of the New Jersey Department of Environmental Protection v. Occidental Chemical Corporation et al., litigation matter, to provide for the Township's responsible portion of the cost of remediation of the Passaic River, including all related costs and expenditures incidental thereto (the "Remediation Project"). The Township finds it necessary and hereby authorizes and approves an emergency temporary appropriation pursuant to N.J.S.A. 40A:4-20 in the amount of \$95,000 to fund the Remediation Project.

**Section 2.** The emergency temporary appropriation provided for herein is a purpose for which appropriations may lawfully be made.

**Section 3.** Simultaneous with the adoption of this resolution, the Township shall introduce on first reading a bond ordinance entitled, "BOND ORDINANCE PROVIDING FOR REMEDIATION OF THE PASSAIC RIVER IN AND BY THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF", which bond ordinance shall thereafter be considered for public hearing and final adoption in accordance with the procedural requirements of the Local Bond Law, N.J.S.A. 40A:2-1, prior to final adoption of the Township's 2014 calendar year budget. Upon the effective date of such bond ordinance, the Township shall not be required to make provision for the emergency temporary appropriation provided for herein in the Township's 2014 calendar year budget.

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

The Council President declared the motion passed.

Ordinance No. 1187 – It was moved by Councilmember Porter, seconded by Councilmember Maceri, that there be introduced and the meeting of February 24, 2014 set as the date and time for the public hearing on the following:

**BOND ORDINANCE NO. 1187**

**BOND ORDINANCE PROVIDING FOR REMEDIATION OF THE PASSAIC RIVER IN AND BY THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Little Falls, in the County of Passaic, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$100,000, including the sum of \$5,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$95,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the Township's responsible portion of the cost of remediation of the Passaic River, in accordance with the terms of a Consent Judgment dated December 12, 2013, issued by the Superior Court of New Jersey Law Division – Essex County, Docket No. ESX-L9868-05 (PASR), issued in connection with the settlement of the New Jersey Department of Environmental Protection v. Occidental Chemical Corporation et al., litigation matter, including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. 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 bond 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 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$95,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$5,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The emergency temporary appropriation in the amount of \$95,000 authorized by resolution of the Township, duly adopted February 3, 2014, is hereby revoked and rescinded, and is replaced for all purposes with the appropriation authorized herein. Upon the effective date of this bond ordinance, the Township shall not be required to make provision for such emergency temporary appropriation in the Township's 2014 calendar year budget.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the ARule@) for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

The Council President declared the motion passed.

Enter into a Cooperative Pricing Agreement known as the Passaic County Energy Cooperative Pricing System – It was moved by Councilmember Porter, seconded by Councilmember Organisciak, that the Council approve the following:

**RESOLUTION [D] 14-02-10 - #4  
RESOLUTION AUTHORIZING THE TOWNSHIP OF LITTLE FALLS TO ENTER INTO A COOPERATIVE PRICING AGREEMENT KNOWN AS THE PASSAIC COUNTY ENERGY COOPERATIVE PRICING SYSTEM ID#184PCECPS**

**WHEREAS**, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, the County of Passaic, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of good and services; and

**WHEREAS**, the governing body of the Township of Little Falls, County of Passaic, has duly considered participation in a Cooperative Pricing System for the procurement of energy; and

**NOW, THEREFORE BE IT RESOLVED** as follows:

- 1) **TITLE** - This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Little Falls, County of Passaic.
- 2) **AUTHORITY** - Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor, Clerk and Administrator are hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.
- 3) **CONTRACTING UNIT** - The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
- 4) **EFFECTIVE DATE** - This resolution shall take effect immediately upon passage.

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

The Council President declared the motion passed.

Ordinance No. 1188 – It was moved by Councilmember Organisciak, seconded by Councilmember Porter, that there be introduced and the meeting of February 24, 2014 set as the date and time for the public hearing on the following:

**ORDINANCE NO. 1188  
AN ORDINANCE ESTABLISHING AN ENERGY AGGREGATION PROGRAM PURSUANT TO THE GOVERNMENT ENERGY AGGREGATION ACT OF 2003, N.J.S.A 48:-93.1 TO 98**

**WHEREAS**, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market; and

**WHEREAS**, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power to residential and non-residential users, thereby increasing the likelihood of lower electric rates for these users without causing any interruption in service; and

**WHEREAS**, under the aggregation process the residential and non-residential ratepayers may likely receive a direct reduction in their electric bills; and

**WHEREAS**, the citizens of the Township of Little Falls have a substantial economic and social interest at stake; and

**WHEREAS**, the Governing Body of the Township of Little Falls hereby finds that it is in the best interests of residential and non-residential electric ratepayers to enter into an aggregation agreement in order to seek substantial savings on electric rates;

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

1. The Township of Little Falls publicly declares it is a participating member of the Passaic County Energy Cooperative Pricing System per Resolution dated February 3, 2014.
2. That the Township of Little Falls desires to participate in the Passaic County Cooperative's Government Energy Aggregation Program and aggregate energy supply service on behalf of its residential and non-residential users of energy pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.
3. That Passaic County as the Lead Agency will seek bids on behalf of the Cooperative from licensed and appropriate Third Party Suppliers. If such winning bid is selected and agreement executed, individual residential consumers would retain the option not to participate and to choose any alternatives they desire, while non-residential ratepayers would also have the right to participate.
4. The Business Administrator and/or Mayor is authorized to execute and the Township Clerk to attest to any documents necessary to carry out the purpose of the Ordinance.
5. The fully executed agreement shall be kept on file and available for public inspection with the Township Clerk's Office.
6. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
7. This Ordinance shall become effective immediately upon passage and publication as provided by law.

\*\*\*\*\*

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

The Council President declared the motion passed.

Ordinance No. 1189 – It was moved by Councilmember Porter, seconded by Councilmember Maceri, that there be introduced and the meeting of February 24, 2014 set as the date and time for the public hearing on the following:

**ORDINANCE NO. 1189**

**AN ORDINANCE AMENDING CHAPTER 163, "PROPERTY MAINTENANCE" OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS.**

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

**Section 1.** Chapter 163, "Property Maintenance" of the Code of the Township of Little Falls, shall be amended in its entirety to read as follows:

**§ 163-1 Title.**

This chapter shall be known as the "Property Maintenance Code of the Township of Little Falls" and may be referred to in the short form as the "Property Maintenance Code" or in this chapter as "this code."

**§ 163-2 Legislative findings.**

It is hereby found and declared that there exists in the Township structures and vacant lots which are or may become in the future substandard with respect to structural integrity, equipment or maintenance, and further that such conditions, including but not limited to structural deterioration, lack of maintenance of exterior premises and vacant lots, infestation, lack of maintenance or upkeep of essential facilities and utilities, existence of fire hazards and unsanitary conditions, constitute a menace to the health, safety, welfare, and reasonable comfort of the citizens and inhabitants of the Township. It is further found and declared that by reason of lack of maintenance and ensuing progressive deterioration certain properties have the further effect of creating blighting conditions and that, by reason of timely regulations and restrictions, as herein contained, the growth of this blight may be prevented and the neighborhood and property values thereby maintained, the desirability and amenities of dwellings and neighborhoods enhanced and the public health, safety and welfare protected and fostered.

**§ 163-3 Purpose.**

The purpose of this code is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance and condition of the exterior of residential and nonresidential premises; to avoid, prevent and eliminate the maintenance of or creation of hazards to the public health or safety; to avoid, prevent and eliminate conditions which, if permitted to exist or continue, will depreciate or tend to depreciate the value of adjacent or surrounding properties; to prevent the creation, continuation, extension or aggravation of blight; to fix certain responsibilities and duties upon owners, operators and occupants of property; and to provide for administration and enforcement of this chapter.

**§ 163-4 Applicability.**

Every residential and nonresidential structure and the premises on which they are situated in the Township used or intended to be used for dwelling, commercial, business or industrial occupancy shall comply with the provisions of this code, whether or not such structure shall have been constructed, altered or repaired before or after the enactment of this code and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the structure or for the installation or repair of equipment or facilities prior to the effective date of this code.

**§ 163-5 Higher standards to prevail.**

In any case where the provisions of this code impose a higher standard than that set forth in any ordinance of the Township or under the laws of the State of New Jersey, then the standards as set forth herein shall prevail; but if the provisions of this code impose a lower standard than any ordinance of the Township or of the laws of the State of New Jersey, then the higher standard contained in any such other ordinance or law shall prevail.

**§ 163-6 Effect on existing remedies.**

Nothing in this chapter shall be deemed to abolish or impair existing remedies of the municipality or its officers or agencies relating to the removal or demolition of any buildings or structures which are deemed to be dangerous, unsafe or unsanitary.

**§ 163-7 Definitions.**

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, be defined as follows:

**DETERIORATION**

The condition of a structure or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.

**DRIVEWAY**

For the purposes of this chapter, that portion of a residential lot existing for the purpose of parking vehicles.

**ENFORCEMENT OFFICER**

The Township of Little Falls Construction Official, Zoning Official and/or their assistants or designees, or such other Township employee as may be designated by the Township Administrator for such purpose. The terms "Enforcement Officer" and "Enforcement Official" shall be used interchangeably.

**EXTERIOR OF PREMISES**

Those portions of a building or structure which are exposed to public view or are visible from adjoining or adjacent properties, including all outside surfaces and appurtenances thereto, and the open space on the premises outside any building or structure erected thereon.

**EXTERMINATION**

The control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

**FIRE HAZARD**

Any thing or any act which increases or may cause any increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire or which may obstruct, delay or hinder or may become the cause of an obstruction, delay, hazard or hindrance to the prevention, suppression or extinguishment of fire.

**FRONT YARD**

That space on the same residential lot with a principal building situated between the front street line or lines and the front line of the building projected to the side property lines, specifically excluding any driveway for the purposes of this chapter.

**GARBAGE**

Animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**GRAFFITI**

Any spray painted writing, sign, symbol or picture, placed on any exterior surface of any wall exposed to view by the public.

**NUISANCE**

Any public or private condition that would constitute a "nuisance" according to the statutes, laws and regulations of the State of New Jersey, any of its agencies or this code; any physical condition existing in or on the exterior of any premises which is potentially dangerous, detrimental or hazardous to the health or safety of persons on, near or passing in proximity of the premises where said condition exists.

**OCCUPANT**

Any occupant, owner, agent, tenant, lessee, caretaker or other person or corporation in charge of, residing, living or sleeping in or on the premises of or having actual possession or use of a business, dwelling unit or rooming unit or other premises affected by this chapter.

**OPERATOR**

Any person, persons or entity not the owner, who has charge, care or control of a structure or a part thereof, with or without the knowledge, consent or authority of the owner.

**OWNER**

Any person, persons or entity who shall have legal or equitable title in any form whatsoever to any premises or part thereof, with or without accompanying actual possession thereof, or who shall have charge, care or control of any lot, premises, building, structure or part thereof, as owner or agent of the owner, or as fiduciary, trustee, receiver, guardian, lessee or mortgagee in possession, regardless of how such possession was obtained. Any person, group of persons or entity who is a lessee, sublessee or assignee of a lessee of any part or all of any building, structure or land shall be deemed to be a co-owner with the lessor for the purposes of this section and shall have responsibility over that portion of the premises so sublet, leased or assigned.

**PREMISES**

A lot, plot or parcel of land, including the buildings, structures and improvements thereon.

**RUBBISH**

All combustible and noncombustible waste materials other than garbage; and the term shall include paper, rags, cartons, boxes, wood, tires, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and the residue from burning wood, coal or other combustible material, solid commercial and industrial waste, scrap construction materials and lumber, household appliances (including, but no limited to refrigerators, boilers, hot water heaters, television sets, boilers, and major appliances), scrap metal, inoperable machinery or inoperable vehicles and parts thereof. No chemicals such as those used in swimming pools, oil, gasoline or any other chemical which could cause a fire, explosion or obnoxious gas shall be considered "rubbish."

**PORTABLE STORAGE UNIT**

Any container designed for the outdoor storage of personal property, including a portable on-demand storage structure ("pod") or similar storage container, which is typically rented to owners or occupants of property for their temporary use and which is delivered and removed by vehicle.

**VEHICLE**

Any means of motorized conveyance, whether operable or not, including, but not limited to: cars, boats, recreational vehicles, motorcycles, and trailers.

***§ 163-8 Duties of owners, operators and occupants.***

Owners, operators and occupants of all real property, buildings, and structures, shall have all the duties, obligations and responsibilities prescribed in this chapter, and no such person or entity shall be relieved of any such duty, obligation or responsibility hereunder, nor may any such person or entity assert as a defense against any charge made under this chapter that another owner, operator or occupant or any other third person or entity is also responsible therefore and in violation thereof.

***§ 163-9 Maintenance standards.***

**A.** Exterior of premises. The exterior of all premises shall be kept free from hazards, which include but are not limited to the following:

**(1)** Garbage and rubbish, as defined in this chapter. Garbage containers will be permitted adjacent to the roadway in the twenty four hour period customarily designated for garbage pick-up by the municipality. Containers used for the storage of garbage and rubbish shall be

limited to 50 pounds, including contents and container. Only garbage and rubbish resulting from the actual use of the premises may be permitted on the premises.

(2) Unsafe structures: structurally unsafe or unsound buildings, structures or fences or abandoned, uncovered or structurally unsound wells, shafts, towers, exterior cellar openings, basement hatchways, foundations or excavations.

(3) Discarded appliances: abandoned refrigerators, boilers, hot-water heaters, television sets and other similar major appliances.

(4) Natural growth; lawns and shrubs.

(a) Natural growth. Dead and dying trees and limbs or other natural growth which by reason of rotting or deteriorating condition or storm damage constitute a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such condition.

(b) Lawns and shrubs. All lawns shall be maintained. Grass shall be cut so as not to exceed a height of seven inches tall. All hedges and shrubs shall be trimmed to a neat appearance.

(5) Overhangings: loose and overhanging objects, whether natural or man-made, and accumulations of ice and snow which by reason of location above ground level constitute a threat to the health and safety of people if caused to fall.

(6) Ground surface hazards: hidden or uncovered ground or surface hazards, such as holes, sudden depressions, excavations, sharp or jagged projections or obstructions.

(7) Recurring accumulations of stormwater: stagnant surface or groundwater accumulations which create or are likely to create mosquito or other insect breeding areas.

(8) Infestation: rodents, vermin, pest infestations and conditions causing same.

(9) Nuisances: as defined in this chapter.

(10) Inoperable vehicles: vehicles or parts thereof, including boats and trailers, motorized or not, regardless of whether licensed or registered, which vehicles or parts thereof are or have been abandoned, dismantled or are in a state of visible disrepair provided, however, that a major overhaul, including body work, of a single vehicle of any type is permitted to be performed inside a structure or in a similarly enclosed area designed and approved for such purpose.

(11) Graffiti: as defined in this chapter.

(12) The placement of vehicles in front yard.

(13) The placement of any portable storage unit in the front yard.

**B.** Structural soundness. Every structure and accessory structure and every part thereof shall be kept structurally sound and in a state of good repair to avoid safety, health or fire hazards, including but not limited to the following:

(1) Foundation walls: inadequate or unsafe foundation walls, piers and columns and other similarly unsound, damaged or defective load-bearing components which are incapable of supporting the imposed loads safely at all points.

(2) Exterior porches, landings, balconies, stairs and fire escapes: structurally unsound, loose, dangerous, crumbling, missing, broken, rotted or unsafe exterior portions of buildings or structures, including but not limited to porches, landings, balconies, stairways, handrails, steps, walls, overhangs, roofs, fences, supporting members, timbers, abutments, fire escapes, signs and loose, crumbling or falling bricks, stones, mortar or plaster.

(3) Projecting surfaces: exterior surfaces or parts of buildings or structures containing sharp, rough or projecting surfaces or objects which might cause injury to persons coming in contact therewith. All exposed surfaces susceptible to decay shall be kept at all times painted or otherwise provided with a protective coating sufficient to prevent deterioration. Damaged materials must be repaired or replaced. Places showing signs of rot, leakage, deterioration or corrosion, weathering or seepage are to be restored and protected. In addition, it shall also be the duty and responsibility of owners, occupants or operators to keep all exposed surfaces which have been painted or provided with a protective coating from flaking or badly fading. For the purpose of this article, "badly fading" means a surface which has been painted or provided with a protective coating which has deteriorated to such an extent that a reasonably prudent person shall deem the surface in need of repainting or recoating, taking into consideration not only the physical condition of the surface but also the aesthetics of the surface in the relationship to the building or structure as a whole and in consideration of maintaining value to the property and to maintain its integrity.

(4) Windows, doors, etc. broken glass or windows, rotten, missing or substantially destroyed window frames and sashes, door frames, exterior doors or other junior exterior component parts of buildings or structures.

(5) Exterior walls, sidings and roofs. Exterior walls, sidings, gutters and leaders and roofs shall be kept structurally sound, in good repair and free from defects.

(6) Exterior chimneys. Exterior chimneys shall be maintained in a structurally sound condition, free from defects and so maintained as to capably perform at all times the functions for which they were designed.

**C.** Steps, walks, driveways and parking lots. Steps, walks, driveways, parking lots, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled, or necessary repairs or replacement shall be performed promptly.

#### **§ 163-10 Administrative provisions.**

**A.** Coordination of enforcement. Inspection of premises and the issuing of orders in connection therewith under the provisions of this code shall be the exclusive responsibility of the Enforcement Official and/or their assistants or designees. Wherever in the opinion of the Enforcement Official it is necessary or desirable to have inspections of any condition by any other department, he shall arrange for this to be done. No order for correction of any violation under this code shall be issued without the approval of the Enforcement Official, and it shall be the responsibility of that official before issuing any such order to determine that it has the concurrence of any other department or official of the government concerned with any matter involved on the case in question.

**B.** Inspections. The enforcement officer is authorized to enter upon any land at any reasonable time for the purpose of performing his duty under this code.

**C.** Enforcement procedure. Whenever an enforcement official determines that there is or has been a violation of any provision of this chapter, he shall give notice of such violation to the person, persons or entities responsible therefore under this section. Such notice shall be in writing and shall include a concise statement of the reasons for its issuance. Such notice shall be deemed to be properly and sufficiently served if a copy thereof is sent by certified and regular mail to the last known address of the person or entity upon which the same is served, as shown by the most recent tax records of the municipality, or a copy thereof handed to said person or persons, or a copy thereof left at the usual place of abode or office of said persons or entities. Notice shall be given as aforesaid within or without the municipality. The notice shall also state that unless the violation is abated, removed, cured, prevented or desisted within 10 days of the date of service of such notice (exclusive of the date of service), a summons shall be issued for such violation. The enforcement officer may extend the period for compliance with the

requirements of this section in regard to the violation stated in the notice for a period in excess of the aforesaid 10 days if, in his judgment, the abatement, removal, prevention, cessation or cure of the condition violated cannot reasonably be effected within the 10 day period; and in such cases, the enforcement officer shall state such reasonably required extended period in the notice, which shall then be applicable instead of the aforesaid 10 days, such extension not to exceed 30 days. In the event that the violation is not abated, removed, cured, prevented or desisted from or otherwise fully remedied within said 10 day period or within such extended period as set forth in the notice, a summons may be issued against the person, persons, entity or entities so notified. If a person, persons, entity or entities issued a notice for a violation of this chapter, and thereafter such person, persons, entity or entities fail to abate, cure, prevent or remedy the violation, the Mayor and Council of the Township of Little Falls may authorize the Township of Little Falls to take such action as deemed necessary to remedy said violation and condition, and the cost of said remedy, together with any other charges incurred, shall be a principal lien against the real property upon which said costs and charges were incurred in the same manner of real property taxes, such costs to include the man power cost per hour of Township employees required to complete said remedies as certified by the Director of Public Works, direct costs for materials, and costs of any third-party contractor.

**D. Emergency conditions.**

- (1) Whenever the Enforcement Officer finds that an emergency condition in violation of this chapter exists, which condition requires immediate attention in order to protect the public health or safety, he may, without a hearing, issue an order reciting the existence of such a hazardous or serious violation or emergency and requiring that such action be taken as he deems necessary to meet the emergency or to prevent or remedy the hazardous or serious violation. Notwithstanding the other provisions of this chapter, such order shall be effective immediately, but upon petition to the Enforcement Officer shall be afforded a hearing as soon as possible. After such hearing and decision by the Enforcement Officer, depending upon his findings as to whether or not the provisions of this chapter have been complied with, the Officer shall continue such order in effect, or modify or withdraw it, subject to the issuance of a summons for violation thereof if such order is continued.
- (2) In the event that the owner of the premises fails to correct said emergency condition within the period set forth in such order, and such emergency condition is a hazard or inimical to public health and safety, the order may provide for the Township of Little Falls to take such action as deemed necessary to remedy said emergency condition, and the cost of said remedy, together with any other charges incurred, shall be a principal lien against the real property upon which said costs and charges were incurred, such costs to include the man power cost per hour of Township employees required to complete said remedies as certified by the Director of Public Works, direct costs for materials, and costs of any third-party contractor.

**§ 163-11 Violations and penalties.**

Any person or entity who shall violate any of the provisions of this chapter shall, upon conviction, be punished as follows:

**A.** For the first offense, by a fine not less than \$100.00 and not to exceed \$250.00.

**B.** For any subsequent offenses within one year of a conviction of a violation under this Chapter, by a fine not to exceed to exceed \$1,250.00.

**§ 163-12 Repealer; effect on other provisions.**

In any case where a provision of this chapter is found to be in conflict with or inconsistent with a provision of any other ordinance which establishes a lower standard for the promotion and protection of the safety, health and welfare of its inhabitants, the provisions of this chapter shall prevail, and such other ordinance or parts thereof are hereby declared to be repealed to the extent that they may be so found to be in conflict with this chapter.

**Section 2.** If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 3.** All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 4.** This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

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

The Council President declared the motion passed.

Authorizing Administrator and Mayor to Execute a Contract with McManimon, Scotland & Baumann for Services of Municipal Attorney – It was moved by Councilmember Organisciak, seconded by Councilmember Porter, that the Council approve the following:

**RESOLUTION [E] 14-02-10 - #5  
RESOLUTION OF THE MUNICIPAL COUNCIL OF  
THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC,  
NEW JERSEY AUTHORIZING THE ENTERING OF A  
CONTRACT FOR LEGAL SERVICES**

**WHEREAS**, the Municipal Council (“Municipal Council”) of the Township of Little Falls (“Township”) has determined that it is in its best interests and those of Township residents to engage qualified legal counsel, and the Township is authorized pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.* (“Local Contracts Law”) to contract for “professional services” as it may require; and

**WHEREAS**, based upon the experience and expertise of McManimon, Scotland & Baumann, LLC, of Roseland, New Jersey (“McManimon”) in various areas of public law, including, but not limited to, public finance, redevelopment, environmental law, and more particularly local unit general counsel services, the Municipal Council has determined to enter a contract for legal services with McManimon (“Services Contract”) for the year 2014; and

**WHEREAS**, the Local Contracts Law requires that contracts awarded without competitive bid be authorized by resolution of the municipal governing body and that notice of the award of such contract be publicly advertised.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Municipal Council hereby authorizes the Township's Business Administrator to negotiate and execute the Services Contract with McManimon substantially in the form attached hereto as Exhibit A, further subject to such additions, modifications and deletions deemed necessary and appropriate by the Business Administrator.

3. In accordance with N.J.S.A. 40A:11-5 of the Local Contracts Law, the Municipal Council hereby directs the Township Clerk to publish once in the official newspaper of the Township, a brief notice, substantially in the form attached hereto as Exhibit B, stating the nature, duration, service and amount of the Services Contract authorized for execution herein, which notice shall state that a copy of this Resolution and the Services Contract are on file and available for public inspection in the office of the Township Clerk.

4. The Municipal Council hereby certifies that funds are available for the payment and completion of the contract.

5. This Resolution shall take effect immediately.

\*\*\*\*\*

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

The Council President declared the motion passed.

Authorizing Submission of a Strategic Plan for the Little Falls Municipal Alliance Grant – It was moved by Councilmember Porter, seconded by Councilmember Maceri, that the Council approve the following:

RESOLUTION [F] 14-02-10 - #6

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Township Council of the Township of Little Falls, County of Passaic, State of New Jersey, recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and

WHEREAS, the Little Falls Township Council further recognizes that it is incumbent upon not only public officials, but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Little Falls Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Passaic;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Little Falls, County of Passaic, State of New Jersey, hereby recognizes the following:

1. The Little Falls Township Council does hereby authorize submission of a strategic plan for the Little Falls Municipal Alliance Grant for Fiscal Year 2014 in the amount of:

DEDR	\$22,440
Cash Match	\$ 5,610
In-Kind	\$16,830

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

\*\*\*\*\*

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

The Council President declared the motion passed.

## EXECUTIVE SESSION

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

\*\*\*\*\*

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

The Council President declared the motion passed.

The Council entered Executive Session at 9:13 p.m.

At 9:54 p.m., the Council returned and it was moved by Councilmember Maceri, seconded by Councilmember Organisciak, that the meeting return to Open Session.

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

The Council President declared the motion passed.

Authorizing Retention of Legal Counsel for Defense of a Lawsuit – It was moved by Councilmember Porter, seconded by Councilmember Maceri, that the Council approve the following:

**RESOLUTION [G] 14-02-10 - #7**

AUTHORIZING ENGAGEMENT/RETENTION OF LEGAL COUNSEL FOR DEFENSE OF A LAWSUIT ENTITLED “KEVIN WEINMAN INDIVIDUALLY AND AS EXECUTOR UNDER THE LAST WILL AND TESTAMENT OF KENNETH J. BENJAMIN, DECEASED V. THE TOWNSHIP OF LITTLE FALLS, LITTLE FALLS POLICE DEPARTMENT, TOWNSHIP OF CEDAR GROVE, THE CEDAR GROVE POLICE DEPARTMENT, SGT. MATTHEW ROMAIN, OFFICER DAWN GILCHRIST, OFFICER PRALL, OFFICER CONTI, OFFICER BUSCIO, JOHN DMUCHOWSKI, RICHARD VANDERSTREET AND JANE/JACK DOES 1-10 REPRESENTING INDIVIDUALS WHO CANNOT BE PRESENTLY IDENTIFIED,”--(FORMERLY SUPERIOR COURT OF NEW JERSEY LAW DIVISION: PASSAIC COUNTY DOCKET NO. L-4585-13), AND NOW REMOVED AND BEFORE THE UNITED STATE DISTRICT COURT, CIVIL CASE NO. 2:13-CV-07809 – FSH – JBC

WHEREAS, the above litigation was commenced on November 20, 2013; and

WHEREAS, the Township of Little Falls and various of its public officials/employees have been named as defendants allegedly arising out of their roles as public officials/employees with and between the deceased Kenneth J. Benjamin on November 21, 2011; and

WHEREAS, as a result the Township of Little Falls and various of its public officials/employees require legal representation;

IT IS NOW HEREBY AGREED AND RESOLVED that the Law Offices of Peter W. Till, at Suite 201, 105 Morris Avenue, Springfield, New Jersey 07081 shall now be engaged/retained as legal counsel for and on behalf of the Township of Little Falls and its public officials/employees as set forth in the above captioned litigation; and

BE IT NOW FURTHER AGREED AND RESOLVED that the Firm will be compensated at an hourly rate of One Hundred Forty Five Dollars (\$145.00) per hour, in addition to reasonable out-of-pocket expenses (i.e. messenger charges, printing and photocopying costs, travel costs, transcript fees, parking charges, filing fees), which hourly rate shall be annually adjusted on written notice to the Township in accordance with the schedule of rates established by the Firm for its public sector/governmental clients; and

BE IT NOW FURTHER RESOLVED that said services shall commence immediately.

\*\*\*\*\*

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

The Council President declared the motion passed.

**PAYMENT OF BILLS**

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

**RESOLUTION [BL]**

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

\*\*\*\*\*

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

The Council President declared the motion passed.

There being no further business to come before the meeting, it was moved by Councilmember Porter, seconded by Councilmember Organisciak, that the meeting be and it was adjourned at 9:56 p.m.

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Cynthia Kraus  
Municipal Clerk

