

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

Monday, February 28, 2011

Council President Louis Fontana called the meeting to order at 7:36 p.m. with the following members present: Mercedes Gonzalez, Darlene Post, Joseph Sisco and John Vantuno. Also present were Mayor Michael DeFrancisci, Township Attorney Joseph Trapanese, Township Engineer Dennis Lindsay, Municipal Clerk William Wilk and Township Administrator Henry Underhill.

Absent: None

Township Employees present: Police Chief John Dmuchowski, Fire Department President Michael Burke and Deputy Municipal Clerk Cynthia Meyer

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

STATEMENT OF PUBLIC NOTICE: Take notice that adequate notice of this meeting was provided in accordance with N.J.S.A. 10:4-8 and N.J.S.A. 10:4-10 as follows: A notice of the meeting was prominently posted on the bulleting board at the Municipal Building, located at 225 Main Street, Little Falls, N.J. on January 4, 2011; a copy of the notice was faxed to the North Jersey Herald and News and The Record on the same date; additionally, a copy of the notice was filed in the office of the Township Clerk on said date.

APPROVAL OF MINUTES

It was moved by Councilmember Vantuno, seconded by Councilmember Sisco, that the Minutes of the meeting of meetings of January 3, 2011, January 10, 2011 and February 14, 2011, be and they were approved.

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

The Council President declared the motion passed.

REMARKS FROM CHAIR

Council President FONTANA said they received a letter from the Woodland Park Fire Department thanking and commending the Little Falls Fire Department for their coverage and response to a call they received.

He informed that he attended the Peckman Preserve meeting last week and pointed out that it would be a beautiful park when it's completed. He also attended the OEM Open House last week; he explained that it was informational and everyone was very much prepared; he also commended the CERT members. He explained that he is working on a date for a Traffic Committee meeting; it will be coming shortly.

COUNCIL MEMBER REPORTS

Councilmember VANTUNO informed that MSU has posted the Economic Impact Report Summary on their Website, which he described as being very detailed.

Councilmember POST informed that she attended a meeting with the Little Falls ABC last Wednesday. She reminded that their Town Tasting and Talent Show is being held tomorrow night, and directed everyone to contact Renea Shapiro for tickets. She also informed that she attended a Redevelopment Meeting last Thursday; she briefly informed what they discussed. Mr. Lindsay explained that they spoke about improving the efficiency of parking. He informed that they presented some well thought out plans, but there are many obstructions in that area, and they must also consider the town's obligations in connection with the Morris Canal. He further noted that completion of a survey would be the proper way to find out how many spaces they can have. They would like the parking lot to have a better connection to Main Street. He also said that they discussed the possibility of improving other parking lots on the South side of Main Street, with the cooperation of the owners.

Councilmember GONZALEZ said there are many things moving forward at this time. She informed that she has scheduled a meeting with the Senior Citizens for 3/8/11 at the Civic Center. She thanked everyone for attending the Council meetings and also for keeping the Council informed of things that are happening in town.

Councilmember SISCO commended the Fire Department on the amount of calls they respond to on a regular basis; the town is lucky to have these volunteers.

Council President FONTANA also commended the Volunteer Firefighters on all of their hard work.

MAYOR'S REPORT

Mayor DeFrancisci thanked the volunteers for everything they do for the town. He informed that he held a press conference on 2/21/11 in reference to the release of the Governor's Flood Report. He said that he doesn't know of any other community that does as much as Little Falls in terms of mitigating disasters; they are doing as much as they can to be ready for it. He informed that Passaic Valley Sewerage will be working with the town again to remove some of the shoals on the Peckman River within the next couple of weeks. On 2/22/11, they hosted a Senior Citizen event at the Civic Center, where they presented an anti-flood program.

ATTORNEY'S REPORT

Mr. Trapanese said they were involved in litigation regarding Woods Road property owned by Mr. Schumacher. He explained that a lawsuit was filed in Superior Court; part of that has been resolved by way of a Consent Order of the Court, referring that matter back to the Little Falls Planning Board for a hearing on Mr. Schumacher's application. Notice of that meeting will be given so people may attend and speak on the subject. The Court still retains jurisdiction over that, but the matter will be sent to the Planning Board for a hearing regarding Woods Road, which has now been determined to be a public road.

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Mr. Lindsay informed that he sent a memo out a couple of months ago in reference to the number of homes anticipated to be elevated at that time. However, he explained that some elevations may exceed the height limit set in the current zoning ordinance. He suggested the consideration of an overlay zone for those in the flood plain, and explained that people would then be exempt from the height limitations when raising their homes in that zone. He pointed out that this would be a modification to the zoning ordinance to permit these homes to be above the flood elevation. He also noted that Kauker & Kauker had reviewed and approved this when serving as the Township Planner; he suggested referring same to the new Planner and to Mr. Trapanese to draft the language. There is sufficient time to do it now and they should get started so it is in place at the right time. Council President FONTANA directed Mr. Trapanese to get this language started.

PUBLIC PORTION

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

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

The Council President declared the motion passed.

Arnold Korotkin, Long Hill Road, explained that he read an article in the newspaper this past week in reference to budgets; last week Governor Christie released 2011-2012 State Aide data for school districts. Little Falls school district will receive a significant budget reduction this year in State Aide. He pointed out that the school board comes to the Council for relief when they are having trouble meeting their budget; this will become the Council's problem.

He reviewed the budgets online recently and pointed out that the Township needs to explore Payment In Lieu of Taxes (PILOT). This was previously discussed with respect to the construction of the new dorms on the MSU campus. When he reviewed 2010 budget, the general revenue PILOT of \$82,500 to Little Falls from Floyd Hall. He asked for clarification of this. He also asked if it would be possible to collect money from MSU diner and parking decks, noting that these could be sources of revenue for the town.

He was pleased that the appointment of the Business Administrator was listed on this evening's agenda, but he questioned why the position was never posted on the Township's Website. He suggested that public notices in the newspaper should also be placed on the Website.

Dorothy O'Haire, Turnberry Road, referred to the CRS discount for flood insurance through the Mitigation Plan, and explained that John Razer has offered to come to the Township free of charge to give information about the requirements for this. She asked for the Mayor's permission to do this and asked that he set something up; Mayor DeFrancisci agreed to same. Mrs. O'Haire referred to the proposed overlay zone for the flood zone and asked for clarification that only the people in that zone would be excused from the height requirements; Mr. Lindsay agreed.

She explained that she received maps, but she didn't get her answers yet regarding the proposed billboards in town. Today she got a notification that the Governor had a public meeting, where he was questioned about billboards in Denville. He then called the DOT and told them to rethink their opinions on billboards. They have now put a stop to any new billboards in the State of New Jersey. She suggested that the ordinance on this evening's agenda in reference to billboards should be tabled because there is no reason to spend money on permit for something they can't have.

Barry Delaney, 12 Chestnut Street, Kearney, NJ, said his hearing has not yet been scheduled regarding his suspension. He wants to get back on the Fire Department.

Bryan Reynolds, 7 Notch Road, referred to the cleaning of the Peckman River and asked if the Passaic Valley Sewerage Commission was doing that; Mayor DeFrancisci confirmed this. He also questioned the Temporary Emergency Resolution, and asked when the Preliminary Budget is due. Mr. Lindsay clarified that they are removing shoals in the Peckman.

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

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

The Council President declared the motion passed.

Mayor DeFrancisci said there is no allowable payment in lieu of taxes. He has a meeting with Jack Shannon of MSU on Wednesday to talk about this. He also noted that they lost approximately \$4.4 million in ratables to the college. He has been in touch with the Village President from South Orange, because they are in a similar situation with Seton Hall University. They plan to get together to pass a resolution requesting some kind of relief. He promised to push this every chance he gets, noting that he has someone's ear in the Governor's Office who is going to listen.

He informed Mr. Reynolds that his budget was given to the Council on Friday, 2/25/11; it will raise the taxes by very little. He further noted that the Township gives \$10 million of its budget to Passaic County; he assured he would do everything he could to work on this. He also said he would let Mr. Reynolds review the budget.

Mayor DeFrancisci said he would speak to Fire Chief Sweezy about getting pilot money from the diner and the parking decks at MSU.

Mayor DeFrancisci said they posted the Administrator position on the League of Municipalities Website and agreed that it should have been on the website as well; he explained that it was an oversight.

Mr. Lindsay said the overlay zone is a decision to be made by the Council, noting that FEMA has maps of all of the flood plains.

In response to Mrs. O'Haire, Council President FONTANA explained that the permits are simply to hold their location. Mayor DeFrancisci pointed out that the DOT doesn't have jurisdiction over Little Falls. Mr. Lindsay commented on this further, adding that it would be subject to our local laws and to getting permits from DOT. Mayor DeFrancisci said he was supposed to forward Mrs. O'Haire's answers to her questions via email, but there was a miscommunication; he promised to get these to her as soon as possible.

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Mr. Trapanese informed that he had faxed a trial date over to Mr. Delaney’s attorney, but he was on vacation. Since then, he has faxed over a few more potential trial dates for early March. He advised Mr. Delaney to get in touch with his attorney to determine an agreeable time.

Mr. Wilk explained that the Temporary Emergency resolution is to add money to the Temporary Budget, which was already approved at the annual Reorganization Meeting.

Mr. Trapanese said Mr. Reynolds had previously questioned specific tax appeals; he clarified the reasoning for those tax appeals and explained that the assessor gets involved with the legalities of these matters. As a result of the negotiations, some appeals are dismissed, while others are reduced to provide some relief. The reductions are not large.

Mr. Wilk said he would look into adding public notices to the Website.

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 - - RAS St. Aloysius Church, On-Premise 50/50, 4/14/11, 12:00 Noon – 4:00 p.m.
- - Henry Buikema American Legion Post 121, Instant Pull Tab Raffle Annual License

RESOLUTIONS

Bernard Montalbano, Esq.

RESOLUTION [A] 11-02-28 - #1

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

\$350.00

payable to:

Bernard Montalbano, Esq.

representing payment for legal services rendered in connection with Tri County Lexus; and

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

State Funded Annual Tuition Credit

RESOLUTION [B] 11-02-28 - #2

WHEREAS, the State has passed legislation allowing a \$600 annual tuition credit for volunteer fire fighters and rescue squad members attending county colleges, vocational school and technical institutes; and

WHEREAS, the Township of Little Falls supports its fire fighters and rescue squad members;

NOW, THEREFORE, BE IT RESOLVED, that the Township of Little Falls hereby states that it adopts and supports Assembly Bill A-1517 which became P.L. 1998, c.145 (A1517 1R) for all of our volunteer fire fighters and rescue squad members in good standing.

Replenishing Postage Account

RESOLUTION [C] 11-02-28 - #3

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

\$5,000.00

payable to:

Reserve Account

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

Appointment of Recreation Director Petty Cashier

RESOLUTION [D] 11-02-28 - #4

CHANGE IN CUSTODIAN OF PETTY CASH FUND

BE IT RESOLVED, by the Township Council of the Township of Little Falls that the duly appointed Recreation Director of the Township, i.e.

John Pace
Little Falls, NJ 07424

be and the same is hereby appointed Petty Cashier, Recreation Director Petty Cash Fund; and

BE IT FURTHER RESOLVED that the Petty Cashier, Recreation Petty Cash Fund shall review the status of the Fund with the Treasurer on a monthly basis; and

BE IT FURTHER RESOLVED that the Director, Division of Local Government Services be and is hereby petitioned to change the recorded name of the Recreation Director having custody of the Recreation Petty Cash Fund to John Pace.

2010 General Election – Polling Place Payment

RESOLUTION [E] 11-02-28- #5

AUTHORIZING TREASURER TO PAY POLLS for 2010 GENERAL ELECTION

BE IT RESOLVED by the Township Council of the Township of Little Falls, that the Treasurer be and is hereby authorized and directed, based upon the Clerk’s certification as to the polling places used for the 2010 General Election, to issue checks payable to the owners of polling places at the rate of \$50 per polling place, totaling a sum of \$400 the amount received from the County of Passaic therefore, as follows:

Passaic Valley Regional High School	\$50.00
St. Agnes Church	100.00
School #3	50.00
Great Notch Fire House	50.00
St. George Antiochian Orthodox Church	50.00
Township of Little Falls – Civic Center	100.00
	\$400.00

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Riddick Associates, PC

RESOLUTION [F] 11-02-28 - #6

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

\$640.00

payable to:

Riddick Associates, P.C.

representing payment for engineering services rendered in connection with Ciasulli/Lexus – Inspection and Administrative requirements in connection with approved site plan; and

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

RESOLUTION [G] 11-02-28 - #7

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

\$437.50

payable to:

Riddick Associates, P.C.

representing payment for engineering services rendered in connection with Trabona Montessori School – Inspection & Administrative requirements in connection with approved site plan; and

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

Waiving Fees for Licenses for ABC Town Tasting

RESOLUTION [H] 11-02-28 - #8

WHEREAS, the Alliance for a Better Community is holding a “Taste and Talent Celebration” on March 1, 2011; and

WHEREAS, the Township Council of the Township of Little Falls supports the efforts of the Alliance for a Better Community;

NOW, THEREFORE, BE IT RESOLVED, the Township Council authorizes and approves the waiving of fees for the required Temporary Food Establishment licenses required for the 2011 “Taste and Talent Celebration”.

Women’s History Month

RESOLUTION [I] 11-02-28 - #9

RESOLUTION DESIGNATING THE MONTH OF MARCH AS “WOMEN’S HISTORY MONTH”

WHEREAS, New Jersey women of every race, class, and ethnic background have made historic contributions to the growth and strength of our State in countless recorded and unrecorded ways;

WHEREAS, New Jersey women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the State by constituting a significant portion of the labor force working inside and outside of the home;

WHEREAS, New Jersey women have played a unique role throughout the history of the State by providing the majority of the volunteer labor force of the State;

WHEREAS, New Jersey women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our State;

WHEREAS, New Jersey women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

WHEREAS, New Jersey women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all;

WHEREAS, despite these contributions, the role of women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history; and

WHEREAS, the Department of Community Affairs, specifically the Division on Women’s goals are to remember and celebrate New Jersey women and to:

- ◆ ensure that New Jersey women are offered equal opportunities in education, the workforce and healthcare regardless of age, sexual orientation, income, ethnicity, race or religion.
- ◆ identify, implement, measure and coordinate programs that address the needs of New Jersey women.
- ◆ engage in continuous study and research on issues affecting New Jersey women and their families, develop policy papers and legislative recommendations

NOW, THEREFORE, BE IT RESOLVED by the Governing Body in the Township of Little Falls, State of New Jersey, that March 2011 is designated as “Women’s History Month” under the National Women History Project’s 2011 theme: *Our History is Our Strength*.

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

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

The Council President declared the motion passed.

REGULAR AGENDA

The following items were individually considered.

Finance - - Council President FONTANA asked for an explanation of this resolution. Mr. Wilk explained that he asked the Auditor’s office about this. He explained that once they start to defer taxes, it’s not something that can be suspended. It is a system to defer debt; it is not something that ever comes due; this has been deferred ever year for years.

There was an affirmative consensus from the Council to table the following Resolution:

Resolution Re: Authorizing Increase in Deferred School Taxes
for Regional High School Taxes

WHEREAS, the Division of Local Government Services requires that the Governing Body of any municipality which has Deferred School Taxes must authorize any increase in the deferral of any amounts, and

WHEREAS, the Township desires to increase Deferred School Taxes to the amount permitted under State statutes and to be effective at December 31, 2010.

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council that the following Deferred School Taxes be hereby increased for the year ended December 31, 2010 as follows:

	Deferred Regional High School Taxes
Amount Deferred 12/31/10	\$3,172,883
Amount Deferred 12/31/09	<u>3,103,002</u>
Amount of Increase	<u>\$ 69,881</u>

BE IT FURTHER RESOLVED, by the Township Council that a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

- - It was moved by Councilmember Gonzalez, seconded by Councilmember Post, that the Council approve the following:
RESOLUTION AUTHORIZING TRANSFERS IN THE 2010 BUDGET: \$8,700.00 [K]#10

Mr. Wilk explained that they are allowed to make transfers in the Budget in the first three months of the year from last year to this year to cover expenses.

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

The Council President declared the motion passed.

- - It was moved by Councilmember Sisco, seconded by Councilmember Post, that the Council approve the following:
RESOLUTION AUTHORIZING A TEMPORARY EMERGENCY APPROPRIATION FOR THE 2010 MUNICIPAL BUDGET: \$308,625.00 [L]#11

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

The Council President declared the motion passed.

Legal - - It was moved by Councilmember Vantuno, seconded by Councilmember Sisco, that the Council approve the following:

RESOLUTION [M] 11-02-28 - #12

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

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

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

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

65 Weaver Street Block 31 Lot 24

	<u>Original Assessment</u>	County Board	Requested Tax Judgement	<u>Court Judgment</u>
2010 Land:	\$157,000		\$157,000	\$137,000
Improvements:	<u>\$310,000</u>	\$310,000	<u>\$300,000</u>	
Total:	\$467,000	\$467,000	\$437,000	

2. There will be no prejudgment interest.

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

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

The Council President declared the motion passed.

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

RESOLUTION [N] 11-02-28 - #13

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

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

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

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

10 Tivoli Court Block 231 Lot 1.03

	<u>Original Assessment</u>	County Board	Requested Tax Judgement	<u>Court Judgment</u>
2009 Land:	\$353,000		\$353,000	WITHDRAWN
Improvements:	<u>\$599,900</u>	\$599,900	<u>WITHDRAWN</u>	
Total:	\$952,900	\$952,900	WITHDRAWN	

	<u>Original Assessment</u>	County Board	Requested Tax Judgement	<u>Court Judgment</u>
2010 Land:	\$353,000		\$353,000	\$353,000

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Improvements:	<u>\$599,900</u>	\$599,900		<u>\$497,000</u>
Total:		\$952,900	\$952,900	\$850,000

2. There will be no prejudgment interest.

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

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

The Council President declared the motion passed.

NEW BUSINESS

Ordinance No. 1115 – It was moved by Councilmember Sisco, seconded by Council President Fontana, that the public hearing on Ordinance No. 1115, **“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 15 (“AMUSEMENT DEVICES”) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LITTLE FALLS”**, be and it was opened.

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

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Sisco, seconded by Councilmember Vantuno, that the public hearing on Ordinance No. 1115 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Post, seconded by Councilmember Gonzalez, that the Ordinance No. 1115 be and it was adopted.

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

The Council President declared the motion passed.

Ordinance No. 1116 – It was moved by Councilmember Vantuno, seconded by Councilmember Gonzalez, that the public hearing on Ordinance No. 1116, **“AN ORDINANCE AMENDING ORDINANCE NO. 1106, WHICH FIXED THE ANNUAL SALARIES AND FEES OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF LITTLE FALLS FOR THE YEAR 2010 AND PROVIDING FOR THE MANNER OF PAYMENT THEREOF”**, be and it was opened.

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

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, that the public hearing on Ordinance No. 1116 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Sisco, seconded by Councilmember Fontana, that the Ordinance No. 1116 be and it was adopted.

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

The Council President declared the motion passed.

Ordinance No. 1117 – Mr. Wilk explained that this ordinance was placed on the agenda this evening, as the public hearing was advertised to be held this evening. However, the Planning Board has not yet been able to review and comment on the ordinance; therefore, the hearing will be postponed to 3/14/11.

Appointment of Henry M. Underhill as Business Administrator - - It was moved by Councilmember Vantuno, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [O] 11-02-28 - #14
RESOLUTION APPOINTING BUSINESS ADMINISTRATOR

WHEREAS, Henry M. Underhill was nominated by Mayor Michael DeFrancisci for the position of Business Administrator of the Township of Little Falls; and

WHEREAS, the appointment of a Business Administrator is a mayoral appointment pursuant to the Ordinances of the Township of Little Falls, as well as the Faulkner Act, with the advice and consent of the Little Falls Township Council; and

WHEREAS, on February 7, 2011, Mayor Michael DeFrancisci nominated, and the members of the Little Falls Township Council unanimously gave its advice and consent to the appointment of Henry M. Underhill as Business Administrator of the Township of Little Falls; and

WHEREAS, the position of Business Administrator has been established at the salary rate of \$85,000.00 annually, plus health and dental insurance coverage, identical to all other full time employees, in accordance with the eligibility of benefits as set forth under the Township’s policies; and

WHEREAS, in accordance with the Defined Contribution Retirement Program, the position of Business Administrator is eligible for participation in the program; and

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WHEREAS, Henry M. Underhill is receiving a PERS Pension; therefore, he shall not be eligible to enroll in the PERS or DCRP Pension programs; and

WHEREAS, Henry M. Underhill's commencement date of appointment will be January 31, 2011, to fill the unexpired term of the previous Little Falls Township Business Administrator, which term shall run concurrent and at the pleasure of the Mayor;

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

1. Henry M. Underhill be and he is hereby unanimously appointed as the Business Administrator for the Township of Little Falls effective January 31, 2011, to fill the unexpired term of said position, at an annual salary of \$85,000.00, plus health and dental insurance coverage, identical to all other full time employees, in accordance with his eligibility for benefits as set forth under the Township's policies; and further
2. The Mayor, Township Clerk and/or Township Council President and/or other members of the Township Council be and they are hereby authorized to execute any and all forms and/or paperwork necessary in order to accomplish the foregoing.

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

The Council President declared the motion passed.

NJ Department of Transportation – It was moved by Councilmember Gonzalez, seconded by Council President Fontana, that the Council approve the following:

RESOLUTION [P] 11-02-28 - #15

WHEREAS, the Township wishes to apply for outdoor advertising permits and licenses; and

WHEREAS, the NJDOT charges \$50.00 for each permit and \$200.00 for each license; and

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer is hereby authorized to issue a check in the amount of \$50.00 to the NJDOT for an outdoor advertising license, and three (3) checks each in the amount of \$200.00 to the NJDOT for outdoor advertising permits; and

BE IT FURTHER RESOLVED that the Treasurer has certified to the availability of funds of the aforesaid.

Councilmember GONZALEZ said they need to wait for the Planning Board to review this; she objected to approving this this evening. Mayor DeFrancisci said they are simply holding the position by doing this. Councilmember GONZALEZ said they should do things in a professional manner; it went to the Planning Board for review and they should wait to hear back about this before approving same. Mr. Trapanese said if the Township doesn't preserve its position, then they could be jeopardized as to where they are able to place the billboards. Mr. Lindsay clarified; the only downside is that a neighboring property could put in for this and the Township could be barred from putting the billboard in that specific location. Mr. Lindsay clarified that adopting this will not make them stuck with the billboards if they decide later that they don't want to adopt the ordinance.

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

The Council President declared the motion passed.

Opposing NJ Senate Bill No. 818 – It was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, that the Council approve the following:

RESOLUTION [Q] 11-02-28 - #16

RESOLUTION OPPOSING SENATE BILL S-818 & ASSEMBLY BILL A-2095 REVISING REQUIREMENTS FOR EMS DELIVERY

WHEREAS, Senate Bill S-818 and Assembly Bill A-2095 revise the requirements for emergency medical services delivery; and

WHEREAS, in New Jersey when someone calls for an ambulance, in most areas, a volunteer first aid squad will respond; and

WHEREAS, the Emergency Medical Service Volunteers (EMS Volunteers) provide invaluable life-saving services while responding to a wide variety of medical emergencies; and

WHEREAS, EMS volunteers are selfless individuals who provide aid to anyone who requires medical assistance under very difficult circumstances; and

WHEREAS, the New Jersey State First Aid Council opposes Senate Bill S-818 and Assembly Bill A-2095 because the bills will impose unnecessary and burdensome regulatory and financial burdens upon volunteer first aid squads already understaffed and under funded; and

WHEREAS, the Emergency Medical Technician Training Fund is a dedicated, non-lapsing, revolving fund established to reimburse any entity which is certified by the Commissioner of Health and Senior Services to provide training and testing for volunteer ambulance, first aid and rescue squad personnel who are seeking EMT certification and/or recertification; and

WHEREAS, Senate Bill S-818 and Assembly Bill A-2095 replace the "Emergency Medical Technician Training Fund" with the "Emergency Medical Services Training Fund" and permits the use of the fund by individuals and agencies other than for volunteer ambulance, first aid and rescue squad personnel; and

WHEREAS, Senate Bill S-818 and Assembly Bill A-2095 would remove the supervision and control of volunteer first aid squads from their respective municipalities to the New Jersey Department of Health and Senior Services; and

WHEREAS, New Jersey and more than 32 other states, as well as the federal government, require one (1) Emergency Medical Technician (EMT) along with one (1) other non-EMT to staff each ambulance. Senate Bill S-818 and Senate Bill A-2095 will mandate each volunteer first aid squad to provide two (2) EMT's on every call; and

WHEREAS, the revisions contained in Senate Bill S-818 and Assembly Bill A-2095 will result in a decline in the number of available volunteer ambulances in the EMS services and increase the financial burden on municipalities and volunteer first aid squads; and

WHEREAS, Senate Bill S-818 and Assembly Bill A-2095 place new and expanded rules, responsibilities and requirements on municipalities that will cause additional expenses for municipalities without a funding source, thereby creating an unfunded mandate in violation of the New Jersey Constitution Article VIII, Section 2, Paragraph 5 and N.J.S.A. 52:13H-2; and

WHEREAS, the study upon which these bill are based is reported to contain inaccurate and inconsistent information about the New Jersey EMS System;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Little Falls, County of Passaic, to oppose New Jersey Senate Bill S-818 and New Jersey Assembly Bill A-2095, and that a certified copy of this resolution be forwarded to Senator Kevin O'Toole, Assemblyman Scott Rumana and Assemblyman David C. Russo.

Mr. Wilk provided a brief explanation of this resolution. Mr. Burke said this has been discussed by the Fire Department; the resolution came from South Jersey. He commented further, noting that it is a big stress for a volunteer town to put up two EMT's.

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

The Council President declared the motion passed.

Opposing NJ Senate Bill A-3766 – It was moved by Councilmember Sisco, seconded by Councilmember Post, that the Council approve the following:

Meeting of February 28, 2011

RESOLUTION [R] 11-02-28 - #17
RESOLUTION IN OPPOSITION TO
S-2664 A-3766
“MARKET COMPETITION AND CONSUMER CHOICE ACT”

WHEREAS, this act would fundamentally alter the regulation of telephone and cable television service in New Jersey; and
WHEREAS, A3766/S2664 changes are so sweeping it deserves deliberate review and analysis, and must not be fast-tracked; and
WHEREAS, among other things, A3766/S2664 limits the obligation of a cable company to provide cable and internet connections to municipal buildings. Currently all municipal buildings are eligible for this benefit but the bill would limit the obligation to just one municipal building; and
WHEREAS, A3766/S2664 would eliminate the requirement that cable companies provide basic service and internet to municipal buildings and schools at no charge; and
WHEREAS, A3766/S2664 does not require the cable companies to provide a return feed to allow cable-casting of live municipal events and meetings; and
WHEREAS, A3766/S2664 would reduce the franchise fee payable by certain cable companies that have converted from a traditional franchise to a system-wide franchise; and
WHEREAS, A3766/S2664 does not require cable companies to meet or surpass any existing line extension policy or to meet any applicable consumer protection requirements, all of which are required by the current law; and
WHEREAS, The proposed verification process for determining whether a company is operating in a “competitive franchise area” is inadequate; and
WHEREAS, the proposed process for renewal of a system-wide franchise must be corrected to require that the renewal be under the same terms and conditions as the original franchise; and
WHEREAS, A3766/S2664 eliminates the right of a municipality operating under a municipal-consent based franchise to petition the BPU for a higher franchise fee;
NOW, THEREFORE, BE IT RESOLVED, that the Township of Little Falls calls on the legislature to amended S-2664 A-3766 to ensure that all the commitments of NJSA 48:5A-28 be provided (a) upon application for a system-wide franchise, (b) upon renewal of a system-wide franchise and (c) upon conversion of a municipal-consent based franchise to a system-wide franchise; and
BE IT FURTHER RESOLVED, that the Township of Little Falls strongly urges the legislature to oppose A3766/S2664 until such amendments are made and there has been an opportunity for all stakeholders to fully analyze the impact of these proposals and; determine the fiscal impact of the bill on municipalities throughout the state; and
BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Senator Kevin O’Toole, Assemblyman Scott Rumana and Assemblyman David C. Russo.

Mr. Underhill commented briefly on this, noting that Little Falls received a payment in their franchise fee.

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

The Council President declared the motion passed.

Supporting Increase of Safety & Public Awareness on Route 23 – It was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, that the Council approve the following:

RESOLUTION [S] 11-02-28 - #18
RESOLUTION OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC,
STATE OF NEW JERSEY, SEEKING STATE INTERVENTION TO INCREASE SAFETY AND
PUBLIC AWARENESS ON STATE HIGHWAY ROUTE 23

WHEREAS, State Highway Route 23 was established in 1927, running 52.63 miles from Verona, New Jersey, to the New York State border at Wantage, New Jersey; and
WHEREAS, the Township of Little Falls has no authority to interfere with the structure, maintenance and/or design of this road, which functions are within the purview of various divisions within State Government; and
WHEREAS, State Highway Route 23 weaves through the Township of West Milford at a number of points along its course requiring that the Township provide emergency response services to provide for the safety of all those who travel this State highway; and
WHEREAS, in the 1960’s, the route was planned to be upgraded which plans were cancelled in the 1970’s; and
WHEREAS, in the 1980’s, certain portions of State Highway Route 23 south of the Township of West Milford were improved expanding certain portions to a six-lane highway; and
WHEREAS, the sections of Route 23 that traverse the Township of West Milford constitute the original route designed prior to 1927 and constructed in accordance with the needs of that time & the construction standards of the day; and
WHEREAS, there is a specific section of State Highway Route 23 encompassing the US postal addresses from 1899 Route 23 to 2200 Route 23 that is of particular concern to West Milford Township Officials; and
WHEREAS, that particular length of highway comprises a number of “S” turns may have contributed to higher than average incidences of motor vehicle collisions of varying severity including fatal accidents.
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Little Falls, in the County of Passaic, State of New Jersey, that in the interests of the residents of the Township, residents of surrounding communities both North and South of West Milford who regularly commute on Route 23, and all persons who have cause to operate an automotive conveyance on New Jersey State Highway Route 23, they do hereby request that the State of New Jersey, through the appropriate State departments, immediately conduct a study to determine both long-term and short-term safety improvements along State Highway Route 23 and in particular along that portion of said highway from US postal address 1899 Route 23 to 2200 Route 23 that encompasses a series of “S” turns; and
BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to Senator Kevin O’Toole, Assemblyman Scott Rumana and Assemblyman David C. Russo seeking their endorsement and support of this request.

Council President FONTANA explained that they received a proposed resolution from West Milford to address the State about this matter; the Township is simply supporting them in this action.

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

The Council President declared the motion passed.

PUBLIC PORTION

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

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

The Council President declared the motion passed.

Arnold Korotkin, Long Hill Road, asked when the Mayor’s budget would be released to the public for inspection. He also informed that the week of 3/13/11 through 3/19/11 is Sunshine Week; he asked the Council to consider issuing a Sunshine Week Proclamation, and read a proposed proclamation at this time.

Meeting of February 28, 2011

Renea Shapiro, Little Falls ABC, thanked the Mayor and Council for their support with tomorrow evening's event. The ABC recently found out certain health regulations that they weren't aware of. She thanked Mr. Lindsay and Councilmember Post for attending the Redevelopment Meeting last week. She also suggested the possibility of a blinking red/yellow light at the intersection of Wilmore Road and Main Street for safety purposes. She specifically referred to the safety of those attending the Farmer's Market and said the area should be as safe as possible. She asked that they consider these suggestions. She also informed that she was made aware by a school board member that PVHS has decided to put panels on their roof to keep the cost of electric down; they are getting a rebate of approximately \$80,000 by doing so. She suggested that the Township look into this to see if it is feasible. Referring to the billboard ordinance, she asked if any business of Route 46 would be capable of putting up a billboard, in addition to the Township.

John Reilly, asked if the locations for the billboards have been identified already.

Bryan Reynolds, 7 Notch Road, referred to Mr. Korotkin's comments regarding notices on the website. He pointed out that the functionality is there to email the information to the township residents. They should utilize this instead of putting it up on the Website. He asked why the town isn't using this feature. He also noted that the Town is looking to raise revenues in many ways, but pointed out that they still need to approach cutting their own costs before looking for more revenues. He would like to see the Council seriously consider this.

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

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

The Council President declared the motion passed.

Mayor DeFrancisci said the budget would be available to the public within two weeks, after the Council approves it. It will be after any changes are made, if they are to be made. In response to Councilmember Gonzalez, Mayor DeFrancisci explained that the Mayor's budget is a proposed budget, which can be changed by the Council.

Council President FONTANA asked Mr. Wilk to put the discussion of traffic lights on the next Workshop Agenda. He also informed that they had a presentation about solar panels. It is a lot of money up front, but they are still looking into it; they are working on it. Mayor DeFrancisci said they are looking into putting in requests for a quote to put panels on this building. They are already looking into this.

President FONTANA said the zone covers the whole town; Mr. Lindsay clarified briefly, noting that there is a spacing requirement of 2,000 feet.

Mr. Wilk explained that Mr. Kazmierczak was working on the email notification system; he has no information on this. Council President FONTANA asked Mr. Underhill to look into this.

Councilmember GONZALEZ said she is sure the Mayor has done a good job on the budget, but the Council will review this and make sure they do the best they can for the Township. Mayor DeFrancisci explained that he has done many things to cut costs, including consolidating job positions. Also, the employees now pay 1.5% into their health benefits. He will continue to work at it, but there comes a time when there is little they can cut, unless they want a reduction in services. He said he is open to suggestions, but assured that they are doing all they can.

PAYMENT OF BILLS

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

RESOLUTION [BL]

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

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

The Council President declared the motion passed.

Clarion Office Supply	General Admin.		47.98
Clarion Office supply			`124.99
Shred-It USA Inc.			`52.80
McManimon & Scotland, LLC	A & E	2010	2073.48
Nicholas S. Brindisi, Esq.		2010	2415.00
Cablevision Systems Corp.			`59.95
Clarion Office Supply			`174.95
Clarion Office Supply			`39.98
Law Soft Inc.			`3390.00
Lexis Nexis			`66.00
Munidex, Inc.			`1283.00
Passic Cty. Municipal Clerks Ass.			`200.00
McManimon & Scotland, LLC	Treasurer	2010	81.19
Forms Plus			`191.81
Lerch, Vinci & Higgins, LLP			`2900.00
Lerch, Vinci & Higgins, LLP			`400.00
Lerch, Vinci & Higgins, LLP			`8000.00
Lerch, Vinci & Higgins, LLP			`800.00
Poland Springs			`27.82
Collectors & Treas. Assn.	Tax Collector		80.00
McManimon & Scotland, LLC	Legal	2010	2999.51
Action Interpreting LLC	Municipal Court		485.00
Cablevision Systems Corp.			`49.95
Clarion Office Supply			`178.03
Corbi Printing Corp.			`440.00
N P C		2010	492.95
N P C			`435.23

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Poland Spring				16.38
Delta Dental Plan of NJ	Group Health Ins.			2623.27
Delta Dental Plan of NJ				3186.63
NJ SHBP				75,222.45
NJ Intergovernmental Ins. FD				87,477.50
NJ Intergovernmental Ins. FD	Workmen's Comp Ins. NJIIF			31,976.39
Ally	Aid to Volunteer Fire			5881.59
Approved Fire Protection Co.				2106.00
Clarion Office Supply				29.99
James DiMaria				50.00
Robert W. Vita				150.00
Turnout Fire & Safety, inc.				77.98
Dell Marketing LP	Fire Life Hazard	2010		1998.48
Cablevision Systems Corp.	Police			84.90
Cartridge World				151.17
County of Passaic				500.00
IDM Medical Supply Co.				77.75
Shred-It USA Inc.				52.80
Riddick Associates, PC	Engineer			131.25
Riddick Associates, PC				481.25
Riddick Associates, PC				1006.25
Riddick Associates, PC				306.25
Riddick Associates, PC				87.50
Riddick Associates, PC				1312.50
Riddick Associates, PC				131.25
Clarion Office Supply	Construction Code Official			231.98
Integrated Document Tech.				26.00
Jerry Tolomeo				35.00
Konica Minolta				203.99
Harbor Freight Inc.	DPW	2010		473.44
Aerial-Rise, LLC				944.10
American Wear				391.25
Athenia Mason				222.90
Atlantic Salt, Inc.				10,978.12
Atlantic Salt, Inc.				2732.69
Cablevision Systems Corp.				74.95
Cablevision Systems Corp.				74.95
Clifton Power Equipment, Inc.				69.24
Global Development				1755.00
Grainger				155.44
Home Depot				76.44
Integrated Document Tech.				13.00
Northeast Equipment				4.79
One Call Concepts, Inc.				37.46
Outstanding Service Co., Inc.				29.95
Phillip H. Simone				1494.21
Poland Spring				4.87
Riverdale Power Mower, Inc.				325.00
Riverdale Power Mower, Inc.				520.00
Stone Industries, Inc.				752.80
Tilcon New York Inc.				1136.05
Tilcon New York Inc.				419.76
Totally Secure, Inc.				179.70
Trico Equipment, Inc.				255.76
US Municipal Supply, Inc.				580.55
Valley Health Medical Group				185.00
Van Orden				1134.86
Walker's Hardware				7.82
Firefighter One	Emergency Mgmt.	2010		1198.28
Firefighter One	2010			1285.75
Cablevision Systems Corp.				49.95
Verizon Select				26.20
Gaeta Recycling Co., Inc.	Solid Waste	2010		613.00
Gaeta Recycling Co., Inc.	2010			322.32
American Hose & Hydraulic Co.				309.60
Clarion Office Supply				68.96
Konica Minolta				91.99
De Luxe International Trucks	Vehicle Maintenance DPW			50.66
Drive Line Service Inc.				591.73
General Parts Group, Inc.				219.98
General Parts Group, Inc.				13.31
General Parts Group, Inc.				439.96
General Parts Group, Inc.				25.03
General Parts Group, Inc.				155.54
General Parts Group, Inc.				150.87
General Parts Group, Inc.				150.87
Guaranteed Rebuilders, Inc.				250.00
AGT battery Supply, LLC	Vehicle Maintenance Fire			202.05
Cablevision Systems Corp.	Recreation			49.95
Charles Bahr & Son Inc.				127.98
Cintas Corporation				167.26
Integrated Document Tech.				26.00
Konica Minolta				189.99
Positive Coaching Alliance				2308.95
Staples Inc.				221.08
Vanderhoof Transport Co., Inc.	Senior Citizen Transportation			775.00
City of Clifton	Board of Health			2712.00
Atlantic Detroit Diesel	Bond Ord. - 0993	2010		25,000.00
Atlantic Detroit Diesel	Bond Ord. - 1072	2010		14,291.00
A & A Construction	Bond Ord. - 1020			21,038.00
Clarion Office Supply	Bond Ord. - 1020			422.00
Tilcon New York, Inc.	Bond Ord. - 1029			127,468.90
Riddick Associates, PC	Bond Ord. - 1092			8702.57
Riddick Associates, PC	Bond Ord. - 1095			787.50
Riddick Associates, PC	Bond Ord. - 1098			568.75
Riddick Associates, PC	Bond Ord. - 1110			3163.29
MCI Communications	Telephone			57.38

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Verizon	,	29.74
Hess Corporation	Gas & Electric	3091.39
Rachles/Micheles	Gasoline	6549.75
National Terminal, Inc.	Diesel	3173.10
National Terminal, Inc.	,	2983.00
Ocean Clean	Public Bldg. & Grounds	1445.00
Prime Pest Control LLC	,	100.00
Spot-A-Way	,	105.00
Trane	,	1931.18
Elisabeth T. Billig	Municipal Alliance	850.00
Lynn Donovan	,	850.00
Passaic Valley Regional HS	,	500.00
Tee's Plus	,	340.66
Passaic Valley Regional HS	Regional School	528,813.92
Little Falls Board of Education	Local School	1,009,461.00
Rt. 46 Chrysler Jeep Dodge	Acq. Of Police Car	538.67
American Steel Carports, Inc.	Encumbrances Payable 2010	4210.00
Global Connect	,	2950.50
DTCC-ACH	Interest on Bonds	15268.75
Depository Trust Company	,	38,600.00
Depository Trust Company	Bond Principal	150,000.00
VALIC	LOSAP 2010	94,062.50

FINANCE COMMITTEE

Darlene Post

Louis Fontana

Joseph Sisco

There being no further business to come before the meeting, it was moved by Councilmember Post, seconded by Councilmember Sisco, that the meeting be and it was adjourned at 9:03 p.m.

William E. Wilk
Municipal Clerk

Cynthia Meyer
Deputy Municipal Clerk