

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

**Monday, February 6, 2012**

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

Absent: Township Attorney Joseph Trapanese

Township Employees present: Police Chief John Dmuchowski, Lieutenant Salvatore Calafiore, DPW Superintendent Phillip Simone, Fire Chief Jack Sweezy and Deputy Municipal Clerk Cynthia Meyer

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

**STATEMENT OF PUBLIC NOTICE:** Take notice that adequate notice of this meeting was provided in accordance with N.J.S.A. 10:4-8 and N.J.S.A. 10:4-10 as follows: A notice of the meeting was prominently posted on the bulleting board at the Municipal Building, located at 225 Main Street, Little Falls, N.J. on January 5, 2012; a copy of the notice was faxed to the North Jersey Herald and News and The Record on the same date; additionally, a copy of the notice was filed in the office of the Township Clerk on said date.

**NOMINATION AND APPOINTMENT OF INTERIM MAYOR**

Councilmember VANTUNO said he feels he doesn't have enough information about the candidates to make a decision, explaining that the Council didn't have the opportunity to interview these candidates. He pointed out that three names have been presented to the Council, but he is unaware of how the Republican Committee narrowed it down to these names. Councilmember FONTANA questioned the time frame the Council has to choose a name. Mr. Wilk explained that the Council has 30 days from the date of the vacancy to fill the vacancy. Councilmember SISCO said he has only received resumes for two of the three candidates. Councilmember VANTUNO reiterated said there is not enough information to make an informed decision.

Mr. Trapanese said the 30 day time frame runs from the date that they endorse it at the Republican Committee. He suggested that the Council hold a Special meeting. Councilmember GONZALEZ disagreed that the vote should be held and voiced her opinion that this delay is due to manipulation by the former mayor. She pointed out that Councilmember Vantuno had previously sent out an extensive questionnaire to the candidates and received very precise answers from all of them. She voiced her opinion that the town needs a candidate with a lot of financial experience, adding that union contract negotiations are coming up.

Councilmember SISCO added that he has concerns with budget issues in town and pointed out that tax rates in New Jersey are too high. Councilmember VANTUNO explained that he would like this to be a fair process and said he is not satisfied with the information he received from the questionnaire. Councilmember GONZALEZ said the Council should be moving forward without other direction.

Councilmember FONTANA suggested that they hold the vote for another week. Councilmember SISCO agreed and said they should interview the candidates next week. Councilmember GONZALEZ said she wouldn't be available next week and said all Council members should be included in the vote. Mr. Trapanese said this could be addressed at a Special meeting scheduled any day if they give the proper notices. He said they could have the meeting and the vote on 2/27/12. It was agreed that the vote would be held.

**PRESENTATION BY REPRESENTATIVES OF WOODLAND PARK REGARDING SEWER TRUNK LINE REPAIRS**

Mayor Keith Kazmark of Woodland Park, thanked the Council for allowing them to come forward this evening regarding some issues the three towns (Little Falls, Totowa and Woodland Park) are facing. He informed that he was in attendance with Borough Clerk/Administrator Kevin Galland and Borough Engineer Tom Safaro and they are here to share some of the facts concerning this matter, noting that this will be a four-phase project. The current challenge is on Spruce Street.

Mr. Safaro said there were maps/photographs of the subject area distributed to the Council and identified them. He gave some background history on the force main, noting that it originates by McBride Avenue and Browertown Road. It is a very large amount of flow that runs through. In April of 2011, they received notice of a He went over some recent events that occurred in 2011, including the following: notice of a sink hole, notice of fluid coming down the street, as well as a second hole, which was temporarily repaired. He explained that the holes in the pipe are generated from hydric sulfide gas. It was clear that this problem was not only going to be on Spruce Street, and they did find it in other areas, which indicates future or existing problems. The repair of the pipe will be 7-8 days long and they will potentially have to replace the force main from the end of Spruce Street. It is a very large system and could potentially pose a threat to general public health, safety and welfare, as well as pollution to the neighboring water bodies and storm sewer facilities; this could mean heavy fines from the DEP. The total cost of repairs will be approximately \$2.5 to \$3 million to be spread across the three municipalities in question.

Councilmember FONTANA asked for the lifespan of this system and Mr. Safaro explained that no one can predict what will happen through the pipe itself; he expects that it will last a long time.

Mayor Kazmark informed that the Mayor of Totowa came to their Council meeting and had suggested doing some research into when this project was done. He said this is the same pipe that is running down McBride Avenue; they are confident that the remaining horizontal line down McBride Avenue is still intact. Mr. Safaro agreed and said there is testing they can do to check this.

Mayor Kazmark informed that Woodland Park is the lead agency in this project. Kevin Galland gave a detailed breakdown of the four phases of the project at this time, as well as the cost analysis for everything. He explained that they are doing this as an emergency appropriation, noting that this is a process that needs to be completed as quickly as possible.

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Mr. Lindsay informed that he met with Mr. Safaro last week; he commented regarding the status of the pipe as well. He pointed out that plastic pipe seems like the appropriate pipe to use now that it is available. Mayor Kazmark said they would keep in touch about this matter, noting that they have a very good relationship with Mr. Lindsay.

### APPROVAL OF MINUTES

It was moved by Councilmember Sisco, seconded by Councilmember Vantuno, that the Minutes of the meeting of November 28, 2011 be approved.

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

The Council President declared the motion passed.

### REMARKS FROM CHAIR

Council President POST said she received a letter from Freeholder Pat Lepore, explaining that the Board of Chosen Freeholders approved the Township's application for the Wilmore Road park improvements and the Township received approval from the Board for a grant in the amount of \$71,000 from the Passaic County Open Space Trust Fund. She explained that this was a grant application that was submitted for park improvements on Wilmore Road. She also explained that she is not driven by the previous mayor or anyone else; she is driven by herself and she assured that she has everyone's best interest at hand.

### COUNCIL MEMBER REPORTS

Councilmember GONZALEZ said the Senior Committee will be meeting on Wednesday, 2/8/12 at 7:30 p.m. She addressed Councilmember Post, and explained that the interim mayor vote is very important. She explained that they need to keep the budget their number one concern, adding that legal and administrative budgets should be addressed as soon as possible.

Councilmember SISCO commended Councilmember Vantuno for bringing up the point that they should make an intelligent decision on the candidate for mayor. He reiterated that this decision should be hinged on finances. He hoped they would look at this very closely no matter who becomes mayor.

Councilmember FONTANA had nothing to report.

Councilmember VANTUNO reminded that Passaic Valley High School Board of Education will be here next week to give a presentation on the budget and discuss shared services. There will also be a company present called IMQ2, who provides an electronic way of running Council meetings. It will be a good thing to look into.

### ATTORNEY'S REPORT

Mr. Trapanese had nothing to report.

### PUBLIC PORTION

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

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

The Council President declared the motion passed.

Louis Fernandez, 54 Harrison Street, expressed his disappointment in the Council, and commended Councilmember Post on her leadership and loyalty to her party. He was disappointed that the Republican party has now nominated other candidates, and voiced his opinion that this is disrespectful to her. He voiced his opinion that Councilmember Post should be the leader of this town.

Al Attianese, 27 Dewey Avenue, said his name is one of the names submitted for interim mayor. He commended Councilmember Vantuno for his interest in finding out more information about the candidates. He explained that he and Mr. Radcliffe both made themselves available for personal interviews to answer any questions the Council members had of them on the spot; he wanted the record to reflect this.

Councilmember VANTUNO agreed with Mr. Attianese's statements and said the reason he didn't want a one-on-one is because he wanted the rest of the Council to see and hear the responses. He thought it would be good for all of them to be in an interview, but they were unable to do so. Mr. Attianese said they stand willing and able to answer any questions the Council has of them.

Rosemarie Bello-Truland, High Court, again asked the Council to reconsider the paid ambulance service. She didn't think the Council was given the necessary information to make a decision. There is a provision in the ordinance that provides for its disbanding before it even starts. She explained that there are a number of other ways they can accomplish a speedy response time without the extra cost to the town; none of these options were explored before this ordinance was suggested.

Bob Dombrowski, 49 Parkway, said he had the experience of dealing with Pulse. He explained that the bill doesn't state that the Township will cover the bill if you don't have insurance. He also informed that on 1/9/12, he called 911 and it took 16 minutes for a Police Officer to respond to his house from Verona. He asked why this happened and said if they are short-handed, they should do something to remedy the problem.

Victor Nowak, 6 Stephen Place, expressed his disappointment with the excessive use of foul language on his street by others, noting that an ordinance change has brought on these conditions. He pointed out that this town has a "Strong Mayor" form of government and voiced his concern with the impact this has on the town.

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Donald Radcliffe, 239 Long Hill Road, explained that the County Committee, by the rule of absence, must name three candidates, and the Council then responds with selecting one of those people. He explained that he has been very involved in the town for years and he is familiar with the budget. He thinks all of the candidates should be considered fairly.

Jeannie Gerdy, 2 Elm Street, asked the new mayor to guide the town in finances and to keep careful watch on how they do this. She referred to the billboards in town and said they should keep the beauty of the town in mind, as this is equally as important.

Brian Reynolds, 7 Notch Road, referred to financial issues and said there has been excessive spending, noting that the new mayor will have to work a lot harder and look for new ways to save money. He pointed out that he had previously objected to the authorization of three new police officers, as well as the three percent raise that was given to employees. Now the Chief has been given authorization for two more officers. He explained that they must start making long-term financial sacrifices and said they need to stop bonding and paying debt.

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

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

The Council President declared the motion passed.

Council President POST thanked Mr. Fernandez for his comments and assured that all of the candidates would be considered.

President POST also thanked Mr. Attianese for his comments.

Fire Chief Sweezy said he would like to have a discussion of the Little Falls paid ambulance service placed on the next Workshop agenda. Councilmember SISCO informed that the Eagle Rescue Squad owns the ambulance and the rescue squad building. He reminded that Mrs. Truland had informed them previously that the company isn't required to allow the town use of the building or any equipment. Chief Sweezy said the town owns one ambulance and suggested that they address these issues when it is discussed at the Workshop meeting. Councilmember POST referred to the comments about the bill from Pulse. Chief Sweezy explained that when Pulse comes out for assistance, they consider this a mutual aid call. He is not sure of how the billing works.

Chief Dmuchowski informed that he is waiting for the ticket on when the call was received; they will have an answer by the end of the meeting as to why the officer responded so late.

Council President POST questioned the regulation of the use of foul language. Lieutenant Calafiore said those who are complaining of this must address the issue by filing a complaint, noting that the Police Department cannot enforce what they do not witness. Mr. Nowak explained that he is complaining about a condition and about what the change in ordinances can do. He wants to make the Township aware that there are consequences when they make a change. Council President POST said she would speak with Mr. Nowak about this after the meeting.

Chief Dmuchowski informed that there were three officers working on 1/9/12, noting that two of those officers were committed on other calls, which is why there was a delay in getting him an officer. Typically, they would have another town respond in the meantime.

President POST thanked Mr. Radcliffe for his comments and said the Council would take their time in making a decision.

President POST agreed that they must watch every penny and said they will be careful in their decision-making; they will review everything in order to make the right decisions for the town.

President POST agreed that they need to look into shared services and make some long-term sacrifices. She assured that she would review the budget carefully this year.

**C O N S E N T   A G E N D A**

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

**REPORTS**

Tax Collector's Report – Month of January 2012

**MONTHLY REPORT**

Municipality of Township of Little Falls  
 Office of the Tax Collector  
 Revenues Collector for the Month of January 2012  
 Tax Collection Current Account #622402226 Lakeland Bank

	<u>To January 2012</u>			<u>2012 Year to Date</u>
2012 Taxes		\$2,316,136.02		\$2,497,451.04*
2011 Taxes	143,352.06		143,352.06	
Prepaid 2013 Taxes	0.00		0.00	
2010 Taxes			799.70	799.70
Interest	8,360.44		8,360.44	
Township Tax Title Lien	0.00	0.00		
Township Tax Title Lien Int.	0.00			0.00
Cost of Tax Sale	0.00	0.00		
Outside Tax Liens		128,454.08	128,454.08	
<b>Duplicate Tax Bills</b>	<b>20.00</b>			<b>20.00</b>
Tax Searches		0.00		0.00

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Insufficient Check Charge	20.00	20.00	
6% Penalty Fee	2,967.22	2,967.22	
Miscellaneous Line Item Fee	0.00	0.00	
Tax Sale Additional Fee	0.00	0.00	
Premium Outside Lien	0.00		0.00
Tax Sale Additional Fee	0.00	0.00	
Municipal Copy Fee	0.00	0.00	
<b>GRAND TOTALS</b>	<b>\$2,600,109.52</b>		<b>\$2,781,424.54</b>

\*INCLUDES PREPAID (\$181,315.02) COLLECTED IN 2011.

**Comparison of Years**

<b>Jan. 3, 2012 to Jan. 31, 2012</b>	<b>\$2,600,109.52</b>	<b>\$2,781,424.54</b>
<b>Jan. 5, 2011 to Jan. 31, 2011</b>	<b>3,525,295.79</b>	<b>3,693,328.98</b>
	<b>-\$ 925,186.27</b>	<b>- \$ 911,904.44</b>

Delinquent 2011 Taxes = \$408,812.34 (96) Line items-Tax Sale 04/19/12.  
 Delinquent 2010 Taxes = \$411,381.19 (108) Line items as of 01/31/11.

Bounced checks this month = \$0.00      Year-to-date bounced checks = \$0.00  
 Refunds this month = -\$0.00      Year-to-date refunds -\$0.00  
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Municipal Clerk's Report – Month of January 2012

MUNICIPAL CLERKS REPORT  
 Month of January 2012

ABC LICENSES		
OTHER LICENSES		
Business Licenses	\$6,480.00	
Pre-paid Business Licenses		
Raffle Licenses		\$6,480.00
REGISTRAR OF VITAL STATISTICS		
Fees & Permits	\$472.00	
Marriage Licenses-LF	3.00	
Marriage Licenses-NJ	25.00	\$500.00
MRNA		
Street Maps	\$3.00	
Zoning Maps	6.00	
Zoning Ordinances	35.00	
Document Copies	11.70	
Garage Sales		
Misc. Fees & Refunds:		
TOTAL MRNA		\$55.70
TOTAL CURRENT ACCOUNT		\$7,035.70
TOTAL TO TREASURER		<u>\$7,035.70</u>

Municipal Clerk's Dog/Cat License Report – Month of January 2012

MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT  
 Month of January 2012

<b>Dog Licenses issued 1/1/12 thru 1/31/12</b>		
Nos. 441 to 446 = 6 Licenses		
Amount due Little Falls		\$40.80
Amount due State		13.20
Total Cash Received		\$54.00
	Total to Treas.	<u>\$54.00</u>

**RESOLUTIONS**

NJ Pollutant Discharge Elimination System

RESOLUTION [A] 12-02-06 - #1

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:

\$3,000

payable to:

Treasurer-State of New Jersey  
 NJ Department of Treasury  
 Division of Revenue  
 P.O. Box 417  
 Trenton, NJ 08646-0417

representing payment of FY2012 NJ Pollutant Discharge Elimination System (NJPDES) permit fee payable from line item 26-2902-152.

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Refund to Lienholder for Redeemed Tax Sale Certificate

RESOLUTION [B] 12-02-06- #2

**WHEREAS**, at the Municipal Tax Sale held on June 15, 2011, a lien was sold on Block 110 Lot 7, also known as 47 Main St Realty Corp of 49 Main Street, Little Falls, NJ, for 2010 delinquent taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #2011-09, was sold to RJ Maroon Realty LLC, for a 0% redemption fee and a premium of \$2,100.00; and

**WHEREAS**, 47 Main St Realty Corp. has effected redemption of Certificate #2011-09 in the amount of \$9,440.97.

**NOW, THEREFORE BE IT RESOLVED**, that the Treasurer be authorized to issue a check in the amount of \$9,440.97 payable to RJ Maroon Realty LLC, PO Box 668, Pompton Plains, NJ 07444 for the redemption of Tax Sale Certificate #2011-09.

**BE IT FURTHER RESOLVED**, that the Treasurer be authorized to issue a check in the amount of \$2,100.00 (Premium) to the aforementioned lien holder. **Both checks shall be forwarded to the Tax Collector on February 7, 2012** as she must surrender the Tax Sale Certificate before they receive payment.

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**Meeting of February 6, 2012**

**RESOLUTION [C] 12-02-06- #3**

**WHEREAS**, at the Municipal Tax Sale held on June 15, 2011, a lien was sold on Block 110 Lot 7.01, also known as 47 Main St Realty Corp of 47 Main Street, Little Falls, NJ, for 2010 delinquent taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #2011-10, was sold to Stonefield Investment Fund I, LLC, for a 0% redemption fee and a premium of \$33,000.00; and

**WHEREAS**, 47 Main St Realty Corp. has effected redemption of Certificate #2011-10 in the amount of \$47,271.48.

**NOW, THEREFORE BE IT RESOLVED**, that the Treasurer be authorized to issue a check in the amount of \$47,271.48 payable to Stonefield Investment Fund I, LLC, 21 Robert Pitt Drive #202, Monsey, NY 10952 for the redemption of Tax Sale Certificate #2011-10.

**BE IT FURTHER RESOLVED**, that the Treasurer be authorized to issue a check in the amount of \$33,000.00 (Premium) to the aforementioned lien holder. **Both checks shall be forwarded to the Tax Collector on February 7, 2012** as she must surrender the Tax Sale Certificate before they receive payment.

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**RESOLUTION [D] 12-02-06- #4**

**WHEREAS**, at the Municipal Tax Sale held on October 22, 2007, a lien was sold on Block 157 Lot 48, also known as Jeremiah J & Jean McMahon of 3 Reiners Road, Little Falls, NJ, for 2006 delinquent taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #07, was sold to Robert U. Del Vecchio, Pension Trust, for a 18% redemption fee; and

**WHEREAS**, Industry Consulting Group, Inc. as an *interested party* to the McMahons has effected redemption of Certificate #07 in the amount of \$71,741.63.

**NOW, THEREFORE BE IT RESOLVED**, that the Treasurer be authorized to issue a check in the amount of \$71,741.63 payable to Robert U. Del Vecchio, Pension Trust for the redemption of Tax Sale Certificate #07. **This check shall be forwarded to the Tax Collector on February 7, 2012** as she must surrender the Tax Sale Certificate before they receive payment.

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NJ State Dept of Health – Dog License Fees

RESOLUTION [E] 12-02-06 - #5

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:

\$13.20

payable to:

NJ State Dept. of Health

representing payment of State dog license fee, license Nos. 441 to 446 for the month of January 2012.

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Welfare

RESOLUTION [F] 12-02-06 - #6

BE IT RESOLVED by the Township Council of the Township of Little Falls, the Treasurer having timely certified to the availability of funds therefor, that the action of the Mayor, Clerk and Treasurer in issuing checks in the amount of:

\$1,260.00 (210.00 each)

payable to:

Welfare Clients#55, 60, 61, 63, 66 & 68

representing payment of Self-Care for the month of February 2012 be and the same is hereby authorized and ratified.

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Dennis G. Lindsay, P.E.

RESOLUTION [G] 12-02-02 - #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:

\$43.75

payable to:

Dennis G. Lindsay, P.E.

representing payment for engineering services rendered in connection with Schumacher/Oakwood Estates/Townhouse Development – Block 237, Lot 44; 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.

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RESOLUTION [H] 12-02-06 - #8

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

\$1,881.25

payable to:

Dennis G. Lindsay, P.E.

representing payment for engineering services rendered in connection with Schumacher/Oakwood Estates/Townhouse Development – Block 237, Lot 44; 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.

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NJ Transit

RESOLUTION [I] 12-02-06 - #9

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:

\$240.00

payable to:

NJ Transit

representing payment for occupancy of NJ Transit right-of-way for one (1) year. (Permit #P1607-1930-01)

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

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

The Council President declared the motion passed.

**REGULAR AGENDA**

The following items were individually considered.

**Meeting of February 6, 2012**

**INTERDEPARTMENTAL**

Finance - - It was moved by Councilmember Fontana, seconded by Councilmember Sisco, that the Council approve the following:

**RESOLUTION AUTHORIZING A TEMPORARY EMERGENCY APPROPRIATION FOR THE 2012 MUNICIPAL BUDGET: \$100,000.00 [J]#10**

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

The Council President declared the motion passed.

**NEW BUSINESS**

Settlement of 2009, 2010 & 2011 Tax Appeals – It was moved by Councilmember Gonzalez, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [K] 12-02-06 - #11

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 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 2009 tax appeal pending before the Tax Court of New Jersey as hereinafter enumerated be and the same is hereby authorized, approved and ratified:

47 First Avenue Block 114 Lot 23

	Original Assessment	County Board	Tax Judgement		Court Judgment
2009 Land:		\$260,000	\$260,000	\$260,000	
Improvements:	<u>\$613,400</u>	<u>\$613,400</u>	<u>\$465,000</u>		
Total:	\$873,400	\$873,400	\$725,000		

2. 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.

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

The Council President declared the motion passed.

Settlement of 2009 & 2010 Tax Appeals – It was moved by Councilmember Gonzalez, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [L] 12-02-06 - #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 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:

36 River Boulevard Block 9 Lot 1

	Original Assessment	County Board	Tax Judgement		Court Judgment
2009 Land:		\$163,000	\$163,000	\$163,000	
Improvements:	<u>\$85,400</u>	<u>\$85,400</u>	<u>\$62,000</u>		
Total:	\$248,400	\$248,400	\$225,000		

	Original Assessment	County Board	Tax Judgement		Court Judgment
2010 Land:		\$163,000	\$163,000	\$163,000	
Improvements:	<u>\$85,400</u>	<u>\$85,400</u>	<u>\$42,000</u>		
Total:	\$248,400	\$248,400	\$205,000		

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.

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

The Council President declared the motion passed.

Appointment of Substitute Counsel for 2010 & 2011 State Tax Court Appeals – It was moved by Councilmember Fontana, seconded by Councilmember Sisco, that the Council approve the following:

RESOLUTION [M] 12-02-06 - #13

WHEREAS, the Township Attorney’s office has advised the Mayor and Council of the existence of a conflict of interest in defending the Township of Little Falls, in connection with 2010 and 2011 State Court Tax Appeal litigations entitled ETEL Realty, LLC v. Township of Little Falls, Docket Nos. 003195-2010 and 008518-2011; and

WHEREAS, approval from the Township Council is required in order to appoint Substitute Counsel to defend the interests of the Township of Little Falls in the above referenced tax appeal litigation;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Little Falls, that approval is hereby granted for the Township Attorney’s office to appoint Substitute Counsel to defend the Township of Little Falls in connection with the 2010 and 2011 State Court Tax Appeal litigations entitled ETEL Realty, LLC v. Township of Little Falls, Docket Nos. 003195-2010 and 008518-2011.

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Mr. Trapanese provided an explanation of this resolution.

## Meeting of February 6, 2012

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

The Council President declared the motion passed.

**Ordinance No. 1149** – It was moved by Councilmember Fontana, seconded by Councilmember Gonzalez, that there be introduced and the meeting of February 27, 2012 be set as the date and time for the public hearing on the following:

### BOND ORDINANCE NO. 1149

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$100,000 FOR THE CONSTRUCTION OF THE NEW JUSTICE COMPLEX BUILDING IN AND BY THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.

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:

The improvement described in Section 3 of this bond ordinance has heretofore been authorized to be undertaken by the Township of Little Falls, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the supplemental amount of \$100,000, such sum being in addition to the \$4,400,000 appropriated therefor by bond ordinance #1020 of the Township, finally adopted July 16, 2007, as amended by ordinance #1055, finally adopted September 8, 2008, and the \$500,000 appropriated therefor by supplemental bond ordinance #1086 of the Township, finally adopted May 24, 2010, and including the sum of \$5,000 as the additional down payment required by the Local Bond Law. The additional down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

In order to finance the additional cost of the improvement or purpose not covered by application of the additional 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.

(a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is the construction of the new Justice Complex Building as described in bond ordinance #1020 of the Township, finally adopted July 16, 2007, as amended by ordinance #1055, finally adopted September 8, 2008, as supplemented by bond ordinance #1086, finally adopted May 24, 2010, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$4,995,000, including the \$4,400,000 bonds or notes authorized by bond ordinance #1020 of the Township, finally adopted July 16, 2007, as amended by ordinance #1055, finally adopted September 8, 2008, the \$500,000 bond or notes authorized by supplemental bond ordinance #1086 of the Township, finally adopted May 24, 2010, and the \$95,000 bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$5,000,000, including the \$4,400,000 appropriated by bond ordinance #1020 of the Township, finally adopted July 16, 2007, as amended by ordinance #1055, finally adopted September 8, 2008, the \$500,000 appropriated therefor by supplemental bond ordinance #1086 of the Township, finally adopted May 24, 2010, and the \$100,000 appropriated herein.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The 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 notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All 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 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 notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this 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.

The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 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 20 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 \$760,000 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. Of this amount, \$550,000 was estimated for these items of expense in bond ordinance #1020 of the Township finally adopted July 16, 2007, as amended by ordinance #1055, finally adopted September 8, 2008, \$200,000 was estimated for these items of expense in supplemental bond ordinance #1086 of the Township, finally adopted May 24, 2010, and an additional \$10,000 is estimated therefor herein.

Section 7. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

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 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 "Rule") 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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Councilmember POST said the ordinance states that it is for \$100,000 but said the write-up is for \$327,000. Mr. Wilk explained that the original ordinance that was being proposed was for \$327,000; a new ordinance was issued for \$100,000. Councilmember VANTUNO said he was under the impression that the cost of the locks and door jams would be \$80,000.

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Mr. Wilk reminded that the previously discussed this in Executive Session. Councilmember VANTUNO asked if this would make the building operational.

Mr. Underhill said the security system was marked up by the contractor; it was a change order proposal for \$80,000 and it was an add-on. That proposal would include all of the wiring necessary to install the locks into the door jams and run the wires to a certain point; it didn't include all of the equipment or software to run that system. Councilmember VANTUNO questioned why they didn't initially ask for what was needed. Mr. Underhill said he didn't present the \$300,000 ordinance. Councilmember GONZALEZ said they need to look at this in more detail to see what is needed. Councilmember VANTUNO questioned if they are running a risk that the building will be complete but they cannot move in. Mr. Underhill said the original date for completion of the structure was mid-March. They cannot move ahead with anything until they finish this discussion. He said they could discuss this in more depth at the next Workshop meeting.

Poll: Ayes: Fontana, Gonzalez, Sisco and President Post  
Nays: Vantuno

The Council President declared the motion passed.

Awarding Contract to T.M. Fitzgerald & Associates for Recycling Container Covers – It was moved by Councilmember Gonzalez, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [N] 12-02-06 - #14

**WHEREAS**, the Township of Little Falls, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

**WHEREAS**, the Township of Little Falls recently purchased 3,800 recycling pails for each of its families to encourage residents to recycle; and

**WHEREAS**, the Township wishes to purchase 3,800 lids for said recycling pails; and

**WHEREAS**, the award is subject to the Availability of Funds and certification of same in the 2012 budget for Recycling Trust; and

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Township of Little Falls authorizes the Purchasing Agent to purchase the above referenced goods or services from State Contract Vendor, T.M. Fitzgerald & Associates, 850 West Chester Pike, Suite 303, Haverton, PA 19083-4439 in the amount of \$19,000.00; and

**BE IT FURTHER RESOLVED**, this award shall be subject to all the conditions applicable to the current State contracts.

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In response to Councilmember GONZALEZ, Mr. Simone explained that this money will come out of Recycling Trust.

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

The Council President declared the motion passed.

### PUBLIC PORTION

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

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

The Council President declared the motion passed.

Dorothy O'Haire, Turnberry Road, made reference to the letter to the DEP regarding Campagna and asked for the status of this, noting that this is a time sensitive issue. She also pointed out that everyone knew the Mayor was resigning, and said they could get together to come up with a candidate quickly.

Arnold Korotkin, Long Hill Road, thought the Chief's comments about the dispersal of the Police Officers was interesting. Regarding the Domestic Violence call, he was surprised to hear that it took so long to respond to a call. He suggested that the Police Chief respond to the town's Domestic Violence Committee. It is quite evident that this is an issue that should be addressed.

Regarding the interim mayor vote, he asked if the process by which nominees will respond to a questionnaire by the Council could be made public.

Rosemarie Bello-Truland, High Court, said she makes representations based on second-hand information, but said she gathers as much information for the Council as possible. She said the Chief has been intent on decimating the volunteer squad. She also informed that she has spent a lot of time looking at the ordinance of the town regarding the Fire Division. All of the companies are non-profit corporations that are separate. The town pays rent to the Squad for use of the equipment in Company One. One of the members was recently suspended and last night that person was ordered out of the building. The Chief has no right to make a decision for the entire Rescue Squad. If the Fire Chief is going to make a presentation, then a member of the Rescue Squad should also be allowed to make a presentation as well.

Louis Fernandez, 54 Harrison Street, said referenced Resolution [K] on tonight's agenda and said there is no backup information. He asked the Police Chief to elaborate on hiring two more Police Officers. He addressed Chief Sweezy and reminded that he had asked a question about Mr. Delaney previously; he asked why the Chief didn't inform everyone that it was a disciplinary matter from the start, noting that this would have eliminated questioning. He addressed Mr. Underhill and said he should provide straight answers when the public has questions.

Bob Dombrowski, 49 Parkway, said his question was not answered from the first public comment. He asked why he is being held responsible for the ambulance bill.

Brian Reynolds, 7 Notch Road, said Little Falls residents should have free ambulance service and should not be receiving bills. He referred to the Justice Complex and suggested that the Council meet with Mr. Underhill and all necessary parties to figure out what is needed so they will have a complete cost. Regarding the new ambulance service, he said he felt this was an issue from the very beginning. He also questioned Mr. Lindsay regarding the source of hydrosulfite.

Steve Rimac, 164 Browertown Road, asked if the town has an ordinance requiring Shop Rite to keep their grounds neat; there are papers littered all over the ground. He asked what they could do about this.

## Meeting of February 6, 2012

Bill Organisciak, 20 Yolanda Drive, referenced Ordinance No. 1149 and suggested that the Council hold off on this ordinance until they get a final number. They can then create one bond ordinance, since each new bond costs the town more money. He asked why the Township is not replacing the retired Police Officers in the department, explaining that the town cannot function with three officers on a shift. He also referred to the costs associated with the Township Attorney's office and pointed out that the same ordinance has been passed back to his office multiple times.

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

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

The Council President declared the motion passed.

Council President POST said she received the letter today from Mr. Lindsay for her review; she has forwarded it to Mr. Trapanese's Office. Mr. Lindsay informed that he has received the letter back from Mr. Trapanese's Office, and explained that there are some matters he would like to review before sending the letter out. His understanding of this is that the Township has 15 days from the date of receiving the letter to respond; they have until this Thursday. Councilmember SISCO asked why they need to get the review of the Attorney if it is a generic letter. Mr. Lindsay agreed that it is generic, but said the attorney should review it as well.

Council President POST asked for Mr. Trapanese's advice with regard to interviewing candidates at a meeting. Mr. Trapanese said this would be a matter of being in a public forum; it cannot be held in Executive Session. He advised that the candidates could answer questions at a meeting.

President POST questioned Mr. Korotkin's comments regarding Domestic Violence. Chief Dmuchowski referred to Mr. Dombrowski's incident of 1/9/12. He explained that the Domestic Violence call took three hours and 26 minutes to complete; not to respond to. He explained that Mr. Korotkin had been referring to the Domestic Violence Response Team, which consists of volunteers of Clifton and Little Falls. There is also the Domestic Violence group in town, but these members cannot take the place of a Police Officer to respond to a call; they help to raise awareness. He explained that the Police Department is a busy department and they are currently six people short; they need more help and are actively pursuing this. He said they would address the Mayor when they come to a recommendation and assured that they keep everything within the best interest of the public.

President POST asked if officers from Company One could attend the next Workshop meeting. Chief Sweezy said he holds monthly meetings; they have addressed these issues with the members. He said he would share any information he has with Mrs. Truland and agreed to have the officers attend the meeting. Councilmember GONZALEZ said this will be a hardship on the town. She suggested that they put this up as a referendum for the Township residents to vote on in the next election. Mr. Trapanese advised that an ordinance would have to go before the Council to repeal the existing ordinance.

Mr. Trapanese addressed Mr. Fernandez and said when a tax appeal matter is negotiated it is done with the Attorney and the Tax Assessor or with the Expert Appraiser. He also provided explanations of Resolutions (K) and (L) at this time. He explained that he is a member of the Legal Department who handles all of the tax appeal information. There are times when he has a private client who has a tax appeal before the Township and he must hire outside legal services because of a conflict of interest.

Council President POST pointed out that the Fire Chief did in fact, previously mention that there was a disciplinary hearing against Mr. Delaney in July of 2011.

Mr. Underhill explained that the Contractor for the Justice Complex was having some financial issues and the Township had to contact the bonding company, who then stepped in to make sure they completed the job. They are now making good progress on the construction of the building and there is a Construction Manager who oversees the crew. The Contractor is not being paid any extra money; certain things were not included in the original contract because of limiting cash expenditures in town. He has worked with the Chief to try to include the items that weren't originally considered. Mr. Fernandez asked if the Police Department has furniture. Chief Dmuchowski explained that the furniture is very old. President POST said the current building is in terrible condition and agreed that the department needs new furniture as well.

Council President POST informed that residents would have free ambulance service under the paid EMS ordinance; however, that ordinance is not in place as of now. Chief Dmuchowski said they are not aware of which ambulance will come to back up Little Falls when they are on another call; there are bills involved depending on who responds. No matter what, he assured that the main focus is to get medical care to everyone as soon as possible. Chief Sweezy said there are a lot of things happening on an EMS level. He suggested that Mr. Dombrowski call wherever he got the bill from to address this.

President POST informed that they Township does have a property maintenance ordinance, and said this matter would be referred to Mr. Macones.

In response to Mr. Underhill said there was a bond ordinance proposal for \$327,000 for four separate items; it did not only include furniture. Mr. Reynolds said he wants an answer at the next meeting as to what the total cost of additional items will be. Mr. Underhill said that the total cost right now is \$300,000, but said there could always be add-ons. There is no intention to order any additional furniture or equipment.

Mr. Lindsay informed that sulfides are a normal thing and provided a brief explanation of this.

President POST said they are creating two separate bond ordinances because the Council would like to look further into the costs as to what is and isn't necessary for what they are bonding.

Regarding the parking ordinance, Council President POST said they have tried to be very user friendly to the residents. Mr. Trapanese won't charge the town extra for bouncing an ordinance back.

## PAYMENT OF BILLS

**Meeting of February 6, 2012**

It was moved by Councilmember Sisco, seconded by Councilmember Vantuno, 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.

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Councilmember GONZALEZ said she was in favor of all bills except for legal.

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

The Council President declared the motion passed.

Mr. Trapanese said they should talk discuss a date for a Special meeting since Councilmember Gonzalez cannot be here next Monday. He said he would communicate with the Council about this tomorrow and advise further.

There being no further business to come before the meeting, it was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, that the meeting be and it was adjourned at 9:47 p.m.

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William E. Wilk  
Municipal Clerk

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Cynthia Meyer  
Deputy Municipal Clerk