

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

Monday, January 30, 2012

Council President Darlene Post called the meeting to order at 7:32 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: None

Township Employees present: Police Chief John Dmuchowski, Lieutenant Salvatore Calafiore, DPW Superintendent Phillip Simone and Deputy 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.

APPROVAL OF MINUTES

It was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, that the Minutes of the meetings of October 24, 2011 and November 14, 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 informed that the Little Falls ABC is again sponsoring their idol search, noting that participants must be 15 years of age or older. She also informed that they received information regarding the Passaic Valley High School Relay for Life kickoff celebration, which will be on 2/16/12 at 7:00 p.m. in the senior cafeteria. She informed that the recycling schedules would be going out in the mail tomorrow. She explained that the recycling containers were also received and asked Mr. Underhill whether or not he ordered lids. Mr. Underhill said this was not approved by the Council, but said he will order them.

COUNCIL MEMBER REPORTS

Councilmember VANTUNO referred to internships with MSU students that Mr. Korotkin had previously mentioned. He collected information about this which he has forwarded to Mr. Underhill for further review. He referred to a previous complaint from a resident about issues on the playgrounds after hours, and explained that the Police Chief recommended an amendment to the signage ordinance and to speak to the Board of Education about enforcement. He explained that he spoke with the School Superintendent, Mr. Petrick, who said we can write up the ordinance for all three schools and present it to the Board.

Councilmember FONTANA announced that the local Cub Scouts Troop 14 had their annual Pine Wood Derby this past weekend said the local cub scouts had their annual pine wood derby this past weekend. He informed that Luke Baskinger was the winner of the whole pack. He also informed that he recently received a letter commending the DPW for the clean-up of all of the storms over the past year. He said the letter expressed great thanks to the DPW and the workers.

Councilmember GONZALEZ had nothing to report.

Councilmember SISCO congratulated Mr. Simone and all of the DPW, noting that our town runs on a skeleton crew. He explained that all of the departments do a tremendous amount of work for the Township with little staff. He informed that he had the honor to install officers at the Great Notch Fire Department last week. He also explained that the firemen respond to calls very quickly, for which he commended them. He thanked all of the workers and volunteers of the town.

ATTORNEY'S REPORT

Mr. Trapanese informed that there is a scheduled trial date coming up on February 27, 2012 with Woodland Park regarding Ordinance No. 1108. He said he would keep everyone updated on this matter.

PUBLIC PORTION

It was moved by Councilmember Gonzalez, seconded by Councilmember Fontana, 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, addressed Council President Post and said he had previously questioned her about whether the town would be losing ratables if some of the homes in the flood zone are bought out. He said he has not yet received an answer to this question and he asked if the Council has a plan. He said he expressed his opinion about this at a previous meeting and was criticized by another resident, who had said these people are our neighbors. He voiced his opinion that these residents never attend meetings, unless it is to complain about flooding.

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Referring to this evening's agenda, he questioned several resolution which authorize the issuance of checks to certain people for the settlement of tax appeals. He asked if any appeals are ever settled in favor of the town. He commended Councilmember Sisco for his comments thanking the workers and volunteers, and referred to Mr. Barry Delaney. He voiced his opinion that this gentleman wanted to help the town free of charge and was sent away, noting that he was treated unfairly.

Alfred Attianese, 27 Dewey Avenue, pointed out that the Council would be presented with three names in the near future for selection of interim mayor. He explained that this is a very important matter and asked that the Council take into consideration the background and expertise of each candidate. He hoped they would pick someone with financial expertise so as to control the budget better, therefore benefiting the taxpayers.

Ms. Canavan, 200 Lindsley Road, informed that she recently signed a notification letter concerning Block 55 in Little Falls and an application for a flood hazard verification. She informed that Block 55 is located on the Peckman River and explained that this location had previously been considered for senior citizen housing in 1999. She gave further background information on this piece of property and informed that she just received notice that this builder intends to apply to the DEP to determine whether this is a flood hazard in a flood zone. She wished to bring this to the Council's attention so they may contact the DEP if they wish. She asked that they town stand behind the people of Little Falls and not allow a 32-unit dwelling to be built in the flood zone.

Ian Kelley, 123 Mountain Avenue, Caldwell, informed that he is a business owner on Main Street and he has attended several meetings regarding the business improvement district. He explained that he is having trouble with the signage in his store window. He would like to place a large sign in the front of his business to let people know he is there, but he is having trouble doing so and keeping in compliance with the code.

Rosmarie Bello-Truland, High Court, referred to the previously approved paid EMS service ordinance, and explained that the volunteers don't have any idea of what is going on; the whole thing was done without their input. She explained that this volunteer organization, which was incorporated in the 1800s, is a valuable part of this community. She also pointed out that there is no communication, noting that the building belongs to the rescue squad and not the town. She said it would be expensive to have a paid EMS Service and it would be a mistake to give up the Fire Department.

Victor Nowak, 6 Stephen Place, said Mr. Underhill had stated at a previous meeting that he would attempt to improve income for the Building Department. He asked for the status of this.

Brian Reynolds, 7 Notch Road, questioned several items on this evening's agenda. He also pointed out that there will soon be a dedication ceremony for the new Police Station, noting that there will be a plaque including names of those politicians who served during the construction of same. He voiced his opinion that municipal projects should not be credited to specific individuals on the Council at the time it was approved. He said it will be the citizens of Little Falls who approve it and pay for it. He proposed that the new dedication plaque say that it is dedicated from the citizens of Little Falls.

No one further having come forward to be heard, it was moved by Councilmember Sisco, 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 apologized to Mr. Fernandez for not answering his question. She assured that ratables are a topic they are actively trying to approach, and pointed out that they are currently working on billboards. Mrs. Bergin explained that the Township is trying to pursue redevelopment projects as the economy improves and as opportunities arise to compensate for the loss of ratables. There has been some diligence in terms of looking at expenses generated from smart response.

Mr. Trapanese explained that there is a large amount of tax appeals and each one is negotiated to come to a settlement. The Township is guided in this process by Appraisal Systems, Inc., which is the company who did the Township's revaluation in 2008. He offered Mr. Fernandez to contact him at his office to address any particular matter and how it was settled, as long as it is not a confidential matter. Councilmember VANTUNO pointed out that some of these settlements are favorable to the Township as well. He provided a detailed example of the way tax appeals may be settled.

Council President POST explained that Mr. Delaney had a disciplinary proceeding against him and said the Council did not dismiss him. Councilmember SISCO said this was an administrative issue, not a Council issue.

Council President POST assured that the Council would seriously consider choosing a name to fill the unexpired term for Mayor.

Mr. Lindsay said the Township received notification that an owner of a piece of property has filed an application with the NJDEP requesting a flood hazard area verification. This is a verification of the area that would be subject to flooding and under their jurisdiction; and also that they intend to file a flood hazard area permit for some development they propose on that property. If this is approved by the DEP, they will eventually file an application for a site plan or a zoning action before the Planning Board. If the Council wishes to write a letter to the DEP, he recommended that the letter be of general concern, which would apply to anyone who wants to develop along the Peckman River. He further explained that a resident may submit what they wish to the DEP, but the Council should be careful to keep it very general. There is currently no application pending before the planning Board.

Council President POST asked Mr. Kelley if he has spoken with Mr. Macones. Mr. Kelly said he has tried contacting him. Mr. Underhill asked Mr. Kelly to call him so he could set up a meeting. in the morning and he will set up a meeting.

Mr. Underhill said they are in the process of all of the startup work regarding the paid EMS service; they have gone out to bid for the third party billing company. Regarding communication with the volunteers, he said he will inquire about this. Council President POST pointed out that Mrs. Truland had previously inquired about the census being posted on the website. Mr. Underhill said he would look into this as well.

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Mr. Underhill informed Mr. Nowak that the ordinance establishing new fees for the Building Department has been passed and is in effect; the income has not changed drastically yet.

Council President POST informed that blue light permits are issued through the Motor Vehicle Commission. Chief Dmuchowski said blue light permits are issued through the Mayor and the Fire Chief, and are then issued to the Council for approval. These permits are required to have a blue light in your car. The Fire Chief should have a record of who has blue light permits.

Mr. Trapanese explained that he would have to look into the properties listed on the resolutions Mr. Reynolds is referring to. Mr. Wilk provided an explanation of the emergency resolution and the NJ Transit resolution. President POST informed that there will be no dialogue with the public.

Council President POST said they would discuss the plaque proposal and agreed that the plaque should be dedicated from the residents. Councilmember GONZALEZ concurred.

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.

Weights & Measures Fund

RESOLUTION [A] 12-01-30 - #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:
\$25.00

payable to:

Weights & Measures Fund
P.O. Box 490
Avenel, NJ 07001

representing payment of 2012 licensing fee for small scale in Public Nurse’s office.

RESOLUTION [B] 12-01-30 - #2

BE IT RESOLVED by the Township Council of the Township of Little Falls, the Treasurer having certified to the availability of funds therefor that the Mayor, Clerk and Treasurer be and they are hereby authorized and directed to issue a check in the amount of:
\$25.00

payable to:

Weights & Measures Fund
P.O. Box 490
Avenel, NJ 07001

representing payment of 2012 licensing fee for small scale in the Police Department.

Welfare

RESOLUTION [C] 12-01-30 - #3

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 January 2012 be and the same is hereby authorized and ratified.

Refund of 2010 Property Taxes

RESOLUTION [D] 12-01-30#4

WHEREAS, there is a State Tax Court Judgment on Block 122 Lot 15, known as Susan Sandelman Trustee/Jasan Trust, of 69 E Main Street for the Year 2010 reducing the assessed value by \$118,700.00;

YEAR 2010	
Original Assessment	\$1,918,700.00
STCJ	<u>1,800,000.00</u>
Difference	\$118,700.00
'10 Tax Rate	x 2.062%
	\$2,447.59

WHEREAS, the Tax Collector shall authorize the Treasurer to refund the total amount of \$2,447.59 for the Year 2010 payable to Bruce J. Stavitsky, Esq. for the benefit of “KIN PROPERTIES”, Stavitsky & Associates, LLC, 341 Broad Street, Clifton, NJ 07013;

NOW,

THEREFORE BE IT RESOLVED by the Township Council of Little Falls on this 30th day of January 2012 that the above attorney be refunded the total amount of \$2,447.59 for the overpayment of taxes due to a State Tax Court Judgment on Block 122 Lot 15.

RESOLUTION [E] 12-01-30#5

WHEREAS, there is a State Tax Court Judgment on Block 92 Lot 3, known as Park Falls Assoc LLC Etals, of 157-189 Main Street for the Year 2010 reducing the assessed value by \$360,000.00;

YEAR 2010	
Original Assessment	\$13,110,000.00
STCJ	<u>12,750,000.00</u>
Difference	\$360,000.00
'10 Tax Rate	x 2.062%
	\$7,423.20

WHEREAS, the Tax Collector shall authorize the Treasurer to refund the total amount of \$7,423.20 for the Year 2010 payable to Brach Eichler L.L.C. and Park Falls Assoc., c/o Daniel J. Pollack, Esq. Brach Eichler L.L.C., 101 Eisenhower Parkway, Roseland, NJ 07068; and

WHEREAS, this refund **shall be paid on or before February 9, 2012** as per a Stipulation of Settlement Agreement dated September 14, 2011 (60 days of the date of entry of Judgment);

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NOW,
THEREFORE BE IT RESOLVED by the Township Council of Little Falls on this 30th day of January 2012 that the above attorney and taxpayer be refunded the total amount of \$7,423.20 for the overpayment of taxes due to a State Tax Court Judgment on Block 92 Lot 3.

Refund of 2011 Property Taxes

RESOLUTION [F] 12-01-30#6

WHEREAS, there is a State Tax Court Judgment on Block 92 Lot 3, known as Park Falls Assoc LLC Etals, of 157-189 Main Street for the Year 2011 reducing the assessed value by \$1,110,000.00;

YEAR 2011	
Original Assessment	\$13,110,000.00
STCJ	<u>12,000,000.00</u>
Difference	\$360,000.00
'11 Tax Rate	x 2.145%
	\$23,809.50

WHEREAS, the Tax Collector shall authorize the Treasurer to refund the total amount of \$23,809.50 for the Year 2011 payable to Brach Eichler L.L.C. and Park Falls Assoc., c/o Daniel J. Pollack, Esq. Brach Eichler L.L.C., 101 Eisenhower Parkway, Roseland, NJ 07068; and

WHEREAS, this refund **shall be paid on or before February 9, 2012** as per a Stipulation of Settlement Agreement dated September 14, 2011 (60 days of the date of entry of Judgment);

NOW,
THEREFORE BE IT RESOLVED by the Township Council of Little Falls on this 30th day of January 2012 that the above attorney and taxpayer be refunded the total amount of \$23,809.50 for the overpayment of taxes due to a State Tax Court Judgment on Block 92 Lot 3.

Riddick Associates, P.C.

RESOLUTION [G] 12-01-30 - #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 Ciasulli/Lexus – Lots 7 & 8 – 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.

Change Order to 4 Clean-Up – Morris Canal Bikeway

RESOLUTION [H] 12-01-30 - #8
RESOLUTION AWARDED CHANGE ORDER TO 4 CLEAN-UP, INC.
FOR ROADWAY IMPROVEMENTS – MORRIS CANAL BIKEWAY

WHEREAS, the Township Council has received a recommendation from the Mayor and Township Engineer regarding the roadway improvements to the Morris Canal Bikeway in excess of \$5,106.00 of the contract; and

WHEREAS, the Township Council has considered this recommendation in accordance with N.J.A.C. 5:30-1 et seq. and the Local Public Contracts Law; and

WHEREAS, the Township Council has determined that the most efficient method of completion of the work on the Morris Canal Bikeway with the least cost to the residents and tax payers of the Township of Little Falls would be by having the work performed under the Township’s Morris Canal Bikeway contract; and

WHEREAS, the Township Council has determined there are benefits in having a single contractor responsible for coordination of the work; and

WHEREAS, the Township Council has a contract with 4 Clean-Up, Inc. for improvements to the Morris Canal Bikeway, which was awarded by public bidding under the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council authorizes Change Order to 4 Clean-Up, Inc. in the amount of \$5,106.00 for the completion of improvements to the Morris Canal Bikeway with the other accessory work as listed in the Township Engineer’s estimate and further authorizes a notice of this action be printed in the official newspaper and a copy of the advertisement be filed with the Township Clerk.

NJ Dept of Health – State Dog License Fees

RESOLUTION [I] 12-01-30 - #9

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:

\$35.40

payable to:

NJ State Dept. of Health

representing payment of State dog license fee, license Nos. 413 to 435 for the month of November 2011.

NJ Transit – Payment of Lease Permit

RESOLUTION [J] 12-01-30 - #10

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

\$972.00

payable to:

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

representing payment of Lease/Permit for 1/21/12 – 1/20/13 – Permit #P1607-1809-01.

Little Falls Public Library

RESOLUTION [K] 12-01-30 - #11

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:

\$158,895.50

payable to:

Little Falls Public Library

representing payment of 1st quarter 2012 funds.

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It was moved by Councilmember Gonzalez, seconded by Councilmember Fontana, 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.

CORRESPONDENCE

There was an affirmative consensus from the Council to approve the following:

LETTER FROM OUR LADY OF THE HIGHWAY KNIGHTS OF COLUMBUS REQUESTING PERMISSION TO CONDUCT ITS ANNUAL "CAN SHAKE" ON SATURDAY, APRIL 21, 2012 AND SUNDAY, APRIL 22, 2012 FROM 8:00 A.M. TO 6:00 P.M. AT THE INTERSECTIONS OF ROUTE 23/MAIN STREET AND MAIN STREET/STEVENS AVENUE

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

RESOLUTION AUTHORIZING TRANSFERS IN THE 2011 BUDGET: \$2,633.00 [L]#12

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

The Council President declared the motion passed.

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

RESOLUTION AUTHORIZING A TEMPORARY EMERGENCY APPROPRIATION FOR THE 2012 MUNICIPAL BUDGET: \$804,472.00 [M]#13

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 Fontana, seconded by Councilmember Vantuno, that the Council approve the following:

RESOLUTION [N] 12-01-30 - #14

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 & 2011 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 & 2011 tax appeals pending before the Tax Court of New Jersey as hereinafter enumerated be and the same is hereby authorized, approved and ratified:

181 Long Hill Road Block 237 Lot 38.01

	<u>Original</u>	County Board	Tax		<u>Court Judgment</u>
	<u>Assessment</u>		<u>Judgement</u>		
2009, 2010 & 2011 Land:	\$11,250,000		0	\$11,250,000	
Improvements: <u>\$68,160,000</u>			<u>0</u>		<u>\$68,160,000</u>
Total: \$79,410,000	0	\$79,410,000			

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

The Council President declared the motion passed.

Authorizing Change in 2011 Contract with Bergin Consulting – It was moved by Councilmember Gonzalez, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [O] 12-01-30 - #15

WHEREAS, the Council awarded a contract to Joanne Bergin of Bergin Consulting on January 24, 2011 for Grant Writing Services; and

WHEREAS, the contract was awarded for an estimated cost of service at \$26,900; and

WHEREAS, that amount was exceeded by \$1,239.00.

NOW, THEREFORE, BE IT RESOLVED, that the Council wishes to amend that contract to an amount of \$28,139.00.

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

The Council President declared the motion passed.

Authorizing Contract with Architect re Severe Repetitive Loss Flood Program – It was moved by Councilmember Fontana, seconded by Councilmember Gonzalez, that the Council approve the following:

RESOLUTION [P] 12-01-30 - #16

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WHEREAS, The Township of Little Falls is actively engaged in the implementation of the FEMA Severe Repetitive Loss flood mitigation application to elevate properties.

WHEREAS the Township wishes to retain the services of a licensed, professional architect to design the home elevations.

WHEREAS, the Township has advertised a request for proposals from licensed, professional architects and has reviewed all submissions in detail. Additionally, the Township Engineer and FEMA Program Administer have interviewed qualified candidates and have made a recommendation to retain the services of Richard S. Jacobs AIA.

WHEREAS, the architect will be retained for the period of January 2012 through the end of the project period at a cost not to exceed \$14,000 per house. The cost for this service will not exceed the amount allowable by the grant. At this time, there are six properties to be elevated, with additional properties pending a funding request for acquisition.

NOW, THEREFORE, BE IT RESOLVED that the Township retains the services of Richard S. Jacobs AIA.

Mrs. Bergin explained that the architect is for the SRL Round One Program. She informed that the agreement has been executed and the bond ordinance is in place. A recommendation was previously made to the Council for this award. They agreed upon retaining his services and then there was a change in focus where the Township gave the residents an option for elevation or acquisition. She then submitted the application to the State; they are still waiting to see if the State is going to award these funds. Tonight they are contracting for the six homes that wish to be elevated.

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

The Council President declared the motion passed.

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

The Council President declared the motion passed.

Authorizing Execution of Second Severe Repetitive Loss Flood Program Agreement – It was moved by Councilmember Gonzalez, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [Q] 12-01-30 - #17

WHEREAS, The Township of Little Falls is actively engaged in the implementation of the FEMA Severe Repetitive Loss flood mitigation application to elevate properties;

WHEREAS the Township has received a grant award from FEMA to mitigate 33 flood-prone properties through elevation or acquisition under the Severe Repetitive Loss Round 2 Program;

WHEREAS, the total project cost outlined in this agreement is \$6,270,300, 90% of which will be paid through the grant agreement provided by FEMA in the amount of \$5,643,270 with the remaining 10% as a non-federal share;

WHEREAS, the agreement has been reviewed and approved by the Township Attorney and FEMA Program Administrator for accuracy.

NOW, THEREFORE, BE IT RESOLVED that the Township authorizes the execution of the SRL Round 2 grant agreement.

Mrs. Bergin explained that this is for the SRL Round Two Project, and informed that this was previously forwarded to the Township Attorney for review and approval, which is now complete. This is a request to the Council to execute the contract with FEMA.

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

The Council President declared the motion passed.

Cancelling General Capital Fund Improvement Authorizations – It was moved by Councilmember Fontana, seconded by Councilmember Vantuno, that the Council approve the following:

RESOLUTION [R] 12-01-30 - #18

RESOLUTION AUTHORIZING THE CANCELLATION OF GENERAL CAPITAL FUND – IMPROVEMENT AUTHORIZATIONS

WHEREAS, certain General Capital Fund improvement authorization balances remain dedicated to projects now completed; and WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to fund balance or debt authorized for unfunded balances.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Little Falls, County of Passaic, State of New Jersey, that the following unexpended General Capital Fund improvement authorization balances be cancelled to General Capital Fund – Fund Balance:

<u>Ordinance Number</u>	<u>Improvement Description</u>	
740	Improvements to Municipal Building	\$78,666
827/862/890	Construction of New Municipal Building	5,536
904/935/947	Construction of New Municipal Building	<u>14,180</u>
		<u>\$98,382</u>

Mr. Underhill explained that these are old ordinances that are no longer needed and if we cancel them, the funds will go back into the Capital Surplus and will be available for re-appropriation.

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

The Council President declared the motion passed.

Ordinance No. 1146 – It was moved by Councilmember Sisco, seconded by Councilmember Fontana, that there be introduced and the meeting of February 27, 2012 set as the date and time for the public hearing on the following:

ORDINANCE NO. 1146

AN ORDINANCE TO REPEAL PARTS OF ORDINANCE IN CHAPTER 7 (TRAFFIC) SECTION 7-11 AND ANY OTHER INCONSISTENT ORDINANCES IN CHAPTER 7 CONCERNING THE REGULATION OF OVERNIGHT PARKING IN THE TOWNSHIP OF LITTLE FALLS.

WHEREAS, the Township Council previously adopted various Ordinances over the years dealing with traffic, parking and concerning the regulation of parking overnight in the Township of Little Falls; and

WHEREAS, presently in Chapter 7 of the Ordinances of the Township of Little Falls, there exists inconsistencies in areas of the parking Ordinances as it concerns overnight parking, specifically in Section 7-11; and

WHEREAS, Section 7-77 was adopted on January 23, 2006 (as Ordinance No. 979) intending to govern the overnight parking in the Township; and

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WHEREAS, that Ordinance inadvertently did not contain a repealer clause of inconsistent Ordinances;
NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of Township of Little Falls, in the County of Passaic and State of New Jersey, as follows:

Section 1: Those parts of Ordinance located in Chapter 7, Section 7-11 dealing with overnight parking that are inconsistent with Section 7-77, be and they are hereby repealed.

Section 2: Severability.

If any provision or portion of a provision of this Ordinance is held by any Court of competent jurisdiction to be unconstitutional, preempted by Federal or State law, or otherwise invalid, the remaining provisions of the Ordinance shall remain in full force and effect and shall not be invalidated.

Section 3: Effective Date.

This Ordinance shall become effective twenty (20) days after final passage and publication as required by law.

Section 4: Repeal of Inconsistent Ordinances.

All Ordinances and parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Mr. Trapanese briefly explained this ordinance.

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

The Council President declared the motion passed.

Ordinance No. 1147 – It was moved by Councilmember Gonzalez, seconded by Councilmember Fontana, that there be introduced and the meeting of February 27, 2012 set as the date and time for the public hearing on the following:

BOND ORDINANCE NO. 1147

BOND ORDINANCE PROVIDING FOR THE FLOOD MITIGATION ACQUISITION OR RECONSTRUCTION OF RESIDENTIAL HOMES IN AND BY THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$6,270,300 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,500,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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

Section i) The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Little Falls, in the County of Passaic, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$6,270,300, including a \$5,643,270 grant from the New Jersey Office of Emergency Management (the "State Grant"). No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as the bond ordinance authorizes a project funded by the State Grant. The Township anticipates that 90% of the cost of the improvement or purpose will be reimbursed to the Township from the State Grant and the remaining 10% of the cost of the improvement or purpose will be reimbursed to the Township by the owners of such affected residential homes (the "Residential Share"), all in accordance with a State-Local Grant Agreement, between the Township and the New Jersey Office of Emergency Management.

Section ii) In order to finance the cost of the improvement or purpose and in anticipation of the State Grant and Residential Share, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,500,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section iii)(a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition or reconstruction through elevation of residential homes designated by the Federal Emergency Management Agency as having experienced severe repetitive flood damage, 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 as stated in Section 2 hereof.

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

Section iv) 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.

Section v) The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 30 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 \$2,500,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$1,500,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Township solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the Township. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the Township or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. The Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

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

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

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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.

Mrs. Bergin provided an explanation of this ordinance.

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

The Council President declared the motion passed.

Creating a Temporary Capital Budget for 2012 – It was moved by Councilmember Gonzalez, seconded by Councilmember Sisco, that the Council approve the following:

RESOLUTION CREATING A TEMPORARY CAPITAL BUDGET FOR 2012 [S]#19

Mr. Wilk explained this resolution, noting that it is a part of Ordinance No. 1147.

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

The Council President declared the motion passed.

Ordinance No. 1148 – It was moved by Councilmember Fontana, seconded by Councilmember Gonzalez, that there be introduced and the meeting of February 27, 2012 set as the date and time for the public hearing on the following:

**BOND ORDINANCE NO. 1148
BOND ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY AMENDING ORDINANCE NUMBERS 668 AND 816 IN ORDER TO REMOVE ALL REFERENCES TO SPECIAL ASSESSMENT AND CLARIFY THAT THE IMPROVEMENTS AUTHORIZED THEREIN WILL BE FINANCED AS GENERAL IMPROVEMENTS OF THE TOWNSHIP.**

WHEREAS, ordinance numbered 668 adopted December 2, 1991 appropriated \$108,000 and authorized \$102,500 bonds or notes of the Township of Little Falls, in the County of Passaic, New Jersey (the "Township") to finance improvements to Peckman Road from Sindle Avenue southerly to its end; and

WHEREAS, ordinance numbered 816 adopted October 19, 1998 appropriated \$42,000 and authorized \$40,000 bonds or notes of the Township to finance the construction of the Francisco Avenue sanitary sewer extension; and

WHEREAS, both ordinances referenced in one section that the costs would be general improvements and not specially assessed against the properties benefitted while in another section referenced that the costs would be specially assessed against such properties; and

WHEREAS, the Township desires to amend the above-referenced ordinances to clarify that such improvements will not be specially assessed.

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

Section 1. The above two ordinances numbered 668 and 816, respectively, are hereby amended to delete all references to the improvements authorized therein being specially assessed against the properties that may have been deemed specially benefitted thereby so that such improvements shall be deemed general improvements.

Section 2. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mr. Underhill explained that this ordinance was previously discussed at a Workshop meeting.

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 Sisco, 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, asked the Council to seriously consider sending the letter to the DEP regarding the Campagna application. They have been working on the river for ten years and there had been so much money spent by the federal government.

Rosemarie Bello-Truland, High Court, asked where the new paid EMS service would be housed and how the equipment will be purchased. She also questioned if the parking ordinance will start being enforced when the repealer takes affect.

Mike Corbosiero, 2 Louis Street, asked for a status update on the pump station at the park.

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Brian Reynolds, 7 Notch Road, pointed out that there is an ordinance on the agenda which states that it is approved by the Mayor and Council. Mr. Wilk explained that Darlene Post is the currently the Acting Mayor, adding that all ordinances should read the same way.

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 asked how the Council felt about having the Attorney write a letter to the NJDEP. Mr. Lindsay reiterated that the letter should be kept generic; the Council agreed to have the letter prepared.

Mr. Underhill said he had some discussions with the Fire Chief, noting that he would like to wait for the Chief to answer these questions at the next meeting.

Police Chief Dmuchowski informed that the overnight parking ordinance has not been reinstated because of the repealer and explained that the department is not enforcing it right now. However, they are close to a solution to this matter.

Mr. Lindsay said the collection system has been installed in that general area, noting that the project is about 85% complete. They hope for this to be completed by late spring.

Mr. Wilk said he would speak to Mr. Trapanese regarding the wording of the ordinances.

PAYMENT OF BILLS

It was moved by Councilmember Gonzalez, seconded by Councilmember Fontana, 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: Fontana, Gonzalez, Sisco, Vantuno and President Post
 Nays: None

The Council President declared the motion passed.

EXECUTIVE SESSION

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

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

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

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

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

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

The Council President declared the motion passed.

The Council entered Executive Session at 8:56 p.m.

At 9:25 p.m., the Council returned and it was moved by Councilmember Gonzalez, seconded by Councilmember Sisco, that the meeting return to Open Session.

There being no further business to come before the meeting, it was moved by Councilmember Gonzalez, seconded by Councilmember Sisco, that the meeting be and it was adjourned at 9:26 p.m.

William E. Wilk
Municipal Clerk

Cynthia Meyer
Deputy Municipal Clerk