

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

Monday, July 15, 2013

Council President John Vantuno called the meeting to order at 6:00 p.m. with the following members present: Louis Fontana, Joseph Maceri and Pamela Porter. Also present were Mayor Darlene Post, Township Attorney William Northgrave, Municipal Clerk Cynthia Kraus and Township Administrator Joanne Bergin.

Absent: Councilmember Joseph Rento

Township Employees present: DPW Superintendent Phillip Simone, Sewer System Operator Michael Orgera and Assistant to Municipal Clerk Marlene Simone

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

STATEMENT OF PUBLIC NOTICE: Take notice that adequate notice of this meeting was provided in accordance with N.J.S.A. 10:4-8 and N.J.S.A. 10:4-10 as follows: A notice of the meeting was prominently posted on the bulletin board at the Municipal Building, located at 225 Main Street, Little Falls, N.J. on July 8, 2013; 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.

PUBLIC PORTION

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

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

The Council President declared the motion passed.

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

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

The Council President declared the motion passed.

REGULAR AGENDA

The following items were individually considered.

NEW BUSINESS

Rejecting Bids Received for Improvements to Amity Park – It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the Council approve the following:

RESOLUTION [A] 13-07-15 - #1
REJECTING BIDS RECEIVED FOR
IMPROVEMENTS TO AMITY PARK

WHEREAS, pursuant to advertisement duly made, bids for Improvements to Amity Park were received by the Township of Little Falls on July 11, 2013 as follows:

D'Arminio & Sons	Sita Construction
Bid: \$122,340.00	Bid: \$208,087.00
SCS Contracting, Inc.	Tec-Con Contractors, Inc.
Bid: \$138,000.00	Bid: \$166,000.00
DiMilia, Inc.	V&K Construction, Co., Inc.
Bid: \$152,750.00	Bid: \$132,300.00

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and; WHEREAS the Township Engineer has reviewed the bids for technical sufficiency, and the Township Attorney has reviewed the bids for legal sufficiency; and

WHEREAS, it was found that the bid package submitted by the low bidder, D'Arminio & Sons was defective; and therefore, could not be recommended for award; and

WHEREAS, the second lowest bid was found to substantially exceed the project cost estimate and therefore could not be recommended for award.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Little Falls that the bids for Improvements to Amity Park be and they are hereby rejected; and

BE IT FUTHER RESOLVED that the Engineer be and he is hereby authorized and directed to cause advertisement for receipt of bids for this project.

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

The Council President declared the motion passed.

Award of Fair & Open Contract for the Demolition of Three Properties – It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the Council approve the following:

RESOLUTION [B] 13-07-15 - #2
AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT
FOR THE DEMOLITION OF THREE PROPERTIES

WHEREAS, on July 10, 2013, the Township of Little Falls received bids for the Demolition of 170 William Street, 72 Parkway & 5 Riker Avenue as follows:

Two Brothers Contracting, Inc.	Miele Sanitation, Co.
Bid: \$67,400.00	Bid: \$45,900.00
Salomone Brothers, Inc.	Caravella Contractors, Inc.
Bid: \$38,500.00	Bid: \$45,150.00

WHEREAS, the Treasurer has provided a Certification of the Availability of Funds (a copy of which is appended to the original of the with Resolution) pursuant to Rule 5:30-1.10 of the Local Finance Board; and

WHEREAS, the DPW Superintendent has reviewed the proposals for technical sufficiency, and the Township Attorney has reviewed the proposals for legal sufficiency and recommends that a contract be awarded to Salomone Brothers, Inc.; and

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

- 1) That the proposal of
Salomone Brothers, Inc.
Demarest Drive
Wayne, NJ

in the amount of
\$38,500.00

be and the same is hereby accepted; and

2) That the Mayor and Clerk be and they are hereby authorized to execute a contract in a form prepared and approved by the Township Attorney for the purchase of the within designated services subject to the successful contractor's filing the required New Jersey Employee Information Report (Form AA302) or providing a Certificate of Employee Information to the Township.

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

The Council President declared the motion passed.

Settlement of a Property Tax Appeal – It was moved by Councilmember Maceri, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [C] 13-07-15 - #3

WHEREAS, the Mayor and Council of the Township of Little Falls have been advised of the proposed settlement of a property Tax Appeal filed by AMB-AMS Operating Partnership, LP (hereinafter the "Tax Appeal"), under Docket Numbers 000969-2009, 001534-2010, 001098-2011, 002705-2012 and 004646-2013, and;

WHEREAS, the aforesaid Tax Appeal involves three adjacent commercial buildings located at 231 Main Street, 37 Montclair Avenue and 235 Main Street, and are also designated as Block 79 Lots 1, 1.01, 1.02 on the tax assessment map of the Township (hereinafter the "subject property"); and;

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by legal counsel and the Township Tax Assessor, and;

WHEREAS, the proposed Tax Appeal settlement components are set forth in the Schedule "A" attached hereto and made a part hereof, and;

WHEREAS, this settlement will result in the issuance of Tax Court Judgments that will require the payment of a taxpayer refunds in the following amounts:

**231 Main Street
Block 79 Lot 1**
2009: \$0.00
2010: \$16,782.62
2011: \$19,553.82
2012: \$22,399.70
Total: \$58,736.14

**37 Montclair Avenue
Block 79 Lot 1.01**
2009: \$0.00
2010: \$17,415.65
2011: \$18,116.67
2012: \$23,105.80
Total: \$58,638.12

**235 Main Street
Block 79 Lot 1.02**
2009: \$0.00
2010: \$10,557.44
2011: \$10,982.40
2012: \$11,776.00
Total: \$33,315.84

WHEREAS, it is in the best interest of the Township to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove, and;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Little Falls, that the proposed settlement of the aforesaid Tax Appeal be approved, and;

BE IT FURTHER RESOLVED, that with respect to same, the Mayor, Township Administrator, Township Tax Attorney, Township Tax Assessor, Tax Collector, Treasurer and/or any other appropriate Township official is hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution, and;

BE IT FURTHER RESOLVED, that upon the issuance of Tax Court Judgments requiring the issuance of refunds for the above-referenced tax years, the Tax Collector hereby authorizes the Township Treasurer to refund the total amounts stated herein within 60 days of the date of receipt of the aforementioned Tax Court Judgments.

SCHEDULE "A"

- A. The terms of the aforesaid tax appeal settlement shall consist of the following:

**231 Main Street
Block 79 Lot 1**

2009: Withdraw
2010: \$3,000,000
2011: \$2,902,300
2012: \$2,840,000
2013: \$2,840,000

The total assessment for the subject property shall be further adjusted to an amount not to exceed \$2,752,200 in the 2014 tax year.

**37 Montclair Avenue
Block 79 Lot 1.01**

2009: Withdraw
2010: \$3,000,000
2011: \$3,000,000
2012: \$2,840,000
2013: \$2,840,000

**235 Main Street
Block 79 Lot 1.02**

2009: Withdrawn
2010: \$3,250,000
2011: \$3,250,000
2012: \$3,250,000
2013: \$2,875,000

- B. The provisions of N.J.S.A. 54:51A-8 (the "Freeze Act") shall be applicable to the terms of this settlement.

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

The Council President declared the motion passed.

Ordinance No. 1180 – It was moved by Councilmember Fontana, seconded by Councilmember Porter, that there be introduced and the meeting of August 12, 2013 set as the date and time for the public hearing on the following:

BOND ORDINANCE NO. 1180

REFUNDING BOND ORDINANCE PROVIDING FOR PAYMENT OF AMOUNTS OWING TO OTHERS FOR TAXES LEVIED IN AND BY THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$900,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$900,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING 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:

The Township of Little Falls, in the County of Passaic, New Jersey (the “Township”) is hereby authorized to pay an aggregate amount not exceeding \$860,325.30 for amounts owed by the Township to the owners of various properties for taxes levied in the Township (plus certain costs associated therewith), as more particularly described on the List of Settled Appeals and available for inspection in the office of the Township Clerk, which list is hereby incorporated by reference as if set forth at length herein.

An aggregate amount not exceeding \$39,674.70 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

In order to finance the cost of the project described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount of \$900,000 pursuant to the Local Bond Law.

In anticipation of the issuance of the refunding bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All refunding 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 refunding bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with refunding bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer’s signature upon the refunding bond anticipation notes shall be conclusive evidence as to all such determinations.

All refunding bond anticipation notes issued hereunder may be renewed from time to time, but all such refunding bond anticipation notes including renewals shall mature and be paid no later than the anniversary of the date of the original refunding bond anticipation notes, as determined by the Local Finance Board; provided, however, that no refunding bond anticipation notes shall be renewed beyond the first or any succeeding anniversary date of the original refunding bond anticipation notes unless an amount of such refunding bond anticipation notes, at least equal to the first legally payable installment of the refunding bonds in anticipation of which the refunding bond anticipation notes are issued, determined in accordance with the maturity schedule for the refunding bonds approved by the Local Finance Board, is paid and retired on or before such anniversary date; and provided, further, that the period during which the refunding bond anticipation notes and any renewals thereof and any permanent refunding bonds are outstanding, shall not exceed the period set for the maturity of the refunding bonds by the Local Finance Board.

The chief financial officer is hereby authorized to sell part or all of the refunding bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the refunding bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the refunding bond anticipation notes sold, the price obtained and the name of the purchaser.

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 6. 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 refunding bonds and refunding bond anticipation notes provided in this bond ordinance by \$900,000, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

Section 7. 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 general 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 8. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the chief financial officer of the Township as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

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Section 9. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

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

The Council President declared the motion passed.

Making Application to the Local Finance Board for Its Review and Approval of Refunding Bond Ordinance #1180 –
It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the Council approve the following:

**RESOLUTION [D] 13-07-15 - #4
RESOLUTION OF TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY MAKING
APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-51**

WHEREAS, the Township of Little Falls, in the County of Passaic, New Jersey (the “Township”) desires to make application to the Local Finance Board pursuant to N.J.S.A. 40A:2-51 et seq. for its review and approval of a refunding bond ordinance authorizing the issuance of refunding bonds or notes to finance amounts owing to others for taxes levied.

WHEREAS, the Township believes that:

- (3) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit and will not create an undue financial burden to be placed upon the local unit;

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Township’s Bond Counsel and Auditor, along with other representatives of the Township, are hereby authorized to prepare such application and to represent the Township in matters pertaining thereto.

Section 2. The Clerk of the Township is hereby directed to prepare and file a copy of the introduced refunding bond ordinance and this resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

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

The Council President declared the motion passed.

There being no further business to come before the meeting it was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the meeting be and it was adjourned at 6:05 p.m.

Cynthia Kraus
Municipal Clerk