

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

**Monday, July 2, 2012**

Council President Louis Fontana called the meeting to order at 7:39 p.m. with the following members present: Mercedes Gonzalez, Pamela Porter, Joseph Sisco and John Vantuno. Also present were Mayor Darlene Post, Municipal Clerk William Wilk and Township Administrator Joanne Bergin.

Absent: None

Township Employees present: DPW Superintendent Phillip Simone, Police Chief John Dmuchowski, CMFO/Treasurer William Schaffner and Deputy Municipal Clerk Cynthia Kraus

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 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.

**APPOINTMENT OF NEW TOWNSHIP ATTORNEY**

Mayor Post informed that she has received Mr. Tosi's letter of resignation as of June 29, 2012, from which she read excerpts at this time. She explained that interviews for the position of Township Attorney were recently conducted before Mr. Tosi was hired. She therefore recommended the appointment of Mr. William Northgrave, which will remain a savings to the Township.

It was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, that the appointment of WILLIAM NORTHGRAVE as TOWNSHIP ATTORNEY be approved.

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

The Council President declared the motion passed.

At this time, the Oath of Office was administered to Mr. Northgrave by Mayor Post.

**APPROVAL OF MINUTES**

It was moved by Councilmember Gonzalez, seconded by Councilmember Sisco, that the Minutes of the meetings of February 11, 2012, March 5, 2012, March 12, 2012, March 19, 2012 and April 2, 2012 be approved.

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

The Council President declared the motion passed.

**REMARKS FROM CHAIR**

Council President FONTANA congratulated Mr. Northgrave on his appointment, and said he is looking forward to working with him. He informed that the July 4<sup>th</sup> Street Fair will be held this Wednesday, 7/4/12, from 10:00 a.m. to 4:00 p.m. He also reminded that the Little Falls ABC will have the farmers' market and the concerts in the park every Thursday throughout the summer.

**COUNCIL MEMBER REPORTS**

Councilmember SISCO congratulated Ms. Shapiro and said the concerts are a good time. He also thanked Mrs. Bergin, noting that a lot of stuff is getting done in town because of her. He also informed that the Fire Department has lost another member. He informed that Jack Shaw was a member for 70 years and he had the honor of giving the final blessing at the service.

Councilmember GONZALEZ welcomed everyone and wished everyone a happy 4<sup>th</sup> of July. She thanked the Mayor and Mrs. Bergin for all they are doing, noting that things are improving.

Councilmember PORTER hoped to see a lot of people at the street fair on Wednesday. She said she attended last week's concert in the park, noting that it was a great time. She congratulated all of the graduates from Little Falls schools. She also congratulated Mr. Northgrave on his appointment. She informed that she will be on vacation next week and wished everyone a happy 4<sup>th</sup> of July.

Councilmember VANTUNO had nothing to report.

**MAYOR'S REPORT**

Mayor Post said the concert in the park last week was wonderful; she encouraged everyone to come out for this. On 7/21/12, Fire Company #3 will be having its 100<sup>th</sup> Anniversary celebration. She also informed that she has been in contact with Mayor Kazmark of Woodland Park regarding the litigation on Lackawanna Avenue since she took office as Mayor. She hopes they will have this resolved soon. She explained that she has appointed a committee for the negotiation of new contracts. She congratulated Mr. Northgrave on his appointment.

**ATTORNEY'S REPORT**

Mr. Northgrave thanked the Mayor and Council for their confidence in appointing him Township Attorney.

## Meeting of July 2, 2012

### ADMINISTRATOR'S REPORT

*Justice Complex:* Progress is continuing on completing the construction work on the new Justice Complex addition. The contractor was not able to complete the work necessary for a Temporary Certificate of Occupancy by July 1 as we had hoped. There is a reasonable expectation that we will have a temporary CO by July 15 with a CO August 1. The construction was not completed on time in accordance with the contract, and there is a penalty clause in our contract. The Mayor, DPW Superintendent, Police Chief and I participate in weekly progress meetings on the status of the project and we are very much involved in the day-to-day construction and site work. The delayed construction schedule does not negatively impact the construction budget from the Township's perspective. The project itself is not over-budget.

However, the end date was originally scheduled for October, which was then pushed back to June 30. The additional soft costs needed for construction management for the October to June period was approved under the Bond Ordinance for items falling outside the original contract that was approved on second reading in May. Later on in tonight's agenda there is a contract proposal for A&A Construction Management to continue to oversee this project through the issuance of a CO in August. While we do expect to recoup these costs, we need to engage these professionals to ensure the contractor completes the job as designed. The contract for review on tonight's agenda represents a scaled-back agreement which will find the construction manager on site on a part-time basis but available as needed by phone. Mr. Simone will continue to be heavily involved, and will be on site daily to supervise construction. The Council is not being asked to review a contract extension for the project architect, who has agreed to remain involved and available through the issuance of the CO at no cost to the Township.

Anticipating construction completion delays, we were not planning on moving police and the court over to this building until August-September with the anticipation of being operation by October 1. That move remains on schedule.

*Jackals Fireworks:* On June 18 I received several telephone calls regarding the fireworks display at the Jackals stadium, specifically the timing of the fireworks at the June 16 game. To better understand the agreement with the Jackals and to talk through the issue, on June 18 the Township Clerk and I met with a representative of the team. In previous years, the Jackals would notify the Township of the dates for each season where fireworks would be held. The township drafted correspondence confirming those dates and the Township's request to have the fireworks display completed no later than 10:30. However, the Jackals representative indicated that the time was informally changed to an 11 pm. The Jackals representative assured us that the team would implement changes as needed to ensure the end time of 11 pm was followed in the future. This season there are 8 games featuring fireworks that are in the schedule; 2 of those have been played, leaving 6 games remaining for this summer. We can certainly revisit the end time if problems persist. There has been one game with fireworks since the meeting. Our fire department is required to be present for the fireworks display and reported back that the display was completed before 11 pm.

*Brindisi Report:* Council members and the public have repeatedly asked for a status update on the Brindisi report and prosecutor's office investigation into the town-wide communication project.

At the direction of Mayor Post, I reviewed the files received by Mr. Trapanese's office and contacted Chief Assistant Prosecutor J. Patrick McCabe, head of the Public Integrity Unit of the Passaic County Prosecutor's Office, who indicated that there is no ongoing criminal investigation into this matter being conducted by his office. He confirmed that in 2011, he had a lengthy meeting with former township attorney Joseph Trapanese and Nicholas Brindisi, who outlined all of the documents related to the RFP, award of contract, and purchases made through that contract for communications equipment. Subsequent to that meeting, McCabe indicated he also met with Police Chief Dmuchowski. After review of the documents, McCabe indicated there was insufficient material to proceed with a formal criminal investigation. I confirmed that chain of events with Mr. Brindisi as well.

Therefore, based on my discussion with Patrick McCabe, there is no ongoing criminal investigation into this matter. McCabe indicated that a letter to that effect would not be sent, as the request to review the materials was done informally. I asked if there was any possibility that people above or below his rank were working on this without his knowledge and he indicated that as the head of the unit, only he has the power to recommend launching of a formal investigation. While there have been statements made in conflict with the information I am providing, I would advise that I am sharing with all of you a contact name, title and documented discussion with the only person in a position to speak to this Unit's criminal investigations. I have a high level of confidence that this matter is not the subject of any criminal investigation by the Prosecutor's Office. With that no longer being an issue, the Mayor has recommended an internal review into this matter. The Mayor has tasked me with reviewing the history of this matter, along with all related documentation, and complete a detailed, thorough internal review so as to bring formal closure to this matter once and for all. I have been tasked with conducting that internal review with assistance from our new Township Attorney as needed.

Once that review is complete and a full report made to the Council, I would then confirm with Mr. Northgrave that all related documentation be made available to the public – but not until that time.

*Grievance:* In response to a public inquiry posed on June 11, our former Township Attorney did submit what he termed a grievance against Councilwoman Gonzalez, but has withdrawn that complaint. Anytime an employee files a grievance or complaint of any kind, the Township has an internal review process for same. The complaint was withdrawn and the matter is closed.

*FEMA email:* I'd like to share with everyone an email I received from FEMA:

Mrs. Bergin,

Good afternoon! I wanted to take a moment to commend your fantastic staff on all their help in completing the FEMA project worksheets for Little Falls Township for the 3 disasters that occurred last fall; DR-4021, DR-4039 and DR-4048. Fred Batelli served as my main point of contact as we worked together to gather the necessary documentation to file for FEMA reimbursement for all eligible damages from the above listed disasters. Fred always made himself available any time I had a question or needed anything. He went above and beyond to ensure that I had all of the proper documentation from the various departments. I also had the opportunity to work closely with Phil Simone and Sgt Post as we first identified the damages that the township of Little Falls would be claiming reimbursement for and then we worked together to get all of the damages written into projects; both of them were just fabulous and very responsive to any request for documentation I made. Phil made himself available anytime I needed a site visit and was easily able to answer any questions I had. Every member of your staff that I had the pleasure of working with was professional, knowledgeable and made themselves available to help in whatever way they could. Completing the project worksheets for Little Falls was truly a team effort and your staff was just awesome to work with!

Debra Morris, Public Assistance, Project Specialist, FEMA

*Grants:* The Township submitted a Passaic County Open Space application for improvements at Amity Park. The application was modified following comments made during the public hearing. Specifically, residents in attendance at the public hearing

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were not in favor of the walking trail proposed around the perimeter of the Park, and, therefore, that item was removed. Also, the Township was asked to enhance security via additional fencing and protective areas for warm-up batters. Therefore, fenced in batting areas were included in the budget and will hopefully be secured and installed at all township ball fields. I am working with Fire Chief Sweezy on Assistance to Firefighters Grant application due July 6 for Bail Out equipment. *Outside Dining:* One of the items Mayor Post has tasked us with improving is ways to help businesses thrive in our community. Code Enforcement Officer Joe Macones, Clerk Bill Wilk and I met specifically in response to a suggestion brought forward by the ABC to make it easier for restaurants to offer outside dining. Currently, a restaurant who wants to allow patrons to eat outside must make an application for same before the Planning Board. That application includes planning board fees as well as escrow money for the planning board attorney and engineer. This cost comes on top of the \$100 Outdoor Dining permit fee required. As you can imagine, this process is time-consuming and cost-prohibitive. What we are proposing through Ordinance 1159 is to amend the ordinance to allow for our Building Inspector to conduct site visits at all restaurant locations interested in accommodating outside dining and to determine there is adequate space, and there is no detriment to the public's safety in granting the request, which is something done as part of the Outdoor Dining permit process. By asking our Code Official to make this determination, we are providing a more user-friendly accessible way to quickly allow for outside dining.

*Acquisition Savings:* Previously, I announced that I would present information on the impact to taxpayers for property acquisition as part of the overall flood mitigation project in Town. Due to the lengthy agenda this evening, I will be asking the council President for permission to schedule this discussion at the July 9 workshop meeting, where I will give an overall status report on the FEMA grants including the acquisition impact to taxpayers.

### ENGINEER'S REPORT

Mr. Lindsay informed that NJ American Water is investigating possible soil contaminant on Turnberry Road. Therefore, the Township needed a professional with site remediation experience to monitor the problem.

### PUBLIC PORTION

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

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

The Council President declared the motion passed.

At this time, Council President FONTANA informed that there would be a hearing regarding the parking of Zelif Avenue later in the meeting.

Al Attianese, 27 Dewey Avenue, thanked the Mayor for including Councilmember Vantuno in the committee for contract negotiations. He also voiced his satisfaction that there were more residents in attendance for tonight's meeting, noting that people are concerned about the most recent tax increase. These are rough times and the town continues to spend money. He explained that the Township has been turned down by the County for a revaluation, and pointed out that the Municipal Budget must be reduced. He also noted that this evening's agenda includes mostly tax appeal refunds. He explained that these appeals are over a long period of time and each year they are increasing. This is a long standing issue.

Louis Fernandez, 54 Harrison Street, read in the newspaper that the Township settled suit with the former Township Attorney; this is the first he heard of this. He asked how they came to a figure for settlement. He also asked Councilmember Gonzalez why she thought it was in the town's best interest to settle. He questioned if the Council could limit people who aren't residents from speaking at a meeting until the second public portion.

Ms. Stone, 3 Grey Rock Avenue, pointed out that the Township had lifted the no parking ordinance before the floods last year; she understood this. However, it was never reinstated. Now people are always parking on her street who don't live there, making it difficult for herself and her neighbors. She asked for the status of this ordinance.

Barbara Covallo, 201 William Street, explained that her street is full of houses that are for sale. Some of these houses are selling for only \$185,000. She said that nothing is being done to help the flood victims, yet they are having tax increases every year.

Raymond Klepar, 8 Douglas Drive, referred to the investigation on the radio system and asked for this status of this. He provided some background history on this topic for Mr. Northgrave, as well as information on the cell tower investigation. He explained that it was recently found out that nothing was being investigated on these matters this whole time. He would like to know the status of the cell tower as well, noting that this affects the radio system.

Eugene Kulick, 74 Grove Street, congratulated Mrs. Bergin, explaining that she is doing an amazing job. He also asked if he could get a copy of Mr. Tosi's resignation letter. He also explained that the Singac section of town needs some of its property owners to clean up.

Ed Sliker, 41 Dewey Avenue, asked why taxes are continuously increasing.

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

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

The Council President declared the motion passed.

Mrs. Bergin explained that she cannot answer to tax increases, noting that this information was covered in the budget hearing. Council President FONTANA said there are many factors that contribute to tax increases. Councilmember GONZALEZ said raises should only be given based on performance in the future. Council President FONTANA pointed out that the town was revaluated at the peak of the market, which was the worst time.

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Mr. Northgrave informed that Mr. Trapanese was owed \$35,000; however, he had a claim that he felt he was owed a balance of money. Generally, if you don't settle, you will be required to pay for counsel representation, which would exceed the settlement cost. This case is not yet settled. Councilmember GONZALEZ pointed out that litigation is a problem and is very costly to the Township.

Mr. Northgrave said he would investigate the matter of limiting those who are not residents of Little Falls to public speaking. He will follow up and report back at a later time.

Police Chief Dmuchowski informed that Mr. Simone and Mr. Lindsay are currently working on the matter of determining street parking. Mrs. Bergin explained that Mr. Lindsay would give a report of their findings during next week's Workshop meeting.

Mrs. Bergin informed that the Mayor has worked diligently in a very short time to do all that is possible to help the flood victims. They are continuing to look for programs and work on this.

Mrs. Bergin said discussions are underway regarding the Mill lease for the radio system.

Mr. Northgrave informed that Mr. Tosi's resignation letter is a personnel matter. He will look into this and report back as to whether or not this would be considered a public document.

Council President FONTANA said there is a good quality of services in town for the cost to the taxpayers. Councilmember SISCO pointed out that 50% of the Municipal Budget goes to the schools. He also referred to the Justice Complex and informed that the Council had taken the recommendation of someone who told them that the construction of this would be cheaper; they were wrong.

**PUBLIC HEARING ON PLACE-TO-PLACE TRANSFER OF LITTLE FALLS SHOP RITE LIQUOR LICENSE**

Mr. Wilk informed that Shop Rite has expanded its liquor store and therefore, needed to do a formal place-to-place transfer to make sure everything is done properly with the Township and the State.

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

**RESOLUTION [UU] 12-07-02 - #47**

WHEREAS, an application has been filed for a Place-to-Place Transfer of Plenary Retail Distribution License Number 1605-44-010-004, heretofore issued to 3C LLC for premises located at 171 Browertown Road, has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

NOW, THEREFORE, BE IT RESOLVED that the Little Falls Township Council does hereby approve, effective July 3, 2012, the Place-to-Place Transfer of the aforesaid Plenary Retail Distribution License for the expansion of licensed premises located at 171 Browertown Road, Little Falls, NJ 07424.

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

The Council President declared the motion passed.

**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 May 2012**  
**MONTHLY REPORT**

Municipality of Township of Little Falls  
 Office of the Tax Collector  
 Revenues Collector for the Month of May 2012

Categories	May 1-31, 2012	2012 Year to Date
2012 Taxes	6,961,098.58	\$19,704,467.22
2011 Taxes	771.23	526,858.58
2010 Taxes	0.00	799.70
Prepaid 2013 Taxes	0.00	0.00
Interest	5,072.70	57,566.41
Township Tax Title Lien	29,966.71	29,966.71
Township Tax Title Lien Int.	8,256.46	8,256.46
Township Tax Title Lien 6% PE	1,617.57	1,617.57
Cost of Tax Sale	0.00	4,154.07
Outside Tax Liens	41,620.04	181,678.95
Duplicate Tax Bills	5.00	85.00
Tax Searches	0.00	0.00
Insufficient Check Charge	-20.00	100.00
6% Penalty Fee	0.00	9,536.80
Misc. Line Item Fee	0.00	0.00
Premium Outside Lien	0.00	135,200.00
Tax Sale Additional Fee	0.00	2,100.00
Municipal Copy Fee	0.00	0.00
<b>GRAND TOTALS</b>	<b>\$7,048,388.29</b>	<b>\$20,662,387.47</b>

Delinquent 2012 Taxes \$535,226.53 (1<sup>st</sup> -2<sup>nd</sup> Qtrs.) 188 line items.  
 Delinquent 2011 Taxes 1,486.85 (1 Bankruptcy/2 Senior Dis.).  
**Total Delinquent Taxes \$536,713.38**

**Comparison same time last year:**  
 Delinquent 2011 Taxes \$593,404.78 (1<sup>st</sup>-2<sup>nd</sup> Qtrs.) 206 line items.  
 Delinquent 2010 Taxes 188,561.20 (1<sup>st</sup>-4<sup>th</sup> Qtrs.) 36 tax sale 06/15/11.  
**Total Delinquent Taxes \$781,965.98**

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2012 Refunds this month = -\$2,158.94  
 2012 Year to date refunds = -\$2,629.13  
**Refunds for all other Years in 2012 (see attached).**

2012 Insufficient check charge backs (year to date) = **-\$22,637.96.**

Municipal Clerk's Report – Month of May 2012

MUNICIPAL CLERKS REPORT  
 Month of May 2012

ABC LICENSES		
OTHER LICENSES		
Business Licenses	\$710.00	
Pre-paid Business Licenses		
Raffle Licenses	400.00	
		\$1,110.00
REGISTRAR OF VITAL STATISTICS		
Fees & Permits	\$432.00	
Marriage Licenses-LF	27.00	
Marriage Licenses-NJ	225.00	
		\$684.00
MRNA		
Street Maps	\$	
Zoning Maps	6.00	
Zoning Ordinances		
Document Copies	35.10	
Garage Sales	75.00	
Misc. Fees & Refunds:		
TOTAL MRNA		\$116.10
TOTAL CURRENT ACCOUNT		\$1,910.10
TOTAL TO TREASURER		\$1,910.10

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

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

<b>Dog Licenses issued 05/01/12 thru 05/31/12</b>		
Nos. 001 to 091 = 90 Licenses (License #043 did not print)		
Amount due Little Falls		\$612.00
Amount due State		138.00
Total Cash Received		\$750.00
<b>Cat Licenses issued 05/01/12 thru 05/31/12</b>		
Nos. 001 to 008		
Licenses Issued 8		
Total Cash Received		\$64.00
Total to Treas.		\$814.00

**APPLICATIONS**

NJ State Firemen's Association – Tyler Burke, Lincoln Avenue, Singac Fire Company #3  
 - Colin McNeill, Fourth Avenue, Singac Fire Company #3

**RESOLUTIONS**

Refund to Lienholder re Redemption of Tax Sale Certificate

**RESOLUTION [A] 12-07-02- #1**

**WHEREAS**, at the Municipal Tax Sale held on June 15, 2011, a lien was sold on Block 72 Lots 28, 29, known as Gladilta Castillo of 94 Island Avenue, Little Falls, NJ, for 2010 delinquent taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #2011-04, was sold to Stonefield Investment Fund I, LLC @ a premium in the amount of \$4,900.00; and

**WHEREAS**, Chase, an interested party has effected redemption of Certificate #2011-04 in the amount of \$15,976.13; and

**WHEREAS**, Chase has overpaid this lien redemption in the amount of \$20.89; the lien payoff amount was calculated @ \$15,955.24; and

**WHEREAS**, the Tax Collector authorizes our Treasurer to refund two separate checks from the Trust account for the lien holder and to the bank as follows;

**NOW, THEREFORE BE IT RESOLVED**, that the Treasurer be authorized to issue a check in the amount of \$20,855.24 payable to Stonefield Investment Fund I, LLC, 21 Robert Pitt Drive #202, Monsey NY 10952 for the redemption of Tax Sale Certificate #2011-04. **This check shall be forwarded to the Tax Collector on July 3, 2012** as she must surrender the tax sale certificate before Stonefield Investment Fund I, LLC receives payment; and

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the Treasurer be authorized to issue a check in the amount of \$20.89 payable to Chase, P.O. Box 961294, Fort Worth, TX 76161-0294 due to the overpayment of this lien redemption.

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**RESOLUTION [B] 12-07-02- #2**

**WHEREAS**, at the Municipal Tax Sale held on June 15, 2011, a lien was sold on Block 99 Lot 1, known as SIB, LLC (n/k/a Eric R Perkins Trustee of 61 Stevens Avenue, Little Falls, NJ, for 2010 delinquent taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #2011-08, was sold to US Bank-Cust/Sass Muni VI dtr @ a premium in the amount of \$14,000.00; and

**WHEREAS**, Paul W. Grzenda, Esq., an interested party has effected redemption of Certificate #2011-08 in the amount of \$28,980.99;

**NOW, THEREFORE BE IT RESOLVED**, that the Treasurer be authorized to issue a check in the amount of \$42,980.99 payable to US Bank-Cust/Sass Muni VI dtr, US Bank Corporate Trust Services, Tax Lien Services Group, Attn: Maryanne Schrader, 2 Liberty Place, 50 South 16<sup>th</sup> Street – Suite 1950, Philadelphia, PA 19102 for the redemption of Tax Sale Certificate #2011-08. **This check shall be forwarded to the Tax Collector on July 3, 2012** as she must surrender the tax sale certificate before US Bank-Cust/Sass Muni VI dtr receives payment.

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**RESOLUTION [C] 12-07-02- #3**

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**WHEREAS**, at the Municipal Tax Sale held on April 19, 2012, a lien was sold on Block 186 Lot 7 C067, known as Gregory B. Turovskiy of 6G Colonial Drive, Little Falls, NJ, for 2011 delinquent taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #18-2012, was sold to Rakesh Patel @ a premium of \$5,000.00; and

**WHEREAS**, Gregory B. Turovskiy, an interested party has effected redemption of Certificate #18-2012 in the amount of \$6,144.72;

**NOW, THEREFORE BE IT RESOLVED**, that the Treasurer be authorized to issue a check in the amount of \$11,144.72 payable to Rakesh Patel, 73 Briar Avenue, Edison, NJ 08817 for the redemption of Tax Sale Certificate #18-2012. **This check shall be forwarded to the Tax Collector on July 3, 2012** as she must surrender the tax sale certificate before Mr. Patel receives payment.

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**RESOLUTION [D] 12-07-02- #4**

**WHEREAS**, at the Municipal Tax Sale held on June 15, 2011, a lien was sold on Block 88.05 Lot 1 C314, known as Barbara Jean Sikora of 300 Main St., Unit 314, Little Falls, NJ, for 2010 delinquent taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #2011-07, was sold to R Rothman @ 4% interest; and

**WHEREAS**, Polish & Slavic Federal Credit Union, an interested party has effected redemption of Certificate #2011-07 in the amount of \$19,621.91;

**NOW, THEREFORE BE IT RESOLVED**, that the Treasurer be authorized to issue a check in the amount of \$19,621.91 payable to R Rothman, 411 Grand Avenue, Englewood, NJ 07631 for the redemption of Tax Sale Certificate #2011-07. **This check shall be forwarded to the Tax Collector on July 3, 2012** as she must surrender the tax sale certificate before R Rothman receives payment.

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**RESOLUTION [E] 12-07-02- #5**

**WHEREAS**, at the Municipal Tax Sale held on June 15, 2011, a lien was sold on Block 144 Lots 9, 10, known as Douglas Heidt of 200 First Avenue, Little Falls, NJ, for 2010 delinquent taxes; and

**WHEREAS**, this lien, known as Tax Sale Certificate #2011-12, was sold to US Bank-Cust/Sass Muni VI dtr at a premium amount of \$19,500.00; and

**WHEREAS**, Gregory R. Donnelly, Esq., an interested party has effected redemption of Certificate #2011-12 in the amount of \$34,386.53;

**NOW, THEREFORE BE IT RESOLVED**, that the Treasurer be authorized to issue a check in the amount of \$53,886.53 payable to US Bank-Cust/Sass Muni VI dtr, U.S. Bank Corporate Trust Services, Tax Lien Services Group, Attn: Maryanne Schrader, 2 Liberty Place, 50 South 16<sup>th</sup> Street-Suite 1950, Philadelphia, PA 19102 for the redemption of Tax Sale Certificate #2011-12. **This check shall be forwarded to the Tax Collector on July 3, 2012** as she must surrender the tax sale certificate before US Bank-Cust/Sass Muni VI dtr receives payment

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Refund of 2009 Property Taxes

**RESOLUTION [F] 12-07-02#6**

**WHEREAS**, there is a State Tax Court Judgment on Block 114 Lot 23, known as D J & Patricia M Marra of 47 First Avenue, for the Year 2009 reducing the assessed value by \$148,400.00;

YEAR 2009

Original Assessment		\$923,400.00
County Bd Assessment	\$873,400.00	
STCJ		\$725,000.00
Difference		\$148,400.00
2009 Tax Rate		x 1.933%
		\$ 2,868.57

**WHEREAS**, the Tax Collector authorizes the CMFO/Treasurer to refund the total amount of \$2,868.57 for the Year 2009 payable to Cuccio and Cuccio, P.C., Attorney Trust Account, as attorneys for plaintiffs, Dennis J. Marra and Patricia Marra, and mailed to its address at 45 Essex Street, Suite 106, Hackensack, NJ 07601; and,

**WHEREAS**, the above monies shall be refunded on or before July 31, 2012 as per Stipulation of Settlement dated March 16, 2012, whereas statutory interest shall be waived if paid 60 days of the date of entry of the Tax Court Judgment (date of entry was May 31, 2012); and

**WHEREAS**, it would appear to the Tax Collector for the Years 2010 and 2011 that they may be reduced with the assessed value of \$725,000.00 after an amended Judgment gets prepared and filed to reflect the "Freeze Act" as per an Amended Stipulation of Settlement dated March 16, 2012 and filed with the State Tax Court on March 20, 2012 through our Legal office;

**NOW,**

**THEREFORE BE IT RESOLVED** by the Township Council of Little Falls on this 2nd day of July 2012 that the above attorney be refunded the total amount of \$2,868.57 for the overpayment of taxes due to a State Tax Court Judgment on Block 114 Lot 23.

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Refund of 2011 Property Taxes

**RESOLUTION [G] 12-07-02#7**

**WHEREAS**, there is a State Tax Court Judgment on Block 77 Lot 1, known as MSG Realty LLC of 437 Main Street for the Year 2011 reducing the assessed value by \$96,400.00;

YEAR 2011

Original Assessment	\$521,400.00
STCJ	425,000.00
Difference	96,400.00
2011 Tax Rate	x 2.145%
	\$2,067.78

**WHEREAS**, the Tax Collector authorizes the CMFO/Treasurer to refund the total amount of \$2,067.78 for the Year 2011 payable to Zipp & Tannenbaum, L.L.C., Attorney Trust Fund" and MSG Realty LLC and forwarded to Zipp & Tannenbaum, L.L.C., 166 Gatzmer Avenue, Jamesburg, NJ 08831; and

**WHEREAS**, the above monies shall be refunded on or before July 11, 2012 as per the Stipulation of Settlement dated December 27, 2011, states whereas statutory interest shall be waived if paid 60 days of the date of entry of the Tax Court Judgment (date of entry was May 11, 2012);

**NOW,**

**THEREFORE BE IT RESOLVED** by the Township Council of Little Falls on this 2<sup>nd</sup> day of July 2012 that the above attorney and taxpayer be refunded the total amount of \$2,067.78 for the overpayment of taxes due to a State Tax Court Judgment on Block 77 Lot 1.

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**RESOLUTION [H] 12-07-02#8**

**WHEREAS**, there is a State Tax Court Judgment on Block 251 Lot 9.01, known as 455 Rte 46 East Little Falls LLC of 455 Route 46 E for the Year 2011 reducing the assessed value by \$246,800.00;

YEAR 2011

Original Assessment	\$1,396,800.00
STCJ	1,150,000.00
Difference	\$ 246,800.00
2011 Tax Rate	x 2.145%
	\$5,293.86

**WHEREAS**, the Tax Collector authorizes the CMFO/Treasurer to refund the total amount of \$5,293.86 for the Year 2011 payable to 455 Rte. 46 East Little Falls, LLC, Plaintiff and/or The Irwin Law Firm, P.A., as attorneys for "455 Rte. 46 East Little Falls, LLC, Plaintiff", and forwarded to The Irwin Law Firm, P.A., 80 Main Street, Suite 410, West Orange, NJ 07052; and

**Meeting of July 2, 2012**

**WHEREAS**, the above monies **shall be refunded on or before July 31, 2012** as per Stipulation of Settlement dated December 27, 2011, whereas statutory interest shall be waived if paid 60 days of the date of entry of the Tax Court Judgment (date of entry was May 31, 2012); and

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of Little Falls on this 2nd day of July 2012 that the above attorney and/or taxpayer be refunded the total amount of \$5,293.86 for the overpayment of taxes due to a State Tax Court Judgment on Block 251 Lot 9.01.

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**RESOLUTION [I] 12-07-02#9**

**WHEREAS**, there is a State Tax Court Judgment on Block 111 Lot 5, known as Fletcher Holdings LLC of 86 Main Street for the Year 2011 reducing the assessed value by \$258,700.00;

**YEAR 2011**

Original Assessment	\$2,958,700.00
STCJ	<u>2,700,000.00</u>
Difference	258,700.00
2011 Tax Rate	x <u>2.145%</u>
	\$5,549.12

**WHEREAS**, the Tax Collector authorizes the CMFO/Treasurer to refund the total amount of \$5,549.12 for the Year 2011 payable to Fletcher Holdings LLC and forwarded to Archer & Greiner, P.C., Attn: Andrew T. Fede, Esq., Court Plaza South-West Wing, 21 Main Street, Suite 353, Hackensack, NJ 07601-7095; and

**WHEREAS**, the above monies **shall be refunded on or before August 22, 2012** as per the Stipulation of Settlement dated (not available on Collector's copy), states whereas statutory interest shall be waived if paid 60 days of the date of entry of the Tax Court Judgment (date of entry was June 22, 2012);

**NOW,**

**THEREFORE BE IT RESOLVED** by the Township Council of Little Falls on this 2<sup>nd</sup> day of July 2012 that the above taxpayer be refunded the total amount of \$5,549.12 for the overpayment of taxes due to a State Tax Court Judgment on Block 111 Lot 5.

\*\*\*\*\*

**Refund of 2012 Property Taxes**

**RESOLUTION [J] 12-07-02 - #10**

**WHEREAS**, the following properties have tax overpayments for the 2012 Preliminary taxes (1<sup>st</sup> or 2<sup>nd</sup> quarters); and

**WHEREAS**, the Tax Collector shall authorize the Treasurer to refund the overpayments as follows:

<b><u>BLOCK/LOT QUAL.</u></b>	<b><u>OWNER/ LOCATION</u></b>	<b><u>REFUND PAYABLE &amp; AMOUNT</u></b>	<b><u>MAIL TO:</u></b>
88.05/1 C411 (2 <sup>nd</sup> qtr)	Lillian Owen 300 Main St., Unit 411	\$62.50	Lillian Owen 300 Main St., Unit 411 Little Falls, NJ 07424
88.05/1 C606 (2 <sup>nd</sup> qtr)	Mindy Goldberg Family Trust 300 Main St., Unit 606	\$34.94	Mindy Goldberg Family Trust 300 Main St., Unit 606 Little Falls, NJ 07424
95/14 (2 <sup>nd</sup> qtr)	Carl Ruggiero 97 Center Avenue	\$ 2,064.57	Carl Ruggiero 97 Center Avenue Little Falls, NJ 07424
113/13 (2 <sup>nd</sup> qtr)	Louise G. Baldini 45 Van Ness Ave	\$37.20	Louise G. Baldini 35 Sunrise Bay Blvd. Little Egg Harbor, NJ 08087
114/3 (2 <sup>nd</sup> qtr)	Dulski, Joseph E Jr & Deborah A 32 Lincoln Ave	\$2,075.82	Joseph E Jr. & Deborah A Dulski 32 Lincoln Avenue Little Falls, NJ 07424
123/15.13 (2 <sup>nd</sup> qtr)	Matalkah, Nidal & Asmahan 66 Turnberry Road	\$3,381.59	Nidal & Asmahan Matalkah 66 Turnberry Road Little Falls, NJ 07424
140/1 (2 <sup>nd</sup> qtr)	Irizarry, Benjamin & Cristina 106 Ridge Ave	\$2,406.15	Benjamin & Cristina Irizarry 106 Ridge Ave Little Falls, NJ 07424
158/15 (2 <sup>nd</sup> qtr)	Blanco, Robert & Gasalberti, C n/k/a Gasalberti, Christine & Mary 44 Morningside Circle	\$2,804.59	Christine Gasalberti 44 Morningside Circle Little Falls, NJ 07424
170/51 (2 <sup>nd</sup> qtr)	Damiano, Derek & Caralyn 19 De Young Dr	\$2,495.17	Derek & Caralyn Damiano 19 De Young Dr Little Falls, NJ 07424
236/20 (1 <sup>st</sup> qtr)	Cece, Joseph M & Mary Jane 173 Francisco Ave	<u>\$11.27</u>	Joseph M & Mary Jane 173 Francisco Ave Little Falls, NJ 07424
<b>Total Refund =</b>		<b>\$15,373.80</b>	

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Little Falls on this 2nd day of July 2012 that the above block and lots for 2012 be noted as overpaid and be granted refunds in the total amount of \$15,373.80.

**Homestead Benefit Credits for 2012 Taxes to 15 Taxpayers**

**RESOLUTION [K] 12-07-02 - #11**

**WHEREAS**, the Division of Taxation had forwarded to the Tax Collector the 2010 Homestead Benefit credits which were applied to the 2012 1<sup>st</sup> Quarter taxes accordingly; and

**Meeting of July 2, 2012**

**WHEREAS**, the taxpayers listed below have overpayments on their 1<sup>st</sup> quarter taxes due to their Homestead Benefit credits; as their taxes have been paid in the full amount before the credit was applied along with their 2<sup>nd</sup> quarters; and

**WHEREAS**, the Tax Collector shall authorize our CMFO/Treasurer to issue a refund check to each individual taxpayer as follows:

<u>Block/Lot/Qual.</u>	<u>Owner &amp; Location</u>	<u>Refund Amount</u>	<u>Payable &amp; Forward To</u>
86/29	Thomas E Battle 39 Riverview Circle	\$ 281.68	Thomas E Battle 39 Riverview Circle Little Falls, NJ 07424
88.05/1 C104	Wolfgang Herget 300 Main St., Unit 104	270.14	Wolfgang Herget 300 Main St., Unit 104 Little Falls, NJ 07424
88.05/1 C208	Molly J Colasanti 300 Main St., Unit 208	450.41	Molly J Colasanti 300 Main St., Unit 208 Little Falls, NJ 07424
99/38	Jimmy & Paulina Jarosz 11 Walnut St	191.36	Jimmy & Paulina Jarosz 11 Walnut St Little Falls, NJ 07424
102/29	Marie Patterson 91 Ridge Ave	543.43	Marie Patterson 91 Ridge Ave Little Falls, NJ 07424
119/17	Ronald C & Helena Fazio 51 Second Ave	587.40	Ronald C & Helena Fazio 51 Second Ave Little Falls, NJ 07424
138/9	Robert Hubold 175 Stevens Ave	277.85	Robert Hubold 175 Stevens Ave Little Falls, NJ 07424
138/9	Raymond Hubold 175 Stevens Ave	277.85	Raymond Hubold 175 Stevens Ave Little Falls, NJ 07424
147/40	Susan G Sturm 47 Prospect St	539.53	Susan G Sturm 47 Prospect St Little Falls, NJ 07424
158/3	Frederick & Lucie Tattulli 10 Morningside Circle	667.00	Frederick & Lucie Tattulli 10 Morningside Circle Little Falls, NJ 07424
171/52	Daniel M & Mary Gasalberti 25 Villa Rd	385.25	Daniel M & Mary Gasalberti 25 Villa Rd Little Falls, NJ 07424
186/7 C078	Harriet I Dow 7H Colonial Dr	400.59	Harriet I Dow 7H Colonial Dr Little Falls, NJ 07424
221/11	Rose Mandrikin 47 Ryle Ave	536.41	Rose Mandrikin 47 Ryle Ave Little Falls, NJ 07424
226/12	Vincent S Cestone 58 Harrison St	955.26	Vincent S Cestone 58 Harrison St Little Falls, NJ 07424
229/33	Joseph J Lavalle, Jr 30 Cheryl Ct	<u>831.46</u>	Joseph J Lavalle, Jr. 30 Cheryl Ct Little Falls, NJ 07424
<b>Total Refund</b>		<b>\$7,195.62</b>	

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Little Falls on this 2nd day of July 2012 that the amount of \$7,195.62 be refunded to the individual taxpayers due to an overpayment of taxes from a Homestead Benefit credit.

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Norfolk Southern Corporation

RESOLUTION [L] 12-07-02 - #12

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:

\$220.64

payable to

Norfolk Southern Corporation

representing payment of annual underground sewer pipe easement rental.

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NJ State Dept of Health – State Dog License Fees

RESOLUTION [M] 12-07-02 - #13

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:

\$138.00

payable to:

NJ State Dept. of Health

representing payment of State dog license fee, license Nos. 001 to 091 for the month of May 2012.

\*\*\*\*\*

Return of Unused Escrow

RESOLUTION [N] 12-07-02 - #14

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:

\$277.50

payable to:

John Fergesen  
59 Ridge Avenue  
Little Falls, NJ 07424

representing payment for return of unused escrow rendered in connection with John Fergesen escrow – Block 101, Lot 14; 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.

\*\*\*\*\*

**Meeting of July 2, 2012**

**RESOLUTION [O] 12-07-02 - #15**

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:

\$337.50

payable to:

Timothy Larkin  
14 Lafayette Avenue  
Cedar Grove, NJ 07009

representing payment for return of unused escrow rendered in connection with Timothy Larkin Escrow – Block 78, Lot 1; 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 [P] 12-07-02 - #16**

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:

\$505.00

payable to:

Nimesh Shah  
118 Donato Drive  
Little Falls, NJ 07424

representing payment for return of unused escrow rendered in connection with Nimesh Shah Escrow – Block 40, Lot 47; 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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**Riddick Associates, P.C.**

**RESOLUTION [Q] 12-07-02 - #17**

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:

\$630.00

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.

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**Dennis G. Lindsay, P.E.**

**RESOLUTION [R] 12-07-02 - #18**

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:

\$270.00

payable to:

Dennis G. Lindsay, P.E.

representing payment for engineering services rendered in connection with Shah – 118 Donato Drive – Block 77, Lot 16 – Attached garage building addition with variances; 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 [S] 12-07-02 - #19**

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:

\$180.00

payable to:

Dennis G. Lindsay, P.E.

representing payment for engineering services rendered in connection with Schumacher/Oakwood Estates/SF Development – Block 237, Lot 44 – Professional services in connection with review of a subdivision and site plan for development of Oakwood Estates on Woods Road; 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 [T] 12-07-02 - #20**

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:

\$765.00

payable to:

Dennis G. Lindsay, P.E.

representing payment for engineering services rendered in connection with Falls Automotive – Block 77, Lot 16 – Professional services in connection with review of site plan for a proposed mixed use development with variances; 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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**2009, 2010, 2011 & 2012 Stipulations of Settlement**

**RESOLUTION [U] 12-07-02 - #21**

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 and 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 and 2010 tax appeals pending before the Tax Court of New Jersey as hereinafter enumerated be and the same is hereby authorized, approved and ratified:

Property Owner: Shirley Campagna  
Address: 20 Hughes Place

Block: 29 Lot: 20

**Meeting of July 2, 2012**

Year 2009	ORIGINAL	COUNTY BOARD	TAX COURT
	<u>ASSESSMENT</u>	<u>JUDGMENT</u>	<u>JUDGMENT</u>
<b>LAND</b>	\$ 171,000	\$ Affirmed	\$ Affirmed
<b>IMPROVEMENTS</b>	\$ 195,900	\$	\$
<b>TOTAL</b>	\$ 366,900	\$	\$
Year 2010	ORIGINAL	COUNTY BOARD	TAX COURT
	<u>ASSESSMENT</u>	<u>JUDGMENT</u>	<u>JUDGMENT</u>
<b>LAND</b>	\$ 171,000	\$ Affirmed	\$ 171,000
<b>IMPROVEMENTS</b>	\$ 195,900	\$	\$ 154,000
<b>TOTAL</b>	\$ 366,900	\$	\$ 325,000

2. There will be no prejudgment interest.
3. The provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to this property for tax years 2011 and 2012.
3. The Township Attorney and Tax Assessor are authorized and directed to execute Stipulation(s) of Settlement and to take such other and further action as may be required to effectuate the above.

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**2011 Stipulation of Settlement**

RESOLUTION [V] 12-07-02 - #22

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

Property Owner: Steven Eldridge and Judith Eldridge  
Address: 40 Turnberry Road

Block: 123 Lot: 15.23

Year 2011	ORIGINAL	COUNTY BOARD	TAX COURT
	<u>ASSESSMENT</u>	<u>JUDGMENT</u>	<u>JUDGMENT</u>
<b>LAND</b>	\$ 286,000	\$ Affirmed	\$ 286,000
<b>IMPROVEMENTS</b>	\$ 360,800	\$	\$ 328,000
<b>TOTAL</b>	\$ 646,800	\$	\$ 614,000

2. There will be no prejudgment interest.
3. The Township Attorney and Tax Assessor are authorized and directed to execute Stipulation(s) of Settlement and to take such other and further action as may be required to effectuate the above.

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RESOLUTION [W] 12-07-02 - #23

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

Property Owner: Caroline Durocher  
Address: 7A Hopson Avenue

Block: 124 Lot: 9 Qualifier C0701

Year 2011	ORIGINAL	COUNTY BOARD	TAX COURT
	<u>ASSESSMENT</u>	<u>JUDGMENT</u>	<u>JUDGMENT</u>
<b>LAND</b>	\$ 175,000	\$ Affirmed	\$ 175,000
<b>IMPROVEMENTS</b>	\$ 122,600	\$	\$ 112,000
<b>TOTAL</b>	\$ 297,600	\$	\$ 287,000

2. There will be no prejudgment interest.
3. The Township Attorney and Tax Assessor are authorized and directed to execute Stipulation(s) of Settlement and to take such other and further action as may be required to effectuate the above.

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RESOLUTION [X] 12-07-02 - #24

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

Property Owner: Richard Beggs and Geraldine Brown  
Address: 17 Canterbury Lane

Block: 123 Lot: 15.19

Year 2011	ORIGINAL	COUNTY BOARD	TAX COURT
	<u>ASSESSMENT</u>	<u>JUDGMENT</u>	<u>JUDGMENT</u>
<b>LAND</b>	\$ 272,000	\$ Affirmed	\$ 272,000
<b>IMPROVEMENTS</b>	\$ 360,100	\$	\$ 306,100
<b>TOTAL</b>	\$ 632,100	\$	\$ 578,100

2. There will be no prejudgment interest.
3. The Township Attorney and Tax Assessor are authorized and directed to execute Stipulation(s) of Settlement and to take such other and further action as may be required to effectuate the above.

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RESOLUTION [Y] 12-07-02 - #25

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

Property Owner: James Tighe and Regina Tighe  
Address: 11 Canterbury Lane

Block: 123 Lot: 15.18

Year 2011	ORIGINAL	COUNTY BOARD	TAX COURT
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**Meeting of July 2, 2012**

	<u>ASSESSMENT</u>	<u>JUDGMENT</u>	<u>JUDGMENT</u>
<b>LAND</b>	\$ 274,000	\$ Affirmed	\$ 280,000
<b>IMPROVEMENTS</b>	\$ 377,200	\$	\$ 302,300
<b>TOTAL</b>	\$ 651,200	\$	\$ 582,300

2. There will be no prejudgment interest.
3. The Township Attorney and Tax Assessor are authorized and directed to execute Stipulation(s) of Settlement and to take such other and further action as may be required to effectuate the above.

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RESOLUTION [Z] 12-07-02 - #26

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

Property Owner: James Sous and Daria Sous

Address: 21 Canterbury Lane

Block: 123

Lot: 15.20

Year 2011	<u>ORIGINAL</u>	<u>COUNTY BOARD</u>	<u>TAX COURT</u>
	<u>ASSESSMENT</u>	<u>JUDGMENT</u>	<u>JUDGMENT</u>
<b>LAND</b>	\$ 276,000	\$ Affirmed	\$ 276,000
<b>IMPROVEMENTS</b>	\$ 358,900	\$	\$ 311,500
<b>TOTAL</b>	\$ 634,900	\$	\$ 587,500

2. There will be no prejudgment interest.
3. The Township Attorney and Tax Assessor are authorized and directed to execute Stipulation(s) of Settlement and to take such other and further action as may be required to effectuate the above.

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RESOLUTION [AA] 12-07-02 - #27

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

Property Owner: Kevin Torres

Address: 49 Turnberry Road

Block: 123

Lot: 15.08

Year 2011	<u>ORIGINAL</u>	<u>COUNTY BOARD</u>	<u>TAX COURT</u>
	<u>ASSESSMENT</u>	<u>JUDGMENT</u>	<u>JUDGMENT</u>
<b>LAND</b>	\$ 280,000	\$ Affirmed	\$ 280,000
<b>IMPROVEMENTS</b>	\$ 373,900	\$	\$ 316,700
<b>TOTAL</b>	\$ 653,900	\$	\$ 596,700

2. There will be no prejudgment interest.
3. The Township Attorney and Tax Assessor are authorized and directed to execute Stipulation(s) of Settlement and to take such other and further action as may be required to effectuate the above.

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RESOLUTION [BB] 12-07-02 - #28

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

Property Owner: Russell Saputo and Guistina Saputo

Address: 60 Turnberry Road

Block: 123

Lot: 15.15

Year 2011	<u>ORIGINAL</u>	<u>COUNTY BOARD</u>	<u>TAX COURT</u>
	<u>ASSESSMENT</u>	<u>JUDGMENT</u>	<u>JUDGMENT</u>
<b>LAND</b>	\$ 280,000	\$ Affirmed	\$ 280,000
<b>IMPROVEMENTS</b>	\$ 381,000	\$	\$ 324,400
<b>TOTAL</b>	\$ 661,000	\$	\$ 604,400

2. There will be no prejudgment interest.
3. The Township Attorney and Tax Assessor are authorized and directed to execute Stipulation(s) of Settlement and to take such other and further action as may be required to effectuate the above.

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RESOLUTION [CC] 12-07-02 - #29

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

Property Owner: Richard Greco and Claire Mekkawy

Address: 8 Hillcrest Drive

Block: 170

Lot: 46

Year 2011	<u>ORIGINAL</u>	<u>COUNTY BOARD</u>	<u>TAX COURT</u>
	<u>ASSESSMENT</u>	<u>JUDGMENT</u>	<u>JUDGMENT</u>
<b>LAND</b>	\$ 272,000	\$ 272,000	\$ 272,000
<b>IMPROVEMENTS</b>	\$ 223,700	\$ 213,700	\$ 138,000
<b>TOTAL</b>	\$ 495,700	\$ 485,700	\$ 410,000

2. There will be no prejudgment interest.
3. The Township Attorney and Tax Assessor are authorized and directed to execute Stipulation(s) of Settlement and to take such other and further action as may be required to effectuate the above.

**Meeting of July 2, 2012**

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**2009, 2010, 2011 & 2012 Stipulations of Settlement**

RESOLUTION [DD] 12-07-02 - #30

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 and 2012 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 and 2012 tax appeals pending before the Tax Court of New Jersey as hereinafter enumerated be and the same is hereby authorized, approved and ratified:

Property Owner: Arrow's Route 46 Auto Mall Inc.

Address: 700 Route 46 W.

Block: 203

Lot: 2

Year 2009	ORIGINAL ASSESSMENT	COUNTY BOARD JUDGMENT	TAX COURT JUDGMENT
<b>LAND</b>	\$1,233,800	\$ DIRECT	\$1,233,800
<b>IMPROVEMENTS</b>	\$3,801,300	\$ APPEAL	\$3,801,300
<b>TOTAL</b>	\$5,035,100	\$	\$5,035,100
			AFFIRMED
Year 2010	ORIGINAL ASSESSMENT	COUNTY BOARD JUDGMENT	TAX COURT JUDGMENT
<b>LAND</b>	\$1,765,400	\$ DIRECT	\$1,765,400
<b>IMPROVEMENTS</b>	\$3,801,300	\$ APPEAL	\$3,653,300
<b>TOTAL</b>	\$5,566,700	\$	\$5,418,700
Year 2011	ORIGINAL ASSESSMENT	COUNTY BOARD JUDGMENT	TAX COURT JUDGMENT
<b>LAND</b>	\$1,765,400	\$ DIRECT	\$1,765,400
<b>IMPROVEMENTS</b>	\$3,801,300	\$ APPEAL	\$3,065,800
<b>TOTAL</b>	\$5,566,700	\$	\$4,831,200
Year 2012	ORIGINAL ASSESSMENT	COUNTY BOARD JUDGMENT	TAX COURT JUDGMENT
<b>LAND</b>	\$1,765,400	\$ DIRECT	\$1,765,400
<b>IMPROVEMENTS</b>	\$3,801,300	\$ APPEAL	\$3,065,800
<b>TOTAL</b>	\$5,566,700	\$	\$4,831,200

3. There will be no prejudgment interest.

3. The provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to this property.

4. The Township Attorney and Tax Assessor are authorized and directed to execute Stipulation(s) of Settlement and to take such other and further action as may be required to effectuate the above.

\*\*\*\*\*

RESOLUTION [EE] 12-07-02 - #31

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 and 2012 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 and 2012 tax appeals pending before the Tax Court of New Jersey as hereinafter enumerated be and the same is hereby authorized, approved and ratified:

Property Owner: Evergreen Tree Estates Inc.

Address: 800 Route 46 W

Block: 203

Lot: 3.02 and 3

Year 2009	ORIGINAL ASSESSMENT	COUNTY BOARD JUDGMENT	TAX COURT JUDGMENT
<b>LAND</b>	\$1,503,800	\$ DIRECT	\$1,503,800
<b>IMPROVEMENTS</b>	\$4,900,600	\$ APPEAL	\$4,900,600
<b>TOTAL</b>	\$6,404,400	\$	\$6,404,400
			AFFIRMED
Year 2010	ORIGINAL ASSESSMENT	COUNTY BOARD JUDGMENT	TAX COURT JUDGMENT
<b>LAND</b>	\$1,503,800	\$ DIRECT	\$1,503,800
<b>IMPROVEMENTS</b>	\$4,900,600	\$ APPEAL	\$4,752,500
<b>TOTAL</b>	\$6,404,400	\$	\$6,256,300
Year 2011	ORIGINAL ASSESSMENT	COUNTY BOARD JUDGMENT	TAX COURT JUDGMENT
<b>LAND</b>	\$1,503,800	\$ DIRECT	\$1,503,800
<b>IMPROVEMENTS</b>	\$4,900,600	\$ APPEAL	\$4,165,000
<b>TOTAL</b>	\$6,404,400	\$	\$5,668,800
Year 2012	ORIGINAL ASSESSMENT	COUNTY BOARD JUDGMENT	TAX COURT JUDGMENT
<b>LAND</b>	\$1,503,800	\$ DIRECT	\$1,503,800
<b>IMPROVEMENTS</b>	\$4,900,600	\$ APPEAL	\$4,165,000
<b>TOTAL</b>	\$6,404,400	\$	\$5,668,800

4. There will be no prejudgment interest.

3. The provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to this property.

5. The Township Attorney and Tax Assessor are authorized and directed to execute Stipulation(s) of Settlement and to take such other and further action as may be required to effectuate the above.

\*\*\*\*\*

RESOLUTION [FF] 12-07-02 - #32

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 and 2012 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 and 2012 tax appeals pending before the Tax Court of New Jersey as hereinafter enumerated be and the same is hereby authorized, approved and ratified:

Property Owner: Evergreen TE C/O Bob Ciasulli

Address: 1535 Route 46 E.

Block: 200

Lot: 1.01

Year 2009	ORIGINAL ASSESSMENT	COUNTY BOARD JUDGMENT	TAX COURT JUDGMENT
<b>LAND</b>	\$1,683,000	\$ DIRECT	\$1,683,000
<b>IMPROVEMENTS</b>	\$ 914,100	\$ APPEAL	\$ 914,100



**Meeting of July 2, 2012**

- 7. There will be no prejudgment interest.
- 3. The provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to this property.
- 8. The Township Attorney and Tax Assessor are authorized and directed to execute Stipulation(s) of Settlement and to take such other and further action as may be required to effectuate the above.

\*\*\*\*\*

**RESOLUTION [II] 12-07-02 - #35**

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 and 2012 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 and 2012 tax appeals pending before the Tax Court of New Jersey as hereinafter enumerated be and the same is hereby authorized, approved and ratified:

Property Owner: Sisco, R & Gehy W M Trustees

Address: Rose Street Block: 194 Lot: 7

Year 2009	ORIGINAL	COUNTY BOARD	TAX COURT
	<u>ASSESSMENT</u>	<u>JUDGMENT</u>	<u>JUDGMENT</u>
<b>LAND</b>	\$1,237,500	\$1,237,500	\$1,237,500
<b>IMPROVEMENTS</b>	\$ 418,900	\$ 418,900	\$ 418,900
<b>TOTAL</b>	\$1,656,400	\$1,656,400	\$1,656,400
Year 2010	ORIGINAL	COUNTY BOARD	AFFIRMED
	<u>ASSESSMENT</u>	<u>JUDGMENT</u>	<u>TAX COURT</u>
<b>LAND</b>	\$1,237,500	\$ DIRECT	\$1,237,500
<b>IMPROVEMENTS</b>	\$ 418,900	\$ APPEAL	\$ 377,800
<b>TOTAL</b>	\$1,656,400	\$	\$1,615,300
Year 2011	ORIGINAL	COUNTY BOARD	TAX COURT
	<u>ASSESSMENT</u>	<u>JUDGMENT</u>	<u>JUDGMENT</u>
<b>LAND</b>	\$1,237,500	\$ DIRECT	\$1,237,500
<b>IMPROVEMENTS</b>	\$ 418,900	\$ APPEAL	\$ 355,800
<b>TOTAL</b>	\$1,656,400	\$	\$1,593,300
Year 2012	ORIGINAL	COUNTY BOARD	TAX COURT
	<u>ASSESSMENT</u>	<u>JUDGMENT</u>	<u>JUDGMENT</u>
<b>LAND</b>	\$1,237,500	\$ DIRECT	\$1,237,500
<b>IMPROVEMENTS</b>	\$ 418,900	\$ APPEAL	\$ 355,800
<b>TOTAL</b>	\$1,656,400	\$	\$1,593,300

- 8. There will be no prejudgment interest.
- 3. The provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to this property.
- 9. The Township Attorney and Tax Assessor are authorized and directed to execute Stipulation(s) of Settlement and to take such other and further action as may be required to effectuate the above.

\*\*\*\*\*

Welfare

**RESOLUTION [JJ] 12-07-02 - #36**

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 & 69

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

\*\*\*\*\*

**RESOLUTION [KK] 12-07-02 - #37**

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:

\$74.00

payable to:

Welfare Clients #70

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

\*\*\*\*\*

Murphy McKeon, P.C.

**RESOLUTION [LL] 12-07-02 - #38**

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:

\$4,305.00

payable to:

Murphy McKeon, P.C.

representing payment for legal services rendered in connection with several escrow accounts for the month of May 2012 (Porter, Fergesen, Schumacher, Shah, Allvision, Little Falls Automotive & Little Falls Animal Hospital); 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.

\*\*\*\*\*

Little Falls Public Library – 3<sup>rd</sup> Quarter 2012 Funds

**RESOLUTION [TT] 12-07-02 - #46**

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 3<sup>rd</sup> quarter 2012 funds.

\*\*\*\*\*

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

**Meeting of July 2, 2012**

Poll: Ayes: Gonzalez, Porter, Sisco, Vantuno and President Fontana  
None

The Council President declared the motion passed.

**REGULAR AGENDA**

The following items were individually considered.

**INTERDEPARTMENTAL**

**Tax Collector** - - It was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, that the Council approve the following:

**RESOLUTION (MM) 12-07-02-#39**

**WHEREAS**, the Township of Little Falls has imposed fiscal restrictions upon the Tax Collector whereby redemption monies cannot be refunded to an outside lien holder without approval of the governing body; and

**WHEREAS**, due to the above when the Tax Collector calculates a third party lien redemption the interest is computed to the time when the governing body authorizes the refund by resolution; and

**WHEREAS**, the Township Clerk forwards a copy of the adopted resolution to the Collector and Treasurer; and

**WHEREAS**, the Treasurer has been authorized to forward the refund checks for the lien holder to the Tax Collector for the securing of the executed Certificate of Sale before the lien holder is reimbursed his or her lien monies; and

**WHEREAS**, the Tax Collector currently wishes to proceed with an alternate method that is acceptable with the Division of Local Government Services which would allow the Tax Collector to utilize his or her own lien redemption accounts; and

**WHEREAS**, when the Tax Collector has been authorized to utilize a "redemption account" she will be authorized to draw checks on that account without specific approval by the governing body, and the amount to redeem is calculated to the date of actual redemption; and

**WHEREAS**, the Tax Collector is seeking that the governing body authorize the Tax Collector to set up a lien redemption account which would consist of the opening up of two checking accounts at the Township's current local bank branch known as Lakeland Bank on Main Street, Little Falls, NJ at no cost to the Township; and

**WHEREAS**, our Township Auditor, Gary Higgins has accepted the consideration of our Tax Collector having a redemption account both presently and in the past; along with our present Township CMFO/Treasurer; and

**WHEREAS**, the Tax Collector has worked with a redemption account in her past experience and found it to be a more efficient method and ask that she be able to duplicate this practice with the Township of Little Falls;

**NOW, THEREFORE BE IT RESOLVED** on this 2<sup>nd</sup> day of July 2012 that the governing body authorize the Tax Collector to set up a lien redemption account in the Tax Collector's office which is a Division of the Finance office with Lakeland Bank, and noting that the Tax Collector be the sole signature signor on both checking accounts. The Tax Collector is further authorized to follow through with the necessary steps needed to transfer the premium monies from the existing trust checking account into the new account(s) with the Finance Officer. This being authorized by the governing body would now suspend and/or reverse the fiscal restrictions imposed on the Tax Collector wherein redemption monies cannot be refunded to an outside lien holder without approval of the governing body.

\*\*\*\*\*

Mr. Schaffner provided a brief explanation of this resolution.

Poll: Ayes: Gonzalez, Porter, Sisco, Vantuno and President Fontana  
None

The Council President declared the motion passed.

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

RESOLUTION [NN] 12-07-02 - #40  
SPECIAL ITEMS OF REVENUE AND APPROPRIATION

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Little Falls in the County of Passaic, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2012 in the sum of \$647.00, which is now available from Miscellaneous Revenues – Section F – Special Items of General Revenue Anticipated with prior written consent of Director of Local Government Services - Public & Private Revenues Offset with Appropriations – Alcohol Education and Rehabilitation Fund in the amount of \$647.00;

**BE IT FURTHER RESOLVED**, that the like sum of \$647.00 is hereby appropriated under the caption:

- General Appropriations
  - (A) Operations – Excluded from "CAPS"
  - Public & Private Programs Offset by Revenues
  - Alcohol Education and Rehabilitation Fund \$647.00
- \*\*\*\*\*

Poll: Ayes: Gonzalez, Porter, Sisco, Vantuno and President Fontana  
None

The Council President declared the motion passed.

**CORRESPONDENCE**

**LETTER FROM BOND COUNSEL ADVISING THE TOWNSHIP COUNCIL OF THE SUCCESSFUL ISSUANCE OF A \$3,690,000 BOND ANTICIPATION NOTE**

Mr. Schaffner provided an explanation of this, noting that this was for informational purposes.

**NEW BUSINESS**

**Ordinance No. 1158** – It was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, that the public hearing on Ordinance No. 1158, "**AN ORDINANCE TO AMEND CHAPTER 7 (TRAFFIC) OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS**", be and it was opened.

Poll: Ayes: Gonzalez, Porter, Sisco, Vantuno and President Fontana  
None

The Council President declared the motion passed.

An unidentified resident, explained that this is not an issue of the inability of cars to pass, but it is a visual problem, which is a safety issue.

## Meeting of July 2, 2012

An unidentified resident, said her neighbor has a rental property where there are issues with parking. This shouldn't be a neighborhood problem.

No one further having come forward to be heard, it was moved by Councilmember Gonzlaez, seconded by Councilmember Vantuno, that the public hearing on Ordinance No. 1158 be and it was closed.

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

The Council President declared the motion passed.

Councilmember PORTER questioned this ordinance. Mr. Lindsay said he will make a recommendation on widths, noting that one space would fit in that area. However, he thought it would be best not to have any parking.

It was moved by Councilmember Gonzalez, seconded by Councilmember Sisco, that the Ordinance No. 1158 be and it was adopted.

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

The Council President declared the motion passed.

Ordinance No. 1159 – It was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, that there be introduced and the meeting of August 6, 2012 set as the date and time for the public hearing on the following:

### ORDINANCE NO. 1159 AN ORDINANCE ENTITLED "OUTDOOR DINING FACILITIES"

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

#### Section 1 – Purpose

The Township of Little Falls recognizes the allowance of outdoor dining facilities for purposes of stimulating public interest, benefitting economic productivity, providing an aesthetically pleasing atmosphere in the business community and promoting the general welfare of the residents of the Township of Little Falls. The purpose of this ordinance is to establish guidelines to procure and maintain a limited authorization license to permit outdoor dining.

#### Section 2 - Conditional Accessory Use Ordinance

Outdoor dining shall be permitted as a conditional accessory use of any eating and drinking establishment as more fully described in the Township of Little Falls Zoning Ordinance §280 et. seq. This ordinance is subject to an ordinance of the Township of Little Falls permitting outdoor dining as a conditional accessory use of such eating and drinking establishment. See Little Falls Zoning Code §280 et seq.

#### Section 3 - Definitions

As used in this chapter, the following words or phrases shall have the meanings indicated below:

1. "OUTDOOR DINING FACILITY" shall include without limitation any cafe, coffee shop, dinner, dining room, delicatessen, luncheonette, restaurant, soda fountain shop, tearoom, and other retail food establishments as defined hereunder. Outdoor dining will be restricted to only those facilities currently conducting indoor dining business.
2. "OWNER" - As defined by The Little Falls Code § 1-1 under definitions.
3. "PERSON" - As defined by the Little Falls Code §I-I under definitions.
4. "PROPERTY" - As defined by the Little Falls Code §1-1 under definitions.
5. "RETAIL FOOD ESTABLISHMENT" - As defined by the Little Falls Code §182-2(A) under Class I: Food and Drink establishments.
6. "SIDEWALK" - As defined by the Little Falls Code §I-I under definitions.
7. "OUTDOOR DINING AREA" - The designated area prescribed by title to the property of the retail food establishment to be used for purposes of the outdoor dining facility. The outdoor dining area shall be limited to the rear yard or side yard of the property or the sidewalk area immediately in front of the establishment's building or store front.

#### Section 4 - License required

The Township of Little Falls requires the owner of a retail food establishment to apply for and obtain an outdoor dining facility license to operate said facility within the outdoor dining area. No person shall operate an outdoor dining facility within the Township without first obtaining an outdoor dining facility license and satisfying all of the requirements of this chapter.

#### Section 5 - Application for license

An applicant for an outdoor dining facility license must annually file for said application with the Township Clerk on forms supplied by the Clerk. These forms shall require the following information and such additional information as deemed necessary:

- A. The name, address, and telephone number of the applicant;
- B. The name, address, and telephone number of the retail food establishment where outdoor dining shall be maintained;
- C. A detailed description of the proposed outdoor dining facility that shall include a diagram of the dimensions of the area and the number of tables, chairs, umbrellas, and receptacles for garbage and recyclables to be used for outdoor dining purposes;
- D. Consent of the owner of the premises, if other than the applicant;
- E. A check payable to the Township of Little Falls in the amount of the license fee required by Section 9;
- F. The signing of said forms and the providing of an insurance certificate as more fully described herein.

#### Section 6 - Insurance required

No outdoor dining license shall be issued unless the licensee shall have first filed adequate proof that the following insurance requirements have been provided:

- A. The following language/wording must appear on the insurance certificate: "The certificate holder (Township of Little Falls) is included as an additional insured as respects losses arising solely from the operation of the outdoor dining facility."
- B. Ten (10) days written notice of cancellation must be provided to the Township of Little Falls.
- C. The insurance certificate must be written by a company licensed to do business in the State of New Jersey and rated A or better by A.M. Best Rating, and the certificate shall also state: "Rated by A.M. Best Rating."
- D. The minimum insurance coverage requirements are:
  - (1) General aggregate: \$500,000;
  - (2) Products and completed operation aggregate: \$500,000;
  - (3) Personal and advertising injury: \$500,000;
  - (4) Each occurrence: \$500,000;
  - (5) Fire damage (anyone fire incident): \$500,000;
  - (6) Medical expense (anyone person): \$5,000;
  - (7) Worker's compensation: statutory requirements;
  - (8) Liability:
    - (a) Employer's liability (each accident): \$100,000;
    - (b) Disease policy limit: \$100,000;
    - (c) Disease (each employee): \$100,000.

#### Section 7 - Indemnification agreement

No outdoor dining facility license shall be issued unless the licensee first executed and file an indemnification agreement with the Township of Little Falls. In consideration of the issuance of the outdoor dining facility license, the licensee shall forever agree to defend, protect, indemnify and save harmless the Township of Little Falls, its officers agents, damages, expenses, fees and costs, including attorney's fees, that arise out of or which may arise out of the licensee's operation of such outdoor dining facility.

#### Section 8 - Application review

## Meeting of July 2, 2012

A. The application for a license is subject to the approval of the Township Clerk. The application for a license and/or the applicant's investigation report are subject to review from the following offices

without limitation: the building/zoning office, the Township Planning Board, the Health Department, and the Township Council. The Township Clerk shall approve or deny the application, taking into consideration the factors set forth in Section 11 and in this ordinance.

B. Prior to commencing the outdoor dining, the outdoor dining facility shall be required to apply for and obtain site plan review and approval from the Planning Board. Such facility shall file with the Building Department a drawing, which may be a survey, with those areas to be used for outdoor seating clearly designated, and the ownership of such property shall be clearly designated. Such drawing shall be accompanied by a fee of one hundred dollars (\$100) as referred to in Section 9, and all renewals shall be accompanied by drawings and a one hundred dollars (\$100) fee in subsequent years. Said drawing must be submitted to and approved by the Building Department, and the fee must be paid. Failure to do so will be considered a violation of the Land Use Law and subject the parties to the sanctions authorized thereunder.

C. Any applicant who is denied a license may request in writing a hearing on the denial decision before the Township Council on all issues except those decided on by the Township of Little Falls Planning Board/Zoning Board of Adjustment, which are not reviewable by the Township Council.

### Section 9 - Fees

The annual license fee for each and every premises on which outdoor dining facilities is conducted shall be one hundred dollars (\$100).

### Section 10 - License terms and conditions

A. An outdoor dining facility license shall be valid only through October 31 of a given year;

B. A new outdoor dining facility license must be obtained for each year;

C. An outdoor dining facility license may not be transferred in any way;

D. The license shall be displayed in a conspicuous place on the premises prior to the use of the outdoor dining facility.

### Section 11 - Regulations

The conduct of outdoor dining pursuant to a license issued under this section shall be subject to and inclusive of all of the following restrictions and requirements. This provision shall not be interpreted to limit the discretion of the Planning Board to require further conditions as part of site plan review as reasonable and appropriate.

A. Outdoor dining may only be in districts zoned for business, designated on the Township of Little Falls Zoning Map;

B. The outdoor dining area must be clearly defined and limited by way of a barrier such as fencing, landscaping, a wall or as approved by the Planning Board;

C. The outdoor dining area must not block, obstruct and/or inhibit pedestrian traffic on public sidewalks. Pedestrian traffic must have a clear, open and unobstructed access between the closet edge of the outdoor dining tables and the curb-line of the sidewalk. Such pedestrian access shall have a minimum width of the greater of ten (10) feet or one-half (½) of the sidewalk's width, but no less than six (6) feet. There shall be a minimum of six (6) feet between the building and the front property line in order for the dining area to be approved;

D. Any outdoor dining area shall have adequate buffering from adjacent buildings or sites consisting of landscaping and/or fencing or as approved by the Planning Board. If the outdoor dining area abuts residentially zoned land, the outdoor dining area shall be located a minimum of five (5) feet from the common property line;

E. Property owners shall not place anything in an alleyway, path, or walkway or set up tables in such a manner as to block, obstruct, or inhibit access to such alleyways, paths, or walkways;

F. Outdoor dining facility owners, employers, and employees shall not block, obstruct, or inhibit a building's entrance/egress. It shall be unlawful to block or obstruct in any manner the clear width of any exit's discharge passageway, as determined by the clear width opening of the entrance/egress door(s). The exit's discharge passageway shall proceed directly to the street;

G. Only tables, chairs, umbrellas, and receptacles for garbage and recyclables are permitted within the outdoor dining area;

H. Outdoor dining facility owners, employers, and employees shall not place any table, chair, sign, umbrella or other item in such a manner as to block or obstruct any municipal sign receptacles for garbage and recyclables, public hydrants, or other public amenity;

I. Outdoor dining facility owners, employers, and employees must provide for the disposal of garbage and recyclables. Public receptacles for garbage shall not be used;

J. The outdoor dining area and surrounding sidewalk and property areas shall be kept clean from any and all litter during hours of operation;

K. All customers must be seated in the outdoor dining area during their patronage. Outdoor dining facility owners, employers, and employees are prohibited from serving drivers or passengers of all vehicles;

L. All food preparation shall be indoors in the regular kitchen area of the retail food establishment;

M. Any outdoor dining facility serving alcohol products in the outdoor dining area shall be required to do so only in connection with food service at tables. Alcohol service and/or consumption at the outdoor dining facility is subject to further regulations more fully described herein;

N. All outdoor food service is subject to the regulations contained in Chapter 12 of the New Jersey Sanitary Code;

O. There must be absolutely no offensive odor emanating from the outdoor dining facility and/or outdoor dining area due to food preparation, handling, spoilage, and/or litter;

P. Outdoor dining facility owners, employers and employees are prohibited from using public utility hookups;

Q. All sound and video systems are prohibited within the outdoor dining area. The licensee shall not direct or permit to be directed to or from the outdoor dining area any bell, chime, siren, whistle. All noise emanating from the outdoor dining area shall be kept at such a level as to comply in all respects with the provisions of applicable ordinances;

R. Smoking shall be prohibited within and around the outdoor dining area. Such areas shall be marked by a sign indicating the prohibition of smoking;

S. No signs of any nature shall be permitted in the outdoor dining area, except as previously expressed;

T. Outdoor dining may commence May 1 and may continue through October 31;

U. Permissible hours of operation shall be from 7:00 a.m. to 10:00 p.m.;

V. The outdoor dining areas must be cleared and washed daily by 10:30 p.m.;

W. All Sanitary Code, alcoholic beverage requirements, and all other laws and regulations shall apply to the outdoor seating unless specifically excluded;

X. The Township of Little Falls retains the right to temporarily suspend an outdoor dining facility license to allow for construction activity, utility repairs, special events, or any other appropriate reason as determined by the Township Council. Reasonable advance notice must be given to the affected outdoor dining facility licensees.

### Section 12 - Sale and/or consumption of alcoholic beverages

The outdoor dining area upon which an outdoor dining facility has been authorized to operate pursuant to this chapter may constitute premises duly licensed for the sale and/or consumption of alcoholic beverages provided:

A. The retail food establishment of which the outdoor dining facility is a part and an extension of is so licensed;

B. Specific approval has been obtained from the appropriate local and/or state agencies of the A.B.C. for the extension of the alcoholic beverage consumption license to the outdoor dining area. Such approval shall be separate from and must be obtained in addition to the license to operate an outdoor dining facility pursuant to this chapter;

C. Retail food establishments that do not possess a license to sell alcoholic beverages within their premises shall not be permitted to allow patrons to carry onto or consume alcoholic beverages on any outdoor dining area licensed as an outdoor dining facility herein.

### Section 13 - Suspension and revocation of license

Any license may be suspended or revoked for good cause by the Township Council, including but not limited to, a misrepresentation of the information supplied by the application, the conviction of a crime, a violation of any ordinance, state or government regulation, or a violation of this article.

### Section 14 - Enforcement

The Township Clerk shall be responsible for licensing and the collection of fees. This chapter shall otherwise be enforced by the Building Department/Construction Code Officials, Little Falls Police Department, and the Board of Health, as to the Sanitary Code.

### Section 15 - Severability

If any section, paragraph, subdivision, clause, sentence, phrase or provision of this ordinance is declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

### Section 16 - Repealer

All Township ordinances and parts of ordinances that are inconsistent with this ordinance are hereby repealed.

### Section 17 - Effective Date

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

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

The Council President declared the motion passed.

## Meeting of July 2, 2012

Ordinance No. 1160 – It was moved by Councilmember Gonzalez, seconded by Councilmember Porter, that there be introduced and the meeting of August 6, 2012 set as the date and time for the public hearing on the following:

### BOND ORDINANCE NO. 1160

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$40,000 FOR PAVING OF STANLEY STREET IN AND BY THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$38,000 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:

Section 1. 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 (the "Township") as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the supplemental amount of \$40,000, such sum being in addition to the \$192,000 appropriated therefor by bond ordinance #1126 of the Township, finally adopted June 13, 2011, and including the sum of \$2,000 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.

Section 2. 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 \$38,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement heretofore authorized and the purpose for the financing of which the bonds are to be issued is the paving of Stanley Street as described in bond ordinance #1126 of the Township finally adopted June 13, 2011.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$230,000, including the \$192,000 bonds or notes authorized by bond ordinance #1126 of the Township finally adopted June 13, 2011 and the \$38,000 bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose is \$232,000, including the \$192,000 appropriated by bond ordinance #1126 of the Township finally adopted June 13, 2011 and the \$40,000 appropriated herein.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no 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 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(a) The improvement or purpose described in Section 3 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 10 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 \$38,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$48,000 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, \$40,000 was estimated for these items of expense in bond ordinance #1126 of the Township finally adopted June 13, 2011, and an additional \$8,000 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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Mr. Lindsay provided clarification of this ordinance.

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

The Council President declared the motion passed.

Appointment of Richard Jacobs, AIA as Architect for FEMA SRL FY 2011 – It was moved by Councilmember Sisco, seconded by Councilmember Vantuno, that the Council approve the following:

### RESOLUTION [OO] 12-07-02 - #41

WHEREAS, The Township of Little Falls is actively engaged in the implementation of the FEMA Severe Repetitive Loss FY 11 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 through the September 2014 period at a cost not to exceed \$16,000 per property.

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

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## Meeting of July 2, 2012

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

The Council President declared the motion passed.

Awarding Contract to Louis S. Izenberg for Appraisal Services – It was moved by Councilmember Gonzalez, seconded by Councilmember Sisco, that the Council approve the following:

RESOLUTION [PP] 12-07-02 - #42

WHEREAS, The Township of Little Falls is actively engaged in the implementation of the FEMA Hazard Mitigation Grant Program for flood mitigation of private properties.

WHEREAS, the Township wishes to retain the services of a licensed professional to determine an appraised value.

WHEREAS, the Township has requested proposals from licensed, professional appraisals and has reviewed all submissions in detail.

Additionally, the Township Engineer and Administrator have interviewed qualified candidates and have made a recommendation to retain the services of Louis S. Izenberg, Izenberg Appraisal Associates, Chatham, NJ.

WHEREAS, the appraiser will be retained for the 11 properties included within this approved FEMA grant at a cost of \$300 per property.

NOW, THEREFORE, BE IT RESOLVED, that the Township retains the services of Izenberg Appraisal Associates.

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Mrs. Bergin informed that she would elaborate further on this next week.

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

The Council President declared the motion passed.

Awarding Contract to Hendrick's Appraisal Co., LLC for Expert Appraisal Services – It was moved by Councilmember Vantuno, seconded by Councilmember SISCO, that the Council approve the following:

RESOLUTION [QQ] 12-07-02 - #43

WHEREAS, appraisal services are required by the Township of Little Falls in connection with the pending tax appeal of the Overlook Building at 150 Clove Road;

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

1. That Mark Hendrick of Hendrick's Appraisal Co. LLC, Hutton Avenue, West Orange, NJ be and hereby is retained to perform expert witness services subject to the execution of a contract.
2. That compensation for said services shall be at a rate not to exceed \$10,000
3. That the need for said service is to prepare an appraisal report for the property named above for a pending tax appeal and the duration of the services shall be until the final disposition of the said tax appeal litigation.
4. A copy of the within Resolution and the executed contract shall be on file in the office of the Township Clerk.

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Mr. Wilk explained this resolution, noting that this was a suggestion by Mr. Tosi and Mr. Hamilton.

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

The Council President declared the motion passed.

Application to Hudson-Essex-Passaic Soil Conservation District – It was moved by Councilmember Gonzalez, seconded by Councilmember Porter, that the Council approve the following:

RESOLUTION [RR] 12-07-02 - #44

WHEREAS, there is a need for a soil erosion and sediment control plan in connection with the improvements to Stanley Street; and

WHEREAS, the Township Engineer has completed the necessary application with the Hudson-Essex-Passaic Soil Conservation District;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council hereby authorizes the application and instructs the Treasurer to issue a check in the amount of \$575.00 to cover the application fee.

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Mr. Lindsay explained the necessity of this resolution.

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

The Council President declared the motion passed.

Approval of One Month Extension of Contract with A&A Construction Management – It was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, that the Council approve the following:

RESOLUTION [SS] 12-07-02 - #45

WHEREAS, the Township of Little Falls entered into a contract with A & A Construction Management in 2009 for its oversight of the Justice Complex construction; and,

WHEREAS, the project has exceeded the original construction timeline; and,

WHEREAS, the services of A&A Construction Management will be required until July 31, 2012 when the Justice Complex will be completed,

NOW, THEREFORE, BE IT RESOLVED, the Township Council does hereby authorize the contract with A&A Construction Management to be extended from July 1, 2012 through July 31, 2012 for a cost of \$8,170.00.

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Councilmember VANTUNO asked if the Township would be reimbursed for this. Mrs. Bergin explained that they expect for penalty cost to pay for this.

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

The Council President declared the motion passed.

### **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: Gonzalez, Porter, Sisco, Vantuno and President Fontana  
Nays: None

The Council President declared the motion passed.

**Meeting of July 2, 2012**

Renea Shapiro, Little Falls ABC, thanked everyone for their wonderful comments regarding the ABC events. She also thanked Shop Rite and Mr. Simone and the DPW for all of their help and support. She was thankful to the Council for the outdoor dining time changes. Referring to the tank in Wilmore Road Park, she said it is in poor condition. She asked if the chipped paint could be removed and sanded down. She also noted that the port-a-potties are located in a very rocky area, which makes the inaccessible to handicapped people.

Arnold Korotkin, Long Hill Road, informed that a meteorologist will be in town on 7/4/12, which will be positive media for the town. He suggested that the Mayor and Council send letters of congratulations to the newest Councilmember in Montclair, and pointed out that Montclair is interested in shared services. He also informed that there are detour signs along Long Hill Road due to construction on Clove Road. He asked for the status of this project.

Louis Fernandez, 54 Harrison Street, congratulated Mr. Northgrave on his appointment. He asked if he will be on salary and questioned whether Mr. Tosi would continue work for the town. He also said that a reassessment will not do anything to help the town’s tax rate; the budget must be cut.

Raymond Klepar, 8 Douglas Drive, said that Mrs. Bergin is doing a great job. Referring to the radio system, he pointed out that the town is in the same position it was in three years ago; he asked why this happened.

Eugene Kulick, 74 Grove Street, asked for the current cost of the Justice Complex construction. He also questioned the current amount of total bonding in town.

Rosemarie Bello-Truland, High Court, asked if the town should consider that it doesn’t receive a reduction from the County on money paid on a tax appeal refund to a resident.

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

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

The Council President declared the motion passed.

Council President FONTANA thanked Shop Rite for helping out ABC. Mayor Post informed that there is an Eagle Scout who has offered to paint the tank and the gazebo at the park. Mr. Simone informed that they would supply the paint. Mayor Post asked if Mr. Simone could erect a safety fence during the painting. Mr. Simone agreed to do so and also pointed out that there are handicapped accessible port-a-potties; they would have to order one, but there is no place to put it.

Mayor Post sees nothing wrong with congratulating public officials of other towns.

Regarding detour signs, Mr. Simone said this project should be commencing now and it is supposed to last for three weeks. Chief Dmuchowski said they will inform the residents when the projects begins.

Mayor Post said Mr. Tosi will still work for the town to do tax appeals. Arrangements have been made not to exceed what was originally budgeted for this.

Council President FONTANA agreed with Mr. Fernandez’s comments regarding a reassessment not changing the tax rate.

Council President FONTANA said nothing happened with the radio system. Mayor Post said she and Mrs. Bergin are working on this very diligently, but cannot speak to what happened previously. Councilmember GONZALEZ asked if they will clear this matter and close it out, and Mrs. Bergin said they would.

Mrs. Bergin said they are finished with bonding for the Justice Complex, noting that they were faced with items that weren’t initially included. She said she would give the total numbers on all bonding in town at next week’s Workshop meeting.

**PAYMENT OF BILLS**

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

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

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

The Council President declared the motion passed.

**EXECUTIVE SESSION**

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

RESOLUTION [EX]  
WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into executive session during a Public Meeting; and  
  
WHEREAS, the Governing Body of the Township of Little Falls has deemed it necessary to go into executive session to discuss certain matters which are exempted from the Public; and  
  
WHEREAS, the regular meeting of this Governing Body will reconvene;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Little Falls will go into executive session for the following reason(s) as outlined in N.J.S.A 10:4-12: Discussion of one litigation matter regarding the former Township Attorney.

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**Meeting of July 2, 2012**

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

The Council President declared the motion passed.

The Council entered Executive Session at 9:54 p.m.

At 10:32 p.m., the Council returned and it was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, that the meeting return to Open Session.

There being no further business to come before the meeting, it was moved by Councilmember Vantuno, seconded by Councilmember Gonzalez, that the meeting be and it was adjourned at 10:32 p.m.

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William E. Wilk  
Municipal Clerk

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Cynthia Meyer  
Deputy Municipal Clerk