

## MINUTES OF SPECIAL MEETING OF JULY 9, 2012

**CALL TO ORDER** BY COUNCIL PRESIDENT FONTANA

**STATEMENT OF PUBLIC NOTICE** WAS READ

TAKE NOTICE THAT ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED IN ACCORDANCE WITH N.J.S.A. 10:4-8 AND N.J.S.A. 10:4-10 AS FOLLOWS: A NOTICE OF THE MEETING WAS PROMINENTLY POSTED ON THE BULLETIN BOARD AT THE MUNICIPAL BUILDING, LOCATED AT 225 MAIN STREET, LITTLE FALLS, N.J. ON JULY 5, 2012; A COPY OF THE NOTICE WAS FAXED TO THE NORTH JERSEY HERALD & 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.

**ROLL CALL** - COUNCIL MEMBERS JOE SISCO, MERCEDES GONZALEZ, LOU FONTANA, JOHN VANTUNO AND WERE PRESENT. COUNCIL MEMBER PAM PORTER AND MAYOR DARLENE POST WERE ABSENT. ATTORNEY WILLIAM NORTHGRAVE, DPW SUPERINTENDENT PHILLIP SIMONE AND BUSINESS ADMINISTRATOR JOANNE BERGIN WERE PRESENT.

A MOTION TO OPEN TO THE PUBLIC WAS MADE BY SISCO, SECONDED BY GONZALEZ AND CARRIED ON A UNANIMOUS "AYE" VOTE.

**RAY KOSTROSKI** - DONATO DRIVE - EARLIER IN THE WORKSHOP MEETING, CHIEF SWEEZY SAID THE TRUCK HE WANTS TO REPLACE HAD NUMEROUS FAULTS. CAN WE SUE THE TRUCK MANUFACTURER? ALSO CAN YOU EXPLAIN THE AWARD OF CONTRACT FOR COMPUTERS ON THIS AGENDA?

**DOROTHY O'HAIRE** - TURNBERRY ROAD - I READ A REPORT RECENTLY WHICH SHOWED THAT OF THE 50 WORST STORMS WE'VE HAD, 8 WERE IN THE LAST 10 YEARS. ON THE AGENDA IS A RESOLUTION TO AWARD A CONTRACT TO MELICK & TULLY FOR WORK REGARDING A WATER PIPE. WHY IS THAT A TOWNSHIP COST? SHOULDN'T IT BE THE WATER COMPANY'S?

**ROSEMARIE BELLO-TRULAND** - IS THE STREET MEASUREMENT REPORT FROM MR. LINDSAY GOING TO OVERRIDE THE OVERNIGHT PARKING ORDINANCE? DESPITE WHAT THE GENTLEMAN SAID AT THE EARLIER WORKSHOP MEETING ABOUT BILLBOARD INCOME, BILLBOARDS SHOULD NOT BE IMPOSED ON INDIVIDUAL RESIDENTS.

A MOTION TO CLOSE THE PUBLIC PORTION WAS MADE BY GONZALEZ, SECONDED BY SISCO AND CARRIED ON A UNANIMOUS "AYE" VOTE.

### RESPONSES

**FONTANA** - I'M NOT SURE OF A POSSIBLE LAWSUIT FOR THE TRUCK.

**BERGIN** - IT'S BEEN IN USE FOR MORE THAN 20 YEARS. IT MAY BE TOO OLD TO SUE.

**FONTANA** - WHAT ABOUT THE COMPUTERS?

**BERGIN** - THESE WERE FUNDED IN THE \$450,000 BOND FOR THE JUSTICE COMPLEX. WE HAD ESTIMATED \$90,000 AND WE SAVED ABOUT \$5,000.

**SIMONE** - THE WATER COMPANY IS REPLACING THE PIPE BUT THE PROPERTY IS OWNED BY THE TOWNSHIP. THEREFORE, WE ARE RESPONSIBLE FOR SOIL TESTING AND HANDLING. AS TO THE PARKING REGULATIONS, I CAN'T SPEAK FOR THE CHIEF, BUT I DO BELIEVE HE IS LEANING TOWARD ELIMINATING THE OVERNIGHT RULES ONCE THIS GOES INTO EFFECT.

**REGULAR AGENDA**

A MOTION TO ADOPT RESOLUTION "A" WAS MADE BY SISCO, SECONDED BY GONZALEZ

RESOLUTION [A] 12-07-09 - # 1

WHEREAS, THE TOWNSHIP OF LITTLE FALLS NEEDED MATERIAL HANDLING AND A LICENSED SITE REMEDIATION PROFESSIONAL (LSRP) FOR THE TURNBERRY ROAD WATER LINE REPLACEMENT; AND

WHEREAS, THE TOWNSHIP ENGINEER HAS RECEIVED A QUOTE FROM MELICK - TULLY AND ASSOCIATES, P.C.; AND

WHEREAS, THE TOWNSHIP ENGINEER HAS RECOMMENDED THE SERVICES OF MELICK-TULLY AND ASSOCIATES, P.C. AT A COST NOT TO EXCEED \$4,300.00;

NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS HEREBY AWARDS A CONTRACT TO MELICK-TULLY AND ASSOCIATES, P.C. FOR SERVICES IN CONNECTION WITH THE TURNBERRY ROAD WATER LINE REPLACEMENT.

THE MOTION WAS CARRIED BY A UNANIMOUS "AYE" VOTE.

A MOTION TO ADOPT RESOLUTION "B" WAS MADE BY SISCO, SECONDED BY GONZALEZ

RESOLUTION [B] 12-07-09 - # 2

SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MORRIS CANAL BIKEWAY BRIDGE-LINK OVER THE PECKMAN RIVER

RESOLUTION: APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MORRIS CANAL BIKEWAY EXTENSION PROJECT FOR A BRIDGE-LINK OVER THE PECKMAN RIVER.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE TOWNSHIP OF LITTLE FALLS FORMALLY APPROVES THE GRANT APPLICATION FOR THE ABOVE STATED PROJECT.

BE IT FURTHER RESOLVED THAT THE MAYOR OF THE TOWNSHIP OF LITTLE FALLS, THE CLERK AND ENGINEER ARE HEREBY AUTHORIZED TO SIGN AND SUBMIT AN ELECTRONIC TRANSPORTATION ENHANCEMENT GRANT APPLICATION IDENTIFIED AS 00115 TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION ON BEHALF OF THE TOWNSHIP OF LITTLE FALLS.

BE IT FURTHER RESOLVED THAT MAYOR DARLENE POST, AND THE CLERK ARE HEREBY AUTHORIZED TO SIGN THE GRANT AGREEMENT ON BEHALF OF THE TOWNSHIP OF LITTLE FALLS AND THAT THEIR SIGNATURE CONSTITUTES ACCEPTANCE OF THE TERMS AND CONDITIONS OF THE GRANT AGREEMENT AND APPROVES THE EXECUTION OF THE GRANT AGREEMENT AND TOWNSHIP ENGINEER IS AUTHORIZED TO SUBMIT ALL DOCUMENTS.

THE MOTION WAS CARRIED BY A UNANIMOUS "AYE" VOTE.

A MOTION TO ADOPT RESOLUTION "C" WAS MADE BY GONZALEZ, SECONDED BY FONTANA

RESOLUTION [C] 12-07-09 - # 3

WHEREAS, THE TOWNSHIP OF LITTLE FALLS NEEDS TO AMEND THE CONTRACT FOR PROFESSIONAL PLANNING SERVICES IN CONNECTION WITH WOODLAND PARK/PEPE LITIGATION; AND

WHEREAS, THE TOWNSHIP ADMINISTRATOR HAS RECEIVED A PROPOSAL FROM BIRDSALL SERVICES GROUP; AND

WHEREAS, THE TOWNSHIP ADMINISTRATOR HAS RECOMMENDED THE SERVICES OF BIRDSALL SERVICES GROUP AT A COST NOT TO EXCEED \$24,007.50;

NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS HEREBY AMENDS THE CONTRACT WITH BIRDSALL SERVICES GROUP FOR SERVICES IN ORDER TO RESOLVE THE SUBJECT LITIGATION.

THE MOTION WAS CARRIED BY A UNANIMOUS "AYE" VOTE.

A MOTION TO ADOPT RESOLUTION "D" WAS MADE BY GONZALEZ, SECONDED BY VANTUNO

RESOLUTION [D] 12-07-09 - # 4

WHEREAS, THE TOWNSHIP OF LITTLE FALLS ENTERED INTO A CONTRACT WITH A&A CONSTRUCTION MANAGEMENT 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 JUNE 30, 2012. FROM THAT POINT ON, RESOLUTION SS 12-07-02 # 45 AUTHORIZED THE REMAINING PORTION OF THEIR SERVICES,

NOW, THEREFORE, BE IT RESOLVED, THE TOWNSHIP COUNCIL DOES HEREBY AUTHORIZE THE CONTRACT WITH A&A CONSTRUCTION TO BE EXTENDED FROM JANUARY 1, 2012 THROUGH JUNE 30, 2012 FOR A COST OF \$98,040.00.

THE MOTION WAS CARRIED BY A UNANIMOUS "AYE" VOTE.

A MOTION TO ADOPT RESOLUTION "E" WAS MADE BY GONALEZ, SECONDED BY VANTUNO

RESOLUTION [E] 12-07-09 - #5

WHEREAS, THE TOWNSHIP OF LITTLE FALLS ENTERED INTO A CONTRACT WITH COMERRO COPPA ARCHITECTS FOR THE DESIGN OF THE JUSTICE COMPLEX; AND,

WHEREAS, THE PROJECT HAS EXCEEDED THE ORIGINAL CONSTRUCTION TIMELINE; AND,

WHEREAS, THE SERVICES OF COMERRO COPPA ARCHITECTS WILL BE REQUIRED UNTIL JUNE 15, 2012 WHEN BILLABLE HOURS ARE TO BE CAPPED,

NOW, THEREFORE, BE IT RESOLVED, THE TOWNSHIP COUNCIL DOES HEREBY AUTHORIZE THE CONTRACT WITH COMERRO COPPA ARCHITECTS TO BE EXTENDED FROM SEPTEMBER 3, 2011 THROUGH JUNE 15, 2012 FOR A COST OF \$27,626.69.

THE MOTION WAS CARRIED BY A UNANIMOUS "AYE" VOTE.

A MOTION TO ADOPT RESOLUTION "F" WAS MADE BY VANTUNO, SECONDED BY GONZALEZ

RESOLUTION [F] 12-07-09 - #6

WHEREAS, THE TOWNSHIP OF LITTLE FALLS, PURSUANT TO N.J.S.A. 40A:11-12A AND N.J.A.C. 5:34-7.29(C), MAY BY RESOLUTION AND WITHOUT ADVERTISING FOR BIDS, PURCHASE ANY GOODS OR SERVICES UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM FOR ANY STATE CONTRACTS ENTERED INTO ON BEHALF OF THE STATE BY THE DIVISION OF PURCHASE AND PROPERTY IN THE DEPARTMENT OF THE TREASURY; AND

WHEREAS, THE TOWNSHIP OF LITTLE FALLS WISHES TO PURCHASE COMPUTER HARDWARE AND SOFTWARE; AND

WHEREAS, THE AWARD IS SUBJECT TO THE AVAILABILITY OF FUNDS AND CERTIFICATION OF SAME IN ORDINANCE NO. 1020; AND

NOW, THEREFORE, BE IT RESOLVED, THAT THE GOVERNING BODY OF THE TOWNSHIP OF LITTLE FALLS AUTHORIZES THE PURCHASING AGENT TO PURCHASE THE ABOVE REFERENCED GOODS OR SERVICES FROM STATE CONTRACT VENDOR, DELL INC. ONE DELL WAY, MS RR3, ROUND ROCK, TX 78682 IN THE AMOUNT OF \$85,588.56; AND

BE IT FURTHER RESOLVED, THIS AWARD SHALL BE SUBJECT TO ALL THE CONDITIONS APPLICABLE TO THE CURRENT STATE CONTRACTS;

THE MOTION WAS CARRIED BY A UNANIMOUS "AYE" VOTE.

A MOTION TO GO TO CLOSED SESSION WAS MADE BY VANTUNO, SECONDED BY GONZALEZ

RESOLUTION

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, THIS SPECIAL MEETING OF THIS GOVERNING BODY WILL RECONVENE;

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS WILL GO INTO EXECUTIVE SESSION FOR THE FOLLOWING REASON(S) AS OUTLINED IN N.J.S.A 10:4-12: ONE (1) MATTER OF LITIGATION WITH THE FORMER TOWNSHIP ATTORNEY.

THE MOTION WAS CARRIED BY A UNANIMOUS "AYE" VOTE.

A MOTION TO RETURN TO OPEN SESSION WAS MADE BY SISCO, SECONDED BY VANTUNO AND CARRIED BY A UNANIMOUS "AYE" VOTE.

A MOTION TO ADOPT RESOLUTION "G" WAS MADE BY SISCO, SECONDED BY GONZALEZ

RESOLUTION [G] 12-07-09 - #7

WHEREAS, LITIGATION WAS FILED BY THE TOWNSHIP OF LITTLE FALLS AGAINST CERTAIN PROPERTY OWNERS IN A MATTER ENTITLED TOWNSHIP OF LITTLE FALLS V. VAN NESSM ET AL., DOCKET NO. PAS-C-46-11; AND

WHEREAS, THE PURPOSE OF THE LITIGATION WAS TO OBTAIN TITLE OF THE PREVIOUSLY DEDICATED PAPER STREET, KNOWN AS SINGAC PLACE, AND TO SELL SAME TO THE ADJOINING PROPERTY OWNERS; AND

WHEREAS, THE COURT HAS ENTERTAINED INFORMAL SETTLEMENT DISCUSSIONS WITH COUNSEL AND HAS RECOMMENDED THAT THE PARTIES RESOLVE THE MATTER; AND

WHEREAS, THE MAYOR AND BUSINESS ADMINISTRATOR HAVING ACTED ON THE RECOMMENDATIONS OF THE COURT ENTERED INTO PRELIMINARY NEGOTIATIONS TO RESOLVE THE MATTER AND THE PROPERTY OWNERS HAVE INDICATED A WILLINGNESS TO SETTLE THE MATTER; AND

WHEREAS, THE MAYOR AND BUSINESS ADMINISTRATOR RECOMMEND RESOLUTION IN THIS CASE;

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AUTHORIZE AND DIRECT, LITIGATION COUNSEL TO FORMALIZE A SETTLEMENT IN THIS MATTER FOR MONIES NOT LESS THAN \$12,500.00 AND TO EXECUTE STIPULATION(S) OF SETTLEMENT AND TO TAKE SUCH OTHER AND FURTHER ACTION AS MAY BE REQUIRED TO EFFECTUATE THE ABOVE.

THE MOTION WAS CARRIED BY A UNANIMOUS "AYE" VOTE.

A MOTION TO ADOPT RESOLUTION "H" WAS MADE BY VANTUNO, SECONDED BY FONTANA

RESOLUTION [H] 12-07-09 - #8

RESOLUTION OF THE TOWNSHIP OF LITTLE FALLS  
AUTHORIZING SETTLEMENT WITH TRAPANESE LAW FIRM

WHEREAS, JOSEPH TRAPANESE AND THE LAW OFFICES OF TRAPANESE & TRAPANESE (COLLECTIVELY "TRAPANESE LAW FIRM") HAD PREVIOUSLY SERVED AS COUNSEL TO THE TOWNSHIP OF LITTLE FALLS (THE "TOWNSHIP"); AND

WHEREAS, THE TOWNSHIP TERMINATED ITS RELATIONSHIP WITH THE TRAPANESE LAW FIRM ON OR ABOUT MARCH 12, 2012; AND

WHEREAS, THE TRAPANESE LAW FIRM CLAIMED THAT CERTAIN AMOUNTS WERE DUE AND OWING FOR PAST AND FUTURE CLAIMS RELATED TO ITS REPRESENTATION OF THE TOWNSHIP; AND

WHEREAS, THE TOWNSHIP AND THE TRAPANESE LAW FIRM AGREE THAT IT IS IN THEIR MUTUAL INTERESTS TO AVOID UNNECESSARY LITIGATION BY REACHING AN ACCOMMODATION OF THE DISPUTES BETWEEN THEM (THE "ORIGINAL SETTLEMENT"), WITHOUT ANY ADMISSION OF LAW OR FACT AGAINST OR IN FAVOR OF EITHER PARTY;

WHEREAS, ON JUNE 11, 2012, THE TOWNSHIP APPROVED A RESOLUTION AUTHORIZING THE ORIGINAL SETTLEMENT, BUT THE DOCUMENTS EVIDENCING THE SETTLEMENT AS DRAFTED BY THE TRAPANESE LAW FIRM CONTEMPLATED ADDITIONAL TERMS BEYOND THAT AUTHORIZED BY THE COUNCIL; AND

WHEREAS, THE TOWNSHIP AUTHORIZED THE ORIGINAL SETTLEMENT IN PART TO RECOGNIZE THE ADMIRABLE SERVICE PROVIDED BY THE TRAPANESE LAW FIRM OVER A NUMBER OF YEARS; AND

WHEREAS, THE TOWNSHIP DESIRES TO AUTHORIZE SETTLEMENT WITH THE TRAPANESE LAW FIRM BY PAYMENT OF \$50,000 TO THE TRAPANESE LAW FIRM WITHIN 30 DAYS OF THE DATE OF THIS RESOLUTION IN FULL AND FINAL PAYMENT OF ANY CLAIM THAT WAS OR COULD HAVE BEEN ASSERTED BY THE TRAPANESE LAW FIRM, ALONG WITH RELEASE OF ANY CLAIMS THE TOWNSHIP HAS OR COULD HAVE BROUGHT AGAINST THE TRAPANESE LAW FIRM THE ("TOWNSHIP RELEASE"), IN EXCHANGE FOR A RELEASE BY THE TRAPANESE LAW FIRM OF ANY CLAIM THAT WAS OR COULD HAVE BEEN ASSERTED AGAINST THE TOWNSHIP, (THE "TRAPANESE RELEASE") (THE TOWNSHIP RELEASE AND THE TRAPANESE RELEASE ARE COLLECTIVELY REFERRED TO HEREIN AS THE "MUTUAL RELEASES") WITHOUT ANY ADMISSION OF LAW OR FACT AGAINST OR IN FAVOR OF EITHER PARTY, CONDITIONED UPON AN AGREEMENT THAT IF A CLAIM IS BROUGHT AGAINST THE TOWNSHIP, IN RESPONSE TO WHICH THE TOWNSHIP FILES A CLAIM AGAINST THE TRAPANESE LAW FIRM, THE MUTUAL RELEASES ARE VOIDED AND THE TRAPANESE LAW FIRM IS FREE TO ASSERT ANY CLAIMS IN EXCESS OF \$50,000 THAT HAD OTHERWISE BEEN RELEASED IN THE SETTLEMENT (THE "SETTLEMENT").

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF LITTLE FALLS THAT:

SECTION 1. THE SETTLEMENT IS HEREBY AUTHORIZED.

SECTION 2. THE MAYOR, THE BUSINESS ADMINISTRATOR OR ANY PERSON SO DESIGNATED BY EITHER OF THEM IS HEREBY AUTHORIZED AND DIRECTED TO EXECUTE ANY AGREEMENT NECESSARY TO EFFECTUATE THE SETTLEMENT CONSISTENT WITH THE TERMS FIRST SET FORTH ABOVE AND AS SET FORTH IN EXHIBIT A HERETO.

THE MOTION WAS CARRIED BY A UNANIMOUS "AYE" VOTE.

A MOTION TO PAY THE BILLS WAS MADE BY GONALEZ, SECONDED BY VANTUNO AND CARRIED BY A UNANIMOUS "AYE" VOTE.

A MOTION TO ADJOURN WAS MADE BY VANTUNO, SECONDED BY GONZALEZ AND CARRIED BY A UNANIMOUS "AYE" VOTE.