

MINUTES OF SPECIAL MEETING OF FEBRUARY 14, 2011

CALL TO ORDER AT 7:30 PM BY COUNCIL PRESIDENT FONTANA

FLAG SALUTE

STATEMENT OF PUBLIC NOTICE WAS READ

ROLL CALL - COUNCIL MEMBERS SISCO, GONZALEZ, POST, VANTUNO AND COUNCIL PRESIDENT FONTANA WERE PRESENT. MAYOR DEFRANCISCI, ADMINISTRATOR UNDERHILL AND ATTORNEY JOSEPH TRAPANESE WERE PRESENT

MOTION TO OPEN TO PUBLIC COMMENT MADE BY POST, SECONDED BY GONZALEZ AND PASSED BY A UNANIMOUS "AYE" VOTE

**DOROTHY O'HAIRE**, TURNBERRY ROAD - SHE STATED SHE HAD SENT AN EMAIL TO THE MAYOR, TOWNSHIP COUNCIL AND ADMINISTRATOR REGARDING BILLBOARDS AND WANTED TO KNOW IF SHE WOULD RECEIVE AN ANSWER.

**TRAPANESE** - YES YOU WILL RECEIVE AN ANSWER. THE TOWNSHIP ENGINEER HAS BEEN AWAY AND AS SOON AS MR. TRAPANESE CONSULTS WITH THE ENGINEER, MR. TRAPANESE WILL RESPOND.

**BRIAN REYNOLDS**, NOTCH ROAD - THE AGENDAS FOR TONIGHT'S MEETINGS WERE ON THE WEB BUT I COULD NOT DOWNLOAD THE SPECIAL MEETING AGENDA. REGARDING THE TEMPORARY EMERGENCY APPROPRIATION FROM LAST MEETING, WASN'T THE BUDGET DUE IN JANUARY? WHY WASN'T IT COMPLETED IN JANUARY?

MOTION TO CLOSE PUBLIC COMMENT MADE BY SISCO, SECONDED BY GONZALEZ AND PASSED BY A UNANIMOUS "AYE" VOTE

**FONTANA** - HENRY CAN YOU ANSWER THE WEB SITE QUESTION?

**UNDERHILL** - THE WEB SITE WAS NOT WORKING PROPERLY TODAY. NOT FROM OUR END BUT THROUGH THE PROVIDER. I CONTACTED SCOTT MILLER.

**DEFRANCISCI** - IN ANSWER TO THE TEMPORARY EMERGENCY QUESTION, THE STATE OF NEW JERSEY HAS EXTENDED THE DEADLINE FOR THE BUDGET TO BE PRESENTED FROM JANUARY 15 TO FEBRUARY 27, 2011.

**FONTANA** - JOE CAN YOU EXPLAIN THE FOUR RESOLUTIONS?

**TRAPANESE** - THE OCCIDENTAL CHEMICAL LAWSUIT IS A LEGAL ACTION STARTED BY THE STATE AGAINST OCCIDENTAL FOR POLLUTING THE PASSAIC RIVER. OCCIDENTAL IN TURN HAS NAMED MANY COMMUNITIES ALONG THE PASSAIC RIVER AS THIRD PARTY DEFENDANTS CLAIMING THE MUNICIPALITIES CONTRIBUTED TO THE POLLUTION. THE CASE IS MASSIVE. AS A RESULT THE COURT HAS SET UP OVERSIGHT WITH SPECIAL MASTERS, DISCOVERY MASTERS, ELECTRONIC STORAGE COMPANIES, ETC. THE COURT ALSO HAS VERY STRONG POWERS TO CONTROL THE LITIGATION. THE BILLS BEFORE US TONIGHT ARE PAYMENTS ORDERED BY THE COURT FOR LITTLE FALLS PORTION OF THE COSTS OF LITIGATION TO DATE. THE COURT HAS ALSO SET A VERY SHORT TIMELINE WITHIN WHICH TO COMPLY. THAT IS WHY WE WERE REQUIRED TO HOLD THIS SPECIAL MEETING.

MOTION MADE BY SISCO, SECONDED BY GONZALEZ TO APPROVE RESOLUTION "A".

RESOLUTION 11-02-14 [A] # 1

**WHEREAS**, THE TOWNSHIP OF LITTLE FALLS HAS BEEN NAMED AS A THIRD PARTY DEFENDANT IN THE NJDEP V. OCCIDENTAL CHEMICAL CORPORATION, ET ALS. LAWSUIT; AND,

**WHEREAS**, THE TOWNSHIP IS INCURRING COSTS RELATIVE TO THE DEFENSE OF THE SUBJECT LAWSUIT; AND,

**WHEREAS**, A COURT ORDER HAS BEEN ENTERED REQUIRING THE TOWNSHIP TO PAY \$250.00 REPRESENTING ITS SHARE OF COSTS AND FEES FOR THE ELECTRONICALLY-STORED INFORMATION (ESI) CONSULTANT; AND,

**WHEREAS**, THE COURT HAS ESTABLISHED A FEBRUARY 28, 2011 DEADLINE FOR THE PAYMENT TO BE RENDERED,

**NOW THEREFORE BE IT RESOLVED**, THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS DOES HEREBY AUTHORIZE THE TREASURER TO IMMEDIATELY ISSUE A CHECK MADE PAYABLE TO PASR-FINANCE COMMITTEE IN THE AMOUNT OF \$250.00 AND TO DELIVER SAID CHECK TO THE TOWNSHIP ATTORNEY TO FORWARD TO THE PASR-FINANCE COMMITTEE.

MOTION WAS CARRIED BY A UNANIMOUS "AYE" VOTE.

MOTION MADE BY GONZALEZ, SECONDED BY VANTUNO TO APPROVE RESOLUTION "B".

RESOLUTION 11-02-14 [B] # 2

**WHEREAS**, THE TOWNSHIP OF LITTLE FALLS HAS BEEN NAMED AS A THIRD PARTY DEFENDANT IN THE NJDEP V. OCCIDENTAL CHEMICAL CORPORATION, ET ALS. LAWSUIT; AND,

**WHEREAS**, THE TOWNSHIP IS INCURRING COSTS RELATIVE TO THE DEFENSE OF THE SUBJECT LAWSUIT; AND,

**WHEREAS**, A COURT ORDER HAS BEEN ENTERED REQUIRING THE TOWNSHIP TO PAY \$2000.00 REPRESENTING ITS SHARE OF COSTS AND FEES FOR THE SPECIAL MASTER; AND,

**WHEREAS**, THE COURT HAS ESTABLISHED A FEBRUARY 28, 2011 DEADLINE FOR THE PAYMENT TO BE RENDERED,

**NOW THEREFORE BE IT RESOLVED**, THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS DOES HEREBY AUTHORIZE THE TREASURER TO IMMEDIATELY ISSUE A CHECK MADE PAYABLE TO PASR-FINANCE COMMITTEE IN THE AMOUNT OF \$2000.00 AND TO DELIVER SAID CHECK TO THE TOWNSHIP ATTORNEY TO FORWARD TO THE PASR-FINANCE COMMITTEE.

MOTION WAS CARRIED BY A UNANIMOUS "AYE" VOTE.

MOTION MADE BY SISCO, SECONDED BY VANTUNO TO APPROVE RESOLUTION "C".

RESOLUTION 11-02-14 [C] # 3

**WHEREAS**, THE TOWNSHIP OF LITTLE FALLS HAS BEEN NAMED AS A THIRD PARTY DEFENDANT IN THE NJDEP V. OCCIDENTAL CHEMICAL CORPORATION, ET ALS. LAWSUIT; AND,

**WHEREAS**, THE TOWNSHIP IS INCURRING COSTS RELATIVE TO THE DEFENSE OF THE SUBJECT LAWSUIT; AND,

**NOW THEREFORE BE IT RESOLVED**, THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS DOES HEREBY AUTHORIZE THE TREASURER TO ISSUE A CHECK MADE PAYABLE TO SCARINCI HOLLENBECK, LLC IN THE AMOUNT OF \$197.26 REPRESENTING LITTLE FALLS' SHARE OF COSTS FOR THE FORMER LIAISON ATTORNEY FOR DECEMBER 2010 AND TO DELIVER SAID CHECK TO THE TOWNSHIP ATTORNEY TO FORWARD TO SCARINCI HOLLENBECK, LLC.

MOTION WAS CARRIED BY A UNANIMOUS "AYE" VOTE.

MOTION MADE BY SISCO, SECONDED BY GONZALEZ TO APPROVE RESOLUTION "D".

RESOLUTION 11-02-14 [D] # 4

**WHEREAS**, THE TOWNSHIP OF LITTLE FALLS HAS BEEN NAMED AS A THIRD PARTY DEFENDANT IN THE NJDEP V. OCCIDENTAL CHEMICAL CORPORATION, ET ALS. LAWSUIT; AND,

**WHEREAS**, THE TOWNSHIP IS INCURRING COSTS RELATIVE TO THE DEFENSE OF THE SUBJECT LAWSUIT; AND,

**WHEREAS**, ON DECEMBER 30, 2010 THE TOWNSHIP COUNCIL AUTHORIZED MEMBERSHIP IN THE PASSAIC RIVER MUNICIPAL JOINT DEFENSE FUND,

**NOW THEREFORE BE IT RESOLVED**, THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS DOES HEREBY AUTHORIZE THE TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$2,000.00 MADE PAYABLE TO PETER J. KING ATTORNEY TRUST ACCOUNT - PASSAIC RIVER MUNICIPAL JOINT DEFENSE FUND REPRESENTING LITTLE FALLS' INITIAL CONTRIBUTION TO THE DEFENSE FUND AND TO DELIVER SAID CHECK TO THE TOWNSHIP ATTORNEY TO FORWARD TO PETER J. KING.

MOTION WAS CARRIED BY A UNANIMOUS "AYE" VOTE.

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