

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

Monday, March 11, 2013

Council President John Vantuno called the meeting to order at 7:30 p.m. with the following members present: Louis Fontana, Joseph Maceri and Pamela Porter. Also present were Mayor Darlene Post, Township Attorney William Northgrave, Township Engineer Dennis Lindsay, Municipal Clerk William Wilk and Township Administrator Joanne Bergin.

Absent: Councilmember Joseph Rento

Township Employees present: Construction Official Joseph Macones, Recreation Director John Pace, CMFO/Treasurer William Schaffner, DPW Superintendent Phillip Simone, Fire Chief Jack Sweezy 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 8, 2013; a copy of the notice was faxed to the North Jersey Herald and News and The Record on the same date; additionally, a copy of the notice was filed in the office of the Township Clerk on said date.

APPROVAL OF MINUTES

At this time, Mr. Northgrave pointed out that there are Minutes on tonight's agenda from a meeting in 2012. He explained the procedure for approving said Minutes, noting that the Mayor would be able to vote, as she was a Councilmember at the time of said meeting. He also informed that only members who were on Council at that time could vote on these minutes.

It was moved by Councilmember Fontana, seconded by Councilmember Vantuno, that the Minutes of the Special Meeting of January 17, 2012 be approved.

Poll: Ayes: Fontana, President Vantuno and Mayor Post
 Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the Minutes of the Regular Meeting of January 28, 2013 be approved.

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

The Council President declared the motion passed.

REMARKS FROM CHAIR

Councilmember VANTUNO addressed all previous questions regarding reinstatement of the second public comment, and said the Council will remain with one session for the meetings. He also informed that the podium has been moved for line-of-sight reasons, and asked that anyone wishing to address the Council, go around the back of the room so as to avoid any safety hazards.

COUNCIL MEMBER REPORTS

Councilmember MACERI informed that the Little Falls Recreation will hold its annual Easter Egg Hunt on 3/20/13, noting that residents could register by calling the Recreation Center. He also informed that Passaic Valley High

Meeting of March 11, 2013

School will be welcoming Bob Holmes, who is a one-man volleyball team. A team of teachers will challenge him on 3/15/13 at 7:00 p.m.; all proceeds of this fundraiser will go Passaic Valley Habitat for Humanity.

Councilmember PORTER said the volleyball tournament is a great idea and it is for a great cause. She also informed that she attended Girls Show last Friday, which was an amazing time. She congratulated all who were involved and commended both teams. She informed that the Senior Citizen Advisory Board will welcome Laura Becker, who is a Nutritionist at Shop Rite, to the Civic Center on 3/20/13. She will be running a Nutrition Workshop, which will start at 10:00 a.m.; all are welcome to attend. She also informed that she received a letter from a resident asking that Little Falls join in for Earth Hour on 3/23/13, starting at 8:30 p.m., during which time, everyone would turn off all lights for one hour.

Councilmember FONTANA informed that the annual Baseball/Softball Parade will be held on 4/13/13, and asked all to come out and support the kids.

MAYOR'S REPORT

Mayor Post said the Mayors of Passaic County met a few weeks ago with the Sheriff, where they discussed the reinstatement of the Sheriff's Labor Assistance Program (SLAP). She informed that Mrs. Bergin, Economic Development Committee Chairman, Dan D'Agostino, a member of the Passaic County Planning Department and herself all met with Planner Jeff Janota to discuss the Master Plan Reevaluation. Planning Board member Bill VanHouten was also included in the discussion. Recently the NJDOT hosted a public meeting regarding the Route 3/Route 46 construction, as well as a proposed noise barrier that would run from Lower Notch Road to Notch Road. The NJDOT will be hosting a follow up meeting on Thursday, 4/11/13 from 6:00 p.m. – 8:00 p.m. here in the Council Chambers. The NJDOT also recently met to discuss proposed changes at the railroad crossing at Main Street. As previously reported, NJ Transit plans on moving the crossing gate approximately 12 feet down the tracks, along Fairfield Avenue. They are also proposing several other changes, including no right turn from Fairfield Avenue onto Main Street for commercial vehicles. A few residents on Zeliff Ave area have expressed concerns regarding their road becoming a truck route. She explained that Zeliff Avenue is a residential area and it is a narrow road; it will not become a truck route. Referring to the Dewey Avenue crossing, she said there are proposals to either eliminate the crossing or continue the guiderail with a possibility of no left turn from Dewey Avenue onto Main Street. She will provide updates as necessary. She and Mrs. Bergin attended a meeting at MSU on several topics, including money received for fire calls to the University; this service is competitive. There are two other communities who are offering to provide these services. The Township's relationship with MSU is rock solid and we would like to continue that. Therefore, the Township will renew at the same rate and will reexamine this annually. She also informed that students will be involved in community committees in the future. She looks forward to continuing the relationship with MSU.

ATTORNEY'S REPORT

Mr. Northgrave had nothing to report.

ADMINISTRATOR'S REPORT

Mrs. Bergin reported as follows:

Municipal Wide Reassessment

As you know, the Township is in the process of completing a Municipal Wide Reassessment. Value letters for most residential properties and vacant land have been mailed. Establishing the preliminary numbers as needed to determine the values for commercial properties are close to completion.

Whenever a municipality conducts a revaluation or reassessment, the deadline to file tax appeals is extended. Therefore, the Township's deadline to file will be May 1 (as opposed to April 1). For those property owners wishing to discuss their new assessment with the revaluation company hearings will be scheduled by contacting Appraisal Systems at (201) 493-8530. Two full days of hearings have already been held; additional hearings will be held this Thursday and Friday, March 14 and 15 in the Municipal Building. Representatives will be available from 9 am to 9 pm each hearing date.

The assessed value does not change your property value. In a real estate transaction, the agreement is between a seller and a buyer. The assessment is for property tax purposes. In terms of the impact on the property taxes, that will be determined at the end of this week after the values are set for commercial properties. Once the values are set for commercial properties, the Township can set the municipal tax rate for 2013.

Meeting of March 11, 2013

An example of how the process works is as follows: in 2012 the Township needed to raise \$43 million in its total tax levy and had a net value taxable of \$1.8 billion which represents the sum total of school, county and municipal budgets. The tax levy divided into the ratable equals the tax rate, which was set at 2.30 cents per \$100 of assessed property value last year. Once the assessed values are established, we will take the same tax levy and divide it into the new net valuation taxable amount and will then be able to calculate the tax rate. At the end of next week, we can estimate the 2013 tax rate based upon the 2012 budgets.

The process of completing a Municipal Wide Reassessment follows a specific formula. In terms of residential properties, the formula is based on a sales approach and for commercial properties it's based on an income approach. As per the New Jersey Division of Taxation, the township must use data from the last two years (2012 and 2011), with particular emphasis on 2012. When we take the new proposed assessments and compared those to properties sold, we had a calculated ratio of 94.1%, this tells us the property assessments are tracking within a 6% range. In looking at the data for one year we had a 98% ratio and using both years the ratio was 94% so the assessed values are certainly accurate in terms of looking at actual sales. This also tells us the market is continuing to decline. The Municipal Wide Assessment is a mass appraisal process as compared to a mortgage appraisal. Looking at it globally in the township, these assessments are within 2% of actual sales.

Resident Response to Budget Question

At the last meeting there was a question from the public regarding various FCOA (which stands for Flexible Charge of Accounts which is required as per the State of NJ to standardize account names in the budget). The general consistency of the question was a request for clarification on what items are included in the Operation Expense (OE) budget for a variety of departments. OE items are everything that fall outside of the line items for Salaries and Wages. In each department budget there are two categories: Salaries and Wages and Operating Expenses.

Salaries and Wages is payroll; OE is everything else. For Administration, Clerk and Finance, the OE items vary from toner and paper and other general office supplies to continued education classes, required dues and subscriptions. The Clerk OE budget also includes election costs and the costs for new employee physicals. The Tax Collector and Assessment of Taxes OE budgets also have costs related to department specific software and the costs to cover printing and mailing of required annual notifications.

For Police, OE includes firearms and ammunition, uniforms for police, police dispatchers and crossing guards, training, cell phones and radios, costs for participation in a regional Domestic Violence Program, radar and breathalyzer equipment and evidence collection materials and all other supplies needed for law enforcement.

OEM OE includes repairs and items needed for the shelter and costs to repair and maintain the National Guard trucks donated to the township to flood evacuations and response, uniform shirts and vests for CERT volunteers, training and the reverse 9-1-1 system.

Fire OE includes costs to pay for fire alarm operations - both the daytime and nighttime operators, the clothing allowance given to Fire Department volunteers, personal protective equipment, mandatory testing, radios and pagers, equipment and supplies and vehicle maintenance.

DPW OE includes cost to contract for snow removal as needed, pump station repairs and maintenance, janitorial supplies for all township buildings, equipment repair and replacement, and road materials including snow melt and sand for flood events.

Fire Prevention OE includes education and training, office supplies, cell phones and uniform shirts.

Recreation OE includes the cost for security background checks, general supplies, the cost for summer camp, Friday Funday, the Easter Egg Hunt, Street Fair and other annual events. Recreation OE also has a line item for buildings and grounds maintenance.

Ambulance OE includes items such as general supplies and medical supplies.

Legal OE includes costs for legal assistance: our Municipal Attorney, Tax Appeal Attorney, representation as needed for special cases including the Occidental chemical suit which we will be discussing later in the agenda; Labor Counsel for contract negotiations and personnel matters. Previously, this was a salaried position; the entire S&W budget has been moved into OE as this is no longer a salaried position.

Meeting of March 11, 2013

Engineering has a very small S&W budget which is strictly for Council meeting attendance. The OE budget is for all of the work the Township requests from the Engineer on a project to project basis.

Lastly, as it relates to the Fire Department. I met with Chief Sweezy. Officers from Company #1 are eager to meet and discuss ambulance services. We will schedule those meetings to first identify the problem as it relates to first-aid response and then work on identifying and researching potential solutions. The Chief and I have also met to address pressing issues such as the Department's 2013 budget and other matters and will prepare a formal response to the inquiry previously presented by former Councilwoman Gonzalez.

ABC Grant

The Alliance for a Better Community is submitting a grant application through the Passaic County Open Space Trust Fund for a walking trail at the Morris Canal. This application builds upon a previously awarded ABC grant for improvements to the existing walkway including repairs to the fence, benches and play areas and the repair and refurbishment of the gazebo. The ABC originally asked for Council to support the application, but certain criteria needed to be met, specifically review and preparation of estimates by a licensed engineer and the creation of a site plan, tax map and other required attachments. So, while Township Engineer Dennis Lindsay and I are presenting this overview, this is an application being submitted by the ABC and will be administered by the ABC should it be awarded. Municipal support via resolution is required anytime a non-profit organization submits a grant application through the Open Space Trust Fund. Municipal support via resolution is required anytime a non-profit organization submits a grant application through the Open Space Trust Fund.

With that, I will ask Dennis to provide an overview of the scope of the application.

RFC Rejection of Bids

The Township accepted bids for the first round of elevations on March 1. This is the second time the Township has advertised and received bids. The first set was rejected because the costs were higher than anticipated. After issuing some addendums to the project, the bids were re-advertised, but again, are higher than the construction amount awarded in the FEMA grant. Now that we have advertised a second time and, assuming the Council approves the rejection of bids for a second time, the Township can directly negotiate with the contractors who bid on this project. There were two bids received, and once rejected, Dennis Lindsay and I will meet with representatives from both contractors in an effort to negotiate the construction project within the confines of the budget.

The Township's hardship with bids coming in high is not unique. Many communities are having the same challenges, and are facing them in a similar fashion.

The property owners in this first round are aware and appreciate our efforts to get the construction contract awarded and then have the elevation begin.

Salary ordinance

The Township adopts its salary ordinance annually. As I discussed at the introduction of the ordinance, the format is changing to allow for the Township to operate more efficiently in terms of salaries and wages. In drafting this ordinance, each position's actual salary was used as the median, with a percentage of 25% used to create a range. This allows the Township to get away from across-the-board percentage increases and instead adopt a program for salary increased based on individual performance. Additionally, if an employee warning at the top of the range terminates his or her employment with the Township, we can replace that position at the low end of the salary scale and have that person move up the range as he or she earns consideration for same over the years, as opposed to hiring that person at the salary held by someone who may have been in the position a long time. Other changes to the salary ordinance include updating the language on a position previously listed as DPW Maintenance Worker. This position is being corrected to Recreation Maintenance/Recycling Monitor. The ordinance also now includes the position of Business Administrator as a one of the designated management full-time key employees that is considered exempt from overtime. Also, the previous salary ordinance listed the Maintenance Mechanic, DPW as entitled to a \$420 annual stipend. This was intended as a stipend for the pump station operators (storm water and sanitary) who are available 24/7. So, we corrected the title to the appropriate position.

PUBLIC PORTION

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

Meeting of March 11, 2013

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

The Council President declared the motion passed.

Louis Fernandez, 54 Harrison Street, said the house numbers on his street are unorganized; he called the Administrator about this. This is causing the mail to be delivered to the wrong addresses. With regard to the radio system, he reminded that he was previously told that information was not available at this time pertaining to disciplinary action. He would like to know the names of the people who are being considered for disciplinary action. Regarding the second public portion, he asked if the public could be informed of how the votes were cast to eliminate same.

Louisa Wibbons, 218 Lower Notch Road, referred to the noise barrier that is to be installed, and asked the Council to look at her property on the map. She explained that NJDOT proposed that only four houses would have the noise barrier. However, her property is on the highway, and she is not benefitting from the barrier. She is not in favor of the barrier being placed in the current proposed location. Therefore, she is currently in opposition to the barrier, unless the DOT moves it to the highway. The barrier should be a benefit to the entire community on Crestmont Road. She said the NJDOT should take this into consideration, and the Council should approve it as well.

Dorothy O’Haire, Turnberry Road, said there was a matter raised at the last meeting, pertaining to the rescheduling of the Budget hearing, since it is currently scheduled for the first day of Passover. She agrees with this, but said that it offended her that another resident requested the Council to have any Clergy refrain from prayer at future meetings. She explained that you cannot ask a Clergy member to do this, as it is part of the Constitution.

George Stavrou, 40 Crestmont Road, said he would like to benefit from the sound barrier as well, and asked the Council to support in moving the barrier to his neighborhood.

Mercedes Gonzalez, Jacobus Avenue, said she sent an email to the Township Administrator on 3/4/13 requesting a copy of the final agreement with former Township Attorney, Joseph Trapanese, but didn’t receive a response.

Arnold Korotkin, Long Hill Road, informed that there will be State hearings on several dates for discussion of Education and Local Government issues; he hoped the Mayor and members of the Council will be able to attend. He was happy to hear that the Mayor and Administrator met with MSU regarding Fire Department calls at the college. Referring to the 2012 Fire Department Annual Report, he informed that approximately 30% of calls go to MSU. This is the third year in a row in which the fee has been the same. He asked if there has been any discussion with the college with regard to them helping to finance a new engine.

Mr. Korotkin informed that the week of 1/10/13 through 3/16/13 is Sunshine Week, which encourages an open and successful government. With regard to reinstatement of the second public comment, he asked how there could have been a polling of the Council outside of a Council meeting, noting that the public is entitled to some disclosure. He also reminded that the Council entered Executive Session during the previous Council meeting; he assumed that this was in reference to the Occidental Lawsuit, and said the residents should be informed of the outcome.

Mr. Korotkin referenced an article in today’s newspaper regarding two-sided billboards, and said this may not be viable because of the NJDOT Project to be commencing on Route 46/Route 3. He also said he would like a response from the Council pertaining to the Budget hearing issue that was raised at the last meeting with regard to the first day of Passover. He would appreciate if the Council could find an alternative date for this hearing.

June Swank, 39 Pleasant Avenue, explained that “no parking” signs have been placed on her block, and asked when this ordinance went into effect. She never saw a notice of the ordinance.

Rosemarie Bello-Truland, High Court, would like to again ask for a response regarding rescheduling the Budget Hearing. Referring to a comment made earlier, she said it was her who previously commented regarding Religion at Council meetings. She wished to clarify that she was only asking the Council remind a Minister that not everyone in the audience is a Christian. She is asking for the recognition that they are diverse and that this be respected; she didn’t mean to offend anyone.

Mark Simolaris, 111 First Avenue, explained that there is an increase of \$171,000 for additional expenses in the Budget. He voiced his opinion that this is a very large increase for the way things are today. He asked if there was a

Meeting of March 11, 2013

way the Township could save money, instead of continuing to spend. He also informed that the dry cleaning building on Main Street has been vacant for some time and is an eye sore. He said this should be fixed, as it is the entryway into Little Falls.

Brian Reynolds, 7 Notch Road, voiced safety concerns regarding the traffic issues on Long Hill Road during school start and end times. He said there is a Police Officer who sits across the street and should be doing more to remedy this. He explained that he read that the school taxes will increase by 2.9 percent this year, noting that they continue to increase their budget each year. He suggested that the Council deny this increase to them. Regarding the Council President's statement about the second public comment, he asked this to be clarified. He also questioned several items on tonight's agenda and asked for clarification.

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

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

The Council President declared the motion passed.

Council President VANTUNO said the Council is taking measures for disciplines, and there will be a meeting tonight to figure out where they are with the equipment. They are coming up with various approaches. Regarding street numbers, Councilmember FONTANA said they may have to discuss this with the Post Office, since it is an issue of mail delivery. Chief Dmuchowski said this is an issue on several streets, but the issue of mail being delivered would have to be taken up with the Post Office. There are maps that have been made up over the years for emergency services purposes. He explained that it would be a very in-depth process to change this. Mr. Lindsay said it is not unusual to have a gap in numbers; to be out of sequence is unusual. This would have to be reviewed.

Council President VANTUNO explained that he called each Councilmember to discuss the second public portion with them individually, with the exception of Councilmember Maceri, who was not available. He clarified that all members agreed to have one public session.

Council President VANTUNO referred to Ms. Webbons and Mrs. Bergin explained that the DOT will have a meeting on 4/11/13 at 6:00 p.m.; these comments should be directed to the NJDOT at that meeting. She also informed that she passed along contact information for a representative at DOT, so Ms. Webbons can relay her comments and feedback. DOT is being notified of any complaints received by the Council.

Council President VANTUNO addressed Mrs. O'Haire and said they looked into changing the Budget hearing date, but couldn't accommodate this. Mrs. Bergin clarified the procedure for changing the hearing date, and said it was not feasible at this point in time.

Mr. Northgrave said he is not at liberty to address the question of who is up for disciplinary action.

Mrs. Bergin apologized to Mrs. Gonzalez, and said she didn't recall seeing the referenced email. She promised to get this information together as soon as possible. Mr. Northgrave asked for clarification of Mrs. Gonzalez's request, and Mrs. Gonzalez explained that she would like a copy of Mr. Trapanese's termination paperwork. Mr. Northgrave said they will get this to her shortly.

Council President VANTUNO thanked Mr. Korotkin for his information. Mrs. Bergin said there is no such thing as a false alarm in the Fire Department world, but said there are a high number of calls for things such as smoke, cooking, a curling iron, etc. The equipment the Fire Department is requesting is based on their need to service the Township. If a certain type of apparatus was needed to service MSU, the Township would ask them to help fund it. The fee has been the same for a few years, but this could be lost to another town, and Little Falls would get nothing. The town took in \$33,000 for this service last year.

Mr. Northgrave explained that generally when going into Executive Session for litigation, it is appropriate to state the specific reason for the Executive Session.

Meeting of March 11, 2013

Mrs. Bergin said billboards are a Planning Board issue at this point in time. Mr. Lindsay said anyone who wishes to make an application will apply to the Planning Board for their review; there will be a public comment period on that.

Chief Dmuchowski said Ms. Swank is referring to the ongoing parking standards in the Township. He informed that Ordinance No. 1167 was adopted on the 2/11/13, and said the town could revisit a mechanism for pending ordinances, like posting them on the Website. Mr. Lindsay said they made a recommendation based on several standards that were considered; they are trying to provide as much parking as possible, still giving room for emergency service access. Chief Dmuchowski said anyone could call the Police Department to address a car being too close to a driveway which makes it difficult to pull out of the driveway. Mr. Northgrave pointed out that this was an ordinance that was introduced and adopted at a public meeting, and was also advertised and sent out as part of an email blast.

Mr. Macones referred to the dry cleaners on Main Street, and explained that a gentleman came in to obtain a permit to demolish the building. He imagines that this will come about in the near future. Mrs. Bergin said there is no additional expense line item. She asked Mr. Simolaris to send her an email or to call her to specify the line item.

Chief Dmuchowski said the traffic on Long Hill Road was addressed at a previous meeting by a resident. Officers were sent out to monitor the Crossing Guard's activities. He explained that there is a lot of congestion in that area, but said the Crossing Guard was not directing traffic. The Police car there is running radar.

Mrs. Bergin said she is coordinating a joint meeting on Budgets at the High School; she is waiting to hear back at this time. The school will come in to do a presentation on their Budget. Mrs. Bergin said the Fire Department Annual Budget is addressing the coming year's goals and objectives which are presented to the Mayor and Council. It is not an obligation for the Council to purchase this. This would go through a process before being approved for purchase.

CONSENT AGENDA

All items on the Consent Agenda were considered to be routine and were enacted with a single motion. Any items under REQUISITIONS carried a Treasurer's certification as to sufficiency of funds.

RESOLUTIONS

RESOLUTION [A] 13-03-11 #1

WHEREAS, the property known as Block 219 Lot 1 assessed to Alyssa S & Kevin J Berrigan of 55 Harrison Street, Little Falls, NJ has an overpayment on the 1st quarter 2013 taxes with regards to an added assessment tax bill; and

WHEREAS, the Berrigan's paid their 1st qtr. 2013 added assessment on January 29, 2013 and CoreLogic tax service also paid their added assessment on January 31, 2013; therefore creating an overpayment of taxes in the amount of \$69.00; and

WHEREAS, the Berrigan's have requested that the Tax Collector refund this overpayment to them; and

WHEREAS, the Tax Collector shall authorize the Treasurer to refund the amount of \$69.00 made payable to Alyssa S & Kevin J Berrigan, 55 Harrison Street, Little Falls, NJ 07424;

NOW, THEREFORE BE IT RESOLVED by the Township Council of Little Falls on this 11th day of March 2013 that Alyssa & Kevin Berrigan be refunded the total amount of \$69.00 in taxes due to an overpayment of taxes regarding their added assessment tax bill.

RESOLUTION [B] 13-03-11 - #2

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:

\$2,298.00

payable to:

Welfare Clients #55, 61, 71, 72, 73 & 74

representing payment of Self-Care for the month of March 2013 be and the same is hereby authorized and ratified.

RESOLUTION [C] 13-03-11 - #3

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:

\$2.40

payable to:

NJ State Dept. of Health

representing payment of State dog license fee, license Nos. 466 to 467 for the month of February 2013.

Meeting of March 11, 2013

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

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

The Council President declared the motion passed.

CORRESPONDENCE

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

LETTER FROM ENTERPRISE FIRE COMPANY #2 REQUESTING APPROVAL TO HOLD ITS ANNUAL BOOT DRIVE ON SATURDAY, APRIL 6, 2013, WITH A RAIN DATE OF SATURDAY, APRIL 20, 2013, AT THE INTERSECTIONS OF MAIN STREET/STEVENS AVENUE AND MAIN STREET/UNION AVENUE

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

The Council President declared the motion passed.

Ordinance No. 1171 – It was moved by Councilmember Maceri, seconded by Councilmember Fontana, that the public hearing on Ordinance No. 1171 be and it was opened.

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

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Fontana, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1171 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Fontana, seconded by Councilmember Porter, that the Ordinance No. 1171 be and it was adopted.

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

The Council President declared the motion passed.

Ordinance No. 1172 – It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the public hearing on Ordinance No. 1172 be and it was opened.

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

The Council President declared the motion passed.

Mr. Northgrave informed that there was an adjustment to one of the titles on the salary ordinance. He further clarified that the title “DPW Maintenance Worker” would be changed to “Recreation Maintenance/Recycling Monitor”. He explained that this was a typographical error, which will not affect the adoption of the ordinance.

Arnold Korotkin, Long Hill Road, voiced his understanding that the numbers provided in this salary ordinance are subject to change contingent upon contract negotiations.

Meeting of March 11, 2013

No one further having come forward to be heard, it was moved by Councilmember Porter, seconded by Councilmember Fontana, that the public hearing on Ordinance No. 1172 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the Ordinance No. 1172 be and it was closed.

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

The Council President declared the motion passed.

Little Falls ABC Grant Application to Passaic County Open Space & Farmland Preservation Trust Fund – It was moved by Councilmember Maceri, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [D] 13-03-11 - #4

WHEREAS, the Little Falls' Alliance For A Better Community (ABC) is making a grant application to the Passaic County Open Space and Farmland Preservation Trust Fund for improvements to Morris Canal Preserve, Little Falls.

WHEREAS, the funding request in the amount of \$35,000.00 is to make improvements to the park that includes the installation of fencing, clear safe pathway for an emergency vehicle and clear, safe, walkable pathway to the River, benches, and historical signage. In-kind services will be provided by Passaic Valley Sewage Commission in the form of labor and planning. In-kind services will be provided by volunteers from Montclair State University, Americorps and ABC volunteers in the cleaning up of the Preserve.

NOW, THEREFORE, BE IT FURTHER RESOLVED the governing body/board resolves to support this application as presented. The ABC is the applicant and is making all commitments to comply with the terms and conditions of the grant and will execute any necessary paperwork as required by the Passaic County Open Space Trust Fund.

Mrs. Bergin provided a detailed explanation of this resolution, which included a power point presentation for the public. Mr. Lindsay provided an overview of the scope of this application at this time.

Renea Shapiro, thanked the Council for their consideration, noting that this is a very unique opportunity. She also thanked Mrs. Bergin and Mr. Lindsay for their assistance with this.

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

The Council President declared the motion passed.

Authorizing Execution for Consent Judgment for Settlement with Occidental Chemical Corporation – It was moved by Councilmember Fontana, seconded by Councilmember Porter, that the Council approve the following:

RESOLUTION [E] 13-03-11 - #5

RESOLUTION AUTHORIZING EXECUTION OF THE CONSENT JUDGMENT FOR SETTLEMENT IN THE ACTION ENTITLED, NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, v. OCCIDENTAL CHEMICAL CORPORATION, ET AL, DOCKET NO. ESX-L-9868-05 (PASR)

WHEREAS, certain claims have been asserted against the Township of Little Falls, as a Third-Party Defendant, in the action entitled New Jersey Department of Environmental Protection v. Occidental Chemical Corporation, et al, bearing Docket No. ESX-L-9868-05, pending in the Superior Court of New Jersey, Law Division, Essex County (the "Litigation") regarding alleged environmental contamination of the Newark Bay Complex; and

WHEREAS, certain Third-Party Defendant municipalities and municipal utilities authorities, including the Township of Little Falls, are members of a group known as the Municipal Joint Defense Group in the Litigation; and

WHEREAS, the Municipal Joint Defense Group, on behalf of its members, engaged in settlement negotiations with the State of New Jersey ("State Plaintiffs") towards the resolution of the Litigation through the entry of a Consent Judgment; and

WHEREAS, the parties have substantially settled the Litigation and are negotiating the final details of the Consent Judgment; and

WHEREAS, the terms of the settlement require the Township of Little Falls to execute/sign off on the Consent Judgment prior to the Consent Judgment being lodged and published in the New Jersey Register for public review and comment; and

WHEREAS, the terms of the settlement require the Township of Little Falls to, on or before March 23, 2013, pass a resolution authorizing its participation in the Consent Judgment and authorizing payment of the settlement in the amount of \$95,000 (the "Settlement Funds") when due; and

WHEREAS, payment of the Settlement Funds shall not be due until the Court approves the settlement and enters the Consent Judgment; and

WHEREAS, in no event shall payment of the Settlement Funds be due in calendar year 2013; and

Meeting of March 11, 2013

WHEREAS, when due, the Settlement Funds may be deposited into an escrow account established by the State of New Jersey Department of Environmental Protection or deducted by the State of New Jersey from State Aid in two consecutive deductions in the amount of \$50,000 and \$45,000, respectively; and

WHEREAS, a copy of the Consent Judgment is in the Clerk’s office and is incorporated by reference hereto.

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

1. The Township of Little Falls is hereby authorized and directed to sign the signature page of the Consent Judgment, which will be adopted in substantially the form contained in the draft copy on file, and thereafter immediately transmit the said original signature page to David J. Mairo, Esq., Sedita, Campisano & Campisano LLC, 145 Route 46 West, Suite 102, Wayne Plaza I, Wayne, New Jersey 07470.
2. The Township of Little Falls hereby authorizes payment of the \$95,000 settlement amount, when due, in the manner provided for in the Consent Judgment.
3. The manner in which the Township of Little Falls shall appropriate the Settlement Funds shall be the subject of a subsequent resolution to be adopted by the Township of Little Falls when necessary.
4. Notwithstanding the above authorizations, nothing contained within this resolution shall preclude or prevent the Township of Little Falls from pursuing recovery and reimbursement for the whole or any portion of the Settlement Funds from any insurance carrier(s) identified now or in the future.
5. This resolution shall take effect immediately.

Mr. Northgrave gave a brief background on this matter, adding that his firm has done everything in their control to minimize costs.

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

The Council President declared the motion passed.

Authorizing Transfers in the 2012 Municipal Budget – It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the Council approve the following:

RESOLUTION [F] 13-03-11 #6

WHEREAS, Title 40:4-58 of the New Jersey Statutes provides that should it become necessary, during the first three months of the reserve year to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriation over and above the amount claimed to be necessary to fulfill the purpose of such appropriation, the Governing Body may by resolution setting forth the facts (adopted by not less 2/3 vote of the full membership thereof), transfer the amount of such excess of those appropriations deemed to be insufficient.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Little Falls, not less than 2/3 of the members thereof affirmatively concurring, that the Treasurer be and is authorized to make the following transfers in the 2012 Budget Appropriations:

<u>Current Fund</u>	<u>To</u>	<u>From</u>	
Legal O/E		\$19,250	
Finance O/E		1,900	
Assessments O/E		200	
Administration			\$500
Clerk O/E			2,300
Group Health Insurance			3,200
Recreation O/E			4,350
Diesel			4,900
Gasoline			4,600
Social Security (O.A.S.I.)			1,500
	\$21,350	\$21,350	

Mr. Schaffer provided an explanation of this resolution.

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

The Council President declared the motion passed.

Authorizing Temporary Emergency Appropriation for the 2013 Municipal Budget – It was moved by Councilmember Fontana, seconded by Councilmember Porter, that the Council approve the following:

RESOLUTION [G] 13-03-11 #7

**TEMPORARY APPROPRIATIONS FOR OPERATING PURPOSES
 TEMPORARY EMERGENCY RESOLUTION – 2nd Quarter 2013**

WHEREAS, an emergent condition has arisen with respect to Current Fund Appropriations for 2nd Quarter 2013; and
 WHEREAS, no adequate provision has been made in the 2013 Temporary Budget for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency appropriation for the purpose above mentioned; and

Meeting of March 11, 2013

WHEREAS, the total emergency temporary resolutions adopted in the year 2013 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$4,073,931;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Little Falls, County of Passaic, State of New Jersey, (not less than two-thirds of the members thereof affirmatively concurring) that in accordance with N.J. S. A. 40A:4-20, Temporary Emergency Appropriations be and is the same is hereby made for:

CURRENT FUND

GENERAL GOVERNMENT

			1 st Qtr.	2 nd Qtr.
General Administration				
Salaries & Wages			\$23,000	\$23,000
Other Expenses	2,300	5,500		
Mayor and Council				
Salaries and Wages			3,000	3,000
Municipal Clerk				
Salaries and Wages			49,000	49,000
Other Expenses		26,000	7,000	
Financial Administration				
Salaries and Wages			35,000	35,000
Other Expenses			10,000	27,000
Assessment of Taxes				
Salaries and Wages			10,100	10,000
Other Expenses			6,100	6,000
Revenue Administration (Tax Collection)				
Salaries and Wages			25,000	25,000
Other Expenses			3,600	3,900
Legal Services and Costs				
Other Expenses			60,000	50,000
Engineering Services and Costs				
Salaries and Wages			1,000	1,000
Other Expenses			17,500	17,000
Municipal Land Use Administration				
Planning Board				
Salaries and Wages			4,000	4,000
Other Expenses			5,300	5,000
Insurance				
Liability - Other			6,000	2,000
Liability - NJIF			100,000	0
Workers Compensation	37,000	40,100		
Employee Group Health	270,000	220,000		
Unemployment Insurance			15,000	0
Police				
Salaries and Wages	750,000	725,000		
Other Expenses			25,000	35,000
Acquisition of Police Vehicles		0	16,100	
Fire Department				
Salaries and Wages			22,000	22,000
Other Expenses			42,000	33,000
Fire Prevention				
Salaries and Wages			15,000	19,000
Other Expenses			1,500	27,400
Ambulance				
Other Expenses			0	7,000
Fire Hydrant Services				
Other Expenses			42,000	41,000
Emergency Management Services				
Salaries and Wages			\$2,500	\$2,500
Other Expense			1,700	8,000
Municipal Prosecutor				
Salaries and Wages			4,400	4,400
Other Expenses			75	75
Streets and Roads Maintenance				
Salaries and Wages	194,000	200,000		
Other Expenses			41,000	50,000
Other Public Works Functions (Shade Tree)				
Salaries and Wages			300	300
Other Expenses			2,400	2,300
Solid Waste Collection				
Salaries and Wages			8,800	17,000
Other Expenses	122,500	140,000		
Public Buildings and Grounds				
Salaries and Wages			2,100	2,100

Meeting of March 11, 2013

Other Expenses		21,100	25,000	
Vehicle Maintenance				
Salaries and Wages		19,300	19,000	
Other Expense		21,400	21,000	
Health and Welfare				
Board of Health				
Other Expenses		29,000	21,000	
Administration of Public Assistance				
Salaries and Wages			3,000	3,000
Other Expenses			100	100
Recreation Services and Programs				
Salaries and Wages		36,000	36,000	
Other Expenses		16,400	20,000	
Senior Citizen's Transportation				
Other Expenses			700	700
Senior Citizen's Activities				
Salaries and Wages		4,900	5,000	
Other Expenses			700	700
PEOSHA Mandated Costs				
Physical Exam – Volunteer Fire Department	1,500	1,500		
State Uniform Construction Code (52:27D-120 et seq)				
Construction Code Official				
Salaries and Wages		24,900	24,000	
Other Expenses			2,300	29,400
Sub Code Official				
Plumbing Inspectors				
Salaries and Wages			3,500	3,500
Electrical Inspection				
Contractual			3,800	3,800
Unclassified:				
Utilities				
Street Lighting			30,000	26,000
Telephone			12,000	13,000
Natural Gas			74,000	69,000
Water			5,000	4,000
Gasoline			24,000	20,000
Fuel Oil (Diesel)			15,000	13,000
Landfill/Solid Waste Disposal Costs	90,000	82,000		
Celebration of Events				
Other Expenses		0	2,500	
Municipal Court				
Salaries and Wages			35,000	35,000
Other Expenses		5,000	7,000	
Municipal Public Defender				
Other Expenses		900	900	
Deferred Charges and Statutory Expenditures				
Statutory Charges				
Public Employees Retirement System	0	228,656		
Social Security (O.A.S.I.)			56,900	58,000
Police & Fireman's Retirement System	0	539,194		
Pension-Volunteer Firemen's Widow (NJS 43:12-38)			1,300	1,200
DCRP			150	0
Sewer Contracts (Ch. 10, P.L. 1977)				
Passaic Valley Sewer Commission	\$227,000	\$210,000		
Second River Joint Meeting			2,394	0
Third River Joint Meeting			1,300	0
Maintenance of Free Public Library	160,000	136,000		
Recycling Tax Appropriation	3,900	3,000		
Municipal Alliance – State Share			6,600	6,000
Municipal Alliance – Local Share			0	3,000
Body Armor Grant	<u>0</u>	<u>4,801</u>		
TOTAL APPROPRIATIONS FOR OPERATING			\$2,925,219	\$3,561,626

MUNICIPAL DEBT SERVICE

Principal on Bonds		\$150,000	\$340,000
Interest on Bonds		165,000	123,238
Interest on Notes		<u>22,000</u>	<u>49,067</u>

Meeting of March 11, 2013

TOTAL MUNICIPAL DEBT SERVICE	\$337,000	\$512,305
TOTAL GENERAL APPROPRIATIONS	<u>\$3,262,219</u>	<u>\$4,073,931</u>

Mr. Schaffner also provided an explanation of this resolution.

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

The Council President declared the motion passed.

Authorizing Rejection of Bids Submitted for RFC Home Elevation Project – It was moved by Councilmember Porter, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [H] 13-03-11 - #8

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE REJECTION OF BIDS SUBMITTED IN RESPONSE TO REQUEST FOR BIDS FOR THE RFC HOME ELEVATION PROJECT

WHEREAS, the Township of Little Falls issued a second request for bids for the RFC Home Elevation Project for House Elevations at 26 Louis Street, 39 Louis Street and 44 Louis Street in the Township, and on March 1, 2013 received two bids from Elite Management Industries, LLC and I&T Electrical Lighting, LLC in response to the solicitation; and

WHEREAS, the bids were reviewed and it was determined that both bid amounts were higher than the Township’s cost estimates for this solicitation; and

WHEREAS, in light of the determination as to costs, the Township desires to reject both bids; and

WHEREAS, this solicitation represented the second occasion that the Township issued a solicitation for these services – on the first solicitation, the bids received were also rejected due to the costs being higher than the Township’s cost estimates for the service; and

WHEREAS, at this juncture, the Township desires to proceed with negotiations for these services as authorized under and in accordance with N.J.S.A. 40A:11-5(3) of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, PASSAIC COUNTY, NEW JERSEY hereby authorizes the rejection of the bids submitted by Elite Management Industries, LLC and I&T Electrical Lighting, LLC for the RFC Home Elevation Project for House Elevations at 26 Louis Street, 39 Louis Street and 44 Louis Street in the Township and authorizes the commencement of negotiations for these services in accordance with the Local Public Contracts Law.

Mrs. Bergin provided clarification of this resolution, noting that the first two sets of bids have been at a higher cost than anticipated. She and Mr. Lindsay will begin to negotiate with these bidders as a next step as permitted by State Statute.

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

The Council President declared the motion passed.

Authorizing Contract with Robert Verry to serve as a Hearing Officer – It was moved by Councilmember Maceri, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [I] 13-03-11 - #9

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING A CONTRACT WITH ROBERT VERRY TO SERVE AS A HEARING OFFICER

WHEREAS, certain disciplinary charges have been brought by the Police Department of the Township against certain members of the Department and a disciplinary hearing is required to be held before the appropriate authority of the Township or the appropriate authority’s designee, upon a request by a member for a hearing; and

WHEREAS, the Township desires to utilize the services of an outside Hearing Officer, Retired Police Chief Robert Verry, to hear and decide such disciplinary charges at such Hearing; and

WHEREAS, Chief Verry has provided the Township with information regarding his background and experience and his fees and estimated costs for providing such services; and

WHEREAS, the Township is satisfied that Chief Verry has the background and experience to serve as a Hearing Officer for these purposes and has determined that appointing Chief Verry is in the best interests of the Township; and

WHEREAS, Chief Verry shall be paid at the rate of \$120.00 per hour for the conduct of hearings and the provision of services in connection therewith; and

WHEREAS, the total cost of Chief Verry’s services shall not exceed \$4,000.00 and the contract may therefore be awarded without competitive bid; and

Meeting of March 11, 2013

WHEREAS, funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Little Falls, Passaic County, State of New Jersey, as follows:

1. The Mayor and Clerk are hereby authorized to execute an agreement with Robert A. Verry, to hear and decide the disciplinary charges brought against certain members of the Little Falls Township Police Department.
2. This contract is awarded without competitive bidding in accordance with the provisions of the Local Public Contracts Law because the costs of said services shall be no greater than \$4,000.00 and therefore shall not exceed the bidding threshold established by law and regulation.
3. A copy of this Resolution shall be provided to the Chief Financial Officer and to Robert A. Verry, for their information and guidance.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Mrs. Bergin explained that this is required for a personnel matter. Mr. Northgrave clarified that this is for a hearing officer; not a consultant.

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

The Council President declared the motion passed.

PAYMENT OF BILLS

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

RESOLUTION [BL]

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

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

The Council President declared the motion passed.

There being no further business to come before the meeting, it was moved by Councilmember Maceri, seconded by Councilmember Fontana, that the meeting be and it was adjourned at 9:13 p.m.