

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

Monday, March 12, 2012

Council President Louis Fontana called the meeting to order at 8:16 p.m. with the following members present: Pamela Porter, Joseph Sisco and John Vantuno. Also present were Mayor Darlene Post, Township Attorney Joseph Trapanese, Township Auditor Gary Higgins, Municipal Clerk William Wilk and Township Administrator Joanne Bergin.

Absent: Councilmember Mercedes Gonzalez and Township Engineer Dennis Lindsay

Township Employees present: DPW Superintendent Phillip Simone and Deputy Municipal Clerk Cynthia Meyer

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 March 8, 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.

PUBLIC PORTION

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

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

The Council President declared the motion passed.

Diana Garraty, Zeliff Avenue, informed that she has made several calls to Town Hall regarding her house shaking due to the construction on the pumping station. She has still not heard back from anyone, and her basement now has seepage. Mrs. Bergin said Mr. Simone would follow up with her.

Dorothy O’Haire, Turnberry Road, referred to Beattie’s Dam, and explained that a report she read recently said it was owned by the water company. The report had also stated that any modifications made to it would not affect the water intake.

Larry D’Astolfo, William Street, referred to a comment Councilmember Sisco made at a previous meeting, and said he is surprised that the question of who owns the dam is still unknown.

Bob Dombrowsky, 49 Parkway, referred to Sikorsky Park and explained that Public Service came in and trashed the area. He asked when it will be restored, and Mr. Simone said it will be done within the next week.

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

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

The Council President declared the motion passed.

Mr. Simone said he is not familiar with the shaking from the construction. He informed that he is meeting with Mr. Lindsay tomorrow, and said he will follow up with Mrs. Garraty afterward.

Council President FONTANA agreed that they should know who owns the dam.

Council President FONTANA agreed that Public Service could put up a guard rail to keep the trucks out.

REGULAR AGENDA

The following items were individually considered.

Computation of Reserve for Uncollected Taxes for 2012 Budget – It was moved by Councilmember Vantuno, seconded by Councilmember Fontana, that the Council approve the following:
RESOLUTION FOR THE COMPUTATION OF RESERVE FOR UNCOLLECTED TAXES FOR THE 2012 BUDGET [A]#1

Mr. Higgins provided an explanation of this resolution, noting that this covers taxpayers who do not pay their taxes by year end; this helps to lessen the increase from what it would have been. Councilmember SISCO said there are over 100 tax appeals still pending within the Township. He asked what would happen if all of these homes are granted refunds. Mr. Higgins provided an explanation, noting that it gets absorbed in the reserve for uncollected taxes. He assured that they are trying to supply an appropriation to cover this.

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

The Council President declared the motion passed.

Ordinance No. 1152 – It was moved by Councilmember Porter, seconded by Councilmember Vantuno, that there be introduced and the meeting of April 23, 2012 set as the date and time for the public hearing on the following:

ORDINANCE NO. 1152

**TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY, NEW JERSEY
CALENDAR YEAR 2012 ORDINANCE TO EXCEED
THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A-4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Little Falls in the County of Passaic finds its advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 1.0% increase in the budget of said year, amounting to \$98,879 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE BE IT ORDAINED, by the Township Council of the Township of Little Falls, in the County of Passaic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the Township of Little Falls shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 1.0%, amounting to \$98,879, and that the CY 2012 municipal budget for the Township of Little Falls be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mr. Higgins explained that this is not an authorization to spend additional money, noting that last year’s COLA ordinance was certified and two and a half percent. He said it is suggested that most communities do this on an annual basis.

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

The Council President declared the motion passed.

Authorizing Self Exam of the 2012 Budget – It was moved by Councilmember Sisco, seconded by Councilmember Vantuno, that the Council approve the following:

RESOLUTION [B] 12-03-12 - #2

RE: Self Examination of Budget

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5 the Township of Little Falls has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township meets the necessary conditions to participate in the program for the 2012 budget year.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Little Falls, that the 2012 annual budget be examined in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer’s certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, if applicable, the amounts have been calculated pursuant to law and appropriated as such in the budget.
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the “CAP” law).
3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated;
 - b. Items of appropriations are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

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BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Mr. Higgins explained that on a rotating basis, Trenton will examine a municipality’s budget. However, if the Township is qualified, it may request to do a self-examination. This resolution memorializes that.

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

The Council President declared the motion passed.

Introduction of 2012 Municipal Budget – It was moved by Councilmember Vantuno, seconded by Councilmember Sisco, that the Council approve the following:

RESOLUTION [C] 12-03-12 - #3

Re: Introduction of 2012 Budget

BE IT RESOLVED, that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Township of Little Falls, Passaic County, New Jersey for the year 2012.

BE IT FURTHER RESOLVED, that the said budget be published in the Herald News in the issue of March 15, 2012, and that a hearing on the Budget will be held at the Municipal Building on April 23, 2012 at 7:30 p.m. or as soon thereafter as the matter may be reached.

Mr. Higgins informed that he provided a summary sheet for review, which he explained to the Council in detail at this time. He informed that lost ratables are currently a big threat to municipalities, and pointed out that tax appeals have a large impact on a Budget. He explained that most municipalities in NJ are experiencing the same issues. The items in the Budget that increase the tax rate are not in the Council’s control. He informed that there is a public hearing scheduled for 4/23/12. The Council now has the opportunity to continue to review and to amend the Budget based on the laws of the State of New Jersey.

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

The Council President declared the motion passed.

Mr. Wilk said copies of the Budget will be available for the public in his office starting tomorrow at no charge.

Application to to CDBG Program for Funds for Handicapped Accessibility – It was moved by Councilmember Sisco, seconded by Councilmember Porter, that the Council approve the following:

RESOLUTION [D] 12-03-19 - #4

RESOLUTION OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY, AUTHORIZING THE SUBMITTAL OF THE FISCAL YEAR 2012 PASSAIC COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

WHEREAS, it is the desire of the Mayor and Township Council to authorize the submittal of a FY 2012 Passaic County Community Development Block Grant application to the Passaic County Department of Economic Development for modifications to the Municipal Building that ensure handicapped accessibility;

WHEREAS, at a meeting held March 12, 2012, the Township Council of the Township of Little Falls adopted a resolution authorizing the application for and use of funds from the Passaic County Community Development Block Grant Program for activities described in the proposal and, if awarded funds, shall implement the activities in a manner to ensure compliance with all applicable federal, state and local laws and regulations.

NOW, THEREFORE BE IT RESOLVED that Mayor Darlene Post and Township Council of the Township of Little Falls, Passaic County, State of New Jersey, support the application to the Passaic County Community Development Block Grant program.

Mrs. Bergin informed that the Township applies for this each year, but they are very limited in what they can ask for.

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

The Council President declared the motion passed.

Awarding Non-Fair & Open Contract to Action Data Services for Payroll Services – It was moved by Councilmember Vantuno, seconded by Councilmember Porter, that the Council approve the following:

RESOLUTION [E] 12-03-12 - #5

WHEREAS, the Township of Little Falls has received a proposal from Action Data Services to continue our payroll services through calendar year 2013 at no increase in cost to our financial institution; and

WHEREAS, by holding the payroll costs to existing levels through 2013, the Township’s depository will pay a higher interest rate to the Township of Little Falls for all of its accounts; and

WHEREAS, in the current economic down turn, the Council is always striving to save taxpayer costs;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Little Falls, the Municipal Clerk is hereby directed to execute the agreement with Action Data Services to provide payroll services through 2013 at no additional cost.

Mrs. Bergin explained that the Township is renewing its contract with the payroll company. Mr. Wilk informed that it will be the same cost as the prior contract.

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

The Council President declared the motion passed.

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Appointment of William Schaffner as the CMFO – It was moved by Councilmember Vantuno, seconded by Council President Fontana, that the Council approve the following:

RESOLUTION [F] 12-03-12 - #6

WHEREAS, Township Treasurer/CMFO Kathryn Albanese has submitted her resignation from her post effective March 31, 2012; and
WHEREAS, there is a need to fill the position of Chief Municipal Finance Officer (CMFO); and
WHEREAS, WILLIAM SCHAFFNER has been certified as a Chief Municipal Finance Officer by the State of New Jersey.
NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Little Falls as follows:

1. William Schaffner be and he is hereby appointed as the Treasurer/CMFO for the Township of Little Falls effective April 2, 2012, at an annual salary of \$76,097.30 until the salary ordinance. Thereafter, her salary will be adjusted retroactively to \$102,000.00, plus health and dental insurance coverage, and pension benefits identical to all other full time employees, in accordance with her eligibility for benefits as set forth under the Township’s policies; and further
2. The Mayor, Township Clerk and/or Township Council President and/or other members of the Township Council be and they are hereby authorized to execute any and all forms and/or paperwork necessary in order to accomplish the foregoing.

Councilmember SISCO said he would like the public to understand this situation, and explained that this is one of the most important officers in the Township. He pointed out that Mrs. Albanese had informed of her retirement last July and nothing was done. This is now being put before the Council last minute and it is an absolute necessity, which is why he will vote for it. Mayor Post said noting was done due to the prior administration, and said this candidate is highly qualified. Councilmember SISCO assured he was not questioning Mr. Schaffner’s qualifications, but said the Township cannot afford this.

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

The Council President declared the motion passed.

Mrs. Bergin suggested an Executive Session to discuss contract negotiations. Mr. Wilk advised that this may not be allowed during a Special meeting, noting that the law says you can only address what is on the agenda for the Special meeting; nothing can be added.

There being no further business to come before the meeting, it was moved by Councilmember Sisco, seconded by Councilmember Vantuno, that the meeting be and it was adjourned at 8:47 p.m.

William E. Wilk
Municipal Clerk

Cynthia Meyer
Deputy Municipal Clerk