

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

**Monday, March 25, 2013**

Council President John Vantuno called the meeting to order at 7:30 p.m. with the following members present: Louis Fontana, Joseph Maceri, Pamela Porter and Joseph Rento (8:06 p.m). Also present were Mayor Darlene Post, Township Attorney William Northgrave, Township Engineer Dennis Lindsay, Township Administrator Joanne Bergin and Township Auditor Gary Higgins.

Absent: None

Township Employees present: Construction Official Joseph Macones, Recreation Director John Pace, CMFO/Treasurer William Schaffner, DPW Superintendent Phillip Simone, Fire Chief Jack Sweezy, Deputy Municipal Clerk Cynthia Kraus and Deputy Registrar Arlene Karp.

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.

Resolution Waiving the Reading in Full of the 2013 Budget – It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the Council approve the following:

RESOLUTION [A] 13-03-25 - #1

Resolution Re: Waiver of Reading in Full of the 2013 Budget

WHEREAS, N.J.S. 40A:4-8 permits that the Budget as advertised may be read by its title providing that at least one week prior to the date of the hearing a complete copy of the approved budget shall

- a) be posted in a public place where public notices are customarily posted and at the free public library, and
- b) is made available to each person requesting the same during said week and during the public hearing, and

WHEREAS, the Township of Little Falls has complied with the aforesaid requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body, the reading in full of the 2013 Budget be dispensed with.

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

The Council President declared the motion passed.

**PUBLIC HEARING FOR INTRODUCED 2013 MUNICIPAL BUDGET**

It was moved by Councilmember Maceri, seconded by Councilmember Fontana, that the Public Hearing for the Introduced 2013 Municipal Budget be opened.

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

The Council President declared the motion passed.

Mr. Higgins explained that the Division of Local Government Services had some technical questions that required additional data, which has been furnished to them. He explained that the Council will proceed with the public hearing on the 2013 Introduced Budget and then introduce the amendment. The amendment will be advertised and the Budget will not be adopted this evening, as the public hearing on the amendment will be scheduled for April 8, 2013. He informed that the amendment did not affect the tax increase on the average home, noting that he can address any further questions on the amendment.

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No one having come forward to be heard, it was moved by Councilmember Porter, seconded by Councilmember Maceri, that the Public Hearing for the Introduced 2013 Municipal Budget be closed.

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

The Council President declared the motion passed.

Introduction of Amendment to 2013 Municipal Budget with a Public Hearing Scheduled for April 8, 2013 – It was moved by Councilmember Fontana, seconded by Councilmember Porter, that the Council approve the following:

**RESOLUTION [B] 13-03-25 - #2**

Resolution Re: Resolution to Amend 2013 Budget

WHEREAS, the local municipal budget of the year 2013 was approved on the 15th day of February 2013, and,

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Little Falls, County of Passaic, that the following amendments to the approved budget of 2013 be made:

Recorded Vote

(Insert last names)

	(	(	(
	(	(	Abstained
	(	(	(
Ayes	(	Nayes	(
	(	(	(
	(	(	Absent
	(	(	(

	<u>From</u>	<u>To</u>
CURRENT FUND		
General Revenues:		
3. Miscellaneous Revenues		
Section B: State Aid Without Offsetting Appropriations		
Consolidated Municipal Property Tax Relief Aid	\$ 82,418	\$ 56,752
Energy Receipts Tax (P.L. 1997, Chapter 162 & 167)	1,199,645	1,225,311
Total Section B: State Aid Without Offsetting Appropriations	1,288,029	1,288,029
Section F: Special Items of General Revenue Anticipated With Prior Written Consent of Director of Local Government Services – Public and Private Revenues Offset With Appropriations:		
Municipal Alliance on Alcoholism and Drug Abuse	25,163	24,489
Communicable Disease – Hep. B. Funds	-0-	2,820
Total Section F: Special Items of General Revenue Anticipated With Prior Written Consent of Director of Local Government Services – Public and Private Revenues Offset With Appropriations	56,621	58,767
Section G: Special Items of General Revenue Anticipated With Prior Written Consent of Director of Local Government Services – Other Special Items		
Cable TV Franchise Fees	162,418	159,819
IRS Contribution-Debt Service	73,879	79,478
FEMA	-0-	42,924
Total Section G: Special Items of General Revenue Anticipated With Prior Written Consent of Director of Local Government Services – Other Special Items	1,122,604	1,168,528
Total Miscellaneous Revenues	3,136,854	3,184,924
5. Subtotal General Revenues	3,809,654	3,857,724

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7. Total General Revenues	15,372,456	15,420,526
8. General Appropriations		
Operations – Within “CAPS”		
General Government		
General Administration		
Other Expenses	\$ 15,975	\$ 19,475
Mayor and Council		
Other Expenses	-0-	1,000
Insurance (NJSA 40A:40-45.3(00)		
Liability	9,100	9,400
Workers Compensation – NJIIF	154,000	154,122
Police		
Acquisition of Police Vehicles	16,500	25,000
Flood Board		
Other Expenses	1,500	150
Total Operations (Item 8(A) Within “CAPS”)	9,437,085	9,449,157
Total Operations Including Contingent Within “CAPS”	9,437,085	9,449,157
Detail:		
Salaries and Wages	5,102,100	5,102,100
Other Expenses	4,334,985	4,347,057
Deferred Charges and Statutory Expenditures –		
Municipal Within “CAPS”		
Prior Year Bills		
Riddick Assoc. Engineering - 2009	-0-	1,420
Total Deferred Charges and Statutory Expenditures –		
Municipal Within “CAPS”	1,003,100	1,004,520
(H-1) Total General Appropriations for Municipal Purposes		
Within “CAPS”	10,440,185	10,453,677
Operations Excluded From “CAPS”		
Public and Private Programs Offset by Revenues		
Municipal Alliance on Alcoholism and Drug Abuse		
State Share	25,163	24,489
Local Share	6,290	6,122
Communicable Disease – Hep. B. Fund	-0-	2,820
Total Public and Private Programs Offset by Revenues	62,911	64,889
Total Operations Excluded from “CAPS”	1,707,382	1,709,360
Detail:		
Other Expenses	1,707,382	1,709,360
Deferred Charges:		
Special Emergency Authorizations-5 Years (N.J.S. 40A:4-53		
and 4-54)	38,400	46,324
Total Deferred Charges	258,400	266,324
(H-2) Total General Appropriations for Municipal		
Purposes Excluded from “CAPS”	4,315,271	4,325,173
(O) Total General Appropriations Excluded from “CAPS”	4,315,271	4,325,173
(L) Subtotal General Appropriations	14,755,456	14,778,850
(M) Reserve for Uncollected Taxes	617,000	641,676
9. Total General Appropriations	15,372,456	15,420,526

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BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the 2013 local municipal budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment in accordance with the provisions of NJS 40A:4-9, be published in The Herald News in the issue of April 1, 2013 and that said publication contain notice of public hearing on said amendment to be held at the Municipal Building on April 8, 2013 at 7:30 P.M or as soon thereafter.

It is hereby certified that this is a true copy of a resolution amending the budget, approved by the Governing Body on the 25th day of March, 2013.

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

The Council President declared the motion passed.

### REMARKS FROM CHAIR

Council President VANTUNO informed that Summer Day Camp will be starting on 7/8/13, and encouraged all to apply early in order to receive a discount. Mr. Pace said the Recreation Department will begin accepting registrations in mid-April. Council President VANTUNO informed that Chilton will be hosting an afternoon of wellness for women on 7/25/13. He also explained that the new server in Town Hall is up and running; this will help with the efficiency of emails and documentation management. He thanked Bill Organisciak for all of his time and help.

### COUNCIL MEMBER REPORTS

Councilmember FONTANA informed that the Recreation Department has its Annual Easter Egg Hunt this Saturday from 10:00 a.m. to 12:00 noon. He also informed that the Annual Baseball/Softball Parade will be held on 4/13/13, and asked everyone to come out and support the kids. Referring to Open Space, he explained that the committee has already held a few meetings and will be working on processes for future projects.

Councilmember PORTER informed that the Senior Citizen Advisory Board held a Nutrition Seminar at the Civic Center on 3/20/13, which was hosted by the Shop Rite Nutritionist. It was a good seminar and there was a lot of interest. She thanked the board for putting this together. She informed that the Little Falls Municipal Alliance met last Thursday night. There will be a Spring Dance for the fifth and sixth graders on 4/19/13 at the Recreation Center. She explained that the DJ sits down with the kids at the end of the night to ask questions and award prizes to those who have the correct answers. In lieu of money, the kids are being asked to bring in canned goods, which will be given to the Church.

Councilmember MACERI explained that the Passaic County Flood Board will have a meeting on 4/18/13 at 7:00 p.m. to discuss the Hazard Mitigation Plan for the County at the Woodland Park Municipal Building. He also informed that the Regional Flood Board will be meeting on 4/9/13 at 7:00 p.m. here at Little Falls, which will be a Workshop to prepare for the Passaic County meeting. Councilmember MACERI also informed that Pre-K Registration for baseball and softball will be held at the Recreation Center.

### MAYOR'S REPORT

Mayor Post announced that Woodside Avenue would be dedicated to Chief Vince Dransfield next Saturday at 11:00 a.m. Chief Dransfield is a former Fire Chief of Company #3 and has been a member of that department for 74 years. She encouraged everyone to attend this dedication.

### ATTORNEY'S REPORT

Mr. Northgrave informed that he recently met with Mrs. Bergin and a number of Department Heads to review the existing Code in terms of establish fee schedules for first, second and third-degree offenses in regards to violations of Township Ordinances to generate revenue and reduce the number of minor violations requiring mandatory court appearance.

### ADMINISTRATOR'S REPORT

Mrs. Bergin informed that the NJDOT will be hosting a second noise barrier meeting on 4/11/13 at 7:00 p.m.

### EXECUTIVE SESSION

## Meeting of March 25, 2013

It was moved by Councilmember Fontana, seconded by Councilmember Porter, 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 Potential Litigation.  
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Poll:           Ayes:           Fontana, Maceri, Porter and President Vantuno  
                  Nays:           None

The Council President declared the motion passed.

The Council entered Executive Session at 7:46 p.m.

At 8:16 p.m., the Council returned and it was moved by Councilmember Fontana, seconded by Councilmember Porter, that the meeting return to Open Session.

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

The Council President declared the motion passed.

### **PUBLIC PORTION**

Al Attianese, 27 Dewey Avenue, referred to Resolution [F] on tonight's agenda and said this item did not appear on the latest agenda which was posted on the website. He asked if this would be spoken to this evening.

James Damiano, Sigtim Drive, explained he had some questions about the telecommunications facility in town, noting that not all questions were adequately answered when the expert was here. Mr. Damiano asked several questions as follows: whether bids were received for this project and how many were received, whether the figures included additional equipment that might be needed, whether or not this will solve all radio and telecommunication issues, who the system will accommodate, whether a time frame has been set, whether or not any other locations have been considered for this tower and whether or not the town can still use the existing equipment that was previously purchased.

Ray Kostroski, Donato Drive, referred to the idea that the Passaic Valley High School Principal should carry a weapon, and asked who would be responsible if anything should happen.

Arlene Krell, 23 Clove Road, questioned why there is only one public portion.

Mark Simolaris, 111 First Avenue, asked if the first public portion could be extended with regard to the speaking time limit. He informed that he sent an email to Mrs. Bergin regarding some budget questions. He was curious if this was an extension to ask for more money. He also explained that each time he visits the Recycling Center, he sees a landscaper there. He asked if this was being policed properly. He explained that there was another salary added to DPW Salaries and Wages, and asked if all DPW workers will be getting a raise.

Louis Fernandez, 54 Harrison Street, said he met with a Freeholder assistant tonight, to whom he was able to relay some questions. Pat Lepore said he will try to reschedule the meeting. Referring to Resolution [F], he asked if this could be explained in detail. He asked if the Township has collected any late fees from the Contractor for the Justice Complex for not finishing on time.

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Mike Sica, 92 Ridge Road, said there were always two public portions when Michael DeFrancisci was mayor. He commended Council President Vantuno on having the Department Heads in attendance at meetings to answer questions.

Dorothy O'Haire, Turnberry Road, said the second public comment is important, and suggested moving the first session to the end of the meeting so people can ask questions later on. She asked for a detailed explanation of Ordinance No. 1173. She also asked if the Justice Complex will be able to open soon.

Mr. Northgrave informed that the Governing Body had a dispute with the Municipal Clerk. This position is tenured in the State of New Jersey; therefore, this could have led to costly and unnecessary litigation. In order to avoid this and also to have a substantial cost savings in the operation of the Clerk's Office, Mr. Wilk has agreed to resign from his position as Municipal Clerk, effective immediately, in exchange for three months' severance and sick time pay. This year there will be a savings of approximately \$30,000. The Governing Body and Administration intend to continue the operation of the Clerk's Office with two employees, instead of three, which will result in a cost savings in future years. After the execution of this resolution, the Township will have no further comment on this matter, except to thank Mr. Wilk for his service and wish him well in his future endeavors.

Mrs. Bergin said she would speak to the emergency communication system with the Police Chief. She explained that Pier Con was hired approximately two years ago as a telecommunication expert to review the process and the needs of the Township. The Council has created a sub-committee, who does not want to commit to doing any one solution. However, they are committed to looking at all options. When they have the most appropriate option identified they will present this to the Council. However, in the meantime, they have entered into an agreement to ensure that the Police will be able to move into the new building in May. She informed that there will not be any change orders, since there is not a contract. She also informed that the building was built to include a dispatch facility for Police and Fire.

Chief Dmuchowski said this is not all they will have to do, noting that the radios currently used in the Police Department do not work properly and are not supported properly. They will eventually need to purchase new radios. He also informed that the Fire Department has second generation equipment. This whole project was to come up with the best solution to operate the system.

Mr. Northgrave said the Board of Education would be responsible in the case that something should happen when the Principal was carrying a firearm.

Council President VANTUNO reminded that the Council decided at the Reorganization meeting, to have one public comment from now on. He offered to stay after the meeting to discuss this with anyone.

Council President VANTUNO explained that he grants people additional speaking time when necessary.

Mr. Higgins addressed Mr. Simolaris' question regarding the budget amendment and said there is no change in tax dollars due to this amendment. He explained that the total budget as introduced has actually decreased. He also informed that the DPW salaries are currently in negotiations.

Mrs. Bergin said the collection of fees from the contractor is a legal issue which is still in progress. Mr. Northgrave agreed and said this is being worked on at the present time.

Mr. Simone said the only landscapers that are permitted in the yard are those who live in town; they are entitled just like any other resident. The new Recycling Monitor will be starting 4/1/13, so they will make sure this is monitored more closely.

Council President VANTUNO pointed out that residents don't have to wait for a meeting to ask any questions.

Mrs. Bergin explained that the public portion cannot be moved to the end of the meeting, because they are required to hold a public session prior to voting on agenda items.

Council President VANTUNO informed that Ordinance No. 1173 has nothing to do with any other telecommunications issue.

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**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.

**APPLICATIONS**

- Blue Light Permit – Frank Conti, First Avenue, Little Falls Fire Department
  - Alex Michael Rossi, Notchcroft Drive, Little Falls Fire Department
  - John Pasquariello, Crestmont Road, Little Falls Fire Department
  - Thomas Jacobus, Pilgrim Drive, Clifton, Little Falls Fire Department
  - Christina Ihle, Lockwood Place, Clifton, Little Falls Fire Department
  - Chris Feliciano, Barberry Lane, Clifton, Little Falls Fire Department
  - Mark Gallo, Highview Drive, Clifton, Little Falls Fire Department

Raffle – Henry Buikema American Legion Post #121, Annual Instant Pull Tab Game, 4/1/13 through 4/1/14

**REGULAR AGENDA**

The following items were individually considered.

Authorizing Mayor to Make Application to NJDEP Green Acres Program for Grant – It was moved by Councilmember Maceri, seconded by Councilmember Fontana, that the Council approve the following:

**RESOLUTION [C] 13-03-25 - #3  
STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
GREEN ACRES PROGRAM**

**ENABLING RESOLUTION**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Little Falls desires to further the public interest by obtaining a grant of \$487,500.00 from the State to fund the following project:

1605-12-053 Little Falls Floodplain Acquisition Project

Now, therefore the governing body resolves that Mayor Darlene J. Post or the successor to the office of the Mayor, is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required,
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program and notify the applicant of the amount of the funding award; and

NOW, THEREFORE BE IT RESOLVED, by the Little Falls Township Council that:

1. The Mayor of the above named body is hereby authorized to execute an agreement and any amendment thereto with the State known as Little Falls Floodplain Acquisition Project, and ;
2. The applicant has its matching share of the project if a match is required, in the amount of \$1,462,500.00.
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of the funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, roles, and regulations in its performance f the project.
5. This resolution shall take effect immediately.

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Mrs. Bergin explained this resolution in detail.

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

The Council President declared the motion passed.

Award of Contract for Elevator Inspection Services to Municipal Inspection, Inc. – It was moved by Councilmember Fontana, seconded by Councilmember Porter, that the Council approve the following:

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### RESOLUTION [D] 13-03-25 - #4

#### RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT FOR PRIVATE ON-SITE ELEVATOR INSPECTION SERVICES TO MUNICIPAL INSPECTION, INC.

**WHEREAS**, the Township of Little Falls issued a Request for Bids for Private On-Site Elevator Inspection and Plan Review Agency Services for a three year term, as authorized by the New Jersey Department of Community Affairs and in accordance with the elevator safety sub-code N.J.A.C 5:23-12 and local requirements, and on March 1, 2013, received one bid in response to the solicitation; and

**WHEREAS**, the bid submitted by Municipal Inspection, Inc. located in Bayonne, New Jersey, was reviewed and determined to be responsive and reasonable as to costs for the three year term; and

**WHEREAS**, the Township desires to award a three year contract to Municipal Inspection, Inc. in accordance with the Fee Schedule set forth in its bid, at a not to exceed amount for each year of the contract in the amount of \$14,716.00; and

**WHEREAS**, adequate funds are available for this contract as certified by the Treasurer.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, PASSAIC COUNTY, NEW JERSEY**, the Council hereby authorizes the award of a three year contract to Municipal Inspectors, Inc for Private On-Site Elevator Inspection and Plan Review Agency Services for the period commencing May 1, 2013 through April 30, 2016, as set forth herein.

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Mr. Macones provided an explanation of this resolution, noting that it is a three-year contract and the fees are based on State fees. The existing contract expires at the end of April.

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

The Council President declared the motion passed.

Ordinance No. 1173 – It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that there be introduced and the meeting of April 8, 2013 set as the date and time for the public hearing on the following:

#### ORDINANCE NO. 1173

#### ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS GRANTING PERMISSION TO CROSS RIVER FIBER, LLC d/b/a CROSS RIVER FIBER, NJ, INC.

#### TO PLACE CERTAIN TELECOMMUNICATIONS FACILITIES WITHIN THE TOWNSHIP OF LITTLE FALLS

**WHEREAS**, Cross River Fiber, LLC d/b/a Cross River Fiber, NJ, Inc. has been approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket No. TE12040297 dated June 18, 2012; and

**WHEREAS**, pursuant to such authority granted by the Board of Public Utilities, Cross River Fiber, LLC d/b/a Cross River Fiber, NJ, Inc. may locate, place, attach, install, operate and maintain facilities within public rights-of-way for purposes of providing telecommunications services; and

**WHEREAS**, Cross River Fiber, LLC d/b/a Cross River Fiber, NJ, Inc. proposes to attach or install its telecommunications facilities aerially on existing utility poles or in an underground conduit in the public rights-of-way within the Township; and

**WHEREAS**, Cross River Fiber, LLC d/b/a Cross River Fiber, NJ, Inc. seeks the non-exclusive use of the public rights-of-way within the Township for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

**WHEREAS**, in accordance with N.J.S.A. 48: 3-19, Cross River Fiber, LLC d/b/a Cross River Fiber, NJ, Inc. has requested the consent of the Township to use and occupy its public rights-of-way.

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

#### Section 1. Grant of Permission.

The Municipal Council hereby grants permission and consents to the non-exclusive use of its rights-of-way for a period of 15 years by Cross River Fiber, LLC d/b/a Cross River Fiber, NJ, Inc., which term may be extended for additional periods of five years each provided Cross River Fiber, LLC d/b/a Cross River Fiber, NJ, Inc. provides written notice to the Township prior to the expiration of the applicable period that it is confirming the further extension with the Township. Any extension shall be subject to any new regulations and/or restriction enacted by the State of New Jersey and/or Township ordinance. The non-exclusive grant shall in no way prevent or prohibit the Township from using any of its roads, streets or other public properties or affect its jurisdiction over them or any part of them, and the Township shall retain power to make all necessary changes, relocations, repairs, maintenance, establishment, improvement, and/or dedication of same as the Township may deem fit, including the dedication, establishment, maintenance, and improvement of all new rights-of-ways, thoroughfares and other public properties of every type and description.

#### Section 2. Condition of Grant of Public Street Rights-of-Way.

The grant of the Township's public rights-of-way shall be solely for the purpose of providing telecommunications service.

#### Section 3. Location of Facilities.

The telecommunications facilities to be installed in the public rights-of-way shall be installed at the sole cost and expense of Cross River Fiber, LLC d/b/a Cross River Fiber, NJ, Inc. and shall be located within the Township as set forth by the company in their request to the Township.

#### Section 4. Work in the Rights-of-Way.

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All work conducted by Cross River Fiber, LLC d/b/a Cross River Fiber, NJ, Inc. shall be in conformance with all applicable Federal, State, County and Township laws, ordinances, rules, regulations and requirements for use and safety of the public rights-of-way, and shall comply with all Federal, State, County and Township laws, ordinances, rules, regulations and requirements, requiring permits, inspections, and certificates prior to, during and at the completion of construction, all as specifically set forth in a Rights-of-Way Agreement to be executed by Cross River Fiber, LLC d/b/a Cross River Fiber, NJ, Inc. and the Township.

**Section 5. Insurance and Indemnification.**

Cross River Fiber, LLC d/b/a Cross River Fiber, NJ, Inc. shall maintain insurance coverage and provide indemnification to the Township as specifically set forth in a Rights-of-Way Agreement to be executed by Cross River Fiber, LLC d/b/a Cross River Fiber, NJ, Inc. and the Township.

**Section 6. Abandonment and Removal of Telecommunication Facilities.**

No part of the telecommunication system laid in the rights-of-way may be abandoned by Cross River Fiber, LLC d/b/a Cross River Fiber, NJ, Inc. without the express written consent of the Township. Any plan of abandonment or removal, must be first approved by the Township and all necessary permits must be obtained prior to such work.

**Section 7. Payment of Reasonable Costs.**

Cross River Fiber, LLC d/b/a Cross River Fiber, NJ, Inc. shall compensate the Township for its reasonable costs, not to exceed \$2,500, incurred for its professional, legal and engineering work and review and other reasonable costs and services rendered by the Township in connection with Cross River Fiber, LLC d/b/a Cross River Fiber, NJ, Inc.'s request pursuant to N.J.S.A. 54:30-124(a).

Section 8. This Ordinance shall take effect in accordance with all applicable laws.

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Mr. Northgrave provided an explanation of this ordinance.

Poll:           Ayes:           Fontana, Maceri, Porter, Rento 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 Porter, that the Council approve the following:

**RESOLUTION [E] 13-03-25 #5**

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>	
Vehicle Maintenance O/E		\$15,500	
Municipal Clerk O/E			\$4,000
Revenue Administration O/E			500
Group Health Insurance			2,000
Fire Department O/E			6,000
Board of Health O/E			1,500
Recreation O/E			1,500
		<u>\$15,500</u>	<u>\$15,500</u>

Mr. Schaffner provided an explanation of this resolution.

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

The Council President declared the motion passed.

Authorizing Execution of a Mutual Release Agreement with William Wilk – It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the Council approve the following:

**RESOLUTION [F] 13-03-25 - #6**

**RESOLUTION OF THE TOWNSHIP OF LITTLE FALLS  
 AUTHORIZING SETTLEMENT OF CERTAIN EMPLOYMENT CLAIMS AND DISPUTES WITH WILLIAM  
 WILK, TOWNSHIP CLERK**

**Meeting of March 25, 2013**

**WHEREAS**, William Wilk, Township Clerk (hereinafter referenced as "Wilk"), has served as the tenured Township Clerk to the Township of Little Falls ("Township") since 1999; and

**WHEREAS**, over time, a dispute has developed between the Township and Wilk with respect to their relationship and Wilk's continued performance in the Office of Township Clerk; and

**WHEREAS**, although litigation had been contemplated in connection with the dispute between the Parties, litigation has not been commenced and the Township and Wilk have agreed that it is in their mutual interests to avoid unnecessary litigation and its attendant cost by reaching an accommodation of the dispute between them; and

**WHEREAS**, the Parties desire to resolve all claims and disputes between them by: 1. payment of a) \$5,000.00 to Wilk as a retiring employee for time accrued consistent with Township policy, b) payment of a sum equal to three (3) months of salary to Wilk, in full and final payment of any claim he could have brought and c) a release of any claims the Township has or could have brought against Wilk (the "Township Release"); 2. in exchange for a) Wilk's resignation as Township Clerk, effective Friday, March 22, 2013 but in all cases subject to formal Township Council action to be taken on Monday, March 25, 2013 and b) a release by Wilk of any claim that could have been asserted against the Township (the "Wilk Release") (the Township Release and the Wilk Release collectively set forth in this "Mutual Release"), without any admission of law or fact against or in favor of either party; and

**WHEREAS**, subject to the foregoing, the parties have agreed to amicably resolve, settle and compromise all outstanding issues, disputes and differences they have or may have existing as of this date, known or unknown, including those that are a part of the Recitals as set forth above (and which are incorporated herein by reference as if set forth at length herein), in the manner as set forth below as authorized by the Township Council in a resolution adopted on March 25, 2013 (the "Resolution"):

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

**THAT:**

**Section 1.** The Settlement with Wilk, as set forth in the above Recitals which are incorporated herein by reference as if set forth at length herein, is hereby authorized.

**Section 2.** The Mayor, the Business Administrator or any person so designated by either of them, is/are hereby empowered, authorized and directed to execute any agreement or document necessary to effectuate the terms of the Settlement, consistent with the terms first set forth above and as set forth in the Mutual Release appended as Exhibit A hereto.

\*\*\*\*\*

Poll:                   Ayes:                   Fontana, Maceri, Porter, Rento 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 Rento, seconded by Councilmember Fontana, that the meeting be and it was adjourned at 8:52 p.m.

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Cynthia Kraus  
Deputy Municipal Clerk