

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

Monday, May 7, 2012

Council President Louis Fontana called the meeting to order at 7:31 p.m. with the following members present: Pamela Porter, Joseph Sisco and John Vantuno. Also present were Mayor Darlene Post, Township Attorney Lawrence Tosi, Township Engineer Dennis Lindsay, Municipal Clerk William Wilk and Township Administrator Joanne Bergin.

Absent: Councilmember Mercedes Gonzalez

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 bulleting board at the Municipal Building, located at 225 Main Street, Little Falls, N.J. on January 5, 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.

REMARKS FROM THE CHAIR

Council President FONTANA said he attended the Mayor's Ball this past weekend; it was a nice event. He informed that the annual Memorial Day Parade will be held on Saturday, 5/26/12 at 10:00 a.m. He encouraged everyone to come out, noting that it is a very important holiday.

COUNCIL MEMBER REPORTS

Councilmember SISCO reminded that at a previous meeting, he said he didn't vote for the contract for Mr. Trapanese. He wished to clarify that he voted for the original contract, but not for the renegotiated one. He also pointed out that the newspaper indicated a five to zero vote on the budget, which was an error. He clarified that he voted against the budget. He asked everyone to come out for the Memorial Day Parade, noting that it is an important day. He also wished everyone a Happy Mother's Day.

Councilmember PORTER said she also attended the Mayor's Ball, which she said was a very nice event. She received a letter from Senator O'Toole this week regarding a tax that will be imposed on residents who work inside the city but live outside of the city. He is encouraging these people to write a letter in opposition to this to stop it; she provided the information to write about this.

Councilmember VANTUNO said someone spoke regarding houses for sale in Little Falls last week. He explained that he did some research on this and informed that the Township is in the normal range when compared to the other surrounding towns.

MAYOR'S REPORT

Mayor Post said they will be hosting a small business resource breakfast this Wednesday at the Civic Center at 8:45 a.m. She informed that the Wilmore Road Park replacement playground equipment arrived today, noting that Mr. Simone will report on this further. She informed that the resurfacing of the tennis courts has begun. However, someone has used the materials that were left behind to vandalize the location. Starting Tuesday, 5/22/12, the Council Chambers will be closed through 6/22/12 in order to complete the Council Chambers and the Court. During that time meetings will be held at the Court on Stevens Avenue. Mayor Post also pointed out that Councilmember Sisco had voted for Mr. Underhill and the three percent increase.

ATTORNEY'S REPORT

Mr. Tosi informed that he has 190 tax appeals up for hearing at the County this Friday. He also scheduled a negotiation conference on 5/17/12 to resolve some other state tax appeals.

ADMINISTRATOR'S REPORT

Mrs. Bergin reported as follows:

Justice Complex: Weekly progress meetings continue to be held with the contractor, the construction manager, the project architect and the bonding company. We continue to work aggressively to ensure the construction is completed by June 30. We are currently working in tandem with Judge Corradino and the Municipal Court staff to ensure a seamless transition of court operations. Municipal court operations are monitored by the State and therefore, we must coordinate the transfer of data lines from the current location to the new building. We cannot risk arranging for those data lines to be moved until everything on our end is installed and operations are up and running. To ensure a seamless transition, we anticipate having those operations relocate here later this summer. We need appropriate lead time to order the furniture and technology needed, and then to ensure that all of the new equipment is installed and working as its intended. We will be carefully coordinating this move with the Judge and his staff and with Police Chief Dmuchowski.

Transit Village: On April 25 I met with the Passaic County Planning Department to review mapping as prepared for the Transit Village application. Currently, the Program allows for a 1/4-mile radius from the transit hub to be designated as a Transit Village. Little Falls will be requesting an extension of the standard radius to allow for the incorporation of additional business areas. The County is working on revising the maps to illustrate the impact that the Township can experience by having a wider radius. We will then go before the Township Planning Board to

provide an overview of the Program and our intentions and hopefully receive their support, which we will then take before a NJDOT Transit Village Subcommittee to ask for consideration of the radius extension. At this point, the Township remains eligible to participate in a Pilot Program sponsored by the New Jersey Transportation Planning Authority, which would provide planning assistance, thereby saving the Township funds in completing the process needed to become a designated Transit Village. This effort has been spearheaded by Mayor Post, who continues to play an active role in developing this application and serving as a liaison with the business owners in town.

Flooding: I attended a Flood Symposium at William Paterson University on May 5. At the symposium, emergency management and flood mitigation professionals from Passaic County, the state Office of Emergency Management, the state Department of Environmental Protection, the Federal Emergency Management Administration and the Army Corps of Engineers spoke about how their individual agencies respond to each disaster. I didn't find there to be any new information shared, but the historical presentations on the history of the flooding in the area were very informative. Little Falls was applauded for its pro-active approach to flood mitigation. Many of our residents attended the symposium.

Grants: The FEMA Assistance to Firefighters Grant in the Fire Prevention and Safety category for fire prevention programs and educational materials to be offered throughout our schools and community groups has been submitted. In the coming weeks, I will be working with Recreation Director John Pace on the State's Recreation Opportunities for Individuals with Disabilities grant and will also be working with Council President Fontana and John Pace on the Passaic County Open Space Trust Fund application due June 22.

Communications: I am very pleased to report that the Township is in the final stages of being able to launch email notifications to residents. Those of you who have already signed up for this service do not need to do so again. Anyone who would like to sign up can do so through the Email Notification link on the Township's home page. This effort has been spearheaded by Councilman Vantuno and has been delayed while the Township migrates to a new server, which has the capability of providing this service. I can't say for certain when the first notification will go out, but I do expect it will be in the very near future.

Also, we are preparing a Spring newsletter to go out to all residents. Township staff have been providing articles and updates from their departments to be included in the newsletter, which we will make available on line. We're not looking to create anything too fancy – our goal is to provide an informative document our residents will find helpful.

Mr. Lindsay said he recently attended a "complete streets" workshop held by the NJDOT. This will address bicycle access and pedestrian access. They are going to give points in the municipal aide applications. There are a number of streets that have been improved, which is a large portion of the capital improvement plan. It means that every design and planning process will require that you implement a new road. They want this to be done by ordinance. There are 26 municipalities and two counties now signed up, and the more communities that get on board, the more points will be awarded. He has an information package that he will provide to the Mayor and Council members. He recommended that they look into this.

Mr. Simone said over 850 recycling containers have been given out; the program is working well. Information about the containers will be included in the newsletter to inform more people. Referring to Wilmore Road Park, he informed that the new playground equipment arrived today and was unloaded. His department will be starting on the installation tomorrow, which should take about a week. Mr. Simone reminded that there was a gentleman at the last Council meeting who commented regarding public service. He informed that he met with the Mayor, Mrs. Bergin and Public Service this morning to discuss the tree trimming. They have requested more openness with Public Service and more notification so the Township can be more informative to its residents.

Councilmember VANTUNO asked if there were plans to replace the trees that were lost. Mr. Simone said he would have to speak to the Shade Tree Commission to see how much money they have in their budget for this; he will report back.

PUBLIC PORTION

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

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

The Council President declared the motion passed.

Louis Fernandez, 54 Harrison Street, referred to the Township website, and asked if there could be a section for residents to comment. If so, he asked how they would regulate this so as to make sure the public's comments wouldn't be edited before being published.

Brian Reynolds, 7 Notch Road, referred to the Minutes of the meeting of 1/9/12 and said it covers some of the things regarding expenditures for the new Justice Complex. He reminded that Mr. Underhill had previously stated that no change orders were done for this project. Also, Chief Dmuchowski had said that the budget was \$4.4 million, which would have included everything. At that same meeting, Mr. Radcliffe had mentioned that we were not within budget. Mr. Reynolds voiced his understanding that the public has not been kept informed about the real cost of the project. He had previously told the Council that the building should be dedicated to the residents.

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. Tosi said the public can post their comments at www.nj.com, noting that there is no legal prohibition against posting on the website, but the policing of this would be a tough thing.

Council President FONTANA disagreed with Mr. Reynolds regarding Mr. Underhill's previous comments. He also pointed out that no part of the budget for the building has been hidden, noting that the Council welcomed suggestions. Councilmember SISCO pointed out that himself and Councilmember Fontana were in attendance for the original discussions on the Justice Complex project. Originally the building was to be separate, and they were told by experts that it would be significantly cheaper to do so. The Council can only listen to what they are told; they are not experts. He explained that after the original budget for the building was in place, the Department of Corrections came in to inform of mandated items that were needed; that list keeps growing. He explained that they cannot leave the building empty. Council President FONTANA disagreed that they mishandled this project.

In response to President Fontana, Mr. Simone said this was looked into once before. It involved widening Notch Road to accommodate the sidewalk. The cost at that time was prohibited and the County wanted nothing to do with it. Mr. Lindsay said they could look into it, but informed that there may be a number of other issues that need to be looked at. He will review the old paperwork to see what was done.

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.

REPORTS

Municipal Clerk's Report – Month of April 2012

MUNICIPAL CLERKS REPORT Month of April 2012

ABC LICENSES		
OTHER LICENSES		
Business Licenses	\$735.00	
Pre-paid Business Licenses		
Raffle Licenses	80.00	
		\$815.00
REGISTRAR OF VITAL STATISTICS		
Fees & Permits	\$152.00	
Marriage Licenses-LF	15.00	
Marriage Licenses-NJ	125.00	
		\$292.00
MRNA		
Street Maps		
Zoning Maps		
Zoning Ordinances		
Document Copies	\$23.95	
Garage Sales	55.00	
Misc. Fees & Refunds:		
		\$78.95
TOTAL MRNA		<u>\$78.95</u>
TOTAL CURRENT ACCOUNT		<u>\$1,185.95</u>
TOTAL TO TREASURER		<u>\$1,185.95</u>

Municipal Clerk's Dog/Cat License Report – Month of April 2012

MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT Month of April 2012

Dog Licenses issued 04/01/12 thru 04/30/12		
Nos. 453 to 453 = 1 Licenses		
Amount due Little Falls		\$6.80
Amount due State		1.20
Total Cash Received		\$8.00
Total to Treas.		<u>\$8.00</u>

Tax Collector's Report – Month of April 2012

MONTHLY REPORT

Municipality of Township of Little Falls
Office of the Tax Collector
Revenues Collector for the Month of April 2012

Categories	April 2-30, 2012	2012 Year to Date
2012 Taxes	\$2,690,769.48	\$12,743,368.64
2011 Taxes	236,895.15	526,087.35
2010 Taxes	0.00	799.70
Prepaid 2013 Taxes	0.00	0.00
Interest	28,992.22	52,493.71
Township Tax Title Lien	0.00	0.00
Township Tax Title Lien Int.	0.00	0.00
Cost of Tax Sale	2,977.25	4,154.07
Outside Tax Liens	0.00	140,058.91
Duplicate Tax Bills	5.00	80.00
Tax Searches	0.00	0.00
Insufficient Check Charge	40.00	120.00
6% Penalty Fee	4,240.58	9,536.80

Misc. Line Item Fee	0.00	0.00
Premium Outside Lien	135,200.00	135,200.00
Tax Sale Additional Fee	2,050.00	2,100.00
Municipal Copy Fee	0.00	0.00
GRAND TOTALS	\$3,101,169.68	\$13,613,999.18

Delinquent 2012 Taxes \$203,189.92 (1st Qtr.) 113 line items.
Delinquent 2011 Taxes 1,008.08 (1 Bankruptcy/1 Senior Dis.).
2011 Senior Disallowance 1,250.00 (due June 1, 2012).
Total Outstanding Taxes \$205,448.00

Comparison same time last year:

Delinquent 2011 Taxes \$208,235.26 (1st Qtr.) 120 line items.
Delinquent 2010 Taxes 239,401.90 (1st-4th Qtrs.) 51 tax sale 06/15/11.
(6) 2010 Taxes Senior Disallowance 9,000.00 (due June 1, 2011).
Total Delinquent Taxes \$456,637.16

2012 Refunds this month = -\$0.00
2012 Year to date refunds = -\$470.19

Refunds for other Years in 2012 (see attached).

2012 Insufficient check charge backs (year to date) = -\$26,608.97.

Prepared by: _____ Dated: May 1, 2012.
Denise Whiteside, Tax Collector

cc: CMFO, Mayor, Council, Administrator, Clerk & Attorney.

APPLICATIONS

- Raffles** - - Sons of the American Legion Post #108, Off-Premise 50/50, 5/26/12, 4:00 p.m. – 11:00 p.m.
- - American Legion Auxiliary Post #108, Tricky Tray, 5/26/12, 12:00 p.m.-6:00 p.m.
- - St. George Antiochian Orthodox Church, On-Premise 50/50, 6/15/12, 6pm-11pm, 6/16/12, 5pm-11pm, 6/17/12, 1pm-8pm
- - St. George Antiochian Orthodox Church, Wheels of Chance, 6/15/12, 6pm-11pm, 6/16/12, 5pm-11pm, 6/17/12, 1pm-8pm

RESOLUTIONS

Authorizing Township Engineer to Seek Bids for Stanley Street

RESOLUTION [A] 12-05-07 - #1

WHEREAS, the Stanley Street improvements are a state Municipal Aid funded project; and,
WHEREAS, the project plans have been sent to the County of Passaic and the New Jersey Department of Transportation; and,
WHEREAS, the Township Engineer has requested authorization to receive bids to perform the work,
NOW THEREFORE BE IT RESOLVED that the Township Council hereby authorizes the Township Engineer to seek bids for the Stanley Street improvements.

Reimbursement to Lienholder of Redeemed Tax Sale Certificate

RESOLUTION [B] 12-05-07- #2

WHEREAS, at the Municipal Tax Sale held on April 19, 2012, a lien was sold on Block 27 Lots 16, 17, known as Joseph & Mary Tedesco of 16 Haines Place, Little Falls, NJ, for 2011 delinquent taxes; and
WHEREAS, this lien, known as Tax Sale Certificate #05-2012, was sold to C&E Tax Lien Fund I, for a premium amount of \$7,000.00; and
WHEREAS, Hudson City Savings Bank, an interested party has effected redemption of Certificate #05-2012 in the amount of \$10,836.49;
NOW, THEREFORE BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$17,836.49 payable to C&E Tax Lien Fund I, P.O. Box 23-1308, New York, NY 10023 for the redemption of Tax Sale Certificate #05-2012. **This check shall be forwarded to the Tax Collector on May 8, 2012** as she must surrender the tax sale certificate before C&E Tax Lien Fund I receives payment.

RESOLUTION [C] 12-05-07- #3

WHEREAS, at the Municipal Tax Sale held on April 19, 2012, a lien was sold on Block 237 Lot 14.01, known as Notchwood, LLC of 106 Woods Road, Little Falls, NJ, for 2011 delinquent taxes; and
WHEREAS, this lien, known as Tax Sale Certificate #20-2012, was sold to JMT Asset Management at an 18% interest rate; and
WHEREAS, Notchwood, LLC has effected redemption of Certificate #20-2012 in the amount of \$1,292.38;
NOW, THEREFORE BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$1,292.38 payable to JMT Asset Management, 13 Pelham Lane, Ridgefield, CT 06877 for the redemption of Tax Sale Certificate #20-2012. **This check shall be forwarded to the Tax Collector on May 8, 2012** as she must surrender the tax sale certificate before JMT Asset Management receives payment.

RESOLUTION [D] 12-05-07- #4

WHEREAS, at the Municipal Tax Sale held on April 19, 2012, a lien was sold on Block 237 Lots 15, 55, known as Notchwood, LLC of 108 Woods Road, Little Falls, NJ, for 2011 delinquent taxes; and
WHEREAS, this lien, known as Tax Sale Certificate #21-2012, was sold to JMT Asset Management at an 18% interest rate; and
WHEREAS, Notchwood, LLC has effected redemption of Certificate #21-2012 in the amount of \$6,929.52;
NOW, THEREFORE BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$6,929.52 payable to JMT Asset Management, 13 Pelham Lane, Ridgefield, CT 06877 for the redemption of Tax Sale Certificate #21-2012. **This check shall be forwarded to the Tax Collector on May 8, 2012** as she must surrender the tax sale certificate before JMT Asset Management receives payment.

NJ Motor Vehicle Commission for Title Transfers

RESOLUTION [E] 12-05-07 - #5

WHEREAS, the Little Falls Police Division received three vehicles from the County of Passaic; and
WHEREAS, it is necessary to change the vehicle title to the Township of Little Falls;
NOW THEREFORE BE IT RESOLVED, the Treasurer is hereby authorized the issue three individual checks in the amount of \$60.00 each to the New Jersey Motor Vehicle Commission to cover the cost of said title transfers: \$180.00

Hartford Steam Boiler Inspection

RESOLUTION [F] 12-05-07 - #6

BE IT RESOLVED by the Township Council of the Township of Little Falls, the Treasurer having certified to the availability of funds therefor that the Mayor, Clerk and Treasurer be and they are hereby authorized and directed to issue a check in the amount of:

\$55.00

payable to:

The Hartford Steam Boiler Inspection & Insurance Co.
P.O. Box 21045, Chicago, IL 60673-1210

representing payment of Certificate fee for boiler for 35 Stevens Avenue.

Little Falls Public Library – 2nd Quarter 2012 Funds

RESOLUTION [G] 12-05-07 - #7

BE IT RESOLVED by the Township Council of the Township of Little Falls, the Treasurer having certified to the availability of funds therefor that the Mayor, Clerk and Treasurer be and they are hereby authorized and directed to issue a check in the amount of:

\$158,895.50

payable to:

Little Falls Public Library

representing payment of 2nd quarter 2012 funds.

Payment of Hazardous Waste Compliance Monitoring Fees

RESOLUTION [H] 12-05-07 - #8

BE IT RESOLVED by the Township Council of the Township of Little Falls, the Treasurer having certified to the availability of funds therefor that the Mayor, Clerk and Treasurer be and they are hereby authorized and directed to issue a check in the amount of:

\$30.00

payable to:

Treasurer-State of New Jersey
NJ Dept. of Treasury
Division of Revenue
PO Box 417
Trenton, New Jersey 08646-0S

representing payment of Hazardous Waste Compliance Monitoring Fees.

Welfare

RESOLUTION [I] 12-05-07 - #9

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:

\$1,050.00 (\$210.00 each)

payable to:

Welfare Clients #60, 61, 63, 66 & 69

representing payment of Self-Care for the month of May 2012 be and the same is hereby authorized and ratified.

NJ Dept. of Health – Dog License Fees

RESOLUTION [J] 12-05-07 - #10

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:

\$1.20

payable to:

NJ State Dept. of Health

representing payment of State dog license fee, license Nos. 453 to 453 for the month of April 2012.

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

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

The Council President declared the motion passed.

REGULAR AGENDA

The following items were individually considered.

CORRESPONDENCE

LETTER FROM GREAT NOTCH FIRE COMPANY #4 REQUESTING PERMISSION TO CONDUCT ITS ANNUAL BOOT DRIVE ON FRIDAY, MAY 18 AND SATURDAY, MAY 19, 2012 AT THE INTERSECTIONS OF LONG HILL ROAD/NOTCH ROAD AND RIDGE ROAD/FRANCISCO ROAD FROM 7:00 AM TO 8:00 PM EACH DAY WITH A RAIN DATE OF MAY 20, 2012.

There was an affirmative consensus from the Council to approve this.

NEW BUSINESS

Appointing Susan McKenna as Temporary Purchasing Agent – It was moved by Councilmember Porter, seconded by Councilmember Vantuno, that the Council approve the following:

RESOLUTION [K] 12-05-07 - #11

WHEREAS, the Township of Little Falls has designated Kathy Albanese as its Qualified Purchasing Agent (QPA) for many years; and,

WHEREAS, Kathy Albanese has retired effective May 1, 2012; and

WHEREAS, the New Jersey Division of Local Government Services has issued Local Finance Notice 2011-15 which reads in part: If a QPA vacates the position, the appointing authority for the contracting unit may appoint, for one year from the date of the vacancy, a person who does not possess a QPA certificate as “temporary purchasing agent.”; and,

WHEREAS, Susan McKenna has been working in the Little Falls Finance Office for 6 years and has successfully completed all the classes required for a Qualified Purchasing Agent certificate and is waiting to take the state examination,
NOW THEREFORE BE IT RESOLVED, the Little Falls Township Council hereby appoints Susan McKenna as the Little Falls “temporary purchasing agent” effective May 1, 2012.

Poll: Ayes: Porter, Vantuno and Council President Fontana
Nays: Sisco

The Council President declared the motion passed.

Establishing 2012 Summer Hours Schedule – It was moved by Councilmember Sisco, seconded by Councilmember Porter, that the Council approve the following:

RESOLUTION [L] 12-05-07 - #12
FIXING SUMMER OFFICE HOURS OF TOWN HALL AND TAX COLLECTOR'S OFFICE

BE IT RESOLVED by the Township Council of the Township of Little Falls that the summer hours of the offices in Town Hall be and they are fixed as follows, with a half hour lunch break Monday through Thursday:

May 21, 2012 – August 31, 2012

Monday through Thursday: 8:30 a.m. to 5:00 p.m.
Fridays: 9:00 a.m. to 12 Noon

BE IT FURTHER RESOLVED that the Tax Collector's Office shall be open to the public as follows:

Monday through Thursday: 8:30 a.m. to 4:30 p.m.
Fridays: 9:00 a.m. to 11:30 a.m.

Poll: Ayes: Porter, Vantuno and Council President Fontana
Nays: Sisco

The Council President declared the motion passed.

Authorizing Tax Collector to Issue Estimated Tax Bills for Third Quarter 2012 – It was moved by Councilmember Vantuno, seconded by Councilmember Porter, that the Council approve the following:

RESOLUTION [M] 12-05-07-#13

WHEREAS, N.J.S.A. 54:4-66.3, pursuant to Section 3 of P.L. 1994 c.72 and 54:4-66.2 the Township Council of the Township of Little Falls has determined that the Tax Collector will be unable to complete the mailing and delivery of the tax bills by June 14, 2012 due to the absence of a certified tax rate; and

WHEREAS, the Little Falls Tax Collector in consultation with the Little Falls Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Tax Collector requests the Council to approve the estimated tax levy of \$42,998,134.04 @ \$2.25; which is between the mandated estimated range proposed by the Local Government Services. Approval will enable the Township to meet its financial obligations, maintain the tax collection rate, and provide uniformity for tax payments and save the unnecessary cost of interest expenses in borrowing;

NOW, THEREFORE BE IT RESOLVED that the Township Council of the Township of Little Falls, County of Passaic, State of New Jersey, hereby authorizes that:

1. The Tax Collector of the Township of Little Falls is hereby authorized and directed to prepare and issue estimated tax bills for the Township of Little Falls for the third quarter installment of 2012.
2. The entire estimated tax levy for 2012 is hereby set at \$42,998,134.04. The estimated tax rate for 2012 is hereby set at \$2.25.
3. In accordance with law, the third quarter installment of 2012 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

Poll: Ayes: Porter, Vantuno and Council President Fontana
Nays: Sisco

The Council President declared the motion passed.

Authorizing Execution of Letter to State Officials re Occidental Chemical Corporation – It was moved by Councilmember Sisco, seconded by Councilmember Vantuno, that the Council approve the following:

RESOLUTION [N] 12-05-07 - #14
RESOLUTION AUTHORIZING EXECUTION OF THE LETTER TO STATE SENATORS AND ASSEMBLYMEN IN THE ACTION ENTITLED NJDEP v. OCCIDENTAL CHEMICAL CORPORATION, ET AL.

WHEREAS, certain claims have been asserted against the Township of Little Falls in the action entitled NJDEP v. Occidental Chemical Corporation, et al., Docket No. ESX-L-9868-05 pending in the Superior Court of New Jersey, Essex County (the “Litigation”) regarding alleged environmental contamination at the lower 17 miles of the Passaic River, Newark Bay, the lower reaches of the Hackensack River, the Arthur Kill, the Kill Van Kull, and into adjacent waters and sediments (the “Newark Bay Complex”);

WHEREAS, the New Jersey Department of Environmental Protection, the Commissioner of the New Jersey Department of Environmental Protection and the Administrator of the New Jersey Spill Compensation Fund (hereinafter referred to collectively as the “State of New Jersey”) commenced the present litigation on or around December 13, 2005, suing defendants, Occidental Chemical Corporation, Tierra Solutions, Inc., Maxus Energy Corporation, Repsol YPF, S.A., YPF, S.A., YPF Holdings, Inc. and CLH Holdings (hereinafter referred to collectively as the “Tierra-Maxus Defendants”);

WHEREAS, the State of New Jersey's Complaint seeks to recover from the Tierra-Maxus Defendants past and future cleanup and removal costs, as well as unspecified economic damages, punitive damages, damages for alleged “unjust enrichment,” penalties and a variety of other forms of relief purportedly arising from the alleged discharges into the Passaic River of 2,3,7,8-tetrachlorodibenzo-p-dioxin (a form of dioxin referred to as “TCDD”) and other unspecified “hazardous substances” from a plant that operated at 80 Lister Avenue in Newark, New Jersey for approximately twenty years before the plant was closed in 1969.

WHEREAS, in its Complaint, the State has alleged that as a direct result of the Tierra-Maxus Defendants' intentional releases and discharges into the Passaic River, and the Tierra-Maxus Defendants' subsequent practice of obfuscation and delay for another twenty-plus years, TCDD has migrated throughout Newark Bay Complex;

WHEREAS, on or around February 4, 2009, defendants, Maxus Energy Corporation and Tierra Solutions, Inc. filed a third-party complaint against approximately eighty-five (85) municipalities and public entities including the Township of Little Falls for contribution towards the cleanup and removal costs that Maxus and Tierra have incurred or will incur in the future relating to the Newark Bay Complex.

WHEREAS, certain Third-Party Defendant municipalities and public entities, including the Township of Little Falls are members of a group known as the Municipal Group in the Litigation;

WHEREAS, the Township has incurred and continues to incur significant legal and transactional fees in connection with this Litigation;

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

1. The Township is hereby authorized and directed to sign the signature pages of the Letter to the its State Senator and Assemblymen, which will be adopted in substantially the form contained in the draft copy on file, and thereafter immediately transmit the said signature pages to Peter J. King, Esq., Liaison Counsel for the Municipal Group.

2. This resolution shall take effect immediately.

Mrs. Bergin provided an explanation of this resolution. She provided background information on this lawsuit. The litigation has continued to be very costly. This letter is asking our legislatures to address this and provide some relief.

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

The Council President declared the motion passed.

Ordinance No. 1153 – It was moved by Councilmember Sisco, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1153, **“2012 LITTLE FALLS SALARY ORDINANCE”**, be and it was opened.

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

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Vantuno, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1153 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Vantuno, seconded by Councilmember Porter, that the Ordinance No. 1153 be and it was adopted.

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

The Council President declared the motion passed.

Ordinance No. 1154 – It was moved by Councilmember Sisco, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1154, **“AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LITTLE FALLS AS THEY RELATE TO THE ORGANIZATION OF THE PUBLIC WORKS AND LEGAL FUNCTIONS”**, be and it was opened.

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

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Vantuno, seconded by Councilmember Sisco, that the public hearing on Ordinance No. 1154, be and it was closed.

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

The Council President declared the motion passed.

Mayor Post informed that they are moving Mr. Simone into a Department Head position, and the Legal Department will now be moved under Administration. There will be no changes in compensation.

It was moved by Councilmember Sisco, seconded by Councilmember Vantuno, that the Ordinance No. 1154, be and it was adopted.

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

The Council President declared the motion passed.

Ordinance No. 1155 – It was moved by Councilmember Sisco, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1155, **“BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$450,000 FOR THE CONSTRUCTION OF THE JUSTICE COMPLEX BUILDING IN AND BY THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$427,500 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION”**, be and it was opened.

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

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Vantuno, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1155 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Vantuno, seconded by Councilmember Porter, that the Ordinance No. 1155 be and it was adopted.

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

The Council President declared the motion passed.

Ordinance No. 1156 – It was moved by Councilmember Sisco, seconded by Councilmember Vantuno, that there be introduced and the meeting of May 21, 2012 set as the date and time for the public hearing on the following:

**ORDINANCE NO. 1156
AN ORDINANCE TO AMEND CHAPTER 280 (ZONING)
OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS**

WHEREAS, the Township in an effort to reduce flood damage to private residences anticipates that certain properties found in the flood plain will require elevation of structures; and

WHEREAS, it is recognized that providing protection of living spaces in structures found in the Flood Plain requires these structures exceed the maximum height permitted by zoning ordinances; and

WHEREAS, it is necessary to provide relief to properties found in the Flood Plain.

NOW, LET IT BE ORDAINED, that Chapter 280-4 (Specific Definitions) be amended to add as follows:

FLOOD PLAIN

The area designated by FEMA and shown on the most current Flood Insurance Rate Map (FIRM) to be in a Special Flood Hazard Area.

FLOOD PLAIN OVERLAY

The residential development area designated by FEMA FIRM maps as Special Flood Hazard Areas which shall overlay all zoning boundaries within the township.

FLOOD PLAIN ELEVATION is the height of expected flood levels above mean sea level (per North American Vertical Datum 1988) for a particular location as shown on the most current FIRM maps by FEMA.

NOW, LET IT BE FURTHER ORDAINED, that Chapter 280-150 (Height Exceptions) be amended to add as follows:

C. All residential properties found within the Special Flood Hazard Area of the Flood Plain as identified in the Flood Plain Overlay shall be exempt from height restrictions to the extent that the height shall be measured from the Base Flood Elevation (BFE) plus two feet in lieu of measuring from the finished grade, so long as the property is elevated strictly for flood protection and no living space is below the Base Flood Elevation. Where no BFE is available ("A" zones on FIRM maps), the referenced height shall be determined by the Flood Protection Local Administrator (§ 86-13 Code of Township of Little Falls).

NOW, LET IT BE FURTHER ORDAINED, that Article IIIA FLOOD PLAIN OVERLAY, with Chapter 280-11.1 (Purpose) and Chapter 280-11.2 (Geographic Scope) be added as amendment to Chapter 280 (Zoning) as follows:

ARTICLE IIIA FLOOD PLAIN OVERLAY

280-11.1 PURPOSE

The purpose of this overlay zone is to create an additional realistic area of flood prone properties which will allow certain construction necessary to alleviate damage and assist in limiting the impact on flooding on residential buildings located within these areas without changing the basic characterization of the neighborhoods.

200-11.2 GEOGRAPHIC SCOPE

This overlay zone includes all properties as identified and contained within the Special Flood Hazard Area as shown on the most current FEMA FIRM maps.

Mr. Lindsay explained that this is the recommendation to allow for the possibility for the extension of height limitations on houses in the flood zone, due to flood elevations. With this, a person in that situation won't have to seek zoning variances.

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

The Council President declared the motion passed.

Ordinance No. 1157 – It was moved by Councilmember Sisco, seconded by Councilmember Vantuno, that there be introduced and the meeting of May 21, 2012 set as the date and time for the public hearing on the following:

**ORDINANCE NO. 1157
AN ORDINANCE TO AMEND CHAPTER 4
(BACKGROUND CHECKS FOR YOUTH PROGRAMS)
OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS**

WHEREAS, the Township in an effort to provide the safest possible recreation programs for the youth, direct all youth programs using Township facilities, and all programs that are funded or supported by the Township in whole or in part (including but not limited to baseball, football, soccer, softball, basketball, etc.) be required to perform criminal background checks as a condition of using municipal facilities; and

WHEREAS, it is found to be more effective and cost efficient to alter the frequency of background checks from three years to five years;

NOW, LET IT BE ORDAINED, that Chapter 4-7 (Frequency of Background Checks), Sections A and B(1) be amended to read as follows:

A. All non-sponsored youth programs that have individuals subject to this chapter shall supply background checks for all of its participants prior to the individual being able to participate at any function at the municipal-owned facility to the extent covered by this chapter. Thereafter, every five years a new background check shall be submitted to the Chief of Police, Municipal Administrator or Municipal Solicitor.

B. All municipal-sponsored youth programs that have individuals subject to this chapter shall direct those individuals to the Chief of Police for background checks prior to the individual being able to participate at any function sponsored by the Township of Little Falls. Thereafter, every five years a new background check shall be submitted to the Chief of Police or other chief law enforcement officer.

Council President FONTANA explained that the Council adopted an ordinance two years ago requiring background checks for those people who deal with children in town. It is a very good program. This ordinance will extend the length of time in between background checks for a single individual, which will change from three years to five years. In response to Councilmember SISCO, Mr. Pace explained that they have done many background checks and they have not had any problems. They are trying to save money for the town. They have the same group of people working with the kids and he doesn't find it to be necessary to do a check every three years. Mrs. Bergin pointed out that other towns don't redo the background checks at all after they are done the first time.

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

The Council President declared the motion passed.

PUBLIC PORTION

It was moved by Councilmember Porter, seconded by Councilmember Fontana, 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.

Arnold Korotkin, Long Hill Road, referred to resolution [M] on tonight's agenda and asked about the percentage increase for the quarter. He also questioned Ordinance No. 1154.

Brian Reynolds, was appreciative of Mr. Lindsay's comments regarding Notch Road. He spoke to the County and they agreed to pay for 50% of a sidewalk on the road. He reported this to the Council, but nothing was done; this is a safety issue. With regard to the tax increases in town, he pointed out that 23% of Little Falls is over the age of sixty; these people cannot be taxed very much longer. He insisted that something be done to decrease or stabilize the taxes.

Louis Fernandez, 54 Harrison Street, agreed with Councilmember Sisco's comments regarding Resolution [K], noting that this will cost the Township more money. He asked the Governing Body to stop bickering with each other, and pointed out that there are more important problems that must be addressed. He explained that the Senior Citizens cannot keep up with the taxes in town; the Council should be thinking about that when they are working on the Budget.

Mr. Lindsay referred to the item under the Consent Agenda regarding Stanley Street. He reminded that there was a meeting held about this, where they explained to the residents on that block what is happening there. The plans are satisfactory to the County and they will be reporting back to the Council shortly.

No one further having come forward to be heard, it was moved by Councilmember Sisco, seconded by Councilmember Vantuno, 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.

Referring to Resolution [M], Mrs. Bergin said she would look into this.

Council President FONTANA said that he would discuss the sidewalk installation with Mr. Lindsay. Mr. Lindsay agreed and asked Mr. Reynolds to provide them with any information he can.

Council President FONTANA assured that they are working on getting more ratables in town.

FONTANA said the CMFO doesn't have this designation for QPA; the individual being appointed is currently going through the certification process. He also agreed that they need to cut costs, but said it is more important to find ratables.

PAYMENT OF BILLS

It was moved by Councilmember Porter, seconded by Council President Fontana, 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: Porter, Sisco, Vantuno and Council President Fontana
Nays: None

The Council President declared the motion passed.

EXECUTIVE SESSION

It was moved by Councilmember Vantuno, seconded by Council President Fontana, 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 personnel matters.

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

The Council President declared the motion passed.

The Council entered Executive Session at 8:39 p.m.

At 9:00 p.m., the Council returned and it was moved by Councilmember Sisco, seconded by Councilmember Porter, that the meeting return to Open Session.

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

The Council President declared the motion passed.

There being no further business to come before the meeting, it was moved by Councilmember Sisco, seconded by Councilmember Porter, that the meeting be and it was adjourned at 9:01 p.m.

William E. Wilk
Municipal Clerk

Cynthia Meyer
Deputy Municipal Clerk