

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

Monday, November 14, 2011

Council President Louis Fontana called the meeting to order at 7:34 p.m. with the following members present: Mercedes Gonzalez, Darlene Post, Joseph Sisco and John Vantuno. Also present were Mayor Michael DeFrancisci, Township Attorney Joseph Trapanese, Township Engineer Dennis Lindsay, Municipal Clerk William Wilk, Township Administrator Henry Underhill and Township Grant Writer Joanne Bergin.

Absent: None.

Township Employees present: Fire Chief Jack Sweezy, Fire Department President Michael Burke, 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 4, 2011; a copy of the notice was faxed to the North Jersey Herald and News and The Record on the same date; additionally, a copy of the notice was filed in the office of the Township Clerk on said date.

APPROVAL OF MINUTES

It was moved by Councilmember Post, seconded by Councilmember Sisco, that the Minutes of the meeting of September 26, 2011 be approved.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana
 Nays: None

The Council President declared the motion passed.

REMARKS FROM CHAIR

Council President FONTANA informed that the Township had one item to be voted on at this year's General Election. He was happy to announce that the Open Space Trust Fund passed. He thinks everyone will be able to see all of the good this will do for the town and hoped this would help property values increase.

President FONTANA informed that he received a letter from the Chairman of the Charity Outreach Committee, which was addressed to the Little Falls Municipal Alliance, commending them regarding a recent food drive they sponsored. President FONTANA also informed that the Township will hold its annual holiday tree lighting at Town Hall on 12/9/11 at 7:00 p.m.; he encouraged everyone to come out for this.

COUNCIL MEMBER REPORTS

Councilmember SISCO said he is pleased to see what is going on at the Morris Canal on Main Street. However, referring to a part of the canal that runs prior to Browertown Road and Sisco Lane, he asked if something could be done to improve this area. He would like a discussion of this to take place at a future Workshop Meeting. He was also glad to hear about the letter commending the Municipal Alliance, noting that this group helps the poor. He informed that he wouldn't be attending next week's Council meeting.

Councilmember GONZALEZ announced that the Women's Club will be collecting food on 11/21/11 to make baskets for the poor for Thanksgiving. Referring to the recent Senior Citizen Dinner Dance, she said she received a lot of commendation on this. She explained that the committee should be commended for all of their hard work; she thanked the following individuals: Lucille Clifford, Lynn Deluccia, Phyllis Dillon, Nadine Heinis, Joan Imandt, Jean Giancola, Marcella Kelleher, Rosemary Ryglicki and Helen Witecki. Councilmember GONZALEZ also expressed her thanks to the Little Falls ABC for consistently improving the town, noting that they helped to make sure the Open Space got approved. She also thanked Joanne Bergin, Renea Shapiro and Arnold Korotkin for all of their hard work, dedication and volunteerism. Referring to last minute items that have been placed on the agenda most recently, she expressed her disappointment, noting that this is a lack of respect of respect and transparency to the Council and the citizens of Little Falls. She explained that issues which are placed on the agenda need time to be researched and shouldn't be added to the agenda at the last minute. She has previously expressed her disappointment about this and this time she would like it noted.

Councilmember POST said she had pleasure of attending a Historical Society program for the 300th Anniversary Celebration on 11/2/11. She informed that there are still tickets available for the 300th Anniversary Celebration Dinner; she advised those interested in attending to speak with her for further information. She informed that she met with the Grants Committee. They reviewed a report from Mrs. Bergin regarding pending grants and discussed open space. She also attended a Regional Flood Board Meeting with the Army Corps of Engineers regarding the solution for flooding at the Peckman River. Mr. Lindsay explained that the Army Corps. of Engineers had informed that they are working on the feasibility study and are nearing the completion of same. They will be coming back to the Township shortly with a report. He assured that the money is secure right now for the feasibility study and that portion of the work. They were very well received by everyone.

Councilmember VANTUNO said he found an internet service provider for the Township. This should fix the internal email issues, as well as the emergency notification system emails. He informed that he received several calls from residents regarding the clean up of the recent storm; residents were very pleased.

MAYOR'S REPORT

Mayor DeFrancisci had nothing to report.

ATTORNEY'S REPORT

Meeting of November 14, 2011

Mr. Trapanese informed that he had requested an Executive Session this evening regarding the billboards, noting that this was something that came up last minute.

Joanne Bergin, Township Grant Writer, informed that she would like to provide regular updates to the Council from now on. Referring to the RFC Program, Mrs. Bergin informed that all three property owners have opted for elevation, adding that the architect is currently working with those owners to finalize the design.

Referring to Round One of the SRL Program, Mrs. Bergin informed that the appraisals of the 12 homes have been complete and they now have a guide for program participants to use in determining acquisition as opposed to elevation. Once the Township has a better sense on the number of elevations, a recommendation will come before council to retain the services of an architect to immediately start those designs. She informed that an RFP for professional services went out, responses were received and the qualified candidate was interviewed by Mr. Lindsay and herself.

Regarding acquisitions, she explained that the Township has submitted an application to the NJDEP Blue Acres Program for the \$6 million needed to be able to offer acquisitions to all program participants; the Township should know the status of this application by the end of November.

Referring to Round Two of the SRL Program, Mrs. Bergin informed that the Township has not yet received a grant agreement from FEMA and cannot bond for this program without official word that the funds are allotted to the Township. She explained that there are four properties scheduled for acquisition in Round Two; each resident will be contacted with the list of items needed so the Township can move forward.

Referring to Round Three of the SRL Program, she informed that the Township's application for an additional 12 homes was filed in early October. The application was approved by NJOEM and has moved on to the next phase of review by FEMA.

Mrs. Bergin informed that the Township's FEMA Hazard Mitigation Grant Program (HMGP) letter of intent has been reviewed by the New Jersey Office of Emergency Management. The Township has been asked to submit a full application to FEMA for this project. This indicates that the application is proceeding onto the next level of review, but does not mean it will be funded.

She informed that a letter was sent out to those 20 property owners today, outlining the steps and requesting execution of a mandatory SRL Agreement; FEMA has set a deadline of 11/24/11 for this application.

Mrs. Bergin advised that there is a need to identify an ongoing form of communication specific to each of these programs. As a result, she is working with a web designer on the development of a page which will be a link on the Township website for flood issues. The site will have specific sections for each project.

PUBLIC PORTION

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

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana
 Nays: None

The Council President declared the motion passed.

Louis Fernandez, 54 Harrison Street, apologized for letting anger get the best of him during the last meeting; he said some things he shouldn't have. He apologized for his actions. He said he would like the public officials to express their opinions on certain issues, so the public knows where they stand.

Al Attianese, 27 Dewey Avenue, explained that Mr. Underhill was questioned at a previous meeting as to whether or not the taxpayers of the town were getting a return on their investment. He suggested that Mr. Underhill report back to the governing body to tell them how he is helping to save the town money; to date, he has not provided a report. He referred to a recent article in the newspaper regarding overtime costs. According to the article, an application must be made to FEMA, wherein if approved, FEMA will pay up to 75% of these overtime costs. He asked if this was correct. If so, he asked why this hasn't been done and suggested that the Township look into this. Referring to the town-owned property on Rose Street, he said he was previously informed that this property had been remapped to take into consideration the flood plane. He would like some action taken to pursue a buyer for this property so they can obtain some more ratables. He questioned how much of this property is still buildable.

Rosemary Bello-Truland, High Court, said she was in attendance this evening to speak about the proposed parking ordinance. She voiced her understanding that the purposes of this ordinance are to know who is in town and to avoid interference with emergency vehicles. She believed there were other solutions to this that would be less burdensome to residents. She pointed out that the charge for permits could be a minimal amount instead of a \$50.00 fee. She explained that she spoke with some of the first responders in town, who all said they don't have any problems with cars parked overnight. She asked if the benefits of this ordinance would outweigh the burdens it has on the residents. She suggested that there may be a better solution to this and pointed out that this ordinance doesn't consider handicapped residents. The State of New Jersey exempts handicapped individuals from parking restrictions; the town should do so as well. She explained that first responders aren't exempt; therefore, they will not be able to respond to a call, or their response time would be longer. She asked them to hold off on voting on this tonight, and to carefully review and consider her comments.

Referring to the proposed emergency medical services ordinance, she said this was not properly reviewed before it was approved. She said this would cost the taxpayers money. She also questioned the authority that exempts the Council members from speaking to volunteers and Township employees.

Arnold Korotkin, Long Hill Road, distributed an article to the Council members which appeared in the League of Municipalities magazine recently regarding improving water infrastructure. There is currently a bill before the U.S. Senate and he asked the Council to consider writing a letter about this. He informed that last Friday was Veteran's Day and said the Mayor gave a moving speech in commemoration of the men and women who lost their lives in previous wars.

Barry Delaney, Chestnut Street, Kearny, NJ, informed that his case has been ongoing for almost two year with the Fire Department. He was informed by the Fire Chief that the Administrator is holding this up right now. He asked when he will be allowed to volunteer again, noting that he is an outsider coming in to help this town.

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Phillip Simone, 19 Coney Road, thanked Mr. Korotkin for a recent email regarding tonight's meeting. He had some questions about the proposed parking ordinance. He questioned why the fee was proposed, who proposed it and how it was determined. He asked how many permits are currently issued and asked where they are located in town. He pointed out that if this ordinance was passed this evening, it would become effective before year's end, and asked if the fee would then be in effect for the remainder of this year. He also noted that this ordinance would target a specific group of people and questioned whether the town has notified these people of the pending changes.

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

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana
 Nays: None

The Council President declared the motion passed.

Council President FONTANA thanked Mr. Fernandez for his remarks. Councilmember POST accepted his apology and said there is a lot going on behind the scenes; they are working hard.

Referring to Mr. Attianese's comments, Mr. Underhill informed that he does report to the Mayor weekly, noting that there will be reports distributed at the end of the year to let everyone know what they've been doing during the year. Mr. Attianese said it should be more often than just year-end, adding that the Mayor should be providing the weekly reports to the Council. Mayor DeFrancisci informed that Mr. Underhill was hired to be the "eyes and ears" for him in the Township and to run the town on a day-to-day basis. He said he would discuss this further at a later time if Mr. Attianese so wished. Mr. Attianese said he would like Mr. Underhill to keep his promise to save the taxpayers money. Mayor DeFrancisci reiterated that they would discuss this at another time.

Mr. Underhill referred to the reimbursement of overtime costs and explained that this is part of the application that the Township submits to FEMA for reimbursement. Council President FONTANA added that they apply for these issues whenever they come up.

Mayor DeFrancisci informed that the original maps of Rose Street showed significantly smaller amounts of wetlands than the newest maps they have provided. They are looking at ways to develop that piece of property, but it is less buildable than they thought.

Council President FONTANA said he also had some concerns pertaining to the parking ordinance, and agreed that it should be reviewed further.

Mr. Trapanese referred to N.J.S.A. 40:69A, noting that this is the law under the Faulkner Act which addresses the inability of the Council to speak to members of the town. The law states that the only ability for the Council to speak to the employees of the town is through the Mayor.

Council President FONTANA thanked Mr. Korotkin for the literature he provided, and suggested that the Council may be able to write a letter. Mr. Wilk pointed out that NJ American Water is the Township's water supplier.

Mr. Trapanese explained that Mr. Delaney did have his hearing. He informed that there was a change in Mr. Delaney's position. He further noted the residency requirement which is a regulation in the ordinance of the Township. Mr. Delaney does not fall within the requirement. Councilmember GONZALEZ asked Mr. Delaney to address the Council during the second public portion to inform them what he did wrong to be penalized. Chief Sweezy said he would be happy to speak about this as well.

Mr. Trapanese gave some background information regarding the parking ordinance. He explained that the current ordinance was in place when he was initially appointed. He explained that the previous Council amended that ordinance against his recommendation. The Police Department and the Court are both having issues with enforcing the current ordinance, and as a result, he has been asked to revise same. He explained that there has been abuse of the overnight parking in town, noting that this ordinance is a necessity.

Councilmember VANTUNO asked if there are handicapped exemptions. Mr. Trapanese said this is determined by the State and informed that public streets are not enforced by the State.

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 October 2011

MUNICIPAL CLERKS REPORT Month of October 2011

ABC LICENSES		
OTHER LICENSES		
Business Licenses	\$275.00	
Pre-paid Business Licenses		
Raffle Licenses		\$275.00
REGISTRAR OF VITAL STATISTICS		
Fees & Permits	\$440.00	
Marriage Licenses-LF	21.00	
Marriage Licenses-NJ	175.00	
		\$636.00
MRNA		
Street Maps	\$3.00	
Zoning Maps	12.00	
Zoning Ordinances		

Meeting of November 14, 2011

Document Copies	4.10	
Garage Sales	135.00	
Misc. Fees & Refunds:		
TOTAL MRNA		<u>\$154.10</u>
TOTAL CURRENT ACCOUNT		<u>\$1,065.10</u>
TOTAL TO TREASURER		<u>\$1,065.10</u>

Municipal Clerk's Dog/Cat License Report – Month of October 2011
MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT
Month of October 2011

Dog Licenses issued 10/1/11 thru 10/31/11
Nos. 398 to 412 = 15 Licenses

Amount due Little Falls	\$102.00
Amount due State	27.00
Total Cash Received	\$129.00

Cat Licenses issued 10/1/11 thru 10/31/11
Nos. 078 to 080
Licenses Issued 3

Total Cash Received	\$24.00
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Total to Treas. \$153.00

Tax Collector's Report – Month of October 2011

MONTHLY REPORT
Municipality of Township of Little Falls
Office of the Tax Collector
Revenues Collector for the Month of October 2011
Tax Collection Current Account #622402226 Lakeland Bank

	<u>To October 31, 2011 2011 YEAR TO DATE</u>	
2011 Taxes	\$3,721,525.16	\$33,019,915.86
2010 Taxes	1,023.62	498,891.92
Prepaid 2012 Taxes	89,548.07	93,210.66
Interest	3,697.68	81,566.81
Township Tax Title Lien	0.00	6,687.49
Township Tax Title Lien Int.	0.00	434.28
Cost of Tax Sale	0.00	3,516.30
Outside Tax Liens	0.00	59,725.94
Duplicate Tax Bills	10.00	325.00
Tax Searches	0.00	0.00
Insufficient Check Charge	20.00	120.00
6% Penalty Fee	0.00	5,536.78
Misc. Line Item Fee	0.00	0.00
Premium Outside Lien	0.00	129,200.00
Tax Sale Additional Fee	0.00	1,900.00
Municipal Copy Fee	0.00	0.29
GRAND TOTALS	\$3,815,824.53	\$33,901,031.33
Comparison of Years:		
October 3, 2011 to October 31, 2011	\$3,815,824.53	\$33,901,031.33
October 1, 2010 to October 29, 2010	<u>1,707,227.90</u>	<u>30,410,752.17</u>
	+\$2,108,596.63	+\$ 3,490,279.16

Delinquent 2011 Taxes = \$425,136.41 (1st – 3rd Qtrs.--128 line items).

Comparison--same time last year:
Delinquent 2010 Taxes = \$385,905.89 (1st – 3rd Qtrs.--141 line items).
Delinquent 2009 Taxes = 7,751.83 (1st-4th Qtrs.—3 line items).
\$393,657.72

2011 Bounced checks this month = \$11,231.98 2011 Year-to-date bounced checks = \$22,693.83
2011 Refunds this month = -\$250.00 2011 Year-to-date refunds = -\$27,940.07*

In 2011 Refunds Year-to-date for 2009 \$ 1,569.60 STCJ
for 2010 29,655.67 STCJ
for 2011 5,758.37 STCJ * in figure above.

STCJ = State Tax Court Judgments.

APPLICATIONS

- Little Falls Fire Department Auxiliary – Richard Brent Post, Reiners Road, Great Notch Fire Co. #4
- Devin John McGowan, Kingwood Drive, Great Notch Fire Co. #4
 - Michael Bandurski, Wabash Avenue, Clifton, NJ, Eagle Hose Co. #1

- Raffle - - Passaic Valley Band Association, Tricky Tray Raffle, 1/28/2012, 6:00 p.m. to 11:00 p.m.
- Passaic Valley Band Association, Off-Premise Super 50/50, 1/28/2012, 6:00 p.m. to 11:00 p.m.
 - Passaic Valley Band Association, On-Premise 50/50, 1/28/2012, 6:00 p.m. to 11:00 p.m.
 - American Legion Auxiliary Unit #108, On-Premise 50/50, 12/24/11, Noon to 8:00 PM, 2/5/12, 2:00 PM to 10PM

RESOLUTIONS

Refund of 2011 Property Taxes

RESOLUTION (A) 11-11-14 #1

Meeting of November 14, 2011

WHEREAS, the property known as Block 26 Lot 1 assessed to David Schultz of 16 Garrabrant Avenue, Little Falls, NJ was granted a Veteran Deduction in the Year 2011 by our Tax Assessor; and

WHEREAS, this taxpayer is considered a late filer for the Year 2011; and

WHEREAS, the taxes are paid in full for the Year 2011; and

WHEREAS, the Tax Collector shall authorize the CMFO to refund the amount of \$250.00 made payable to David & Tracey Schultz, 16 Garrabrant Avenue, Little Falls, NJ 07424;

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls on the 14th day of November 2011 that the above block and lot for 2011 be noted as overpaid and be granted a refund in the total amount of \$250.00 due to a Veteran Deduction.

NJ Dept. of Health – Dog License Fees

RESOLUTION [B] 11-11-14 - #2

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:

\$27.00

payable to:

NJ State Dept. of Health

representing payment of State dog license fee, license Nos. 398 to 412 for the month of October 2011.

Resolve Rooter

RESOLUTION [C] 11-11-14 - #3

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:

\$1,000.00

payable to:

Resolve Rooter

representing payment for return of road opening deposit to guarantee proper replacement of a road opening located at 35 Van Ness Avenue.

Refund of 2010 Property Taxes

RESOLUTION [D] 11-11-14#4

WHEREAS, there is a State Tax Court Judgment on Block 201 Lot 1, known as R Sisco & Geyh W Tr/Getty Petr. Mkg. of 1500 Route 46 W for the Year 2010 reducing the assessed value by \$83,200.00;

YEAR 2010

Original Assessment	\$1,583,200.00
STCJ	<u>1,500,000.00</u>
Difference	83,200.00
'10 Tax Rate	x 2.062%
	\$1,715.58

WHEREAS, the Tax Collector authorizes the CMFO/Treasurer to refund the total amount of \$1,715.58 for the Year 2010 payable to Zipp & Tannenbaum, L.L.C., Attorney Trust Fund and R Sisco & Geyh W Tr/Getty Petr. Mkg., mail to: Zipp & Tannenbaum, L.L.C., 166 Gatzmer Avenue, Jamesburg, NJ 08831;

NOW,

THEREFORE BE IT RESOLVED by the Township Council of Little Falls on this 14th day of November 2011 that the above attorney and taxpayer be refunded the total amount of \$1,715.58 for the overpayment of taxes due to a State Tax Court Judgment on Block 201 Lot 1.

Welfare

RESOLUTION [E] 11-11-14 - #5

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:

\$1,470.00 (\$210.00 each)

payable to:

Welfare Clients #55, 58, 60, 61, 63, 66 & 68

representing payment of Self-Care for the month of November 2011 be and the same is hereby authorized and ratified.

Return of Permit Fees

RESOLUTION [F] 11-11-14 - #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:

\$119.00

payable to:

Kovach Roofing
29 Alabama Avenue
Paterson, NJ 07503

representing payment of return fee to contractor (replaced by another firm who paid fees for same job).

Trapanese & Trapanese, Esq.

RESOLUTION [G] 11-11-14 - #7

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:

\$615.00

payable to:

Trapanese & Trapanese, Esqs.

representing payment for legal services rendered in connection with Tri-County Lexus; and

BE IT FURTHER RESOLVED that the within payment be made from the escrow account on deposit with the Township for expenses incurred in connection with the within development project.

Meeting of November 14, 2011

Refunds for Overpayment of 2011 Property Taxes

RESOLUTION [H] 11-11-14 - #8

Judgments for the Year 2011; and
WHEREAS, the following taxpayers were granted County Board of Taxation
WHEREAS, these taxpayers had attorneys file their appeals, and their mortgage
 companies paid their 4th quarter taxes in full before the appeal; and
WHEREAS, their accounts are paid for the Year 2011, and the Tax Collector shall authorize our CMFO to refund their overpayments to their
 attorneys:

<u>BLOCK/LOT QUAL.</u>	<u>OWNER/ LOCATION</u>	<u>REFUND PAYABLE & AMOUNT</u>	<u>MAIL TO:</u>
40/26	Diane Viterito 52 Bergen Drive	\$1,840.41	Matthew DiBrino Trust Account 897 McBride Avenue Woodland Park NJ 07424
95/14	Carl Ruggiero 97 Center Avenue	722.87	McKirby & Riskin Trust Account Attn: R De Angelis, Jr Esq 136 South Street Morristown, NJ 07960
121/5	Moschetta, V&B Kolczynski, Zygm/LR 29 Wilmore Road	1,306.31	The Irwin Law Firm, P.A. Trust Account Attn: R. Danzis 80 Main Street, Suite 410 West Orange, NJ 07052
145/1	Rachael Rafanello & Dean Wright 89 Prospect St	1,098.24	McKirby & Riskin Trust Account Attn: T. Olson, Esq. 136 South Street Morristown, NJ 07960
189/4	Ronald Freeman, III 117 Browertown Rd	1,666.67	The Irwin Law Firm, P.A. Trust Account Attn: R. Danzis 80 Main Street, Suite 410 West Orange, NJ 07052
233.01/54	Hiram Ramos & Jennifer Baez	<u>525.53</u>	The Irwin Law Firm, P.A. Trust Account Attn: R. Danzis 80 Main Street, Suite 410 West Orange, NJ 07052

TOTAL REFUND \$7,160.03

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls on this 14th day of November 2011 that the above block and lots for 2011 be noted as overpaid and be granted refunds in the total amount of \$7,160.03 due to County Board of Taxation Judgments.

RESOLUTION [I] 11-11-14 - #9

Judgments for the Year 2011; and
WHEREAS, the following taxpayers were granted County Board of Taxation
WHEREAS, these taxpayers had attorneys file their appeals, and paid their 4th
 quarter taxes in full before the appeal; and
WHEREAS, their accounts are paid for the Year 2011, and the Tax Collector authorizes our CMFO to refund their overpayments to their
 attorneys:

<u>BLOCK/LOT QUAL.</u>	<u>OWNER/ LOCATION</u>	<u>REFUND PAYABLE & AMOUNT</u>	<u>MAIL TO:</u>
89/1	Brownstone Inc. (Bankers Ltd) 160-198 Main Street	\$31,102.50	Amster & Rosenweig Trust Account 33 Harrison Avenue Post Office Box 1 Waldwick, NJ 07463
92/5	Main Union Assoc. Union Ave Shady Ln	22,179.30	Amster & Rosenweig Trust Account 33 Harrison Avenue Post Office Box 1 Waldwick, NJ 07463
95/18	Vincenzo & D Ditaranto 103 Center Avenue	815.10	McKirby & Riskin Trust Account Attn: T Olson, Esq. 136 South Street Morristown, NJ 07960
148.01/57	Robert & S. Eckrote 14 Brookhill Place	1,447.87	A Bret Steig Trust Account 184 Eagle Rock Avenue Roseland, NJ 07068
236/12	Giresi, M & Passenti, D 159 Francisco Avenue	<u>1,265.55</u>	Frank Williams Trust Account 565 Newark Pompton Tpk Pompton Plains, NJ 07444

TOTAL REFUND \$56,810.32

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls on this 14th day of November 2011 that the above block and lots for 2011 be noted as overpaid and be granted refunds in the total amount of \$56,810.32 due to County Board of Taxation Judgments.

Meeting of November 14, 2011

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

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana
 Nays: None

The Council President declared the motion passed.

REGULAR AGENDA

The following items were individually considered.

INTERDEPARTMENTAL

Finance - - It was moved by Councilmember Gonzalez, seconded by Councilmember Post, that the Council approve the following:

RESOLUTION AUTHORIZING TRANSFERS IN THE 2011 BUDGET: \$56,505.00 [J]#10

Mr. Wilk provided a brief explanation of this resolution.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana
 Nays: None

The Council President declared the motion passed.

NEW BUSINESS

Ordinance No. 1140 – It was moved by Councilmember Post, seconded by Councilmember Gonzalez, that the public hearing on Ordinance No. 1140, “**AN ORDINANCE TO REPEAL ORDINANCE NO. 1122 CONCERNING THE REGULATIONS FOR PLACEMENT AND OPERATION OF DONATION BINS WITHIN THE TOWNSHIP OF LITTLE FALLS**”, be and it was opened.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana
 Nays: None

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Gonzalez, seconded by Councilmember Sisco, that the public hearing on Ordinance No. 1140 be and it was closed.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana
 Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Gonzalez, seconded by Councilmember Post, that the Ordinance No. 1140 be and it was adopted.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana
 Nays: None

The Council President declared the motion passed.

Ordinance No. 1141 – It was moved by Councilmember Post, seconded by Council President Fontana, that the public hearing on Ordinance No. 1141, “**AN ORDINANCE ESTABLISHING CHAPTER 29, “CHARITABLE DONATION BINS”, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF LITTLE FALLS, IN ORDER TO REGULATE THE PLACEMENT AND OPERATION OF DONATION BINS WITHIN THE TOWNSHIP OF LITTLE FALLS**”, be and it was opened.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana
 Nays: None

The Council President declared the motion passed.

Mr. Wilk informed that there were some ministerial changes made to this ordinance.

No one having come forward to be heard, it was moved by Councilmember Post, seconded by Councilmember Sisco, that the public hearing on Ordinance No. 1141 be and it was closed.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana
 Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Sisco, seconded by Councilmember Post, that the Ordinance No. 1141 be and it was adopted.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana
 Nays: None

The Council President declared the motion passed.

Mr. Wilk informed that Ordinance No. 1142 would be held.

Ordinance No. 1143 – It was moved by Councilmember Post, seconded by Councilmember Gonzalez, that the public hearing on Ordinance No. 1143, “**AN ORDINANCE ADOPTING THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, REGULATING AND GOVERNING THE CONDITIONS AND**

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MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; REPEALING AND REPLACING CHAPTER 163 OF THE ORDINANCES OF THE TOWNSHIP OF LITTLE FALLS AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH”, be and it was opened.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana
 Nays: None

The Council President declared the motion passed.

Mr. Trapanese provided an explanation of this ordinance, noting that they would like to update this so Mr. Macones may enforce the laws.

Dorothy O’Haire, Turnberry Road, asked for an explanation of this, noting that she knows nothing about it. Referring to the blue building on the corner of Main Street, she asked if this would be regulated under this ordinance. Mr. Trapanese agreed that it would, as well as other updates to the property maintenance code.

No one further having come forward to be heard, it was moved by Councilmember Gonzalez, seconded by Councilmember Post, that the public hearing on Ordinance No. 1143 be and it was closed.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana
 Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Post, seconded by Councilmember Gonzalez, that the Ordinance No. 1143 be and it was adopted.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana
 Nays: None

The Council President declared the motion passed.

Authorizing Change Order for New Configuration of Court Offices – Comerro-Coppa Architects – It was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, that the Council approve the following:

RESOLUTION [K] 11-11-14 - #11
AUTHORIZING CHANGE ORDER TO COMERRA COPPA
ARCHITECTS FOR JUSTICE COMPLEX

WHEREAS, a contract was awarded to Comerra Coppa Architects for the design of the new Justice Complex in the amount of \$150,000.00; and WHEREAS, it was determined that there are the following required changes in the contract:

- New Configuration of Court Office Space

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Little Falls, that a Change Order in the amount of \$7,200.00 be approved, making the total amount of the contract \$157,200.00

Mr. Wilk provided a brief explanation of this resolution. Mr. Underhill said this was originally configured as a stand-alone building, and it will now be an addition to this building. Councilmember GONZALEZ voiced her understanding that this was already done; she thought it would all be connected from the beginning. Mr. Underhill informed that it was originally a stand-alone building to his knowledge. Mr. Lindsay said he was not involved with this aspect of the building. He informed that an architect was hired to do this building. He was asked for a report on a few items, for which he did provide recommendations. He wasn’t involved with the site work or location of the building. Mayor DeFrancisci explained that the previous Council planned to build a new building, which would have been a stand-along building. When they examined it more closely, it was more feasible to connect the buildings. Therefore, the architect had to reconfigure everything. Council President FONTANA asked what happened to the bill and Councilmember questioned why it took so long for a change order to come before the Council. In response to Councilmember GONZALEZ, Mr. Wilk said this amount was agreed to previously by the Council.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana
 Nays: None

The Council President declared the motion passed.

Contract with Appraisal Systems, Inc. for Expert Appraisal Services – It was moved by Councilmember Gonzalez, seconded by Council President Fontana, that the Council approve the following:

RESOLUTION [L] 11-11-14 - #12

WHEREAS, bids were received by the Township of Little Falls on March 7, 2007 for the Conduct of a Revaluation of the Real Property in the Township of Little Falls; and

WHEREAS, Appraisal Systems, Inc. was awarded a contract in the amount of \$420,000.00 to provide the Township with expert appraisal services for all 2009 and 2010 tax appeals stemming from said revaluation; and

WHEREAS, commencing with 2011, the Township will be facing the 2011 Inwood tax appeal; and

WHEREAS, the 2011 matters are not included in the Township’s contract with Appraisal Systems, Inc., and those appeals will be billed separately;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Little Falls, that the Township’s contract with Appraisal Systems, Inc. be extended to include the 2011 tax appeals at an amount not to exceed \$1,500.00

BE IT FURHTER RESOLVED, that this award is subject to receipt of a Certification of the Availability of Funds from the CMFO.

Councilmember SISCO asked why they have an outside person doing this. Mr. Trapanese clarified this, noting that they have done this on a number of appeals.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana
 Nays: None

The Council President declared the motion passed.

Councilmember POST asked Mr. Underhill to get a report for Mr. Simone regarding the recycling services. Mr. Underhill said he would provide this at the next Workshop Meeting, which Mr. Simone agreed to attend.

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PUBLIC PORTION

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

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana
 Nays: None

The Council President declared the motion passed.

Louis Fernandez, 54 Harrison Street, referred to Resolution [K] and questioned if this was a request for more money, and it was explained to him that it was not.

Barry Delaney, Chestnut Street, Kearny, NJ, explained that he got married over seven years ago and moved to Kearny. He pointed out that there are members of the Little Falls Fire Department who live in Highland Lakes. He informed that he has been a volunteer in Little Falls since 1991, but was suspended in 2006 due to the residency requirement. The issue has still not been resolved.

Rosemary Bello-Truland, High Court, referred to Mr. Trapanese's comments regarding the parking ordinance. Referring to handicapped permits, she disagreed with Mr. Trapanese's earlier remarks.

Referring to the recently adopted emergency medical service ordinance, she explained that she did a lot of research since it was passed. She voiced her understanding that there is a lot going on internally in the department, and said Mr. Delaney's application is not the only one that hasn't been processed for membership. She further noted that there were other solutions besides a paid service, and said the same thing is happening with the parking ordinance; there are other solutions that would be better for the town.

Phillip Simone, 19 Coney Road, thanked the Council for tabling the parking ordinance this evening. He asked them to take certain things into consideration, adding that the current parking situation was not designed with the future in mind. He explained that most households with a family have an average of three cars. He asked the Council not to pass the current proposed ordinance. He also questioned whether the Police Department had issued a report to the Council for the proposed parking fees. If so, he asked if the figures would be available for public inspection. He further noted that all people affected by the proposed ordinance should be notified of the pending changes. He thanked them for their time.

Fire Chief Jack Sweezy, informed that he has been the Fire Chief for five years. He explained that there was a trial board hearing in June for Mr. Delaney's case. He informed that all evidence was put forth, adding that there were other issues pertaining to training that were not met, which are a requirement for membership. These were some of the things that came up during his hearing. Councilmember GONZALEZ reminded that the Mayor and Chief Sweezy previously told her that Mr. Delaney would be put back on the roles of the department. Chief Sweezy agreed but said there were issues that came up. Mayor DeFrancisci said the trial board agreed to put him back on as an auxiliary member, but he doesn't have his certification. Council President FONTANA asked if he could be a member if he got his certification and Chief Sweezy explained that the Township invests money in members. Councilmember GONZALEZ said the Fire Department should tell Mr. Delaney where he stands out of consideration for his 20 years of service. Chief Sweezy said he would be happy to sit down with Mr. Delaney.

Louis Fernandez, 54 Harrison Street, said Mr. Delaney is offering his time to the Township. He voiced his opinion that there is a lot of "sugar-coating" and said it seemed that they don't want this individual to be a member of the department. He suggested that the Fire Department should be honest with him, and said Mr. Delaney would be a benefit to the Township.

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

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana
 Nays: None

The Council President declared the motion passed.

Council President FONTANA informed that the Council would review the parking ordinance concerns. Mr. Trapanese explained that he had requested Mr. Underhill to publish the ordinance on the Township Website prior to first reading, which has been done.

PAYMENT OF BILLS

It was moved by Councilmember Post, seconded by Councilmember Gonzalez, 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: Gonzalez, Post, Sisco, Vantuno and President Fontana
 Nays: None

The Council President declared the motion passed.

EXECUTIVE SESSION

It was moved by Councilmember Gonzalez, seconded by Councilmember Post, 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;

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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: One matter of Attorney/Client Privilege and Contract Rights concerning Billboards and Potential Litigation in regard to same.

Poll: Ayes: Gonzalez, Post, Sisco, Vantuno and President Fontana
 Nays: None

The Council President declared the motion passed.

The Council entered Executive Session at 8:56 p.m.

At 9:23 p.m., the Council returned and it was moved by Councilmember Gonzalez, seconded by Councilmember Sisco, that the meeting return to Open Session.

There being no further business to come before the meeting, it was moved by Councilmember Gonzalez, seconded by Councilmember Post, that the meeting be and it was adjourned at 9:23 p.m.

William E. Wilk
Municipal Clerk

Cynthia Meyer
Deputy Municipal Clerk