

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

Monday, November 8, 2010

Councilmember Louis Fontana called the meeting to order at 7:30 p.m. with the following members present: Paul Huggins, Christie Huh and William Liess. Also present were Mayor Michael DeFrancisci, Township Attorney Joseph Trapanese, Township Engineer Dennis Lindsay, Township Planner Michael Kauker, Municipal Clerk William Wilk and Township Administrator Matthew Kazmierczak

Absent: Council President Joseph Sisco

Township Employees present: Police Chief John Dmuchowski, Detective Alfred Batelli 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 7, 2010; 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 Liess, seconded by Councilmember Huggins, that the Minutes of the meeting of October 4, 2010, be approved.

Councilmember HUH explained that she didn't receive a copy of the Minutes in her packet, and it was agreed that these Minutes would be held until the next meeting.

REMARKS FROM CHAIR

Councilmember FONTANA explained that the football team consists of five age groups, two of which were in the super bowl. He hopes to be able to meet with some of the kids at a future meeting to give out proclamations.

COUNCIL MEMBER REPORTS

Councilmember LIESS informed that the Senior Citizen Advisory Board will hold it's annual Craft Day on Wednesday, 11/17/10 at 10:00 a.m. in the Civic Center; during this event, Seniors are able to do holiday crafts. In the civic center at 10:00 a.m.

Councilmember HUGGINS reminded that they just finished an election cycle, and congratulated the newly elected Council members. He also offered to bring the new officials up to date with any questions they may have. He explained that he will be working with the Grants Committee to complete the Transit Village Grant application; they want to move on this quickly. He informed that he received a phone call from a gentleman with regard to a hydroelectric generator and a flood gate a Beatties Dam, and said he would like to meet with the Mayor and Council to discuss this matter. Referring to the cell tower investigation, he explained that they encountered a problem with the previous attorney, noting that they new attorney seems to be very efficient. He also asked for volunteers to help televise the Council meetings.

Councilmember HUH congratulated the newly elected Council members; she hoped they would always listen first to the needs of the residents and represent their interests in decision making. Referring to the Justice Complex, she pointed out that it has been one month since they passed the resolution approving same; she said they should be breaking ground. Mayor DeFrancisci explained that they would be commencing within the next two weeks. Referring to Executive Session meeting minutes of 5/24/10, she said that she had requested specific changes to these minutes before they were released, and she asked why the changes were not made.

MAYOR'S REPORT

Mayor DeFrancisci had no report.

ATTORNEY'S REPORT

Mr. Trapanese had no report.

PUBLIC PORTION

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

Poll: Ayes: Fontana, Huh, Huggins and Liess
 Nays: None

The Council President declared the motion passed.

Frank Zimmerman, Long Hill Road, was appreciative that the Minutes were recently placed on the Website. He voiced confusion as to why Mr. Schumacher was permitted to negotiate with the Township regarding the Overlay Zone. He referred to page four of the town's Motion to COAH and asked if it is feasible to build detached homes on that property. He questioned if there was a deed dedicating Woods Road to Little Falls.

Arnold Korotkin, Long Hill Road, congratulated the newly elected Council members. On behalf of Renee Shapiro, he reminded that she had asked a question at the last meeting regarding the removal of trees; he questioned again why certain trees were removed and not replaced. He also asked for the status of the traffic sign on Paterson Avenue. He also questioned

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the status of the Township email notification system, pointing out that the Administrator had stated at the last meeting that this would be started. He pointed out that the Minutes are now posted on the Website. He also pointed out that the September minutes have not yet been approved.

Eugene Kulick, 74 Grove Street, referred to a newspaper article with regard to taxes and explained that Little Falls has a 6% increase this year. He asked what the town is doing to keep the taxes lower and pointed out that other towns are making cuts. Referring to the amended police contract for this year, he explained that everyone is getting raises. He further noted that this year's election results were due to the current tax issue.

Dorothy O'Haire, Turnberry Road, informed that she recently wrote a letter to the newspaper regarding an article about the support and enhancement of the town's recently approved Mitigation Plan. She pointed out that the Mitigation Plan was already approved in August of 2008, and she described the article to be an embarrassment to the Mayor. The article also said that the plan failed to produce grant monies. She voiced her frustration that flooding never should have been made political. There should be some way to stop it.

Electra Davis, 664 Longhill Road, questioned whether there has been any discussion with the County regarding the Clove/Long Hill Road plan.

Brian Reynolds, 7 Notch Road, referred to an article in the newspaper, and informed that Councilman Keith Kazmark from Woodland Park had invited members from Totowa and Little Falls to discuss taxes, but no one from Little Falls showed up. Mayor DeFrancisci said he was in attendance for this meeting. Mr. Reynolds asked for a report. He also referred to the tax increase, noting that Little Falls was number ten on a list of the highest increased taxes. He also referred to the salaries in town and said he will soon not be able to afford to live here.

Victor Nowak, 8 Stephen Place, asked what sacrifices were made in this year's budget to cut costs.

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

Poll: Ayes: Fontana, Huh, Huggins and Liess.
 Nays: None

The Council President declared the motion passed.

Mr. Trapanese explained that anyone who objects to a plan of the town is permitted to enter mediation with the town, which is why Mr. Schumacher was allowed to negotiate. He voiced his understanding that the applicant's attorney had forwarded all documentation dedicating the road to the Township, to the Planning Board; the Board should have the deed.

Mr. Trapanese said he received some emails from Mr. Simone regarding the issue of the tree removals; he explained that the trees in that area were lifting the sidewalks, causing a dangerous situation, which is why they were removed. Recently, there was question as to whether or not new trees could be planted there; there are also other concerns with this, which he will speak about with Mr. Simone. He asked Mr. Wilk to look into the issue of the traffic sign on Paterson Avenue.

Mr. Trapanese explained that Executive Session Minutes are only released when all matters discussed have been concluded; they can then release the records accordingly when they are requested. He said he would get back to Mr. Korotkin on the issue of the September Minutes.

Mr. Kazmierczak informed that the test email for the Website went out on 11/5/10. However, since many residents didn't receive same, he assured that he would check with the Webmaster on this.

Councilmember FONTANA agreed with Mr. Kulick that something needs to be done to control the taxes. Councilmember LIESS explained that employees now have to pay money toward their health benefits, which is something they didn't have in the past. Councilmember HUGGINS pointed out that the town has tremendous legal bills, and suggested that they have a CAP for legal fees. He also commented regarding property taxes. Mr. Kulick asked who will prepare for this two percent CAP next year; Council members HUGGINS and LIESS both agreed that there would have to be cuts, and Mr. Kulick suggested that the newly elected and former Council members get together to discuss next year's budget. Councilmember LIESS commented further with regard to the budget process. Councilmember HUH said the budget preparation starts with planning and added that that they need to anticipate what will be needed for the next year. They need to look at it comprehensively and improve communication and planning.

Mayor DeFrancisci said there are many things they have tried to do to cut costs, such as reducing full-time employees to part-time employees. He said it is unfair to single out the legal fees. He also pointed out that they had the revaluation this year, which cost them extra in legal fees; they also requested a cell tower investigation. Referring to the raises that are being given, he explained that some of the totals are incorrect. He further explained that many employees have been with the town for a number of years, and it would not be fair not to pay them, but to then expect good service from them. Regarding the tax meeting that took place with the other towns, he informed that he and Councilmember Fontana both attended, and noted that most towns are not hurting enough. He reminded that he had hosted a shared services meeting his first year in office, but none of the towns had taken advantage of the offer. He pointed out that Little Falls is run on approximately 28 cents of each dollar the tax payers bring in. He explained that there are so many areas where they can cut; they cannot simply cut all of the employees and then expect the same services from them.

Councilmember HUH referred to Mrs. O'Haire and agreed that some of the facts are not accurately portrayed in the newspaper.

Referring to the Mitigation Plan, Councilmember HUGGINS pointed out that Mrs. O'Haire has done a lot of work on this, and he urged the newly elected officials to always work closely with the residents.

Mr. Lindsay commented with regard to the Clove Road plan and explained that he did hear back from the County. He has written a letter back to them, but is awaiting a response from them at this time.

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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.

REPORTS

Township Clerk’s Report – Month of October 2010

TOWNSHIP CLERKS REPORT
Month of October 2010

ABC LICENSES		
OTHER LICENSES		
Business Licenses	\$75.00	
Pre-paid Business Licenses		
Raffle Licenses	200.00	\$275.00
REGISTRAR OF VITAL STATISTICS		
Fees & Permits	\$1,032.00	
Marriage Licenses-LF	21.00	
Marriage Licenses-NJ	175.00	\$1,228.00
MRNA		
Street Maps	\$15.00	
Zoning Maps		
Zoning Ordinances	23.00	
Document Copies	.75	
Garage Sales	55.00	
Misc. Fees & Refunds:		
- Lawn Maintenance Fee Reimbursement	550.00	
TOTAL MRNA		<u>\$643.75</u>
TOTAL CURRENT ACCOUNT		<u>\$2,146.75</u>
TOTAL TO TREASURER		<u>\$2,146.75</u>

Township Clerk’s Dog/Cat License Report – Month of October 2010

TOWNSHIP CLERK’S DOG/CAT LICENSE REPORT
Month of October 2010

Dog Licenses issued 10/1/10 thru 10/31/10	
Nos. 359 to 359 = 1 Licenses	
Amount due Little Falls	\$6.80
Amount due State	4.20
Total Cash Received	\$11.00
Cat Licenses issued 10/1/10 thru 10/31/10	
Nos. 050 to 051	
Licenses Issued 2	
Total Cash Received	\$16.00
Total to Treas.	<u>\$27.00</u>

APPLICATIONS

Little Falls Fire Department Auxiliary – Tammy M. Hearney, Hudson Street, Eagle Hose Company #1

RESOLUTIONS

State Dog License Fees

RESOLUTION [A] 10-11-08 - #1

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:

\$4.20

payable to:

NJ State Dept. of Health

representing payment of State dog license fee, license Nos. 359 to 359 for the month of October 2010.

Patrick Keating – Recreation Petty Cash Account

RESOLUTION [B] 10-11-08 - #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 Chairman, Clerk and Treasurer be and they are hereby authorized and directed to issue a check in the amount of:

\$247.46

payable to:

Patrick Keating Cashier

representing reimbursement of Recreation Petty Cash Account.

Havid Development, LLC – Tax Sale of 10/20/10

RESOLUTION [C] 10-11-8 - #3

WHEREAS, the Tax Collector has received the lien monies in the amount of \$7,910.00 from Corey Eoepchino on the property known as Block 166 Lot 22, assessed to Corey Eoepchino of 155 E Main Street; and

WHEREAS, the Tax Sale was held on October 20, 2010, and the Tax Collector had already prepared Certificate #04-2010 on October 22, 2010; however, the Tax Collector is still in receipt of same and did not forward to the lienholder; and

WHEREAS, a premium was paid at the sale in the amount of \$10,000.00 and is our Trust Account; and

WHEREAS, N.J.S.A. 54:5-58 redemption within 10 days along with the certificate being prepared, the lienholder is entitled to 4% Penalty (\$303.77) and a search fee (\$12.00) as well as his premium monies from our Trust account paid at our sale; totaling \$17,910.00; and

WHEREAS, the Tax Collector had to deposit the lien redemption monies in the amount of \$8,314.26 into the Current Account on October 22, 2010 due to this check including the Year 2010 tax monies; and

WHEREAS, the Tax Collector shall authorize the CMFO to transfer the amount of \$7,910.00 from the current account and into the trust account as of the October 25, 2010 bank deposit;

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WHEREAS, the Tax Collector shall authorize the CMFO to refund the lienholder from the trust account a total of \$17,910.00 made payable to Havid Development LLC, 41 Watchung Plaza, Suite 520, Montclair, NJ 07042; and

WHEREAS, the penalties due to Havid Development LLC when the Chief Finance Officer is completing the 1099 form are in the amount of \$303.77;

NOW, THEREFORE BE IT RESOLVED by the Township Council of Little Falls on this 8th day of November 2010 that the above lienholder be reimbursed the amount of \$17,910.00. The CMFO may mail out this check directly from her office as I do not have to surrender a tax sale certificate from the lienholder.

Trapanese & Trapanese, Esq.

RESOLUTION [D] 10-11-08 - #4

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:

\$255.00

payable to:

Trapanese & Trapanese, Esq.

representing payment for legal services rendered in connection with Soldiveri; 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.

Dennis G. Lindsay, P.E.

RESOLUTION [E] 10-11-08 - #5

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:

\$393.75

payable to:

Dennis G. Lindsay, P.E.

representing payment for engineering services rendered in connection with Soldiveri/Grey Rock/Subdivision – Block 77, Lots 6 & 6.03 – Subdivision w/Variance and Site Plan; 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.

Trapanese & Trapanese, Esq.

RESOLUTION [F] 10-11-08 - #6

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:

\$435.00

payable to:

Trapanese & Trapanese, Esq.

representing payment for legal services rendered in connection with Soldiveri; 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.

RESOLUTION [G] 10-11-08 - #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:

\$225.00

payable to:

Trapanese & Trapanese, Esq.

representing payment for legal services rendered in connection with Soldiveri; 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.

RESOLUTION [H] 10-11-08 - #8

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:

\$705.00

payable to:

Trapanese & Trapanese, Esq.

representing payment for legal services rendered in connection with Soldiveri; 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.

Dennis G. Lindsay, P.E.

RESOLUTION [I] 10-11-08 - #9

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:

\$898.75

payable to:

Dennis G. Lindsay, P.E.

representing payment for engineering services rendered in connection with Soldiveri/Grey Rock/Subdivision – Block 77, Lots 6 & 6.03 – Subdivision w/Variance and Site Plan; 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.

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RESOLUTION [J] 10-11-08 - #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:

\$1,275.00

payable to:

Dennis G. Lindsay, P.E.

representing payment for engineering services rendered in connection with Soldiveri/Grey Rock/Subdivision – Block 77, Lots 6 & 6.03 – Subdivision w/Variance and Site Plan; 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.

Welfare

RESOLUTION [K] 10-11-08 - #11

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:

\$1,890.00 (\$210.00 each)

payable to:

Welfare Clients #54, 55, 58, 60, 61, 62, 63, 64 & 65

representing payment of Self-Care for the month of November 2010 be and the same is hereby authorized and ratified.

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

Poll: Ayes: Fontana, Huh, Huggins and Liess
Nays: None

The Council President declared the motion passed.

REGULAR AGENDA

The following items were individually considered.

INTERDEPARTMENTAL

Finance - - It was moved by Councilmember Liess, seconded by Councilmember Huggins, that the Council approve the following:

RESOLUTION AUTHORIZING TRANSFERS IN THE 2010 BUDGET: \$33,832.00 [L]#12

Poll: Ayes: Fontana, Huggins and Liess
Nays: Huh

The Council President declared the motion passed.

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

RESOLUTION [M] 10-11-08 - #13
SPECIAL ITEMS OF REVENUE AND APPROPRIATION

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Little Falls in the County of Passaic, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$1,300.90, which is now available from Miscellaneous Revenues – Section F – Special Items of General Revenue Anticipated with prior written consent of Director of Local Government Services - Public & Private Revenues Offset with Appropriations – Bulletproof Vest Partnership Grant Act of 1998 in the amount of \$1,300.90;

BE IT FURTHER RESOLVED, that the like sum of \$1,300.90 is hereby appropriated under the caption:

- Appropriations
(A) Operations – Excluded from “CAPS”
Public & Private Programs Offset by Revenues
Bulletproof Vest Partnership Grant Act of 1998 -
\$1,300.90

Councilmember HUH questioned this resolution, and Mr. Wilk explained that this is a grant in which they will receive money from the State only to be used for bullet proof vests.

Poll: Ayes: Fontana, Huh, Huggins and Liess
Nays: None

The Council President declared the motion passed.

NEW BUSINESS

Ordinance No. 1106 – It was moved by Councilmember Huggins, seconded by Councilmember Fontana, that the public hearing on Ordinance No. 1106, “**AN ORDINANCE FIXING THE ANNUAL SALARIES AND FEES OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF LITTLE FALLS FOR THE YEAR 2010 AND PROVIDING FOR THE MANNER OF PAYMENT THEREOF**”, be and it was opened.

Poll: Ayes: Fontana, Huh, Huggins and Liess
Nays: None

The Council President declared the motion passed.

Mayor DeFrancisci questioned why some specific changes which he had requested to this ordinance for clarity purposes were not included. Mr. Kazmierczak informed that he had sent an email out this afternoon, listing those changes. Councilmember LIESS said this was something they should have discussed before the vote this evening, and they don’t want to be accused of changing an ordinance immediately before a new Council comes in. Mayor DeFrancisci explained that this is a transparency issue, and Councilmember HUGGINS informed that he didn’t feel comfortable adopting an ordinance without being aware of

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all of the changes. Mayor DeFrancisci said they had previously discussed this in Executive Session. Councilmember HUH said this is part of the whole budget process and the newly elected officials should have this as a part of their decision-making.

Brian Reynolds, 7 Notch Road, questioned the step increases and longevity for the Police, and Mayor DeFrancisci explained that any new employee of the Police Department from this point forward would not receive step increases or longevity.

No one further having come forward to be heard, it was moved by Councilmember Liess, seconded by Councilmember Huh, that the public hearing on Ordinance No. 1106 be and it was closed.

Poll: Ayes: Fontana, Huh, Huggins and Liess
 Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Huggins, seconded by Councilmember Liess, that the Ordinance No. 1106 be and it was adopted.

Poll: Ayes: Fontana, Huggins and Liess
 Nays: Huh

The Council President declared the motion passed.

Ordinance No. 1108 – It was moved by Councilmember Huggins, seconded by Councilmember Liess, that the public hearing on Ordinance No. 1108, **“AN ORDINANCE AMENDING THE LITTLE FALLS CODE, TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY, REZONING BLOCK 185, LOT 5, LOCATED AT 634-636 LACKAWANNA AVENUE FROM B-2 ZONING DISTRICT TO THE MEDIUM DENSITY RESIDENTIAL DISTRICT”**, be and it was opened.

Poll: Ayes: Fontana, Huh, Huggins and Liess
 Nays: None

The Council President declared the motion passed.

George Pepe, Woodland Park resident, objected to the zoning of this ordinance, adding that this is spot zoning. He also asked for an explanation of the term, “medium density”.

Albert Buglione, Woodland Park Borough Attorney, objected to this ordinance and classified it as “spot zoning”. He explained that the developer came to the Township with a preconceived plan, and voiced his understanding that this ordinance has been modified to match that plan. There was a discussion before the Little Falls Planning Board regarding the possible affordable housing component, which is always encouraged; however, there is no rush for any affordable housing at this particular time. He strongly requested that they deny this ordinance.

Sam Sheiber, 615 Lackawanna Avenue, Woodland Park, asked for the exact address of the property and then asked for the address listed on the tax map of Little Falls. He also questioned how this ordinance came to be and how it was drawn up. He questioned if anyone has looked into this property to see if the ordinance was sufficient.

Donald Radcliffe, 239 Longhill Road, informed that on the other side of those five single-family houses, the Woodland Park Planning/Zoning Board approved a 46-unit development. He was not sure that it is the highest residential neighborhood in the town where the board could approve such a development. Mr. Sheiber commented with regard to the matter and voiced his understanding that the land is not buildable.

No one further having come forward to be heard, it was moved by Councilmember Huh, seconded by Councilmember Liess, that the public hearing on Ordinance No. 1108 be and it was closed.

Poll: Ayes: Fontana, Huh, Huggins and Liess
 Nays: None

The Council President declared the motion passed.

Councilmember HUGGINS pointed out that this matter has been pending for nearly one year, and further noted that they have taken some of the issues mentioned this evening into consideration. He asked if they have seen any application regarding residential homes for this property, and Mr. Lindsay informed that the last time they saw application for this property was for a child care center; there was a great deal of objection to this. Mr. Trapanese said he is not aware of where the ordinance originated from. Councilmember HUGGINS explained that he would support anything that is going to bring ratables into Little Falls. He questioned whether or not the town could be accused of spot zoning, and also requested to know where the original request for this ordinance came from. Mr. Trapanese didn't believe that this ordinance was that of spot zoning, and he pointed out that the Planning Board had also considered the ordinance and explained that the Council must make a decision on this.

Mr. Kauker informed that he had prepared a report dated 2/21/2008; he will get a copy of this document to everyone. The report was in response to a request by the property owner to have the Council and the Planning Board consider the rezoning of the property. On 4/20/09, a master plan amendment was prepared for the Planning Board; he explained that the Master Plan needs to be consistent with any rezoning consideration. He informed that the property itself does border a senior citizen housing zone and single family homes. This particular property was made a part of the current Round 3 COAH Housing Plan that was approved by the Planning Board and submitted by the Council to COAH for consideration. He reminded that the last public hearing on this matter was held on 12/14/09; he prepared a report the next day outlining the issue of spot zoning. He explained that this is not spot zoning for a number of reasons, noting that the proposed zoning ordinance must be consistent with the Master Plan; the amendment to the Master Plan covers this. He further noted that this property is not zoned as B-2. In response to the concerns raised last year, he informed that there were substantial amendments made to this ordinance as follows: to change the reference of mid-rise apartments to multiple family residential units; reduce the density of the property, the addition of a buffer provision for condominium or multiple family uses adjacent to residential zones or uses.

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Sam Shieber, asked where it states that you have to put so many units on an acre, and Mr. Kauker explained that it says that in the ordinance. He clarified further, noting that the ordinance was last written nearly forty years ago. Further lengthy dialogue ensued between Mr. Shieber and Mr. Kauker, and Mr. Trapanese pointed out that Mr. Shieber was out of order.

It was moved by Councilmember Huggins, seconded by Councilmember Liess, that the Ordinance No. 1108 be and it was adopted.

Councilmember HUGGINS explained that he has respect for those who spoke against this ordinance this evening, but said his decisions are based on the good of the entire town.

Poll: Ayes: Fontana, Huggins and Liess
 Nays: Huh

The Council President declared the motion passed.

Bond Ordinance No. 1110 – It was moved by Councilmember Huggins, seconded by Councilmember Liess, that the public hearing on Bond Ordinance No. 1110, “**BOND ORDINANCE PROVIDING FOR MORRIS CANAL BIKEWAY PROJECT PLANS 3 & 4 IN AND BY THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$450,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$427,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF**”, be and it was opened.

Poll: Ayes: Fontana, Huh, Huggins and Liess
 Nays: None

The Council President declared the motion passed.

Councilmember LIESS explained that this is a reimbursable funding. Mr. Lindsay clarified that this is a grant; it will cover the cost for the bids that will be received for the work; the money will be reimbursed to the town. He further explained that these are old grants, and they were recently noticed by the NJDOT that they must complete this or risk losing the grant.

Bill Organiczak, 20 Yolanda Drive, questioned the wording of the ordinance, and Mr. Wilk explained that this is standard language since the town provides a down payment. Mr. Lindsay said the DOT will pay all of the eligible costs; the Township will have to pay engineering and other additional costs.

Brian Reynolds, 7 Notch Road, asked where these bike paths are and Mr. Lindsay informed of the different entrances to the path and where they lead. He said it is not only restricted to bicycles, but it is paid for under the Bikeway Grant.

Arnold Korotkin, Longhill Road, questioned if any portion of the bike path interfered with private property, and Mr. Lindsay said none of the property they are going on is private.

Dorothy O’Haire, Turnberry Road, asked if there is a rendering of this bike path and questioned if it will go through the Peckman Preserve. Mr. Lindsay said there are plans and explained that it goes in front of the Peckman Preserve. Mrs. O’Haire informed that there is a small triangle of privately owned property in that area, and Mr. Lindsay again assured that they would not be crossing any private property.

Victor Nowak, reminded that he had brought up the matter of budgets at the last meeting. Councilmember FONTANA pointed out that this was the hearing for Ordinance No. 1110 only.

No one further having come forward to be heard, it was moved by Councilmember Liess, seconded by Councilmember Huh, that the public hearing on Ordinance No. 1110 be and it was closed.

It was moved by Councilmember Fontana, seconded by Councilmember Liess, that the Bond Ordinance No. 1110 be and it was adopted.

Poll: Ayes: Fontana, Huh, Huggins and Liess
 Nays: None

The Council President declared the motion passed.

Opposing further expansion of State Colleges and Universities – It was moved by Councilmember Huh, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [N] 10-11-08 - #14
RESOLUTION OPPOSING ANY FURTHER EXPANSION OF THE LEGAL ABILITY OF STATE COLLEGES AND UNIVERSITIES TO EXPAND DEVELOPMENT OF THEIR CAMPUSES WITHOUT LOCAL APPROVALS AND ENCOURAGING THE LEGISLATURE TO AMEND CURRENT LAW TO FURTHER RESTRICT EXISTING EXPANSION AUTHORITY

WHEREAS, state colleges and universities throughout the State of New Jersey have markedly the development of their campuses over recent years; and

WHEREAS, the current state of the law allows state colleges and universities to expand the development of their campuses without significant local approvals from the municipalities in which they are located; and

WHEREAS, the New Jersey Supreme Court in Rutgers v. Piluso, 60 NJ 142 (1972) held that the Legislature's intent was that the growth and development of the university was not to be thwarted or restricted by local land use regulations and held it immune therefrom; and

WHEREAS, this trend to allow unfettered expansion with limited or no review by municipal boards has increased over the years, having a dramatic impact on residential neighborhoods surrounding state colleges and universities; and

WHEREAS, the Department of Environmental Protection recently determined that colleges and universities are exempt from Executive Order #215 for any and all future construction projects, which required an environmental assessment or environmental impact statement in support of major construction projects receiving more than one million dollars in state funding as a requirement of that funding; and

WHEREAS, the Township of Little Falls is opposed to any further relaxation of the ability of state universities to develop and expand without input from local municipalities, and wishes to encourage the Legislature to further restrict existing expansion authority;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Little Falls, County of Passaic, State of New Jersey, that it opposes any further expansion of the legal ability of state colleges and universities to expand the development of their campuses without local approvals; and

BE IT FURTHER RESOLVED, that the Legislature be and hereby is encouraged to amend current law to further restrict existing expansion authority by state colleges and universities by requiring significant local input and increased local approvals; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Senator Kevin O’Toole, Assemblyman David C. Russo, Assemblyman Scott Rumana, Mayor of the Township of Montclair.

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Poll: Ayes: Fontana, Huh, Huggins and Liess
Nays: None

The Council President declared the motion passed.

Urging Appointment of Local Representatives of Affected Municipalities to Boards of Trustees of State Colleges – It was moved by Councilmember Liess, seconded by Councilmember Huh, that the Council approve the following:

RESOLUTION [O] 10-11-08 - #15

RESOLUTION URGING LEGISLATION REQUIRING APPOINTMENT OF LOCAL REPRESENTATIVES OF AFFECTED MUNICIPALITIES TO THE BOARDS OF TRUSTEES OF STATE COLLEGES AND UNIVERSITIES

WHEREAS, there has been a significant trend in the expansion and development of state colleges and universities over recent years; and
WHEREAS, such expansion and development has significant impact upon surrounding municipalities, which can include impacts upon police services, fire services, ambulance services, schools, traffic, noise, quality-of-life issues; and
WHEREAS, the boards of trustees of such state colleges and universities are often comprised of individuals who do not reside in the area of the college or university; and
WHEREAS, it would be extremely beneficial to the public interest to have local representatives on the boards of trustees of state colleges and universities;
NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Little Falls, County of Passaic, State of New Jersey, that the State Legislature be urged to pass legislation requiring the appointment of a local representative to the board of trustees of a state college or university from each municipality in which such state college or university is located, in whole or in part, or which borders such state college or university, such representative to be designated by the governing body of each such municipality; and
BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Senator Kevin O’Toole; to Assemblyman David C. Russo; to Assemblyman Scott Rumana; Mayor of the Township of Montclair.

Councilmember HUH asked Mr. Wilk to email or fax these resolutions to the Mayor of Montclair.

Poll: Ayes: Fontana, Huh, Huggins and Liess
Nays: None

The Council President declared the motion passed.

PUBLIC PORTION

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

Poll: Ayes: Fontana, Huh, Huggins and Liess
Nays: None

The Council President declared the motion passed.

Victor Nowak, Stephen Place, commended the Mayor on his comments earlier this evening with regard to taxes, and agreed that they are supporting the inefficiencies of other towns. He objects to Little Falls having to pay taxes because of this.

Arnold Korotkin, Longhill Road, was curious about resolutions [N] and [O]; he asked if other municipalities have similar resolutions. He is curious as to the process of selecting people.

Dorothy O’Haire, Turnberry Road, asked if there is any word from the County regarding the Cedar Grove Road wall.

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

Poll: Ayes: Fontana, Huh, Huggins and Liess
Nays: None

The Council President declared the motion passed.

Councilmember HUH said Montclair and Clifton have adopted these resolutions as well. Mr. Wilk said he can email these resolutions to Mr. Korotkin. Councilmember HUH explained that the Tri Town Board on MSU has been working on these issues for two years. said tri town board on msu has been working on these issues for two years. She explained that the Mayor of Montclair put this resolution up for suggestion, since he sits on the NJ League of Municipalities Agenda Board.

Mr. Lindsay informed that he met with Mr. Simone and Mr. Edmunds, as well as some other County officials on Friday, to look at the condition of the Cedar Grove Road wall. They were discussing the possibility of moving blocks from the top to the bottom, and Mr. Simone had informed that he has some additional blocks. They will be putting additional blocks down within the next week or two. They didn’t talk about the permanent wall other than it is still an option; they are currently addressing the immediate concern.

PAYMENT OF BILLS

It was moved by Councilmember Liess, seconded by Councilmember Huggins, that the Council approve the following:

RESOLUTION [BL]

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

Poll: Ayes: Fontana, Huggins and Liess
Nays: Huh

The Council President declared the motion passed.

Passaic Valley Football Association	General Admin.	1000.00
Shred-It		51.60
Verizon Wireless		118.56
AM/PM Services	A & E	99.00
Cablevision		59.95
Key Equipment Finance		715.11

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NJ State League of Municipalities				'7.00
Key Equipment Finance	Treasurer			112.17
Clarion Office Supply	Tax Assessor			148.64
Vital Communication				'700.00
Key Equipment Finance	Tax Collector			112.17
Treasurer, State of NJ				'50.00
Trapanese & Trapanese	Legal			1215.00
Trapanese & Trapanese				'2340.00
Trapanese & Trapanese				'2655.00
Trapanese & Trapanese				'296.96
Trapanese & Trapanese				'1755.00
Trapanese & Trapanese				'390.00
Trapanese & Trapanese				'615.00
Trapanese & Trapanese				'5565.00
Trapanese & Trapanese				'1275.00
Action Translation	Municipal Court			243.00
Action Translation				'272.50
Action Translation				'232.50
Cablevision Systems Corp.				'54.95
Gann Law Books				'108.50
NPC				'428.82
Key Equipment Finance				'112.17
Riddick Associates, PC	Engineer Costs			5253.75
Riddick Associates, PC				'3375.20
Riddick Associates, PC				'3036.25
Riddick Associates, PC				'1552.50
Riddick Associates, PC				'481.25
Riddick Associates, PC				'131.25
Riddick Associates, PC				'131.25
Kauker & Kauker, LLC	Planning Board			3037.50
Kauker & Kauker, LLC				'4107.50
Kauker & Kauker, LLC				'1147.50
Kauker & Kauker, LLC				'472.50
Kauker & Kauker, LLC	Planning Board			3825.00
NJSHBP	Group Health Insurance			65,893.02
Teamsters Local 97 Benefit Fund				'1500.00
Teamsters Local 97 Benefit Fund				'1450.00
Salvatore Calafiore				'32.19
Absolute Fire Protection	Aid to Volunteer Fire			1392.00
Guard Line Fire & Safety, Inc.				'159.95
Jonathan Cespedes				'150.00
Jonathan Cespedes				'150.00
Lifesavers, Inc.				'986.00
Robert W. Vita				'150.00
Verizon Wireless				'85.99
Verizon Wireless				'127.08
Cablevision Systems Corp.	Police			84.90
Clarion Office Supply				'159.99
Clarion Office Supply				'605.45
I.D.M. Medical Supply Co.				'55.75
John Dmuchkowski				'43.94
Lifesavers, Inc.				'14.38
NJ Assn. of Chiefs of Police				'40.00
Pinnacle Wireless				'75.00
Shred-It				'51.60
Verizon Wireless				'262.09
Verizon Wireless				'211.79
Clarion Office Supply	Construction Code Official			71.97
Integrated Document Tech.				'26.00
Jerry Tolomeo				'35.00
Verizon Wireless				'115.98
Cablevision Systems Corp.	DPW			74.95
Charles Bahr & Son Inc.				'12.98
Charles Bahr & Son Inc.				'59.12
Electronic Drives & Contr. Inc.				'751.20
Home Depot				'187.86
Home Depot				'77.01
Integrated Document Tech.				'13.00
Pinnacle Wireless, Inc.				'11.50
Poland Spring				'79.46
Power Battery & Truck Parts				'91.26
Robinson Mendooza				'38.00
Signal Control Products, Inc.				'717.50
Tilcon New York Inc.				'59.90
Tilcon New York Inc.				'175.01
Verizon				'328.25
ZEP Manufacturing Co.				'700.00
Cablevision Systems Corp.	Emergency Management			49.95
Verizon Select Services, Inc.				'26.20
S. Rotondi & Sons, Inc.	Solid Waste			4062.50
General Parts Group, Inc.	Vehicle Maintenance DPW	2009		787.50
General Parts Group, Inc.	2009			167.95
Crane Chevrolet-Geo, Inc.				'141.65
Gannon Municipal Equipment Inc.				'232.10
Cooper Electric Supply Co.	Vehicle Maintenance Fire			196.25
TFI Fleet Maintenance				'2194.70
Goodyear Auto Serv. Ctr.	Vehicle Maintenance Police			776.00
Guaranteed Rebuilders, Inc.				'85.00
Murphy Comm'l & Emerg. Light				'79.00
Wayne Ford Auto Sales				'64.58
Wayne Ford Auto Sales				'2220.00
Wayne Ford Auto Sales				'79.87
Wayne Ford Auto Sales				'1025.75
PSE&G	Street Lighting			9300.00
Cablevision Systems Corp.	Recreation			49.95
Effective Alarm Systems, Inc.				'120.00
Gayla Iglody				'100.00

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Integrated Document Tech.		51.91
Little Falls Shop Rite		342.97
Comerro Coppa Architects	Bond Ord. – 1020	3830.00
Trapanese & Trapanese	Bond Ord. – 0856	765.00
Trapanese & Trapanese	Bond Ord. – 1020	435.00
Trapanese & Trapanese	Bond Ord. – 1098	375.00
Verizon	Telephone	3670.00
Verizon		274.45
PSE&G	Gas & Electric	27,000.00
NJ American Water	Water	1564.43
Rachles/Michele’s	Gasoline	4590.77
Rachles/Michele’s		1427.14
National Terminal, Inc.	Diesel	2782.84
NJ American Water	Fire Hydrants	12,863.76
Arrow Elevator, Inc.	Public Bldg. & Grounds	140.00
Natural Lawn of America		840.00
Smitty’s Landscaping & Design		225.00
Municipal Inspection Corp.	Elevator Trust	6515.00
NJ Unemployment Compensation Fund	Unemployment Fund	8193.83
Jen Electric	Res. For Other Trust Traffic Signals	2102.00
TSUJ Corp.	FEMA Acq. Of Fire Equip.	104,080.00

FINANCE COMMITTEE

Paul Huggins

Joseph Sisco

William Liess

EXECUTIVE SESSION

It was moved by Councilmember Huh, seconded by Councilmember Liess, 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 two contractual items – Traffic Light on Browertown Road, Singac Place

Poll: Ayes: Fontana, Huh, Huggins and Liess
 Nays: None

The Council President declared the motion passed.

The Council entered Executive Session at 9:30 p.m.

At 10:08 p.m., the Council returned and it was moved by Councilmember Fontana, seconded by Councilmember Liess, that the meeting return to Open Session.

Poll: Ayes: Fontana, Huh, Huggins and Liess
 Nays: None

The Council President declared the motion passed.

There being no further business to come before the meeting, it was moved by Councilmember Liess, seconded by Councilmember Fontana, that the meeting be and it was adjourned at 10:08 p.m.

William E. Wilk
 Municipal Clerk

Cynthia Meyer
 Deputy Municipal Clerk