

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

Monday, October 1, 2012

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

Absent: None

Township Employees present: DPW Superintendent Phillip Simone, Tax Assessor Richard Hamilton and Deputy Municipal Clerk Cynthia Kraus

Following the Salute to the Flag, the Statement of Public Notice was read.

STATEMENT OF PUBLIC NOTICE: Take notice that adequate notice of this meeting was provided in accordance with N.J.S.A. 10:4-8 and N.J.S.A. 10:4-10 as follows: A notice of the meeting was prominently posted on the bulletin board at the Municipal Building, located at 225 Main Street, Little Falls, N.J. on January 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.

APPROVAL OF MINUTES

It was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, that the Minutes of the meeting of September 10, 2012 be approved.

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

The Council President declared the motion passed.

REMARKS FROM CHAIR

Council President FONTANA informed that the Transportation Committee will meet this Friday to discuss future meetings with the County to prepare for transportation needs.

COUNCIL MEMBER REPORTS

Councilmember SISCO reminded that he had voted against the budget this year, noting that the Council should have taken more time to review each line item. Now the taxpayers will suffer because this wasn't done.

Councilmember GONZALEZ informed that the Harvest Moon Dinner Dance for the Seniors will be held on 10/26/12 at the Little Falls Civic Center; reservations should be made by 10/15/12. She also informed that October is Domestic Violence Awareness Month. There will be a vigil held outside of the Municipal Building on 10/16/12 at 6:00 p.m. to raise awareness to stop violence and for all victims of domestic violence; she invited everyone to join.

Councilmember PORTER informed that the Municipal Alliance is hosting a dance for the fifth and sixth graders on 10/19/12. She explained that the DJ will have questions for the kids at the end of the dance about drugs and alcohol; those who answer correctly will get prizes. The kids will be asked to bring canned goods with them instead of paying for the dance.

Councilmember VANTUNO informed that the Technology Committee met with the Police Department and the vendor who will be transferring the old servers to the new; this will be a smooth transition. He also informed that the Transit Committee will be meeting this Friday, and will then hold a follow-up meeting with NJ Transit later in the month. Referring to the Negotiation Committee, he said their first meeting was held this evening, where they discussed the process of negotiations; the next meeting will be held in two weeks. He also scheduled a meeting with the Passaic Valley Board of Education on 10/26/12.

MAYOR'S REPORT

Mayor Post said this past Saturday she attended a Mayor's meeting of Passaic County where they discussed the SLAP Program, which has been greatly reduced to working for non-profits and for emergency situations. It was recommended to invite the Sheriff to the next Council meeting to discuss the program further. They also discussed the possibility of partnering with the County for snow removal and street cleaning. In recognition of Breast Cancer Awareness month, she recognized Gerald Ferraro who has organized a walk each year in Little Falls. This year, the walk will be held at Verona Park on 10/21/12. Mayor Post read the proclamation at this time, and Mr. Ferraro accepted the proclamation.

ATTORNEY'S REPORT

Mr. Northgrave had nothing to report.

ADMINISTRATOR'S REPORT

Mrs. Bergin had nothing to report.

PUBLIC PORTION

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

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

The Council President declared the motion passed.

At this time, Council President FONTANA announced that there would be a public hearing on Ordinance No. 1163 later in the meeting. Therefore, he asked that comments on same be held until that time.

James Damiano, 6 Tivoli Court, asked if anything could be done about the restrictions on the bought out houses in town. He voiced concern that if this is not done, ratables will be lost and the lots will be expensive to maintain.

Sandra Lazara, 300 Main Street, explained that she submitted an OPRA request for records of those professional service vendors who responded to RFPs or RFQs for the years 2010, 2011 and 2012. She received a response that the 2012 requests for professional services have not been completed yet, and the other two years cannot be found. She voiced her opinion that this information should have been available if there was transparency in a municipality. She would like to know what happened to these records.

Al Attianese, 27 Dewey Avenue, asked Councilmember Sisco to explain his comment that he shouldn't be held responsible for increased tax bills since he didn't vote for the budget this year. He pointed out that Councilmember Sisco still voted for every bond and also voted for increases in salaries.

Mark Simolaris, 111 First Avenue, informed that there is a cracked sign in front of the Town Hall. He also questioned the estimated cost for the Fire Department's dispatch to be moved to Town Hall.

Louis Fernandez, 54 Harrison Street, referred to Councilmember Sisco's comments about the budget, and pointed out that the Council will approve to bond \$275,000 today for the reassessment of something he had a part of. He said it is still Councilmember Sisco's responsibility. He also said that the parties in town shouldn't be divided, noting that everyone should be working together. When it was time to vote for the budget, many people asked to cut the costs; everyone is equally guilty.

Javier Louise, 35 Zelif Avenue, thanked everyone for their support for the victims in the flood zone. He informed that there has been some information in the media about blue acres money. He would like some clarification. He also pointed out that Moody's recently downgraded the Township's rating and asked if this would affect any future grants.

Cathleen Zehnacker, 141 Browertown Road, pointed out that the Mayor had previously stated that Little Falls has the second lowest tax rate in the County. She informed that Totowa has the lowest and is also debt free, while Little Falls' debt keeps getting worse. She explained that she wrote a letter in response to a comment that was made regarding how little acquisitions would affect the town. She received a response that it would only affect each taxpayer by \$1.00 per month, which she disagreed with.

Ray Klepar, 8 Douglas Drive, referred to the Brindisi report and informed that this was concluded in September of 2011. It was stated that Mr. Trapanese would bring this to the Prosecutor's Office last year. In the summer, Mrs. Bergin gave a report that there was never a County investigation. He wanted to clarify this. He asked how long it actually took to investigate this and asked when the town learned of it.

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

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

The Council President declared the motion passed.

In response to Council President FONTANA, Mrs. Bergin explained that the Township has two options to help its residents, noting that the town chose to apply for FEMA grants to elevate and acquire these homes. Those grant agreements clearly specify that the property would be deemed open space. In response to Council President FONTANA, Mrs. Bergin said they do not have the option of taking away the deed restriction at this point, noting that FEMA won't make any exceptions. The Council has supported all efforts to fix the river. All funding available for flood mitigation has the same deed restriction. There is no other way to offer help but through these programs. She is not sure if they will formally allow properties to be subdivided prior to the sale, as this would impact the dollar amount of the acquisition to the seller.

In response to Mrs. Lazara, Mr. Wilk informed that he searched for these documents, noting that they would have been distributed by the prior administration before Mrs. Bergin was appointed. Unfortunately, they have been unable to locate these documents. Councilmember GONZALEZ asked who was responsible for these records, and Mr. Wilk informed that the prior two administrators before Mrs. Bergin were responsible for these documents. Council President FONTANA said they need to come up with a better system to keep files. Mrs. Bergin said she is working on improving the maintenance of public records and archiving with Councilmember Vantuno.

Councilmember SISCO explained that the Council had no choice in doing a Revaluation, as it was mandated by the County. He also pointed out that the town is understaffed and many people are doing two jobs. Therefore, he feels like the employees deserved the two percent increase. From now on, he feels that people should get raises based on evaluation by their department head.

Regarding the Police Station, he explained that this project was changed when former Mayor DeFrancisci took office; the Council went by his recommendation since they had no choice but to get started with the building due to costs increasing. Once the project was started, they could not stop in the middle of the job.

Mrs. Bergin said they are working on replacing the cracked sign in front of Town Hall. The Township is currently looking into Fire Dispatch service merging with the Police Department. In April of 2012, officers from Engine No. 2 requested a meeting with the Mayor, including herself, the dispatchers and the Fire Chief. The officers agreed to maintain dispatch

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operations until the Township could make alternate plans. This request by Engine No. 2 was to be prioritized. They are going to meet to finalize the cost which will be forwarded to the Council. Councilmember GONZALEZ thanked Mr. Simolaris for taking an interest in the town now that he has quit his job with the DPW and started working for the Sewerage Commission. She explained that the former mayor disregarded the DPW and they are very understaffed; they continue to work very hard to move forward every day. She thanked Mrs. Bergin for all of her hard work. She also thanked Mr. Simolaris for coming to express his ideas.

Mrs. Bergin said she will speak to Mr. Louise after the meeting.

Council President FONTANA said everyone is frustrated with the taxes. Mrs. Bergin clarified that she gave a power point presentation on what she was specifically asked at the time, which was what the impact on the municipal portion of the tax rate was. People in the audience at the time wanted more detail, so she came back to the Council with an updated spreadsheet, in which she averaged out 2011 taxes; she will update this spreadsheet. She did the math based on 50 homes to be acquired and they are not yet at this number.

Mrs. Bergin said she will stick to the answer she gave last week regarding the Brindisi report. She prefers not to get into the specifics of what happened until she is finished with her internal investigation. She is working diligently on this and she will make a presentation at her earliest convenience.

CONSENT AGENDA

All items on the Consent Agenda were considered to be routine and were enacted with a single motion. Any items under REQUISITIONS carried a Treasurer's certification as to sufficiency of funds.

APPLICATIONS

Raffles – Rifle Camp Volunteer Fire Co. #3, On-Premise 50/50, 11/17/12, 7:00 p.m.

- - Rifle Camp Volunteer Fire Co. #3, Merchandise Raffle, 11/17/12, 7:00 p.m.

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

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

The Council President declared the motion passed.

REGULAR AGENDA

The following items were individually considered.

NEW BUSINESS

Ordinance No. 1163 – It was moved by Councilmember Gonzalez, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1163, **“BOND ORDINANCE PROVIDING FOR THE REASSESSMENT OF REAL PROPERTY IN AND BY THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$275,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$261,250 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”**, be and it was opened.

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

The Council President declared the motion passed.

James Damiano, 6 Tivoli Court, asked if this reassessment will apply to the local businesses as well as the local residences. He questioned the error in the original advertisement that caused the delay in the vote for this ordinance. He also asked why it is costing the town so much money compared to other towns who are doing the same work for much less.

Al Attianese, 27 Dewey Avenue, referred to Ordinance No. 1163, and asked how much more it will cost the town for this bond issue due to the recent downgrade by Moody's.

Mark Simolaris, 111 First Avenue, asked if this is considered a reassessment or a spot assessment, noting that spot assessments are discriminatory. We need to concentrate on lowering the budget as opposed to doing this assessment.

Cathleen Zehnacker, 141 Browertown Road, referred to the town of Toms River and informed that they've already had one reassessment where they took all of the properties and lowered them according to the decrease of the sales prices. They are now going through another reassessment, which they will be doing by computer. She asked why Little Falls couldn't do this, as it would cost less money; she doesn't understand why they are spending \$275,000. She knows it won't make a big difference to her tax bill. She doesn't believe that any of the employees in Little Falls are overworked. She voiced her opinion that the people in the Tax Department should be doing this as a part of their job instead of spending extra money.

Louis Fernandez, 54 Harrison Street, wished to clarify his earlier comments to Councilmember Sisco. Regarding the Revaluation of 2008, the residents came in masses to object. The Council should have listened to the residents then, and they could have fought the mandate of the reassessment.

Rosemarie Bello-Truland, High Court, has been coming to Council meetings for two years. She has gotten up on numerous occasions to talk about the reassessment. She thinks they could avoid a lot that goes on at meetings if important topics were addressed in the form of a letter to the residents ahead of time. She doesn't believe they shouldn't be spending more than they need to on the reassessment, but if more information was given, it could cut a lot off at the meeting.

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No one further having come forward to be heard, it was moved by Councilmember Sisco, seconded by Councilmember Vantuno, that the public hearing on Ordinance No. 1163 be and it was closed.

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

The Council President declared the motion passed.

Richard Hamilton informed that the reassessment will also apply to businesses and clarified that this is a Municipal wide reassessment, which includes every property. He pointed out that the town didn't wait until now to do a reassessment, explaining that he applied to the Passaic County Board of Taxation last year for a compliance plan. However, the plan was not approved and the application for a reassessment is the next step. The application he is proposing for 2013 is the last year in which Little Falls can do a reassessment. If this is not granted, in 2014 they will be required to do a full Municipal wide revaluation again. He also informed that this is not spot assessing. He described the assessment process in depth, which he explained is a computer generated mass appraisal process. The Township has tried to estimate the cost, but the proposals could be less than what was estimated, in which case, the remaining funds could be cancelled.

Council President FONTANA asked if the numbers for Toms River are accurate. Mr. Hamilton explained that he cannot speak to this, as it is very different, since it is a shore community, in which land is a much higher component.

Councilmember GONZALEZ said he has explained why it needs to be done and why it would cost so much money. She asked for clarification that this is an estimate. Mr. Hamilton said he has spoken with revaluation companies to get estimates, noting that this is the most he can do to estimate before getting a proposal.

Councilmember VANTUNO asked if the assessment has to be done this year. Mr. Hamilton said this is an application for a 2013 reassessment; this is not 2012. Councilmember VANTUNO asked if they could budget for it for 2013 as opposed to bonding for it. Mr. Hamilton explained that the assessments must be in place before the end of this year and elaborated on the process. He reiterated that if this is not approved, then the only option is to do a Revaluation in 2014. Councilmember SISCO questioned why Little Falls will be paying more for a reassessment than other towns have. Mr. Hamilton explained that he doesn't know the extent of the numbers and work in other towns to be able to compare it to Little Falls. He reiterated that they tried a less expensive approach with the compliance plan last year, but it was not approved; this is the next option. He further noted that the refund of tax appeals this year is nearly equal to the \$275,000 they are bonding for the reassessment. In response to Council President FONTANA, Mr. Hamilton said there isn't another way to get an estimated cost, but what they have already done. He also explained that the computer system is not equipped to handle such a high volume of data to be able to perform the reassessment in house. He explained that their goal is to change all of the properties to current market value. In response to Council President FONTANA, Mr. Hamilton informed that the Township could have this application denied by the County; however, they have previously stated that they fully support it. He explained that this bond ordinance is necessary in order to advertise for RFPs.

Mr. Northgrave referred to a comment that was made regarding the impact that Moody's downgrade will have on the Township. He explained that Little Falls' rating has not changed and that the town has not used Moody's to issue bonds since 2008.

Council President FONTANA agreed that the Council could always be more informational.

It was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, that the Ordinance No. 1163 be and it was approved.

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

The Council President declared the motion passed.

Authorizing Submittal of Grant for NJDOT Highway Safety Fund FY2012 – It was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, that the Council approve the following:

RESOLUTION [A] 12-10-01 - #1
APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE
NJDOT HIGHWAY SAFETY FUND FY2012

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Little Falls, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as HSF – 2012 – Little Falls Township – 00031 to the New Jersey Department of Transportation on behalf of the Township of Little Falls.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Little Falls and that their signature constitutes acceptance and the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

The Council President declared the motion passed.

Rescind Resolution of 8/6/12 Renewing One Liquor License – It was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, that the Council approve the following:

RESOLUTION [B] 12-10-01 - #2

WHEREAS, the State Division of Alcoholic Beverage Control(ABC) has determined that on August 6, 2012 the applicant below had not received the ABC's complete approval for the renewal of PLENARY RETAIL CONSUMPTION/PLENARY RETAIL DISTRIBUTION license:

License No.	License and/or t/a name	Fee
1605-33-003-008	D.J. Gabbay, Inc. t/a Bellissimo's 1 Newark Pompton Turnpike	\$2,200.00

NOW, THEREFORE, BE IT RESOLVED that the action taken by the Township Council on August 6, 2012 to renew the subject license is hereby rescinded.

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Mr. Wilk explained this resolution.

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

The Council President declared the motion passed.

Approving the Renewal of Liquor License for Bellissimo’s – It was moved by Councilmember Sisco, seconded by Councilmember Vantuno, that the Council approve the following:

RESOLUTION [C] 12-10-01 - #3

BE IT RESOLVED by the Little Falls Township Council as follows:

WHEREAS, applications for renewal of PLENARY RETAIL CONSUMPTION/PLENARY RETAIL DISTRIBUTION have been filed as follows:

<u>License No.</u>	<u>License and/or t/a name</u>	<u>Fee</u>
1605-33-003-008	D.J. Gabbay, Inc. t/a Bellissimo’s 1 Newark Pompton Turnpike	\$2,200.00

and WHEREAS, it appears that said application is in satisfactory form; that the applicant has complied with all necessary requirements; that the application is for renewal by the same person(s) for the same stand; and that no objections, in writing or otherwise, have been made or filed to said application; and

WHEREAS, the Township Council is familiar with the aforementioned applicant and the places for which they apply and sees no objection; NOW, THEREFORE, BE IT RESOLVED that the above-listed application be and the same is hereby granted; and BE IT FURTHER RESOLVED that the license be issued accordingly, to become effective on July 1, 2012 and expire on June 30, 2013.

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

The Council President declared the motion passed.

REQUEST FOR EAGLE HOSE CO. #1 TO OBTAIN PERMISSION TO PERFORM A BOOT DRIVE ON SATURDAY, OCTOBER 20, 2012 AND SUNDAY, OCTOBER 21, 2012 AT THE INTERSECTIONS OF MAIN STREET/UNION AVENUE AND MAIN STREET/STEVENS AVENUE DURING THE HOURS OF 8:00 AM TO 5:00 PM

There was a general consensus to approve this.

PUBLIC PORTION

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

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

The Council President declared the motion passed.

James Damiano, 6 Tivoli Court, thinks the Council should consider having dialogue with the public, noting that this may reduce the length of the meetings. He pointed out that residents constantly have to repeat themselves since their questions are not being answered the first time around. Therefore, allowing dialogue would ensure that everyone’s questions are answered the first time.

Al Attianese, 27 Dewey Avenue, regarding Councilmember Sisco’s comments, he said that he should have done his homework on the building since he is a voting member of the Council. Regarding number of tax appeals, He pointed out that the town hasn’t even completed all of the tax appeals of this year yet. He explained that the revaluation caused a big problem in town and the Council should have taken these issues into consideration. The Council continued to approve budgets not understanding that they may not get all of the money they taxed for. He suggested reviewing the next Budget and preparing better for the future.

Mark Simolaris, 111 First Avenue, referred to his earlier comment about the Fire Department doing dispatch for over 100 years. He is under the impression that this is now being moved to the Police Station. He would like to know if there is a cost the residents for this equipment and labor. He asked who will be in control of it. He agreed that he used to work for the town, and said he still works for the Fire Department. He explained that some of the company members would like the dispatch to stay where it is.

Cathleen Zehnacker, 141 Browertown, pointed out that she had asked if someone could call Toms River last week to inquire about their reassessment. She didn’t hear any response to that request this evening. When she filed her tax appeal, she tried comparing with other towns, but was told that she couldn’t count on this.

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

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

The Council President declared the motion passed.

Council President FONTANA thanked Mr. Damiano for his remarks, but explained that as per previous experiences, the meetings get out of control and tend to run longer when they allow dialogue.

Mrs. Bergin reiterated that she is working on this and will report to the Council in the future.

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Mrs. Bergin said she contacted Toms River and they decided that they weren't comparing fairly. Mr. Northgrave pointed out that this is an RFP so the market will play a factor in the cost.

In response to Council President FONTANA, Mr. Hamilton explained that if they are comparing the assessment of another one acre property in another town, then it is not comparable in court. He doesn't know the particulars, but you cannot compare assessments. They take all of the information under consideration before making a decision.

PAYMENT OF BILLS

It was moved by Councilmember Gonzalez, seconded by Councilmember Porter, 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, 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 9:13 p.m.

William E. Wilk
Municipal Clerk

Cynthia Kraus
Deputy Municipal Clerk