

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

**Monday, October 3, 2011**

Council President Louis Fontana called the meeting to order at 7:30 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: Mayor Michael DeFrancisci and Councilmember John Vantuno

Township Employees present: 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.

**REMARKS FROM CHAIR**

Council President FONTANA apologized for the conduct at the last Council meeting, noting that the public is only to speak during public portion. There should be no dialogue or calling out. He informed that people could come up to speak during the second public portion if they wish to address something further. He also informed that there is a three-minute limit for all speakers; sometimes exceptions are made, but they will be strict from now on.

President FONTANA recognized those in attendance to speak about the SRL Program. He explained that there is a lot of information to be given on this topic. Therefore, they will address this at the end of the meeting.

Referring to the 300<sup>th</sup> Year Anniversary Celebration held this past weekend, he described it to be a tremendous and outstanding event. He was glad to be a part of it.

**COUNCIL MEMBER REPORTS**

Councilmember SISCO said his family has been in Little Falls for one hundred years. He was regretful that he couldn't make it to the 300<sup>th</sup> anniversary events. He informed that there will be a 9/11 dedication on 10/3/11; he will open the ceremony with a prayer. He asked everyone to come out and support the new monument.

Councilmember GONZALEZ felt very privileged to be a part of the 300<sup>th</sup> Anniversary Celebration; it was an unbelievable event. She wished that all the people who worked hard to build the town could have been a part of the events. She informed that there would be a Domestic Violence Vigil on 10/17/11 at 6:30 p.m. on the front steps of Town Hall. Councilmember FONTANA commented that this is a nice event.

Councilmember POST said the 300<sup>th</sup> Year Anniversary Celebration was wonderful. She commended the trolley ride and described it to be amazing. She thanked everyone at the Historical Society for all of the hard work they do and for preserving the history of Little Falls. She hoped everyone would come out for the 9/11 Ceremony at 12:30 p.m. next Sunday. She informed that Benjamin Shooter, a student of Passaic Valley High School designed the monument.

**ATTORNEY'S REPORT**

Mr. Trapanese had nothing to report.

**PUBLIC PORTION**

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

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

The Council President declared the motion passed.

Raymond Klepar, 8 Douglas Drive, explained that he had questions for the Township Attorney at the last meeting, which he has submitted in writing. He wished to read these questions out loud at this time for the record. He asked for clarification regarding the rule of law pertaining to administration's policy of prohibiting volunteer firefighters from speaking with members of the Council regarding fire department operations issues. He asked if it is legal and questioned what, beyond suspension, violators would be subject to. He asked if it was criminal and whether it applies to any volunteers speaking out about such issues to any member of the community about fire department operations or issues. He voiced his understanding that the Fire Chief is subordinate to the Mayor, and is therefore considered to be part of the Mayor's administration. He stated that rules of conduct pertaining to the fire department personnel, as dictated and enforced by the Chief, shall be considered the same as if dictated and enforced by the Mayor. He asked if this statement was correct. He also voiced his opinion that questions should be answered when they are asked during public portion to make sure the question is answered properly. Referring to the cell tower investigation, he pointed out that special counsel was appointed to handle this matter at a set rate, which included a cap. Mr. Brindisi has now been hired in place of the previous attorney, Mr. Roth, and there is no cap on his earnings. He questioned the investigation's time line and asked where Mr. Brindisi's report is at this time. He reminded that Mr. Brindisi previously gave a verbal report, in which he spoke about Pinnacle communications, but said he had almost nothing to say about the cell tower. He asked if the Township Attorney could elaborate as to how this investigation started with the cell tower matter and turned into a telecommunications system investigation being linked into it.

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Arnold Korotkin, Long Hill Road, referred to the item that was supposed to be discussed in Executive Session this evening regarding the FEMA SRL Mitigation Program. He asked why this matter is no longer going into Executive Session. He informed that he has been told that his daily emails are not often read, but pointed out that some information from his emails is posted to the website verbatim. He sends out this information because he feels it should be distributed. A recent one that he sent out was sent by the President and CEO of the United Way of Passaic County, talking about programs they are offering to residents of Little Falls. He pursued this because there had been a meet and greet sponsored by the North NJ Chamber of Commerce. As part of that, the United Way of Passaic County, had a raffle; the raffle was going to flood victims. He would appreciate for this information to be considered to be posted on the website. He explained that he couldn't attend the 300<sup>th</sup> Anniversary Celebration events. He expressed his satisfaction regarding the event being held next Sunday for the 9/11 Memorial. He reminded that a Little Falls resident lost her life in the events of 9/11, noting that there will now be a memorial in her honor; he is appreciative of this.

Brian Reynolds, 7 Notch Road, pointed out that there are various departmental reports listed on the Consent Agenda. He questioned the Tax Collector's report. He referred to the representative that was sent to Montclair and asked what progress has been made and what discussions have been held. He pointed out that the Volunteer Fire Department contract is due for renegotiation for reimbursement purposes. He would like to know if they are working on this.

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

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

The Council President declared the motion passed.

Mr. Trapanese thanked Mr. Klepar for forwarding his questions to his office. He referred to the rule of law regarding the administration's policy of prohibiting volunteer firefighters from speaking with members of the Council. He explained that the Township was required to set up a new form of government in 2005 based on the referendum of the public. He explained that the Faulkner Act is very specific about its mandates. He informed that in any municipality under this form of government, the Mayor and Council shall deal with employees and other administrative departments solely through the Mayor or his designee. Referring to volunteers speaking with members of the Council, he said there would be no penalty or prohibition on the employee; however, the Councilmember is not permitted to respond. This would be considered a civil matter; not criminal.

Referring to his second question, he informed that the Fire Chief is subordinate to the Mayor, noting that under this new form of government the Fire Department is a division, which reports to the Mayor. He further clarified that the Mayor does not necessarily dictate the rules of conduct; they are prescribed by State Statute and by Ordinance.

Referring to the Pinnacle investigation, he explained that the previous Council asked for an investigation because of the public's dissatisfaction with the cell tower and how it was erected. The Council felt that they were in the dark about a lot of actions that occurred. That was the initial reasoning behind the investigation. Under the Faulkner Act, the Legal Department is required to make a recommendation of an attorney, which is then approved by the Mayor and Council. Mr. Roth was appointed, but he was unable to accomplish this task. They then hired Mr. Brindisi; he wasn't aware as to why there was no cap to his earnings. He further noted that the investigation took a lot more intricate terms. He explained that the issues of the cell tower and Pinnacle are so interconnected that it all goes back to when the Township was attempting to put into place a radio and equipment system that would efficiently serve the public and all emergencies in town. As a result of that, this investigation took on more colossal proportions. He reiterated that this is an ongoing investigation, noting that the report cannot be released until the Passaic County Prosecutor's Office issues a report. He promised to release these documents as soon as they become available via an OPRA request.

Council President FONTANA assured that he reads most of Mr. Korotkin's emails. He asked Mr. Wilk to get the information from Mr. Korotkin regarding the United Way of Passaic County raffle. He was happy to hear of Mr. Korotkin's satisfaction with the 9/11 memorial.

Council President FONTANA explained that he didn't have the tax report in front of him, but pointed out that the Township's tax collection rate was very good. He promised to get further information about this. Regarding negotiations with MSU, he explained that he is not aware of the status of this; he will get in touch with the Mayor about this.

**C O N S E N T   A G E N D A**

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 September 2011

MUNICIPAL CLERKS REPORT  
Month of September 2011

ABC LICENSES		
OTHER LICENSES		
Business Licenses	\$825.00	
Pre-paid Business Licenses		
Raffle Licenses	1,890.00	
		\$2,715.00
REGISTRAR OF VITAL STATISTICS		
Fees & Permits	\$384.00	
Marriage Licenses-LF	18.00	
Marriage Licenses-NJ	150.00	
		\$552.00
MRNA		
Street Maps		
Zoning Maps	\$6.00	
Zoning Ordinances		
Document Copies	13.00	
Garage Sales	35.00	



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

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

The Council President declared the motion passed.

## REGULAR AGENDA

The following items were individually considered.

Bond Ord. No. 1139 – It was moved by Councilmember Gonzalez, seconded by Councilmember Post, that there be introduced and the meeting of October 24, 2011 set as the date and time for the public hearing on the following:

### BOND ORDINANCE NO. 1139

**BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF TENNIS COURTS AT DUVA PARK IN AND BY THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$120,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$114,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Little Falls, in the County of Passaic, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$120,000, including a Passaic County Open Space Trust Grant expected to be received in the amount of \$75,000 (the "Grant"), and further including the sum of \$6,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment and in anticipation of receipt of the Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$114,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the reconstruction of tennis courts at Duva Park, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$114,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$20,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

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Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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Mrs. Bergin informed that the Township received funding for the tennis courts through the Passaic County Open Space Trust Fund. Mr. Lindsay informed that they received bids for this project and got very good prices; they received a quote of \$94,655.00 for the full work, including fencing. This is being offset with a \$75,000 grant. He informed that the Mayor has been trying to get additional funding from those who use the courts. He further noted that this is a reimbursement grant and explained that they must have a bond in place in order to award the contract. Mrs. Bergin said they currently have an application pending to the United States Tennis Association; they will continue to work on this to try to get additional funding.

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

The Council President declared the motion passed.

### PUBLIC PORTION

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

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

The Council President declared the motion passed.

Mike Corbosiero, 2 Louis Street, questioned whether the public would be able to ask questions during the discussion regarding the SRL Mitigation Program. Council President FONTANA assured that they would be able to ask questions.

Raymond Klepar, 8 Douglas Drive, pointed out that the Council cannot speak to Township employees, and asked if volunteers are considered employees. Referring to Mr. Brindisi's report on the cell tower/Pinnacle Wireless investigation, he asked when it was submitted to the Prosecutor's Office. He also voiced his understanding that there is no connection between these two matters and said there should be two separate contracts for these items.

Brian Reynolds, 7 Notch Road, questioned the two matters being linked into one investigation; he was unaware that the cell tower issue was under investigation as well. It was his understanding that this investigation dealt with the Pinnacle issue alone.

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

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

The Council President declared the motion passed.

Mr. Trapanese explained that there is no distinction whether people are paid or volunteer; they are all employees of the town. He understood the confusion regarding the cell tower and Pinnacle investigations. He explained that he could not share the information that was in the report. He informed that the interconnection of these two matters had to do with the purchase of equipment which the town paid for through Pinnacle. He explained that all of this was a design flaw; as a result of this, things escalated. This is why the two items are interconnected; it is radio equipment and it is designed to work to the same effect. He assured that a lot of issues would become clearer when the report is released.

### DISCUSSION OF FEMA SRL MITIGATION PROGRAM

Joanne Bergin, explained that Little Falls has been an active participant in FEMA's Severe Repetitive Loss Program, as administered by the New Jersey State Police. The Township previously agreed to elevate the flood-prone structures in town as mitigation. This is partially due to the increased cost and the need for the Township's application to meet the minimum Benefit Cost Analysis; this is also out of the concern of removing 70 properties off the tax base.

As the FEMA Program Administrator for the Township, Mrs. Bergin explained that she has engaged in dialogue with both FEMA and the New Jersey State Police to determine whether Little Falls would be able to shift more structures from elevation to acquisition under the guidelines of the approved grants. She informed that this was now an option, noting that Pompton Lakes and Lincoln Park are also requesting to shift their approved projects to acquisition.

Referring to Hurricane Irene and subsequent flooding, she informed that they anticipate a sharp increase in the number of homes that structurally cannot be elevated. However, she pointed out that these families cannot endure the floods and the impact it has on everyone.

Mrs. Bergin explained that she was here this evening to ask for Council approval to pursue acquisition for the property owners who express interest in the mitigation approach as opposed to elevation. She explained that there are details that need to be worked out, should the Council choose to direct the project accordingly. She informed that there is a budget shortfall, which is the difference between the approved construction amount of approximately \$150,000 as opposed to the price to acquire; those estimates are on the high side. If approved, the next steps will be to firmly identify the budget shortfall and look to secure that through the NJDEP Blue Acres Program. She informed that she has a meeting scheduled next Wednesday with representatives from that program; FEMA and NJ State Police will attend that meeting as well.

Council President FONTANA questioned whether each homeowner could choose between elevation and acquisition. Mrs. Bergin agreed that they could do so, noting that their approach is different now.

Mr. Lindsay said there was always a recommendation of the funding agencies that those properties in the flood way, as opposed to the flood plane, be encouraged for acquisition. These homes have the high, fast-moving water and they would like to acquire them, as opposed to elevating them, if possible. Mike Foley (FEMA) said FEMA decided on a stipulation that it is up to the community as to which option they prefer to proceed with; each community is different; it is an absolutely voluntary program either way. Mr. Lindsay pointed out that no one is being forced to make a decision; each individual can

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decide as long as they are in the flood zone. Mike Foley said there needs to be a closer look at the elevations and what is allowed in a flood way compared to what is allowed in a flood plane. They prefer acquisitions in a flood way. Mr. Lindsay explained that being in a flood way as opposed to a flood plane does not determine whether or not you flood.

Mike Corbosiero, 2 Louis Street, questioned the definition of a flood way as opposed to a flood plane. He asked if the residents would be able to choose between elevation and acquisition depending on the dollar amount. Mrs. Bergin said they only have a certain amount to spend; she is trying to avoid spending money on an appraiser to come out and give fair market value and then having the homeowner change their mind and want to switch to elevation. She explained that they would do a group of 15 appraisals in the general area, which would give the homeowners a relatively decent fair market value of the area. It was her understanding that there is someone very familiar with the area. Mr. Corbosiero said the assessed values right now are not fair because it was done at a time when the market was up. He also pointed out that there are many people who have walked away from their homes in his neighborhood. Mike Foley explained the difference between a flood plane and a flood way; it is something that is used for your local flood law.

Lawrence D'Astolfo, 82 William Street, voiced his understanding that he is more in a flood way than others in the area; this should be based on the river. Mr. Lindsay pointed out that you can flood deeper in your home and not be in a flood way. He said you can flood deeper in your house and not be in a flood way. Mr. Foley reiterated his previous explanation of a flood plane versus a flood way. Mr. Lindsay explained that said the criteria is not that you have to be in the flood plane or flood way to be eligible. Mike Foley explained that there can be no new construction in a flood way; this line that determines a flood plane versus a flood way is strictly for use pertaining to the Local Flood Law and the Local Construction Law. Mr. D'Astolfo voiced his understanding that these definitions don't matter in this case. Mr. Foley said it depends on how you are discussing the definitions.

Joseph Bottazzi, 66 William Street, thanked everyone for taking the time to explore other avenues under the SRL Program. He likes knowing he has a choice at this point. He explained that it will be a very tough decision to make without knowing the fair market value of your home ahead of time. He asked if they could consider the cost of appraisals out of fairness. Mrs. Bergin explained that they will need to do an appraisal for all 70 homes; however, she is trying to get an appraisal for 15 of them ahead of time so they can get an idea; the 15 will help them make their decision. Mr. Foley said the DEP has been pushing hard to try to support and match FEMA funds; they will get in touch with Mrs. Bergin when they find out about this. Mrs. Bergin pointed out that the DEP will be in attendance at the meeting next week, which is a big help. Mr. Bottazzi asked how they will determine which homes are structurally unsound for elevation. Mrs. Bergin said they have hired an architect for that first part of the program; they've also had a structural engineer go out. Mr. Lindsay said they know of a few houses that are not feasible; they will not make judgments until they get someone to take a look at it. If they get a decision from a property owner, they won't have to go through this step. He explained that they will get a number of appraisals, which will be comparables to the houses in that area; it will be a general range for the different types of homes. Mr. Bottazzi asked when they will find out if their home is considered to be structurally unsound for elevation. Mrs. Bergin said once a homeowner expresses an interest in elevation, they will know to send a structural engineer out.

Carol Martin, 4 Roosevelt Street, informed that she was informed that her house was the lowest lying house in the area with the most current. Her insurance adjuster informed her that it will cost her \$100,000 to restore her house; she only has \$50,000 worth of coverage. She cannot afford to pay and the insurance adjuster explained to her that FEMA will probably cancel her policy because she's had so many claims. She informed that she is the only house on her street. The other home that was there was taken down in 2007. Mrs. Bergin said she is in program and assured that she can opt for acquisition. Mr. Foley said the SRL Program targets specific homes, which would be homes having four claims of \$5,000 or more, or two claims that equal or exceed the structural value. Mrs. Martin informed that she will be out of her house for at least two more months. Mr. Foley said he will look into the issue about her insurance policy being cancelled, noting that not every adjuster is well-versed in the programs. He will find out and get back to Mrs. Bergin about it.

Selena Pinckney, 1 Garden Street, explained that she just received information today that she is one of four homes to be acquired. She asked if she still has to apply at this time. Mrs. Bergin said she will find out from Blue Acres, noting that the Township was not notified about this. They must come to the Township, because the town has to accept that agreement and all of the regulations that come with it. Ms. Pinckney asked for a time frame for this and Mrs. Bergin explained that she cannot speak as to the timeline for Blue Acres; it is their program. Mr. Foley said regarding this disaster, it is a little bit different than the SRL Program; it is a 75/25% matching grant. There are still decisions being made about that disaster program. They are trying to expedite things within six months, but there is no guarantee. Mr. Gallagher of the NJ State Police said this program seems to be moving rapidly right now. He assured that they would try to get people elevated or acquired as soon as possible.

Yvette Reyes, 19 Louis Street, said she was one of the houses chosen to be elevated. She asked whether an acquisition or an elevation would take place sooner. Mrs. Bergin said they will have an estimated fair market value very quickly. Once they have those numbers, the homeowners can make their decisions and they can proceed from there. She explained that a formal offer will not take a long time after that. Mrs. Reyes explained that her home is completely destroyed at this point and she is concerned that her insurance company will restore the house, only to have it knocked down if she decides to go with acquisition; this would be a waste of money. Mrs. Bergin said this is a concern. This is why they need to move as quickly as possible so people don't put money into fixing things. Mr. Foley said if you receive money from your insurance company for your structural repairs and you put that money into your repairing your home that is not deducted from your acquisition cost. If you've gotten a check to repair your structure and it is sitting in your bank, and then we make you an offer for your fair market value, they will then deduct the insurance money. Therefore, they will get their fair market values. He advised everyone to keep their receipts and documentation. The estimate right now for acquisition is about a \$90,000 difference. If people haven't repaired their homes, this will help bridge the gap. Mrs. Reyes suggested that FEMA should be working with the banks in order to apply their current mortgages to other homes in Little Falls. They can then take the \$120,000 that they would have used to elevate the home and put it toward a down payment. This would be an incentive for the banks as well, as it would prevent foreclosures. Mr. Foley explained that they must go by the rules, guidance and regulations that set the program. He explained that they cannot give assessed values, but they will give fair market value as a non-damaged structure. Mrs. Reyes asked how fast they are moving toward the elevations; she doesn't want to flood again. Mrs. Bergin said the elevations are here, noting that they have an architect. She was waiting for tonight's meeting to move forward with this. Mr. Lindsay explained that they planned to make a recommendation to the Council this evening. He explained that it was made clear at the last meeting that there would be

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much stronger sediment towards purchase for some people. That's when they reached out to see if this was an option. They are not stopping that elevating program, but it has been slowed down slightly only because they wanted to give them another option so they can make a choice. They will move as quickly as they can.

Carlos, 58 Zeliff Avenue, asked how residents will know whether they are on the list for elevation/acquisition. Mrs. Bergin assured that he was on the list, noting that Mr. Foley explained the criteria to get on the list to be a part of this program. She pointed out that the information is also listed on the Township Website. Mr. Foley informed that eligibility is based on the amount of insurance claims per home. Carlos asked if the remaining balance on the mortgage could be forgiven if he chose to go with acquisition. Mr. Foley understood his concerns, but said they cannot work with the banks on this. Carlos pointed out that there is currently construction throughout the community, and said they should be focused on fixing the flooding. Mrs. Bergin explained that they would like to fix the problem, but there are many things stopping them from doing so. This is what they can do at this point in time to remedy the situation. Mr. Foley explained that he is in a good position, noting that he has options; he added that this would enable him to sell his house and get a better value for it later on. Mrs. Bergin informed that she would look for further direction from residents after getting the fair market values.

Cecelia Cristofol, 90 Louis Street, said she previously asked the Health Department to look at the film that is on the plants and grass in the flood zone, but no one has been there. She explained that there was e-coli poisoning that tested positive in Woodland Park. They have all had sewage in their houses and she would like for the town to take responsibility for this. They have to live in these terrible conditions; the town should go and clean it up. She pointed out that the area will flood again before any of these projects commence. She explained that her neighbors are walking away from their homes; she had her house on the market and two weeks before her closing, it flooded. It was her last opportunity to get out and she lost the sale. She also said that all of the residents in the flood zone should have the opportunity for elevation or acquisition. She asked that everyone come together and help them out.

Mrs. Bergin said they have submitted another application for more homes to be included; they are trying to include as many homes as possible.

Yvette Reyes, 19 Louis Street, explained that her house is scheduled to be elevated and she has massive work to be done. She asked if she should do the work or wait for the elevation process. She doesn't want to do the work and then have it destroyed. She informed that her mortgage company won't pay off until she does the fixing. Mr. Foley said he never recommends not fixing a property; he suggested waiting a little while and deciding on elevation or acquisition. They can then give her a better idea of the timeline. Mrs. Reyes said she is definitely going with elevation. Mr. Foley informed that the money has been awarded; however, without knowing the structure, he cannot say if elevating the property will do damage. Mr. Lindsay said the intent is to try to leave as much intact as possible. However, sometimes when things are moved, they have to add on additional space; it depends on economics. They try not to damage it, but without looking at the specifics, they cannot say for sure. He informed that most of the homes will go up the same way. Mr. Lindsay said the footprint may have to change somehow, but they don't know at this point.

Giovannina D'Astolfo, 82 Louis Street, questioned whether they could find vacant land in Little Falls and put their houses on that land. Mr. Foley said that is known as relocation of a structure. He explained that there are so many areas of northern New Jersey that are so fully developed that it is hard to find land outside of the flood plane for this purpose. Referring to this particular grant, he explained that this is between elevation or acquisition; he always recommends going with acquisition.

Lawrence D'Astolfo, 82 William Street, explained that when his adjuster came to see his home, he asked what chemicals had been in the water, noting that he hadn't seen foliage in that condition since Hurricane Katrina in New Orleans. He explained that the foliage in that area is now all dark and dead. He contacted Mr. DiMaria in the Fire Department, who referred him to the Health Department. He asked what they are doing about this. He further added that the water in his backyard was six feet. He has a dog and kids; he wants to know what is back there. Mrs. Bergin said she will coordinate with Mr. Underhill tomorrow.

Brian Reynolds, 7 Notch Road, had questions for Mrs. Bergin regarding the Blue Acres Program and FEMA, noting that they were short money. Mrs. Bergin said they have enough money to elevate, but not enough to acquire. Mr. Lindsay said it is not every house; they only have approval right now for 67 properties. Mrs. Bergin said they will be about \$6 million short and there is another application being submitted today. Mr. Reynolds said if they supplement to do an acquisition regarding Blue Acres, then that land cannot be developed. Mrs. Bergin agreed and said this holds true for FEMA's program as well. She agreed that the Township will be out of ratables.

Louis Fernandez, 54 Harrison Street, said they are placing an Open Space tax on the November ballot. Referring to the current acquisition project, he pointed out that the town will have enough open space and asked if they could remove this tax from the ballot. Mrs. Bergin said there are other people who would like to have the opportunity to vote on this. The program is for more than property acquisition; it is for development of parks and playgrounds.

Raymond Klepar, 8 Douglas Drive, explained that he deals with acquisitions in the State. Referring to the fair market value, he asked if there is any room in the offer amount. Mr. Foley said FEMA has a process for fair market values. Mr. Klepar asked how much time is available for a person to close on a sale. Mr. Foley said they would leave this up to the Township; the only time-frame they have in place is from the closing.

Mrs. Bergin said she is asking the Council to authorize her to proceed with the possibility of pursuing acquisitions for those homeowners that are interested. Mr. Trapanese recommended that this be formalized into a resolution. There was an affirmative consensus from the Council to move forward with this.

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

### RESOLUTION [D] 11-10-03 - #4

WHEREAS, Joanne Bergin, in her capacity as the Township of Little Falls' FEMA Grants Administrator, has worked to secure grants for the elevation of homes in the flood area of Little Falls; and

WHEREAS, there is the possibility that funding may become available for the acquisition of some of the homes currently eligible for elevation; and

WHEREAS, the Township Council wishes to offer our residents in the flood area every available option regarding the future of their homes and property.

