

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

Monday, September 12, 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 Attorney Associate Jeffrey Trapanese, Township Engineer Dennis Lindsay, Township Grant Writer Joanne Bergin, Municipal Clerk William Wilk and Township Administrator Henry Underhill.

Absent: None.

Township Employees present: Police Chief John Dmuchowski, Emergency Management Coordinator Alfred Batelli, DPW Superintendent Phillip Simone, Fire Chief Jack Sweezy and Deputy Municipal Clerk Cynthia Meyer.

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

STATEMENT OF PUBLIC NOTICE: Take notice that adequate notice of this meeting was provided in accordance with N.J.S.A. 10:4-8 and N.J.S.A. 10:4-10 as follows: A notice of the meeting was prominently posted on the bulleting board at the Municipal Building, located at 225 Main Street, Little Falls, N.J. on January 4, 2011; a copy of the notice was faxed to the North Jersey Herald and News and The Record on the same date; additionally, a copy of the notice was filed in the office of the Township Clerk on said date.

At this time, Mr. Jeff Trapanese explained there are a number of tax appeals pending and he must discuss negotiations with the Council; he promised that it wouldn't take long.

EXECUTIVE SESSION

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

RESOLUTION [EX]

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into executive session during a Public Meeting; and

WHEREAS, the Governing Body of the Township of Little Falls has deemed it necessary to go into executive session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene;

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: Tax Appeal Litigation

Poll: Ayes: Post, Vantuno and President Fontana
 Nays: Gonzalez, Sisco

The Council President declared the motion passed.

The Council entered Executive Session at 7:32 p.m.

At 7:52 p.m., the Council returned and it was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, that the meeting return to Open Session.

APPROVAL OF MINUTES

It was moved by Councilmember Sisco, seconded by Councilmember Vantuno, that the Minutes of the Regular Meeting of June 13, 2011 and the Special Meeting of July 18, 2011 be approved.

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

The Council President declared the motion passed.

REMARKS FROM CHAIR

Council President FONTANA explained that the scheduled 9/11 Memorial which was to be held last Sunday, was cancelled. He pointed out that the Fire Department still held a memorial, as well as some of the residents in town. He thanked everyone who came out to support this.

He acknowledged the residents in the audience who were victims of the recent flooding and said he cannot relate to the devastation. However, he promised to keep working at this and to reach out to other towns and public officials to get more support in order to remedy the problem. He recognized that the problem must be fixed.

COUNCIL MEMBER REPORTS

Councilmember SISCO echoed President Fontana's concerns regarding flooding. He thanked the various departments in town, including the Fire Department, Police Department, DPW, OEM and all volunteers for all of their help throughout.

Councilmember GONZALEZ informed that the Little Falls Seniors would be having a demonstration program from the Suburban Physical Therapy on 9/21/11 at 10:00 a.m. at the Civic Center. She apologized to Fire Chief Sweezy, explaining that she was only informed through the Reverse 9-1-1 System about the cancellation of the 9/11 Memorial Service. She explained that the Fire Department had its own ceremony that day. She said this was a lack of communication and asked that she be informed as to everything that is happening in town, whether it is via telephone or email. She said she should have this respect as a Councilwoman.

Referring to the recent flooding, she informed that she was there one night when the army trucks were pulling people out of the flooded areas. She commended the volunteers and all of the departments in town, noting that they did an amazing job. She explained that she has a dear friend whose house is totally demolished and she expressed her sympathies to everyone.

Councilmember POST tabled her reports until the next meeting. She expressed sorrow for the flood victims and said she understands what they have been through. She thanked all of the departments in town and the volunteers for all of their time and effort.

Councilmember VANTUNO also tabled his reports. He sympathized with the flood victims and wished them well. He wished everyone luck and the ability to come back from the recent flood.

MAYOR'S REPORT

Mayor DeFrancisci said Mrs. Bergin would speak this evening regarding the Third Round FEMA Program. He informed that the Township was contacted by the NJDEP today regarding including more homes in the Severe Repetitive Loss Program. Hopefully this will include the people who weren't eligible in the past. He informed that a nasty email was sent out last night accusing the Mayor of covering things up. He advised everyone not to follow false rumors; they are doing all that they can. He explained that the officials have been there everyday to help out as much as they can. He is still trying to fight to do what he can to help. He also informed that he gets back to anyone who sends him emails; he gets back to as many people as he can; he may miss one, because there are so many people trying to reach him.

ATTORNEY'S REPORT

Mr. Trapanese had nothing to report.

PUBLIC PORTION

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

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

The Council President declared the motion passed.

Louis Fernandez, 54 Harrison Street, expressed his gratitude to Mr. Korotkin, who took the time to send emails to everyone during everything that was happening. He deserves a round of applause. He acknowledged everyone's sympathy, but said these floods still continue to happen every year. Unless the Township does something about this, the people in Trenton won't do anything for us; we need to do something drastic to get attention. Something has to be done to fix this. He also informed that he called Town Hall on 8/31/11 for a simple question; he was referred to the Tax Assessor, who has still not returned his call after 13 days.

Al Attianese, 27 Dewey Avenue, has two questions regarding radio equipment purchases. He understands that there was a purchase made for certain pieces of equipment in 2007; this issue is now surfacing in 2011. He questioned why this just came up after three and a half years. Referring to the investigating Attorney, Mr. Brindisi, he said he would expect a report from him, including a timeline. He wants the public to be notified of when the report is complete and how they can obtain copies of same.

Victor Nowak, referred to Executive Session meetings, and voiced his opinion that this is used for the purpose of discussing secrets to be kept from the public. He also commented with regard to the Outlook Newsletter, voicing his dissatisfaction with same.

Arnold Korotkin, Long Hill Road, said this evening's focus should be on the recent flooding, but said there are other issues to be discussed as well. He thanked the community members who attended the 9-11 Memorial Service in town. One of the reasons the town scheduled service was postponed is because the town is erecting a memorial; there was been talk of rescheduling the event. He suggested that this event be rescheduled to be held on or around Veterans Day to honor everyone at once. Referring to flooding, he said he would like to be on a committee. He questioned whether there would be any after-action reports; there weren't any reports for the March flooding. He believes in communicating and empowering people with information, and suggested that things be posted on the Website to keep people informed. He reiterated that he would like to be a part of an after-action committee. Referring to the Workshop meeting of 8/15/11, he explained that Mr. Underhill had stated that the town is not in compliance with the Governor's Best Practices report. He asked if the Township has adopted a Pay-to-Play Ordinance. He also questioned if any officials have attended any educational courses recently. He also pointed out that there should be a procedure with regard to Township employees and officials taking Town vehicles home. The municipality needs to establish an absence per meeting policy for elected officials and appointed board members, as per Mr. Underhill. He asked for the status of this. The municipality needs to schedule a jointly, yearly open meeting between the local school boards and the governing body to discuss community needs, shared services and the school and municipal budgets. He asked for the status of this. The Township moves forward with a red camera initiative. The Council has approved a resolution authorizing a company to proceed with an application to the NJDOT. He asked if the application has been submitted. He was concerned as to two provisions of this application.

Referring to the construction of the Justice Complex, he said he has heard rumors that there was trouble with the contractor, and that they may not be able to complete the job. He asked for the status of this. He also heard that Mr. Underhill was going to do a phone audit. Mr. Underhill previously stated that he had solicited phone audit proposals from several companies. He asked if there was a public notice requesting proposals/bids for this. He also asked why these items aren't being posted on the Township Website under the link for proposals and bids. These issues should be addressed.

Yvette Reyes, 19 Louis Street, said she felt hurt when she got a call from the Reverse 9-1-1 System and the message was in regard to the March flood. It makes her believe that no one cares about them enough to update the information. She voiced her frustration that garbage was not picked up, noting that the water was rising above knee level. There was no Police presence to help her out; no one evacuated them or came for them. She pointed out that there are a lot of elderly people living in town, and said five hours is not enough time to notify residents that they must evacuate. She said they are not getting the help they really need from the town. It is not fair; this is desperation and they need help. She informed that her house is on the list to be elevated and said they need to push this issue along. Her house has extensive amounts of damage.

Diana Garrity, 30 Zelif Avenue, said this is her fifth flood in town. She thanked everyone for their humbleness, but said she is not feeling justice. She explained that the garbage that hasn't been picked up is not garbage; it is their personal belongings. She understands that they don't have control over the floods, but they need to get other towns together to make sure something gets done. She is being forced out of her home and it is not okay. She said she is now being compared to low-

income housing; something must be done. She explained that she tried reaching the Mayor several times, noting that she wanted to speak with him about the condition of the park on Louis Street; she wanted her kids to be able to play there.

Charles Van Winkle, 33 Zelif Avenue, informed that he is the first house on the river, and said they need to make sure something gets done. He was researching the issue and he found another town that was consistently flooded; they were able to remedy the problem. He suggested that they talk to Oakland about how they operate the gates of the dam; this is causing flooding. He asked if the Mayor has spoken with them and asked how they can help Little Falls. He explained that they need to do more than just to raise the houses; they need to fix the problem.

Bob Dombrowski, 49 Parkway, said they are going in reverse with the notification systems in town. When the rain stopped from Hurricane Irene, a notification came through that evening and it was already too late. The second notice went out at 10:38 p.m., which is totally unacceptable. Referring to the debris, he acknowledged that there is only so much the DPW can do, noting that Mr. Simone was out there at 6:30 a.m. He asked who made the call to get the vendors and why it was done so late. He said he shouldn't be on his back deck deflecting debris from his home because it hasn't been picked up. Our DPW is not equipped for this work. He is very disappointed.

Anthony Volonnino, 184 William Street, handed a disc to the Mayor containing pictures of his home with all of the damage done. He said no one came to visit him. His insurance agent couldn't believe the devastation; the water was four feet on his first floor. They've been going through this for some time. He appreciates everyone's help, but he can't wait anymore. He was told that the framing on the house may have shifted, which would mean rebuilding the house completely. He wants everyone to get an idea of what they are going through. They don't want to move out, but they need help; they can't stay in that house anymore. He asked what the Army Corps of Engineers is doing about this.

Joan Strothers, 24 Harrison Street, lost her home in Hurricane Floyd; she rebuilt. She explained that she had received a call on 8/28/11 by relatives that there was water in the streets. She informed that sewage came up. She asked for some information regarding pumping stations. She asked if they ever turn off and whether they have alarm systems.

Arama Perez-Ortiz, 27 Zelif Avenue, had some questions regarding pumps. She explained that their street gets water in the middle any time it rains; she asked if there is an issue with the pumps. She was told the pumps can't handle overwhelming amounts of water, but this was just rain, not flooding. She spoke to a Sergeant in the Police Department last Wednesday regarding debris on the streets; he indicated that the water wasn't arriving until Friday and the DPW would have time to clean up. They then received a call on Thursday that the water was coming and to evacuate. They feel that they don't matter at this point; something must be done.

Stan Krawiecki, 175 William Street, pointed out that this was the third flood this year; they just experienced two floods in a two-week span. He pointed out that people think of Little Falls when you mention flooding in New Jersey. The flood issues should have been the first item of business on this evening's agenda. He explained that it was disrespectful to do that to the residents. The residents know first hand that the departments and volunteers work hard, but they weren't anticipating a second flood this time around. Towns throughout New Jersey practice the policy of eminent domain to take private property for development that will further enhance the community. This dam is privately owned and we continue to let that happen and said we must take control of the situation.

Brian Reynolds, 7 Notch Road, said there are communication issues being discussed a lot lately, and pointed out that the email notification system has still not been utilized. He suggested that this may have helped the flood victims with information. He asked if the Township could commit to having this system in place, noting that people's houses and families are at stake. He said he went downtown on Sunday to see how the streets looked, where he saw a man loading sandbags into a rowboat. The gentleman explained that he tried to get some bags the previous Monday, but the DPW didn't have any left. He suggested that the Township put out a call for volunteers to help the flood victims. Referring to the 9/11 Memorial, he said he was unaware that there would be two separate communities there. He explained that he didn't have a problem if the Fire Department wished to have their own memorial, but he informed that the Fire Department was disrespectful to the other residents who were also there honoring 9/11.

Louis Fernandez, 54 Harrison Street, asked Mrs. Bergin if the residents would be voting for an Open Space tax at the Elections. He said they should vote for a flood tax if they're going to have another tax. He pointed out that the river is what needs to be taken care of, not the houses. The river is what floods and it continues to flood because nothing is done.

Jason Burns, 83 William Street, said he has been through four floods since 2008 and he doesn't know how to handle it at this point. He has two small children, one with asthma. There was supposed to be a vote on this evening's agenda for Green Acres. He asked what would happen to the remainder of the houses if only 100 houses are raised. He questioned what people would think when they come through the neighborhood with a realtor and they see some houses that are 17 feet higher than the rest. The problem isn't with the homes; raising the homes won't correct the problem. He explained that there isn't enough time given to the residents to evacuate. There has to be a long-term fix, not a band-aid.

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, Post, Sisco, Vantuno and President Fontana
 Nays: None

The Council President declared the motion passed.

Council President FONTANA said he would try to touch upon everyone's comments. He thanked Mr. Korotkin for all of his informative emails that are sent out consistently. He asked Mr. Underhill for the Tax Assessor's hours. Mr. Jeff Trapanese explained that Mr. Hamilton is in the office two days a week for about two hours a day; he works in other towns as well. Mayor DeFrancisci said he would make sure Mr. Fernandez gets a call back.

Council President FONTANA questioned why the issue of equipment only recently came up. Chief Dmuchowski said he has been complaining about this issue since he was a Sergeant.

Mr. Joseph Trapanese explained to Mr. Attianese that Mr. Brindisi's report has been released to the Council, but it cannot be released to the public at this time since it is still under investigation. He explained that Mr. Brindisi had given a verbal report at a previous Council Meeting, which he reiterated at this time. It was just disclosed and put together recently as a result of the investigation. The present Mayor's efforts are to review all contracts, which had not been done previously. Mr. Attianese questioned the investigation further and asked if the various departments turn in reports to the governing body annually. Mr. Trapanese said he would look into this, and said everything is outlined in the report. Mr. Attianese asked why the matter would be referred to the Prosecutor's Office if fraud was not an issue. Mr. Trapanese explained that they are sending this as per the Mayor's request.

Mr. Trapanese said the Executive Session is something that occurs in every municipality; it is not only in Little Falls. The public is entitled to hear everything that is going on in town, except for certain matters. There are specific exceptions to the Open Public Meetings Act, such as contract negotiations and litigation, just to name a few. Some things are necessary to go into Executive Session.

Mayor DeFrancisci said he would look into rescheduling the 9/11 Service on or around Veterans Day. Regarding after-action reports, he said one was done after the March 2010 flood, but there wasn't one for this year's March flood. He said he will try to get one done for this flood. Mr. Korotkin said there are people who would help out. Lengthy dialogue ensued between Mr. Korotkin and the Mayor about this matter. Mr. Korotkin said he is willing to volunteer his time at no fee.

Mr. Underhill said they have not signed a contract for the traffic signal proposal. Mr. Jeff Trapanese said it is not appropriate to have it signed at this time because there has to be a revision of the contract. Mr. Fernandez explained that nine states have banned these cameras, noting that it is unconstitutional to spy on people. Mr. Trapanese said they are not authorized to proceed at this point, so this is only lining themselves up for a future benefit if they are given the opportunity at a future date.

Mayor DeFrancisci said they have a meeting tomorrow evening about the Justice Complex. He informed that there is an issue with completing the project at this time. He promised to report on this at a later date.

Mr. Joseph Trapanese said he communicated with D&M Enterprise and informed them that there are several revisions for the contract; they are revising the contract and sending it to him. He will then present it to the Council to authorize the Mayor to execute same.

Mr. Underhill explained that there was a question about the garbage collection services and it has now been advertised; he will post it on the Website. He also referred to the Best Practices report, and said the Township is not in violation. The 50 questions that are asked are not State mandated and the town is in compliance.

Referring to Mrs. Strothers comments, Mr. Simone informed that there are sanitary sewer pumps in that area; it is done by flow system. He explained that when the flow comes up, the pump kicks on; if that pump can't handle it, it goes to the next one and so on. There was such a volume of water this time that the pump couldn't handle it. Sanitary sewerage pumps never get turned off during a flood. Mr. Lindsay commented on this, noting that many systems suffer the same issues when there are overwhelming amounts of water.

President FONTANA asked how the DPW can be notified after hours. Mr. Simone explained that the gentleman who handles the pumps is there as soon as the pumps kick on. He is called by the Police and then he comes out. Mr. Lindsay said they stopped construction on the pump station temporarily; they are scheduled to start on Wednesday so they don't interfere with cleanup operations. They anticipate that completion will be in the spring.

President FONTANA referred to eminent domain for Beattie's Dam; he asked if this was possible. Mr. Joseph Trapanese said a lot of research would have to be done on this. He will send the Council a report on this.

President FONTANA said he had a couple of people approach him about a volunteer committee to be started under Mr. Batelli's supervision to help with sand bags and other things. Councilmember GONZALEZ said there needs to be more communication in order to get things done. She informed that she has neighbors who want to donate furniture. Mr. Batelli said there is a community CERT Team, which is comprised of volunteers throughout the community. However, a lot of these volunteers are from the flood area. They have been manning the shelter and going out to distribute clean-up kits, as well as donations from Shop Rite. He directed anyone wanting to join to call Town Hall. Mayor DeFrancisci pointed out that Mr. Batelli's email address is listed on the website as well. He also informed that the town doesn't have a place to put donations like furniture. Councilmember GONZALEZ said they need a list to see who wants to donate and who is in need. Mr. Batelli said the Red Cross has also been coming around to help out and donate. Chief Dmuchowski said they cannot use the website for donations. It is important for people to sign up for the CERT program to help out, but when the event is occurring it is too late at that point. Councilmember GONZALEZ disagreed and said there are other things that can be done, such as cooking for those who need it. Mr. Batelli informed that there were Churches helping out, but the Churches in town didn't return any phone calls. He explained that they need a drop-off location for donations, since the Civic Center is not manned constantly. Council President FONTANA said he would speak with Mr. Batelli after the meeting about a donation system.

President FONTANA informed that the 9/11 Memorial Service was postponed. He had spoken to a Fireman, who said they were going to do something small for a fellow Fireman who died in the WTC attacks. His mother lives in Little Falls, and they felt the need to do this; there weren't two separate ceremonies.

Councilmember POST apologized to anyone if they felt disrespected by the Council having an Executive Session in the beginning of the meeting.

Joanne Bergin explained that these programs are not easy to facilitate and they are not fast moving. The paperwork is horrific, but this is what they need to do to get the money. This is all that is being offered to Little Falls at this time. The programs are administered by FEMA and the NJDEP. These programs are in progress at this time. She assured that they have been following up constantly and informed that there is extensive documentation of the flood damage that has occurred. The Township was notified that they will be given the opportunity to enroll more homes in the program, which they just found out today. They are on a very tight timeline; she suggested that anyone interested should speak with her about getting into program. She explained that they must work within the confines of FEMA funding. She also informed that FEMA decides what we will receive based on benefit cost analysis.

There is a resolution supporting the Passaic County Planning Department's application to the NJDEP Green Acres Program for Planning and Grant Funding. The County is enrolled in the program through Blue Acres, which means they can go to Blue Acres and ask them to match dollar for dollar what they invest in properties that need to be acquired. That is also what Little Falls is doing with the Open Space tax. She will continue to communicate about this regularly. Mayor DeFrancisci said they are doing everything they can locally in terms of fixing the river. It is not just a quick fix; Mrs. Bergin has worked tirelessly on this project. They understand that they are not permanently fixing the problem, but this is the best they have to offer right now.

Council President FONTANA referred to the comments about the dam in Oakland. Mayor DeFrancisci said the gates were open the Thursday previous to the hurricane. He was on a conference call with several other officials. The gates usually open automatically, but they were opening the gates manually, which reduced the flood level by about four feet. They received 9 1/2 inches of water; it may have risen higher had they not opened the dam gates up. These people are listening and they are doing more than they have done in the past. After the gates were opened manually, they went back to their automatic mode. The gates are 13 miles away; that water dissipates over that long period.

Mr. Simone said generally after a flood, it takes about 2-3 weeks to make a complete round of picking up garbage. The second storm was less than five days after the first this time around. They were out at 6:00 a.m. picking up garbage in two feet of water. They did everything they could. They picked up the majority; it is in the yard right now. They are in the process of continuing to clean it up. There were also issues with disposing of the garbage. Council President FONTANA commended Mr. Simone and the DPW members for their tremendous job. Mr. Simone said he understands the frustration, but said they are doing all they can to help.

Mayor DeFrancisci said he has a list of the Reverse 9-1-1 calls that were made. He explained that it is a struggle to make notification as timely as possible. It may not work for everyone, but they are trying their best to get the messages out in a timely fashion. The system works very well; it doesn't work for everyone as conveniently as they would like it to, though.

President FONTANA said they are trying to take advantage of whatever is available to them at this time.

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

Tax Collector's Report – Month of August 2011

MONTHLY REPORT

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

	<u>To August 31, 2011</u>	<u>2011 YEAR TO DATE</u>
2011 Taxes	\$7,781,550.15	\$29,130,728.54
2010 Taxes	0.00	497,868.30
Prepaid 2012 Taxes	0.00	0.00
Interest	4,746.73	74,245.65
Township Tax Title Lien	0.00	6,687.49
Township Tax Title Lien Int.	0.00	434.28
Cost of Tax Sale	0.00	3,516.30
Outside Tax Liens	38,167.94	51,903.95
Duplicate Tax Bills	130.00	315.00
Tax Searches	0.00	0.00
Insufficient Check Charge	0.00	100.00
6% Penalty Fee	0.00	5,536.78
Misc. Line Item Fee	0.00	0.00
Premium Outside Lien	0.00	129,200.00
Tax Sale Additional Fee	0.00	1,900.00
Municipal Copy Fee	0.00	0.29
GRAND TOTALS	\$7,824,594.82	\$29,902,436.58
Comparison of Years:		
August 1, 2011 to August 31, 2011	\$7,824,594.82	\$29,902,436.58
August 2, 2010 to August 31, 2010	<u>6,692,940.17</u>	<u>28,444,064.01</u>
	+\$1,131,654.65	+\$ 1,458,372.57

Delinquent 2011 Taxes = \$659,982.95 (1st – 3rd Qtrs.--223 line items).

Comparison--same time last year:

Delinquent 2010 Taxes = \$633,764.52 (1st – 3rd Qtrs.--205 line items).
Delinquent 2009 Taxes = 73,338.09 (16) Tax Sale 10/20/10.
\$707,102.61

Bounced checks this month = \$0.00 Year-to-date bounced checks = \$11,461.85
Refunds this month = -\$1,773.26 Year-to-date refunds = -\$21,931.70

Township Clerk's Report – Month of August 2011

Township Clerk's Dog/Cat License Report – Month of August 2011

APPLICATIONS

Raffle - - St. Vincent's Nursing Home Auxiliary, Inc., On-Premise Tricky Tray, 10/13/11

- - St. Vincent's Nursing Home Auxiliary, Inc., On-Premise 50/50, 10/13/11
- - Our Lady of the Holy Angels Church, Pull Tab Raffle, 10/5/11 to 9/26/12, 7:15 p.m. – 10:00 p.m.
- - Our Lady of the Holy Angels Church, Bingo, 10/5/11 to 9/26/12, 7:15 p.m. – 10:00 p.m.

- - Our Lady of the Holy Angels Church, Calendar Raffle, 12/23/11 to 3/16/12, 9:00 a.m. – 4:00 p.m.

RESOLUTIONS

Refund of a Redeemed Tax Sale Certificate

RESOLUTION [A] 11-09-12- #1

WHEREAS, at the Municipal Tax Sale held on June 15, 2011, a lien was sold on Block 156 Lot 17.13, also known as 1 Greenbriar Road, Little Falls, NJ, for 2010 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #2011-13, was sold to RJ Maroon Realty LLC, for a 0% redemption fee and a premium of \$20,100.00; and

WHEREAS, Prestige Title Agency, Inc. (on behalf of a closing Rosen to Ortiz) has effected redemption of Certificate #2011-13 in the amount of \$35,908.13.

NOW, THEREFORE BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$35,908.13, payable to RJ Maroon Realty LLC, PO Box 668, Pompton Plains, NJ 07444 for the redemption of Tax Sale Certificate #2011-13.

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$20,100.00 (Premium) to the aforementioned lien holder. Both checks shall be forwarded to the Tax Collector on September 13, 2011 as she must surrender the Tax Sale Certificate before they receive payment.

Refund for Overpayment of 3rd Quarter 2011 Taxes

RESOLUTION [B] 11-09-12 - #2

WHEREAS, the property known as Block 88.03 Lot 1 C113 assessed to William Battle of 260 Main St., Unit 113, Little Falls, NJ has an overpayment of taxes on their 2011 3rd quarter in the amount of \$1,714.65; and

WHEREAS, Core Logic Tax Service paid on August 5, 2011 and Mr. Battle paid on August 3, 2011; and

WHEREAS, it appears that the taxpayer's taxes are escrowed with his mortgage company; and

WHEREAS, the Tax Collector shall authorize our CMFO/Treasurer to issue a refund check made payable to William Battle, 260 Main St., Unit 113, Little Falls, NJ, in the amount of \$1,714.65;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls on this 12th day of September 2011 that the amount of \$1,714.65 be refunded to William Battle due to an overpayment of taxes.

Dennis G. Lindsay, PE

RESOLUTION [C] 11-09-12 - #3

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:

\$700.00

payable to:

Dennis G. Lindsay, PE

representing payment for engineering services rendered in connection with Ciasulli – Lexus – Block 203, Lot 3, et al – Site Plan with Variances; 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 [D] 11-09-12 - #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:

\$476.25

payable to:

Dennis G. Lindsay, PE

representing payment for engineering services rendered in connection with Friedbauer – Block 200, Lots 1.02 & 1.03 – Site Plan with Variances; 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 [E] 11-09-12 - #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:

\$525.00

payable to:

Dennis G. Lindsay, PE

representing payment for engineering services rendered in connection with Gutierrez Day Spa – 125 Paterson Avenue – Block 89, Lot 7 – Site Plan with Variances; 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 [F] 11-09-12 - #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:

\$262.50

payable to:

Dennis G. Lindsay, PE

representing payment for engineering services rendered in connection with Larkin – 297 Main Street – Block 78, Lot 1 – Building Expansion with Bulk/Area Variance; 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.

Bernard B. Montalbano, Esq.

RESOLUTION [G] 11-09-12 - #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:

\$150.00

payable to:

Bernard B. Montalbano, Esq.

representing payment for legal services rendered in connection with Larkin Resolution – Block 78, Lot 1; 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] 11-09-12 - #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:

\$150.00

payable to:

Bernard B. Montalbano, Esq.

representing payment for legal services rendered in connection with PMJ Homes, LLC Resolution; 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.

Refund for Overpayment of 2011 Taxes

RESOLUTION [I] 11-09-12 - #9

WHEREAS, the property known as Block 233 Lot 54 assessed to Nicholas & Lisa M. Masino of 8 Woodlawn Terrace, Cedar Grove, NJ 07009, has an overpayment of taxes on their total 2011 taxes in the amount of \$58.61; and

WHEREAS, the assessed value listing land only on this property is 300 for a total yearly taxes at \$6.44 for the Year 2011; and

WHEREAS, the Masino's were subject to a tax sale this past June for unpaid 2010 taxes; and

WHEREAS, the Masino's on April 18, 2011 paid from a tax sale notice overpaying the Township the amount of \$61.95 which was applied to their 2nd quarter taxes (their check included fees and costs to the tax sale date of June 15, 2011); and

WHEREAS, the Tax Collector has transferred credit monies from the 2nd quarter to the 3rd and 4th quarters taxes of 2011 in the amounts of \$1.65 and \$1.69 respectively; and

WHEREAS, the Tax Collector shall authorize our CMFO/Treasurer to issue a refund check made payable to Nicholas & Lisa M. Masino, 8 Woodlawn Terrace, Cedar Grove, NJ 07009 in the amount of \$58.61;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls on this 12th day of September 2011 that the amount of \$58.61 be refunded to Nicholas & Lisa M. Masino due to an overpayment of taxes.

Refund of Unused Escrow

RESOLUTION [J] 11-09-12 - #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:

\$475.00

payable to:

Sandra Gutierrez

125 Paterson Avenue

Little Falls, NJ 07424

representing payment for return of unused escrow rendered in connection with Euphoria Day Spa, Block 89, Lot 7; 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] 11-09-12 - #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:

\$1,575.00 (\$225.00 each)

payable to:

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

representing payment of Self-Care for the month of September 2011 (including July balance) be and the same is hereby authorized and ratified.

NJ Dept of Health – Dog License Fees

RESOLUTION [L] 11-09-12 - #12

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:

\$57.60

payable to:

NJ State Dept. of Health

representing payment of State dog license fee, license Nos. 351 to 388 for the month of August 2011.

Capital Budget Amendment

RESOLUTION TO AMEND CAPITAL BUDGET TO REFLECT BONDING FOR ACQUISITION OF VARIOUS EQUIPMENT AUTHORIZED IN ORDINANCE #1129 [M]#13

RESOLUTION TO AMEND CAPITAL BUDGET TO REFLECT BONDING FOR ACQUISITION OF VARIOUS EQUIPMENT AUTHORIZED IN ORDINANCE #1138 [N]#14

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

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

The Council President declared the motion passed.

REGULAR AGENDA

The following items were individually considered.

INTERDEPARTMENTAL

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

RESOLUTION [O] 11-09-12 - #15

Resolution Re: Requesting Approval for Authorization of an Emergency Appropriation in Accordance with N.J.S.A. 40A:4-46 – Various Budget Line Items

WHEREAS, an emergency has arisen with respect to various costs relating to Hurricane Irene and related flooding, and

WHEREAS, no adequate provision was made in the 2011 budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is\$347,000 and, three percent (3%) of the total operating appropriations in the budget for the fiscal year 2011 is\$352,713.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Little Falls, in the County of Passaic, State of New Jersey, that in accordance with N.J.S.A. 40A:4-48, petition be made to the Director of the Division of Local Government Services for the creation of an appropriation set forth in the preamble in accordance with the following:

1. An emergency appropriation be and the same is hereby made for:

Financial Administration:		
Other Expenses	\$	5,000
Police:		
Salaries & Wages	45,000	
Other Expenses		15,000
Fire Department:		
Salaries & Wages	2,000	
Other Expenses		20,000
Streets & Roads Maintenance:		
Salaries & Wages	60,000	
Other Expenses		30,000
Solid Waste Collection:		
Other Expenses		50,000
Landfill/Solid Waste Disposal Costs		70,000
Gasoline		25,000
Fuel Oil (Diesel)		25,000

2. Said emergency appropriation shall be provided for in full in the 2012 budget.
3. That funds for the appropriation shall be provided from surplus funds on hand.
4. That an "Emergency Note" may be executed by the Chief Financial Officer and by the Township Clerk.
5. That two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services.
6. That the statements required by the Local Finance Board have been filed with the Clerk and a copy thereof will be transmitted to the Director of the Division of Local Government Services.
7. This resolution shall take effect after approval of the Director of the Division of Local Government Services.

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

The Council President declared the motion passed.

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

RESOLUTION [P] 11-09-12 - #16

Resolution Re: Requesting Approval for Authorization of an Emergency Appropriation in Accordance with N.J.S.A. 40A:4-46 – Legal Services and Costs – Other Expenses

WHEREAS, an emergency has arisen with respect to legal services and costs due to substantial unanticipated and unforeseen litigation, and

WHEREAS, no adequate provision was made in the 2011 budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is\$427,000 and, three percent (3%) of the total operating appropriations in the budget for the fiscal year 2011 is\$352,713.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Little Falls, in the County of Passaic, State of New Jersey, that in accordance with N.J.S.A. 40A:4-48, petition be made to the Director of the Division of Local Government Services for the creation of an appropriation set forth in the preamble in accordance with the following:

1. An emergency appropriation be and the same is hereby made for:

Legal Services and Costs – Other Expenses	\$80,000
---	----------

2. Said emergency appropriation shall be provided for in full in the 2012 budget.
3. That funds for the appropriation shall be provided from surplus funds on hand.
4. That an "Emergency Note" may be executed by the Chief Financial Officer and by the Township Clerk.
5. That two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services.
6. That the statements required by the Local Finance Board have been filed with the Clerk and a copy thereof will be transmitted to the Director of the Division of Local Government Services.
7. This resolution shall take effect after approval of the Director of the Division of Local Government Services.

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

The Council President declared the motion passed.

NEW BUSINESS

Supporting Application to NJDEP Green Acres Program – It was moved by Councilmember Post, seconded by Councilmember Vantuno, that the Council approve the following:

Resolution [Q] 11-09-12 - #17

WHEREAS, the Township of Little Falls supports the Passaic County Planning Department’s efforts to acquire flood-prone properties in town using its Planning Incentive Grant funds through the NJDEP Green Acres Program;

WHEREAS, the Planning Incentive Grant funds made available by the State will be matched with funds provided by the County of Passaic;

WHEREAS, the Township supports land acquisition in highly vulnerable flood-prone areas that would better be developed as a greenway and uses in perpetuity as open space;

NOW, THEREFORE, BE IT FURTHER RESOLVED the governing body of the Township of Little Falls supports the Passaic County Planning Department’s application to the NJDEP Green Acres program for Planning Incentive Grant funds for the acquisition of property in Little Falls for open space.

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

The Council President declared the motion passed.

Approving a Grant Application and Authorizing Execution of Contract – It was moved by Councilmember Sisco, seconded by Councilmember Vantuno, that the Council approve the following:

RESOLUTION [R] 11-08-12 - #18

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Roadway Improvement Project

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 of the Township of Little Falls and Clerk are hereby authorized to submit an electronic grant application identified as 00181 to the New Jersey Department of Transportation on behalf of the Township of Little Falls.

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

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

The Council President declared the motion passed.

Approving a Grant Application and Authorizing Execution of Contract – It was moved by Councilmember Sisco, seconded by Councilmember Vantuno, that the Council approve the following:

RESOLUTION [S] 11-08-12 - #19

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Bikeway Extension Project

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 of the Township of Little Falls and Clerk are hereby authorized to submit an electronic grant application identified as 00026 to the New Jersey Department of Transportation on behalf of the Township of Little Falls.

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

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

The Council President declared the motion passed.

Approving a Change Order with 4 Clean-Up – It was moved by Councilmember Gonzalez, seconded by Councilmember Post, that the Council approve the following:

RESOLUTION [T] 11-09-12 - #20

WHEREAS, a contract was awarded to 4 Clean-Up, Inc., P.O. Box 5098, North Bergen, NJ 07047 for Improvements to Kingwood Drive and Houston Road to Francisco Avenue in the amount of \$202,507.00; and

WHEREAS, it was determined that the following changes are required in the contract:

1. Stair adjustment for grade change at Lot #17 Kingwood.
2. Excavation of soft subgrade and install filter fabric and stone.
3. Create enhanced drainage swale with additional inlet to address ponding.
4. Add two tactile warning surfaces as required by Passaic County.
5. Adjustment for as-built quantities.
6. Lima pay adjustment for noncompliance with material specifications.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls that a Change Order in the amount of \$12,983.03 be approved making the total amount of the contract \$215,490.03.

Council members POST and GONZALEZ asked for clarification. Mr. Lindsay explained that when there is a roadway improvement project, they make an estimate of the project cost. However, during the project, they sometimes find issues that come up requiring more work to be done and therefore, increasing the contract price. This change falls within the limits of the grant.

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

The Council President declared the motion passed.

Approving a Change Order with PA Contractors, Inc. – It was moved by Councilmember Gonzalez, seconded by Councilmember Post, that the Council approve the following:

RESOLUTION [U] 11-09-12 - #21

WHEREAS, a contract was awarded to PA Contractors, Inc., 105 Davis Avenue, Kearny, NJ 07032 for Roadway Improvements – Depressed Curbs in the amount of \$23,040.00; and

WHEREAS, it was determined that the following changes are required in the contract:

- 1A. Mobilization, Demobilization & General Conditions
- 1B. Stated Allowances
2. Unclassified Excavation
3. Subbase Course – Dense Graded Aggregate
4. HMA Base Course 19M64
5. HMA Top Course 9.5M64
6. New Belgium Block Curb
7. New Concrete Curb

- 7B. Concrete Sidewalk
- 8. Topsoil and Seeding
- 9. Sawcut Existing Pavement
- 10. Detectable Warning Devices

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Little Falls that a Change Order in the amount of \$3,719.00 be approved making the total amount of the contract \$26,759.00.

Mr. Lindsay provided a brief clarification of this resolution as well.

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

The Council President declared the motion passed.

Authorizing Stipulation of Settlement – It was moved by Councilmember Sisco, seconded by Council President Fontana, that the Council approve the following:

RESOLUTION [V] 11-09-12 - #22

WHEREAS, a Tax Appeal has previously been filed with regard to the below mentioned property before the Tax Court of New Jersey with regard to the 2009, 2010 & 2011 tax years; and

WHEREAS, a proposed Stipulation of Settlement has been negotiated by the Township Attorney with the attorney for the taxpayer; and

WHEREAS, the Tax Assessor, Richard Hamilton and the Township’s expert appraiser Appraisal Systems, Inc. have recommended that the terms of the proposed settlement be accepted;

1. The proposed settlement of the 2009, 2010 & 2011 tax appeals pending before the Tax Court of New Jersey as hereinafter enumerated be and the same is hereby authorized, approved and ratified:

171 Main Street	Block 92	Lot 3	
2009	Tax appeal complaint Withdrawn.		
	Original	Requested Tax	
2010	<u>Assessment</u>		<u>Court Judgement</u>
Total	\$13,110,000	\$12,750,000	
Assessment			
2011	Original	Requested Tax	
Total	<u>Assessment</u>	<u>Court Judgement</u>	
Assessment	\$12,750,000	\$12,000,000	

3. The Township Attorney and Tax Assessor are authorized and directed to execute Stipulations of Settlement and to take such other and further action as may be required to effectuate the above.

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

The Council President declared the motion passed.

Authorizing Stipulation of Settlement – It was moved by Councilmember Sisco, seconded by Councilmember Post, that the Council approve the following:

RESOLUTION [W] 11-09-12 - #23

WHEREAS, a Tax Appeal has previously been filed with regard to the below mentioned property before the Tax Court of New Jersey with regard to the 2011 & 2012 tax years; and

WHEREAS, a proposed Stipulation of Settlement has been negotiated by the Township Attorney with the attorney for the taxpayer; and

WHEREAS, the Tax Assessor, Richard Hamilton and the Township’s expert appraiser Appraisal Systems, Inc. have recommended that the terms of the proposed settlement be accepted;

1. The proposed settlement of the 2011 & 2012 tax appeals pending before the Tax Court of New Jersey as hereinafter enumerated be and the same is hereby authorized, approved and ratified:

64 Lower Notch Road	Block 171	Lot 16	
2011	Tax appeal complaint Withdrawn.		
	Original	Requested Tax	
2012	<u>Assessment</u>		<u>Court Judgement</u>
Total	\$392,600	\$365,000	
Assessment			

2. The Freeze Act will not be applicable.

3. The Township Attorney and Tax Assessor are authorized and directed to execute Stipulations of Settlement and to take such other and further action as may be required to effectuate the above.

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

The Council President declared the motion passed.

Ordinance No. 1131 – It was moved by Councilmember Post, seconded by Councilmember Sisco, that the public hearing on Ordinance No. 1131, “**AN ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS AMENDING AND SUPPLEMENTING CHAPTER 71, ‘FEES’ OF THE TOWNSHIP CODE TO ESTABLISH PARAGRAPH 71.3, ‘FEES FOR PAYMENT IN LIEU OF CONSTRUCTING AFFORDABLE HOUSING’ AND DELETE CERTAIN LANGUAGE FROM PARAGRAPH 71.2, ‘FEE SCHEDULE’**”, be and it was opened.

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

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Sisco, seconded by Councilmember Post, that the public hearing on Ordinance No. 1131 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Post, seconded by Councilmember Vantuno, that the Ordinance No. 1131 be and it was adopted.

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

The Council President declared the motion passed.

Ordinance No. 1132 – It was moved by Councilmember Vantuno, seconded by Councilmember Gonzalez, that the public hearing on Ordinance No. 1132, **“AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE NJDOT FOR A PERMANENT EASEMENT ALONG ROUTE 46, WITHIN BLOCK 251, LOTS 7 AND 8, ON THE TAX MAP OF THE TOWNSHIP OF LITTLE FALLS”**, be and it was opened.

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

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Gonzalez, seconded by Councilmember Sisco, that the public hearing on Ordinance No. 1132 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, that the Ordinance No. 1132 be and it was adopted.

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

The Council President declared the motion passed.

Ordinance No. 1133 – It was moved by Councilmember Post, seconded by Councilmember Vantuno, that the public hearing on Ordinance No. 1133, **“A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$142,920 FOR THE INSTALLATION OF A NEW ROOF ON THE LITTLE FALLS FREE PUBLIC LIBRARY AND TO APPROPRIATE \$75,000 FROM A COMMUNITY DEVELOPMENT BLOCK GRANT AND \$76,920 FROM A LIBRARY CONTRIBUTION”**, be and it was opened.

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

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Post, seconded by Councilmember Vantuno, that the public hearing on Ordinance No. 1133 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Vantuno, seconded by Councilmember Post, that the Ordinance No. 1133 be and it was adopted.

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

The Council President declared the motion passed.

Ordinance No. 1134 – It was moved by Councilmember Gonzalez, seconded by Councilmember Post, that the public hearing on Ordinance No. 1134, **“AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE NJDOT FOR A TEMPORARY CONSTRUCTION EASEMENT ALONG ROUTE 46, WITHIN BLOCK 201, LOT 1, ON THE TAX MAPS OF THE TOWNSHIP OF LITTLE FALLS”**, be and it was opened.

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

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Gonzalez, seconded by Councilmember Post, that the public hearing on Ordinance No. 1134 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Gonzalez, seconded by Councilmember Post, that the Ordinance No. 1134 be and it was adopted.

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

The Council President declared the motion passed.

Ordinance No. 1135 – It was moved by Councilmember Vantuno, seconded by Councilmember Post, that there be introduced and the meeting of September 26, 2011 set as the date and time for the public hearing on the following:

**ORDINANCE NO. 1135
AN ORDINANCE ESTABLISHING THE LITTLE FALLS
FIRE DEPARTMENT EMERGENCY MEDICAL SERVICE**

ARTICLE #1 Establishment and Organization

1. Little Falls Fire Department Emergency Medical Service.

The Little Falls Fire Department Emergency Medical Service is hereby created and established.

2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

EMERGENCY MEDICAL SERVICE - Herein to be known as the Little Falls Fire Department Emergency Medical Service, (EMS).

AUTHORITY – The right to issue orders, give commands, enforce obedience, initiate actions, and make necessary decisions commensurate with rank or assignments as provided for in the Emergency Medical Service rules, policies and procedures. Authority may be delegated by those designated. Acts performed without proper authority or authorization shall be considered to be in violation of the rules.

CHAIN OF COMMAND – Vertical lines of communication, authority and responsibility within the organizational structure of the Emergency Medical Service.

- A. The Little Falls Fire Department Emergency Medical Service shall fall under the direct supervision and the responsibility of the Chief of the Little Falls Fire Department.

DIRECTIVE – A document detailing the performance of a specific activity or method of operation. “Directive” includes:

- A. GENERAL ORDER – Broadly based directive dealing with policy and procedure and effecting one or more organizational subdivisions of the Emergency Medical Service.
- B. PERSONNEL ORDER – A directive initiating and announcing a change in the assignment, rank, or status of personnel.
- C. SPECIAL ORDER - A directive dealing with a specific circumstance or event that is usually self-canceling.

EMERGENCY MEDICAL SERVICES - Any service, including transportation provided by the Emergency Medical Service, to a potentially ill, or injured person in response to a call for service.

EMPLOYEE/MEMBER – A person who performs in the capacity of an emergency medical responder not more than twenty-four (24) hours per week.

MAY/SHOULD – The action indicated is permitted.

ORDER – Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of duty.

PATIENT – Any person who receives Emergency Medical Services from the Emergency Medical Service.

POLICY – A statement of Emergency Medical Service principles that provides the basis for the development of procedures and directives.

PROCEDURE – A written statement providing specific direction of performing Emergency Medical Service activities. Procedures are implemented through policies and directives.

SHALL/WILL – The action indicated is mandatory.

SUPERVISOR – Employee assigned to a position requiring the exercise of immediate supervision over the activities of other employees.

THIRD PARTY BILLING AGENCY – A business entity engaged by the Township of Little Falls for the purpose of affecting the billing of patients and collecting payments there from, which payment shall be remitted to the Township of Little Falls.

3. Membership; Officers and uniformed force.

The Little Falls Fire Department Emergency Medical Service shall consist of a Captain and two (2) Lieutenants and as many other officers and members as are or may be appointed and approved by the Chief of the Little Falls Fire Department with consent of the Mayor. Officers must be residents of the Township and Active members of the Little Falls Fire Department to include all four fire companies.

4. Ownership of assets; expenses; and operating costs.

All Emergency Medical Service vehicles, currently owned or purchased by the Township of Little Falls will remain the property of the Township of Little Falls (ref Ambulance Unit #843). All expenses and costs for proper maintenance and operation of the Emergency Medical Service vehicles and equipment shall be funded through revenue generated by the Township of Little Falls EMS services.

5. Qualifications for employees.

No person shall be eligible to become an employee of the Little Falls Fire Department Emergency Medical Service unless such person possesses and provides proof of the following qualifications:

- A. All applicants for membership shall be between the age of eighteen (18) and the state maximum permitted age and be a resident of the Township or an immediately bordering municipality.
- B. Be physically fit to perform the duties of an emergency medical technician. The applicant shall submit to a medical evaluation by a licensed physician
- C. Be subject to a criminal background check and have no prior convictions for any offense or crime.

- D. Be subject to a motor vehicle background check with no prior record of careless or reckless driving, driving under the influence of drugs or alcohol or any other serious moving violation.
- E. Be subject to pre-employment and random drug testing.
- F. Be a certified emergency medical technician of the State of New Jersey. Any lapse in certification will be cause for immediate suspension of duties. Reinstatement will only occur upon certification is reinstated.
- G. Possess a valid New Jersey driver's license.

6. Application and approval for employment.

- A. The name of the applicant shall be provided to the EMS Program Coordinator who will ensure that the application process is followed as established in the Township of Little Falls ordinance; with the recommendations of the Chief of the Fire Department.
- B. Applications will be accepted through completion of the standard Little Falls employment application.

7. Membership roll; identification.

- A. The names of the members shall be written upon the membership roll maintained by the Township Clerk.
- B. A member shall be issued a photo identification card as evidence of membership. This photo identification card shall be surrendered to the Chief of the Fire Department when demanded or whenever a member has been formally suspended for the Emergency Medical Service or when the member shall cease to be a member of the Emergency Medical Service.

8. Classes of Membership/Employee

- A. Per-diem member/employee is defined as a member/employee who is compensated at an hourly rate for his/her service in the Emergency Medical Service. Members shall be divided into two major classifications.
- B. Active member: Any employee who is physically able to perform all duties, including on call duty time and training, and other fixed duties.
- C. Volunteer member: Any qualified person who meets the criteria of an active member but who does not wish to be compensated in any way for their time or expenses.

9. Compensation.

- A. Members may work a maximum of twenty-four (24) hours per week. This may be exceeded only when a life-threatening incident requires a recall of personnel or during a declared state of local emergency.
- B. Members shall be compensated at a rate established by the Mayor and included as part of the yearly salary ordinance established and approved by the Town Council.
- C. Any officer or member who is appointed to serve as a crew chief on the ambulance for a period of Thirty (30) days or more and acting in the capacity of crew Chief will be compensated at the established rate for that position.
- D. The captain and lieutenants of the Emergency Medical Service will receive additional annual compensation at a rate established by the Mayor for serving in that capacity.
- E. Members shall not be entitled to membership in any union.
- F. Members shall not be eligible for any health insurance including medical, dental, or vision.
- G. Members shall be covered by Worker's Compensation insurance and group life insurance. In the event of a line of duty death, the Township shall insure that all applications are processed and procedures are followed for any eligible state or federal benefits.
- H. Members may be required to contribute a portion of their wages to the Public Employees Retirement System ("PERS").

10. Emergency Medical Service Composition.

The active roster of the Emergency Medical Service shall be comprised of Sixteen (16) EMT's necessary to maintain the operations of the Emergency Medical Services.

11. Disbandment of Emergency Medical Service.

The Emergency Medical Service may be disbanded in the following manner:

- A. Should the Mayor consider at any time that the interests of the Township will be best served by the disbandment of the service, either for neglect of duty or disobedience of orders, or for any other cause, or in the interest of the economic well being of the Township, they may do so at any regular meeting by a majority vote of the full membership of the Council and Mayor with 30 days' notice being previously given to the Chief of the Fire Department and the members of the Council.

ARTICLE H Executive Board

12. Composition of Board; Control of the Emergency Medical Service

- A. The Chief of the Fire Department, the EMS Coordinator and the Board of Fire Officers of the Little Falls Fire Department, and the Mayor or his designee, shall constitute the Executive Board. The Board shall meet monthly or more frequently as needed for the transaction of Emergency Medical Service business.
- B. The Board shall coordinate with the Chief of the Fire Department in the management of the Emergency Medical Service whenever matters pertain to Emergency Medical Services as set forth in the rules and regulations of the Emergency Medical Service.

13. Adoption of Rules and Regulations.

- A. The Executive Board is hereby authorized, empowered and required when necessary to adopt rules and regulations for the control, management, and government of the Emergency Medical Service. These rules and regulations, after adoption by the Executive Board, shall not become effective and operative until presented and approved by the Chief of the fire department and confirmed by the Mayor.

- B. Application. These rules are applicable to all members of the Emergency Medical Service.
- C. Distribution: One copy of these rules shall be distributed to each member of the Emergency Medical Service. Each member will be required to sign to confirm receipt of the document.
- D. Responsibility for maintenance. It is the continuing responsibility of each member to maintain a current copy of the rules, including additions, revisions, and amendments as issued.
- E. Familiarization. Members shall thoroughly familiarize themselves with the provisions of the rules. Ignorance of any provision of these rules will not be a defense to a charge of a violation of these rules. It is the continuing responsibility of each member to seek clarification through the chain of command for any rule that is not fully understood.

14. Chief of the Little Falls Fire Department.

Pursuant to municipal ordinance, the Chief shall be the head of the Emergency Medical Service and shall be directly responsible to the appropriate authority for the efficiency and day-to-day operations of the Emergency Medical Service. Pursuant to policies established by the appropriate authority, the Chief shall:

- A. Administer and enforce the rules and regulations of the Emergency Medical Service and any special emergency directives for the disposition and discipline of the Service and its members and officers;
- B. Have, exercise and discharge the functions, powers and duties of the Emergency Medical Service.
- C. Prescribe the duties and assignments of all members and officers;
- D. Delegate such authority as may be deemed necessary for the efficient operation of the Emergency Medical Service to be exercised under the direction and control of the Chief.
- E. Report at least monthly to the appropriate authority in such form as shall be prescribed on the operation of the Emergency Medical Service during the preceding month and make such other reports as may be requested by the appropriate authority.
- F. To prepare and submit the annual budget and proposed expenditure programs to the appropriate authority or other designated officials.
- G. To allocate funds within the budget which are appropriated by the governing body.

15. Responsibilities of the Executive Board.

The responsibilities of the Executive Board are, subject to the approval and oversight of the Mayor, as follows:

- A. To maintain the efficient operation of the Emergency Medical Service.
- B. To organize, control and maintain all property and resources of the EMS.
- C. To develop and implement policies and procedures necessary to govern and direct the day-to-day operations of the EMS.
- D. To provide for the proper training of all members.
- E. To maintain the overall discipline of the Corps.
- F. To maintain a constructive relationship with the public, community organizations, the media and other agencies.

16. Appointment of an EMS Program Coordinator.

The Township shall appoint an EMS Program Coordinator. He/she shall be a part-time township employee and be designated as a Department Manager of the Emergency Medical Service Program.

- A. Qualifications:
 - 1. Be not less than eighteen (18) years of age.
 - 2. Be subject to a criminal and motor vehicle background check.
 - 3. Possess a valid New Jersey driver's license.
 - 4. Possess knowledge of emergency medical care and the process and procedures of Emergency Medical Services.
 - 5. Possess knowledge in computers and common programs including Microsoft Word and Excel.
 - 6. Be available to manage absences and other problems involving shift schedules.
 - 7. The applicant is not required to be a member of the Emergency Medical Service or a member of the Little Falls Fire Department, however preference should be given to a member who meets the qualifications
 - 8. If the applicant is a member of the Emergency Medical Service, the combination of hours as the EMS Program Coordinator and the on duty hours cannot exceed forty (40) hours per week.
- B. Responsibilities:
 - 1. Maintain the staffing schedule of the Emergency Medical Service insuring that all shifts are fully staffed without exception.
 - 2. Maintain a roster of all members with their availability to cover regular shifts and shifts that must be staffed due to sickness, vacations, and other absences.

3. Maintain a call out roster of those members available to respond to general calls.
 4. Collect, review, and forward all run sheets and forward them to the authorized agency.
 5. Collect and forward to appropriate official all personnel and training records as prescribed in the Rules and Regulations.
 6. Collect, review, and forward all time sheets.
 7. Any and all other functions necessary to insure that shifts are staffed and information is provided to the billing agent.
 8. The EMS Program Coordinator will be an employee subject to all requirements, allowances and regulations of such employee set forth in this ordinance.
 9. The appointee shall serve a probationary period of six (6) months.
 10. The EMS Program Coordinator will submit a monthly activity report to the Chief of the fire department. The chief will include this report in his/her monthly report to the Mayor.
- C. Compensation. The EMS Program Coordinator will be compensated at a yearly rate established by the Mayor.

17. Assistant EMS Program Coordinator.

An Assistant EMS Program Coordinator will be appointed from among the qualified members of the Emergency Medical Service to perform all of the duties of the EMS Program Coordinator when he/she is on vacation or extended leave. The Assistant EMS Program Coordinator will be subject to all of the requirements set forth in this ordinance and will be compensated at the same rate established by the Mayor for the period of time served in this capacity.

18. Records maintained.

The Executive Board under the direction of the Chief of the fire department shall see that timely and accurate records are kept of all responses for calls for service, training, attendance, certifications, and any other records required by the State, Township, or other authorized agency.

ARTICLE III Appointment of Officers

19. Terms of office.

The Chief's term will coincide with their term set forth by Fire Department Ordinance. Captain and Lieutenants shall be appointed by the Mayor for a term of one year. Officers may be reappointed without term limits.

20. Appointment of officers.

Members who meet the qualifications for the position of any officer may submit their names for consideration for one or more of the positions. These names shall be presented to an investigation committee established by the Mayor. This committee will review the qualifications of all interested members. The committee may conduct interviews to establish facts such as available time and management skills. The committee shall make recommendations to the Mayor.

ARTICLE IV Command of Emergency Medical Service

21. General supervision of Emergency Medical Service

The Chief of the fire department shall have the general supervision of the Service. Said general supervision by the Chief shall not conflict with such rules and regulations for the government and management of the Emergency Medical Service. The Chief shall coordinate with the Executive Board in the management of the Emergency Medical Service.

22. Command at calls for service.

- A. In all cases of calls for service, the Chief shall have full power and absolute command and control under authority of this chapter.
- B. When the Chief is absent from the call for service, the highest-ranking line officer shall assume the duties of command until relieved by a higher-ranking officer under authority of this chapter.
- C. When all officers are absent from the call for service. The on-duty crew chief shall assume the duties of command.

23. Monthly report by Chief.

The Chief shall report monthly to the Mayor, including the number of calls for service for the month, the condition of apparatus and equipment, personnel status and any other business passed by the Executive Board.

ARTICLE V Service and Conduct

24. Response to calls for service.

The on-duty crew members shall respond immediately to the call for service, unless otherwise directed by the officer in charge.

25. Training and drills.

The Chief or his/her designee shall maintain a schedule of training and drills and shall activate the Emergency Medical Service for drills or training when and where it becomes necessary. These training sessions may include any and all mandated training courses as set forth in the rules and regulations of the Emergency Medical Service and any elective training sessions as the Executive Board may deem necessary or beneficial. Members will not be compensated for the time required to maintain required certifications. The Township will pay any fees or costs for the training that is not covered by the State or other agencies.

26. Record of calls for service and training exercises.

The EMS Program Coordinator shall keep a permanent record of the duty time and attendance at training sessions of each active member of the Emergency Medical Service.

27. Authorized drivers.

Any member of the Emergency Medical Service who drives any township vehicle must complete the required driver training as set forth in the rules and regulations of the Emergency Medical Service. Members of other Township agencies shall be permitted to operate an ambulance if having completed the adequate driver training course; however they will only be permitted to drive as long as the proper minimum requirements are maintained for proper staffing of an ambulance.

All drivers are subject to an annual driver's license abstract check to be conducted by the Little Falls Police Department.

28. Request for repairs or supplies.

All requests for repairs or supplies for the Emergency Medical Service shall be presented to the Chief for approval. Purchases shall be made in accordance with applicable state and municipal regulations.

29. Unauthorized repairs; emergencies.

No member of the Emergency Medical Service shall be permitted to tamper with, fix or repair any apparatus unless directed to do so by the Chief or line officer, and then only in the case of an emergency.

30. Rules of conduct.

A. General conduct.

1. Performance of duty: All members shall promptly perform their duties as required or directed by law, Emergency Medical Service rules, policy or directive and by lawful order of a supervisor.
2. Obedience to laws and rules: Members shall obey all laws, ordinances, rules, policies, procedures and directives of the Emergency Medical Service.
3. Reporting violations of laws and rules: Members knowing of other members violating laws, ordinances or rules of the Emergency Medical Service shall report same in writing to the Chief.
4. Insubordination: Members shall not;
 - a. Fail or refuse to obey a lawful order given by a supervisor;
 - b. Use of any disrespectful or abusive language or action towards a supervisor or designated crew chief.
5. Conduct toward other department employees: Members shall treat other Emergency Medical Service members with respect. They shall be courteous and civil at all times in their relationships with one another. When on duty and in the presence of the public, officers should be referred to by rank.
6. Fitness for duty: Personnel shall maintain sufficient physical and psychological condition in order to handle the variety of activities required of an emergency medical technician.
7. Driver's license: Members operating Township motor vehicles shall possess a valid U.S. driver's license. Whenever a driver's license is revoked, suspended or lost, the member shall immediately notify the appropriate supervisor, giving full particulars.
8. Address and telephone numbers: Members are required to have a telephone or other method of twenty-four (24) hour contact. Changes in address or telephone number shall be reported in writing to the appropriate supervisor within 24 hours of the change.

31. Alcoholic beverages and drugs.

A. Members shall be subject to the Township's Employee Drug and Alcohol Testing Policy.

32. Judicial appearance and testimony regarding EMS matters.

- A. Members shall not volunteer to testify in actions arising out of Emergency Medical Service employment and shall not testify unless subpoenaed. If the subpoena arises out of Township employment or if members are informed that they are a party to a civil action arising out of Township employment, they shall immediately notify the appropriate supervisor and shall consult with the Chief and the Township Attorney before responding to any such subpoena, giving a deposition, or signing any affidavit.
- B. Court appearance: When appearing in court on Emergency Medical Service business, members shall wear either the Emergency Medical Service uniform or appropriate business attire.
- C. Department investigations. Members are required to answer questions, file reports or render material and relevant statements in a Emergency Medical Service investigation when such questions and statements are directly related to job responsibilities. Members shall be advised of and permitted to invoke, all applicable constitutional and statutory rights, including consultation with Counsel at the member's expense.
- D. Truthfulness: Members are required to be truthful regarding their words and actions relating to the conduct of their duties at all times whether under oath or not.

Article VI POLICY FOR EMERGENCY MEDICAL SERVICES BILLING.

33. Purpose.

- A. The Township of Little Falls recognizes the need to bill for the provision of Emergency Medical Services to aid in the provision of those services.
- B. No person requiring EMERGENCY MEDICAL SERVICES shall be denied services due to a lack of insurance or ability to pay.
- C. Whereas, the Little Falls Fire Department Emergency Medical Service is funded by local taxes, it is in the best interest of the residents of Little Falls to establish the Payment Plan in accordance with the Health Care Finance Administration (HCFA) guidelines so that residents will not be responsible for any out of pocket expenses.

34. Billing for Service

- A. The Little Falls Fire Department Emergency Medical Service (the "Program") shall obtain licensure from the New Jersey State Department of Health. The Little Falls Fire Department Emergency Medical Service is part of the Little Falls Fire Department.
- B. The Township of Little Falls shall apply for a "Provider Number" from the Federal and State Medicare/Medicaid programs enabling the municipality to institute a Third Party Payment Plan (the "Payment Plan").
- C. All patients; whether or not residents of the Township of Little Falls, and/or their financially responsible parties, insurers or carriers, will be billed for emergency medical services provided by the Little Falls Fire Department Emergency Medical Service according to the Fee Schedule established herein or at rates established by the Township of Little Falls from time to time.

D. A patient who receives Emergency Medical Services from the Emergency Medical Service is obligated at the time of service or as soon as practicable thereafter, to provide the Emergency Medical Service with all pertinent insurance and payment information to facilitate the Township's billing of third party payment sources for services rendered. The Township may, at its option and shall, where required by law, bill insurers or carriers on a patient's behalf and may accept payment on an assignment basis.

E. All patients who are not residents of the Township of Little Falls, shall be liable for any co-payment or deductible amounts not satisfied by public or private insurance and the Township shall make reasonable collection efforts for all such balances according to the most current rules or regulations set forth by applicable Health Care Financing Administration federal policies and regulations. The Township may bill any applicable coinsurance carriers for such amounts. Exceptions include only those instances where the Township has knowledge of a particular patient's indigence or where the Township has made a determination that the cost of billing and collecting such co-payments or deductibles exceeds or is disproportionate to the amounts to be collected.

F. The Township shall not bill any Little Falls resident for any fee, balance, deductible, or co-payments not satisfied by public or private insurance including Medicare/Medicaid, nor will the Township bill a Little Falls resident for Emergency Medical Services provided if the resident is not covered by private or public insurance.

G. The Township of Little Falls may, either directly or through any third party billing agency with which it has contracted for billing and/or collections for emergency medical services, make arrangements with patients and/or their financially responsible party for installment payments of bills or forgive any bill or portion thereof so long as the Township determines that: (1) the financial condition of the patient requires such an arrangement; and (2) the patient and/or financially responsible party has demonstrated a willingness to make good faith efforts towards payment of the bill.

H. A patient, including a Township resident, for whom the Township of Little Falls has not received payment from a third party payer on assignment, and who receives payment directly from a third party payer for Emergency Medical Services rendered by the Emergency Medical Service is obligated to remit such monies to the Township in the event the Township has not been paid for services rendered. Patients who do not remit such monies may be held liable for costs of collection in addition to the charges for emergency medical services rendered.

I. The Township of Little Falls shall be authorized to enter into contracts with area hospitals that provide Advanced Life Support (ALS) services to patients that are transported by the Little Falls Fire Department Emergency Medical Service. This will allow the hospitals to bill for Emergency Medical Services and reimburse the Township for its transportation costs within 45 days of receiving payment.

35. Procedure for Third Party Emergency Medical Services Billing

A. The Township of Little Falls is hereby authorized to enter into a contract with a third party billing agency for the performance of EMS billing and collection services, provided however that the following standards for such third party billing contracts are met.

1. Third party billing agency has in place a compliance program conforming to standards set forth in the Office of Inspector General's Compliance Program Guidance for Third Party Medical Billing Companies, 63 Federal Register 70138, as amended.

2. Neither the billing agency nor any of its employees are subject to exclusion from any state or federal health care program.

3. The billing agency is bonded and/or insured in amounts satisfactory to the Township of Little Falls.

B. A detailed listing of patients who utilize Emergency Medical Services provided by the Little Falls Fire Department Emergency Medical Service will be compiled by the Township of Little Falls. This information will be transmitted to the third party billing agency. The information will be subjected to the confidentiality requirements of applicable law. This information will include, at a minimum, the following:

1. Name, address and telephone number of patients.
2. Name, address and claim number of insurance carrier, if applicable.
3. Date, time and EMS chart number.
4. Point of origin and destination.
5. Odometer reading at point of pick up and destination.
6. Reason for transport/ patient's complaint/ current condition.
7. Itemization and description of services provided and charges.
8. Signature of the patient when possible or authorized decision maker.
9. Name of receiving physician.
10. Names, titles and signatures of ambulance personnel, when possible.

C. The third party billing agency shall obtain the information from the Emergency Medical Service and will bill the patient and or their financial representative parties, insurers or carriers according to the Fee Schedule established herein, provided however that the third party billing agency shall not bill any Little Falls resident for any fee, balance, deductible, or co-payment not satisfied by public or private insurance including Medicare/Medicaid, nor will the Township bill a Little Falls resident for Emergency Medical Services provided if the resident is not covered by private or public insurance.

D. The fee for Emergency Medical Services shall be \$800.00 plus \$9.00 per mile per trip. Non-transportations where aid is provided shall be billed at a rate of \$400.00.

E. The Mayor shall review the fees for services listed in section "D" above annually and adjust said fees based on the recommendation of the Chief of the fire department, the EMS Program Coordinator and the Township Financial Officer and in accordance with the federally approved Medicare Fee Schedule.

F. The Township of Little Falls may at its discretion, bill additionally for materials, vehicle and/or personnel costs in the case of major or unique incidents

Councilmember GONZALEZ questioned this and Council President FONTANA said there would be a public hearing.

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

The Council President declared the motion passed.

Ordinance No. 1136 – It was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, that there be introduced and the meeting of September 26, 2011 set as the date and time for the public hearing on the following:

ORDINANCE NO. 1136

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REGULATIONS AND FEES OF THE LITTLE FALLS FIRE BUREAU BY REMOVING EXISTING SECTION 82-8 AND REPLACING IT WITH NEW LANGUAGE; AND BY AMENDING CHAPTER 71 FEES BY REPLACING SECTION 82-8A WITH NEW LANGUAGE AND BY REMOVING ARTICLE II THEREUNDER

BE IT ORDAINED, by the Township council of the Township of Little Falls, in the County of Passaic and State of New Jersey, as follows:

Section 1 – This Ordinance amends the regulations and fees of Little Falls Fire Department set forth below.

Non-life-hazard uses. In addition to the registrations and inspection fees required by the Uniform Fire Code, the following non-life-hazard uses shall register with the Bureau of Fire Prevention. These fees shall not be used for life-hazard uses as defined in the Uniform Fire Code.

- A. Additional inspections and fees shall be required with regard to any use in the Township subject to the Uniform Fire Code. These uses shall be inspected not less than once every two (2) years and pay an annual fee set forth in Chapter 71, Fees.
- B. In the Discretion of the Fire Official, vacant buildings will be charged and inspected according to the previous use of the building.
- C. Uses required to register with the state as life-hazard uses shall not be required to register under this section.
- D. Payment of fees shall be made to the Township Bureau of Fire Prevention within 30 days of notice. Failure to pay the required fee on time will result in a penalty, equal to one times the amount of the unpaid fee.

Section 2 – Amend Chapter 71 fees, section 71-2 by removing same and inserting new language as follows:

<u>Local Enforcement Agency</u>		
82-8A	Non-life-hazard uses; buildings, structures and premises:	
-	Up to 999 square feet	\$50/year
-	1,000 square feet to 4,900 square feet	\$100/year
-	5,000 square feet to 9,999 square feet	\$200/year
-	10,000 square feet to 14,999 square feet	\$300/year
-	15,000 square feet to 19,999 square feet	\$400/year
-	20,000 square feet	\$500/year

Section 3 – Amend Chapter 71 fees section 71-2 subsection “Chapter 82 Fire Prevention” by deleting Article II “Fire Alarms” in its entirety and renumbering the subsequent sections accordingly.

Section 4 – Severability

If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance.

Section 5 – Repealer and Merger

All Township Ordinances and parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 6 – Effective Date

This Ordinance shall become effective twenty (20) days after final passage, adoption and publication as required by law.

Mr. Wilk provided a brief explanation of the ordinance.

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

The Council President declared the motion passed.

Ordinance No. 1137 – It was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, that there be introduced and the meeting of September 26, 2011 set as the date and time for the public hearing on the following:

ORDINANCE NO. 1137

AN ORDINANCE AMENDING THE CHAPTER 71 “FEES” BY REVISING CERTAIN FEES IN THE UNIFORM CONSTRUCTION CODE SECTION

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

The Council President declared the motion passed.

Ordinance No. 1138 – It was moved by Councilmember Gonzalez, seconded by Councilmember Post, that there be introduced and the meeting of September 26, 2011 set as the date and time for the public hearing on the following:

BOND ORDINANCE NO. 1138

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 1019 OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY FINALLY ADOPTED JULY 9, 2007 IN ORDER TO AMEND THE APPROPRIATION AMOUNT AND THE AMOUNT ALLOCATED TO COSTS OF THE PURPOSE OR IMPROVEMENT UNDER N.J.S.A. 40A:2-20.

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 Township of Little Falls, in the County of Passaic, New Jersey (the “Township”), hereby amends the authorization amount of Bond Ordinance Numbered 1019, finally adopted July 9, 2007 (the “Prior Bond Ordinance”) from \$610,000 to \$630,000. The additional \$20,000 is hereby appropriated from the Township’s capital improvement fund.

Section 2. Section 6(d) of the Prior Bond Ordinance of the Township, is hereby amended in its entirety to read as follows:

“(d) An aggregate amount not exceeding \$142,000 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 3. 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 4. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mr. Wilk provided an explanation of this ordinance. Mr. Vantuno questioned Mr. Underhill, who provided brief clarification, noting that Pinnacle shouldn't be charging us unless something additional comes up; they are not anticipating this. Pinnacle is being cooperative.

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

The Council President declared the motion passed.

Award of Contract to Best Roofing of NJ, Inc. – It was moved by Councilmember Sisco, seconded by Councilmember Post, that the Council approve the following:

RESOLUTION [X] 11-09-12 - #24
ACCEPTING BIDS AND AWARING CONTRACT FOR
LIBRARY ROOF RECONSTRUCTION

WHEREAS, pursuant to advertising duly made, bids were received by the Township of Little Falls on July 13, 2011 for Library Roof Reconstruction and were opened and read publicly as follows:

Cannella Roofing, Inc. 783 Market Street Paterson, NJ 07513 Bid: \$146,500.00	Best Roofing of NJ, Inc. 30 Midland Avenue Wallington, NJ 07057 Bid: \$129,700.00
--	--

and; WHEREAS, the Township Attorney has reviewed the bids as to legal sufficiency; and

WHEREAS, the Treasurer has provided in advance of the award of contract a Certification of the Availability of Funds (a copy of which is appended to the original of the within Resolution) pursuant to Rule 5:30-1.10 of the Local Finance Board, and the appropriation to be charged for this expenditure is Capital Ordinances 1133;

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

1) That, subject to favorable legal review, the bid of

Best Roofing of NJ, Inc.
30 Midland Avenue
Wallington, NJ 07057

in the amount of

\$129,700.00

is hereby accepted; and

2) That the Mayor and Clerk be and they are hereby authorized to execute a contract in a form approved by the Township Attorney for designated services at the bid price hereinabove cited, subject to the successful contractor's filing the required form of Affirmative Action compliance; and

3) That the Clerk be and he is hereby authorized and directed to return to the unsuccessful bidders any Certified Checks and/or Bid Bonds received from them as surety, with the exception of the surety received from the second-lowest bidder, which shall be retained for a period not to exceed sixty (60) days or until a contract in a form satisfactory To the township Attorney shall have been executed with the low bidder, whichever shall come first.

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

The Council President declared the motion passed.

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, Vantuno and President Fontana
Nays: None

The Council President declared the motion passed.

Bill Organisciak, 20 Yolanda Drive, asked if the Pinnacle equipment would be new or if it would be four years old. There should be a warranty.

Raymond Kostrowski, 170 Donato Drive, referred to Ordinance No. 1133 and the contract that was awarded for the Library roof construction; there is a difference in price. He also asked who hired the company to oversee the Pinnacle project.

Michael Corbosiero, 2 Louis Street, thanked everyone for doing all they could. He said this is a big toll on everyone. He asked what the next step is and questioned where his voice could be heard.

Ray Klepar, 8 Douglas Drive, explained that he picked up the proposed ordinance for a paid volunteer ambulance service. He pointed out that the back-up documentation to support this doesn't explain very much; it is a one-page spreadsheet. He asked if there is other documentation for this.

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

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

The Council President declared the motion passed.

Mr. Underhill said they will receive the original equipment that was purchased and they have had some discussions about the warranty; they will continue discussions about this. Mayor DeFrancisci said Pinnacle is willing to work with them on an extended warranty; they are in continuing negotiations with this.

Mr. Lindsay explained that there are extra costs involved in contracts with bonding. This is a lump sum contract primarily. The roofing that was there has failed; when it failed, some leakage came through and ruined some of the strawboard. They estimated what had to be replaced but they cannot tell for sure, so the ordinance reflects the allowance; it is the amount of the grant they put in for.

Mr. Underhill said they haven't hired anyone to oversee the project as of yet.

President FONTANA thanked Mr. Corbosiero for his comments and said the best people to comment to would be the State Legislature. Mayor DeFrancisci said Mrs. Bergin is drafting a generic letter to all of the Legislatures. She will post it on the website so people can sign it and send it in. They thought this would be the best way to get information out to Trenton effectively. He said there aren't enough voices being heard right now.

Council President FONTANA asked Mr. Klepar about Chilton. Mr. Klepar said it was a service that was discussed about four years ago; it is an option. He said they should be informed of an ordinance and all options/aspects before approving an ordinance. That way, if there are questions later on, they can explain why a decision was made to do something. He asked how they got to this point where there are 16 Township employees on the rolls. President FONTANA and Mayor DeFrancisci said it is funded through the insurance and these people are not paid by the payroll company. Mr. Klepar asked if there was a report, and informed that he would go to town hall to request same. Mr. Klepar asked what was tried and failed. Mr. Underhill said he would provide him with a copy of the report, upon requesting same.

PAYMENT OF BILLS

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

RESOLUTION [BL]

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

Councilmember GONZALEZ questioned some of the bills on this evening's bill list. Councilmember POST and Mr. Wilk each provided explanations.

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

The Council President declared the motion passed.

EXECUTIVE SESSION

It was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, 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: Elevation of Homes and Infrastructure

Mr. Trapanese said he didn't bring his file on this tonight because of the volume of the agenda. Therefore, there will be no discussion of Inwood this evening, only elevation.

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

The Council President declared the motion passed.

The Council entered Executive Session at 10:45 p.m.

At 11:32 p.m., the Council returned and it was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, that the meeting return to Open Session.

It was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, that the meeting be and it was adjourned at 11:32 p.m.

William E. Wilk
Municipal Clerk

Cynthia Meyer
Deputy Municipal Clerk

