

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

Monday, September 21, 2015

Council President Louis Fontana called the meeting to order at 7:00p.m. with the following members present: James Damiano, William Liess, Joseph Maceri. Also present were Mayor Darlene Conti, Township Attorney William Northgrave, Township Administrator Charles Cuccia, and Municipal Clerk Cynthia Kraus.

Absent: None

Township Employees present: DPW Superintendent Phillip Simone, Acting Police Chief Steven Post, Sgt. James Minnella, Deputy Registrar Marlene Simone, Fire Chief Jack Sweezy, Deputy Fire Chief Edmund Pomponio, Tax Assessor Rich Hamilton, DPW employee Ron Stell.

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

STATEMENT OF PUBLIC NOTICE: Take notice that adequate notice of this meeting was provided in accordance with N.J.S.A. 10:4-8 and N.J.S.A. 10:4-10 as follows: A notice of the meeting was prominently posted on the bulletin board at the Municipal Building, located at 225 Main Street, Little Falls, N.J. on January 6, 2015; a copy of the notice was faxed to the North Jersey Herald and News and The Record on the same date; additionally, a copy of the notice was filed in the office of the Township Clerk on said date.

REMARKS FROM THE CHAIR

Council President FONTANA announced the Councilmembers will provide their reports as it will be a lengthy meeting. He informed that Councilmember Porter will be delayed as she has back to school night tonight. This Sunday Little Falls Biz will host their fall festival at the Morris Canal. The Recreation Center will hold its annual Halloween bash on 10/24. Council President FONTANA congratulated the former Police Chief Dmuchowski on his retirement and wished him well.

Councilmember LIESS announced the Regional Flood Board convened and discussed the impact of new building construction plans in a high part of Cedar Grove. Concerns were raised regarding destruction of trees and installation of pipes generating water run off to a lower residential section of town, eventually emptying into the Peckman River. They also addressed the status of cleaning the Peckman River. Members will attend a Board of Trustees meeting to request additional County support. The next meetings will be held in October in Woodland Park and on November 12 in Little Falls. All residents are invited.

Councilmember LEISS stated he also serves on the Passaic County Senior Service Advisory Board and met to discuss scams directed toward senior citizens. He emphasized the importance of awareness of Little Falls seniors. He plans to schedule presentations with the Little Falls Golden Agers and Jolly Seniors to provide details and prevention strategies.

Councilmember DAMIANO provided an update on the Transportation Committee. Little Falls is on the list for bus shelters. He is hopeful they will be installed before winter. He also presented a report of the Grant Committee, noting the Committee would like to explore more unusual grants not pursued in the past. He acknowledged a recent issue surrounding our municipal court and confirmed his faith in the Passaic County judicial system for an expeditious resolution. However, he suggested an internal investigation that does not infringe upon the Passaic County investigation, be conducted to determine how this came about on an administrative level.

Councilmember MACERI had nothing to report.

MAYOR'S REPORT

Mayor Conti reported the 9/11 ceremony was held with the Police and Fire Departments and thanked Councilmember Damiano and the Committee. She announced the Susan G. Komen foundation will place pink ribbons on trees in October for breast cancer awareness month. Since the Court is currently without a judge, an interim must be appointed. Mayor Conti recommended appointment of Judge Damiano, as she has been handling cases in the past that were in conflict with the judge, thus eliminating the vetting process. She will recommended this in the regular meeting.

Chief Edmund Pomponio will be honored on 10/3/15 at 11:00 a.m. by dedicating Donato Drive to him. He has served on the Fire Department for 55 years. A proclamation will be read in the regular meeting.

ATTORNEY'S REPORT

Mr. Northgrave had nothing to report.

PUBLIC PORTION

It was moved by Councilmember Damiano, seconded by Councilmember Maceri, that the meeting be and it was opened to the public for items that are not on the agenda.

Poll: Ayes: Damiano, Liess, Maceri, and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Meeting of September 21, 2015

Victor Nowak, Stephen Place, reiterated the current status of a judge and hoped appointment of an interim judge and resolution is done expeditiously.

Arnold Korotkin, Long Hill Road, requested provision of the protocol for seeking a new Police Chief. He also brought forth the issue that the Council Minutes have not been posted since May, 2014. A prior meeting had resulted in the decision to hire a part time employee, and he hopes in the spirit of government transparency, this will be expedited. Mr. Korotkin also emphasized the need to have more frequent meetings, and requests this be considered in the calendar at the next reorganization meeting.

Louis Fernandez, Harrison Street, requested provision of the protocol for selecting the next Police Chief and stated his reasons the candidate should be a resident of Little Falls. He also referred to the internal investigation recommended by Councilmember Damiano, and cautioned against it, especially if it would burden taxpayers.

Dorothy Zambrano, on behalf of Francesco Lupo, 11 Overlook Avenue, stated his issue has been ongoing since 2013. It involves a pubic drain running through his property. She referred to letters and a denied claim, and stated he was told there was a the lack of municipal funds. She provided documentation to Council President Fontana for review.

Bob Dombrowski, Parkway, thanked the Council for the installation of lights at the pump station. He queried whether an action would be taken on the fields remaining after demolition of houses. He expressed concern that the relocation of the crosswalk diagonally across Main Street near Arlington Street is dangerous and should be re-evaluated.

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

Poll: Ayes: Damiano, Liess, Maceri, Porter and Council President Fontana
 Nays: None

The Council President declared the motion passed.

In response to questions regarding the process for selection of a new Police Chief, Mayor Conti responded three officers have taken the lieutenant’s test and qualify for the position of Chief. A decision has not been rendered to date. She deferred to Mr. Northgrave regarding requiring Little Falls residential status, who summarized while he understands the sentiment to have a local resident, it is not practical to institute a requirement given there is a current queue of candidates.

Mr. Cuccia stated the hiring of an individual for minutes is in process.

Mr. Cuccia explained that the rationale of the meeting schedule was designed to effectively process and take action on agenda items. He explained the workshop and regular meeting schedule supports efficiency, providing adequate time for contemplation by both council and residents, in preparation for future meetings.

Mr. Northgrave advised deferring any action until reports from the appropriate authorities have been received. At that time, what may require further examination and by whom, may be discussed.

Mr. Lindsay provided an update on Mr. Lupo’s situation. He relayed that an investigation did occur several years ago. At that time, options of what it would take to reroute the storm drain were explored. These options were presented to the Mayor and Council at the time. There was a letter written to the residents that the Township was not ready to proceed at that time.

Mr. Cuccia added that Mr. Lupo filed a tort claim which was sent to the joint insurance fund. A determination was made that there was no coverage because it was not a public infrastructure. At this time there is no further action required by the Township.

Mr. Northgrave clarified that a tort claim is a precursor to filing a suit. While he does not believe the Township has any responsibility at this point, no adjudication has taken place. He emphasized that there are still options for Mr. Lupo, and he may file a suit if he thinks it is appropriate.

Council President FONTANA addressed Mr. Dombrowski’s question regarding the fields, indicating those areas are being maintained as open space. There are limitations as to what can be done with open space.

Mr. Simone responded to Mr. Dombrowski’s concern about the sidewalk. He explained the original crosswalk was relocated after the train accident. It was reviewed by NJ Transit, the Township and the County. It was determined to be an unsafe location and was a midblock crosswalk, for which there is no Township regulation. When Main Street was repaved by the County, the County Engineer determined the new location. Mr. Dombrowski was referred to Chuck Silverstein, County Traffic Engineer, for follow-up. Mr. Cuccia to follow-up with the County regarding signage.

ITEMS TO BE DISCUSSED:

ADMINISTRATOR:

- 1. PUBLIC HEARING/ADOPTION OF TRANSIT VILLAGE ZONING ORDINANCE #1224 -**
Jeff Janota summarized modifications as requested by the Council since the last meeting which included: elimination of live/work units, elimination of the Transit Village OR district, reduction in height in the Transit Village medium density district from five stories to four stories, rectification of zoning map to

reflect the park on Wilmore Road is in an R1V district as it always was, specification that the central business district has three stories along the majority and four stories with rear entrance along Paterson and Main, where applicable. He apologized for a typo in the distributed version that included live/work and on the incorrect height of the buildings. Due to discussion on prohibitive uses, there are some provisions on page 5 addressing prohibited uses. In addition, a clarification as to what retail use shall not be interpreted as was inserted. A section on performance standards was added to reflect noise, glare, heat, industrial waste, fire and hazards.

2. **INTRODUCTION OF ORDINANCE #1226 – AMENDING CHAPTER 240, TAXPAYER LIST**
Mr. Cuccia summarized that this code change specifies newspaper publication of names of those that have been delinquent on tax payments for three consecutive quarters rather than one quarter.
3. **INTRODUCTION OF ORDINANCE #1227 – AMENDING CHAPTER 3, ADMINISTRATION OF GOVERNMENT**
Mr. Cuccia stated this amendment modifies the code change to designate violations be referred to the state level, as mandated, eliminating the local ethics board.
4. **INTRODUCTION OF ORDINANCE #1228 – AMENDING CHAPTER 130, MASSAGE, BODY WORK AND SOMATIC THERAPY BUSINESSES**
Mr. Cuccia cited the amendment reflects the current process, in which the applicant is responsible for the background check, and submits it to the Police Department.
5. **INTRODUCTION OF ORDINANCE #1229 – AMENDING CHAPTER 155, PERSONNEL POLICES**
Mr. Cuccia summarized that this amendment changes the provision for the personnel policy manual, which was adopted in January, to be the governing document.
6. **INTRODUCTION OF ORDINANCE #1230 – ESTABLISHING EMERGENCY MEDICAL SERVICE IN THE CODE OF THE TOWNSHIP**
The EMS establishing ordinance enables the Township to operate its own emergency services and basic life support units. Mr. Cuccia recommended there be two public hearings to allow adequate consideration.
7. **INTRODUCTION OF ORDINANCE #1231 – AMENDING THE TOWNSHIP CODE IN RELATION TO RENTAL PROPERTIES AND OCCUPANCY LIMITATIONS OF DWELLING UNITS**
Mr. Northgrave elaborated on the two functions that compel an absentee landlord to take responsibility for the property, and enables enforcement by the Township. One aspect of the ordinance pertains to limiting the number of individuals living in a property. The other aspect focuses on the number of complaints a property received in a 24 month period. In response to Councilmember Porter’s question regarding the 24 month period, Mr. Northgrave stated the complaint is attached to the property and landlord, not the student. In response to Council President’s question about whether bonds are renewed, if the bond is revoked it can be reinstated. He emphasized that the bond is in addition to what actions the Police Department takes.
8. **RESOLUTION AUTHORIZING REFUND OF 3RD QUARTER 2105 TAXES DUE TO OVERPAYMENT**
Mr. Cuccia stated this resolution is due to overpayment of taxes.
9. **RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR BILLBOARDS**
Mr. Cuccia recalled the two locations specified for billboards, and explained that the bid for Clove Road was too high due to the expense of clearing the wooded areas. This resolution will award the bid for the Paterson Avenue location which met the minimum, and allow re-soliciting for new bids for Clove Road.
10. **RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR LAND SURVEY SERVICES**
Mr. Cuccia stated the resolution pertains to land surveys to continue the FEMA acquisition program under the FEMA grant.
11. **RESOLUTION AUTHORIZING AWARD OF ENVIRONMENTAL PRELIMINARY ASSESSMENTS**
Mr. Cuccia explained environmental preliminary assessments also pertain to continuing the FEMA flood mitigation program.
12. **RESOLUTION RATIFYING THE AWARD/EXECUTION OF A CONTRACT WITH RGH ENTERPRISES**
Mr. Cuccia cited that RGH is the company which will mitigate 19 Louis Street and complete that program.
13. **RESOLUTION AUTHORIZING AN EXTENSION TO THE SOLID WASTE CONTRACT WITH F. BASSO JR. RUBBISH REMOVAL, INC.**
Mr. Cuccia stated the contract extension with Basso for solid waste is a two year extension, and is the same amount presented during the RFP process. Councilmember DAMIANO questioned why there is an extension rather than rebidding. Mr. Cuccia elucidated this was due to lack of experience with the low bidder. According to law, the Township can receive a year of experience to determine if services are satisfactory. If so, the contract can be extended for two years. The bidder must fulfill the extension requirement of maintaining the same price. This is also cost effective, eliminating the costs associated with the rebidding process.
14. **RESOLUTION AUTHORIZING THE PURCHASE OF A 2015 FIRE ENGINE THROUGH A NATIONAL COOPERATIVE CONTRACT**
Mr. Cuccia informed the Council a 2015 fire engine was found on the national cooperative, and is within the budget of the capital ordinance approved by the Council.

Meeting of September 21, 2015

15. RESOLUTION AUTHORIZING FORM AND SALE FOR REFUNDING BOND SALE

Mr. Cuccia stated this topic has been discussed at length at previous meetings. The amount of bonds that to be refunded has been developed and will go to market shortly.

16. RESOLUTION AUTHORIZING ADDENDUM TO SHARED SERVICES AGREEMENT FOR THE RETENTION OF DR. BURCHELL/RUTGERS

Mr. Cuccia stated this pertains to the COAH suit filed. Mr. Northgrave explained a consortium of municipalities hired Dr. Burchell, however due to a health crisis, an amendment is required to acquire a new representative to assist with the suit. Documentation has been filed in court, however, Mr. Northgrave added what remains is analysis to determine what is a fair share under the Mt. Laurel case, and whether there is enough space.

17. RESOLUTION AUTHORIZING THE SALE OF A PIECE OF PROPERTY AT 711 EAST MAIN STREET

Mr. Cuccia recalled the circumstances which brought forth the resolution authorizing an easement at 711 East Main Street. It allows an easement to enable the property owner to repair a wall on Township property.

18. DECLARING DONATO DRIVE AS CHIEF POMPONIO WAY

Mr. Cuccia stated the Mayor will make a Proclamation for Chief Pomponio Way in regular session. Council President DAMIANO queried what the legal difference was between declaring Donato Drive as Chief Pomponio Way, versus a resolution or ordinance. Mr. Northgrave responded that legally there is not a major distinction, and provided a in depth explanation of each process.

DPW SUPERINTENDENT

1. RESOLUTION AUTHORIZING 2015 VEHICLE/EQUIPMENT AUCTION

Mr. Simone stated that by law the Township is able to auction old equipment. He listed some of the items and explained the process. Mr. Cuccia responded to Council President Fontana's question, responding that items can be added to the list before advertisement.

2. RESOLUTION AUTHORIZING ADVERTISEMENT FOR RECEIPT OF BIDS FOR VEGETATIVE WASTE

Mr. Simone informed the Council the contract for leaves, grass, and brush expires in October and authorization for rebidding is necessary to have a new contract in place.

COUNCIL TOPICS FOR DISCUSSION:

There was no discussion.

PUBLIC PORTION

It was moved by Councilmember Maceri, seconded by Councilmember Damiano, that the meeting be and it was opened to the public for agenda items only.

Poll: Ayes: Damiano, Liess, Maceri, and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Steven Tilton, Main Street, stated his rationale for opposition to the Transit Village and believes the entire Township should vote on it. He requested clarification on height, prohibited uses, and recommended two properties be removed from Transit Village: 8 Main Street and 5 Main Street. He announced his support for Judge Damiano as an interim judge.

Rosemarie Bello-Truland, High Court, expressed disconcert regarding the EMS ordinance and highlighted several points of concern, including the need for a cost benefit analysis, the cost to tax payers, insurance reimbursement, whether firefighter training would be required for paid EMTs, certification issues, and the status of the current rescue squad building. She will provide a complete list of questions to the Council and requested clarification.

Karen Worster, 11 Oak Tree Lane, queried the ability of Ordinance No. 1231 to adequately address the complaints brought forth by residents. She expressed her dissatisfaction with how a situation was handled in the first public portion regarding a resident on Overlook Ave..

John Veteri, 133 Prospect Street, commended the Mayor and Council for all of the discussion at meetings on Transit Village. He commented on several areas including: medical and real estate offices now requiring a variance in the central business district, permitted and prohibited uses, the need to define permissible retail sales, the application of the R1V zone to the Walnut Street property, and the zoning for Town Hall and the surrounding area.

Theodore Maye, 24 Center Avenue, stated he presented a letter to the Council with questions, requesting they be addressed presently. He expressed his opposition to the Transit Village, emphasizing particular concern with inadequate parking, and questioned whether analysis has been conducted to examine the impact on property value and on the Township's infrastructure.

Bob Dombrowski, 49 Parkway, expressed his support of the EMS ordinance. With regard to the Transit Village ordinance, he requested clarification with regard to the land currently owned by the churches and how the Township's infrastructure would be affected.

Brian Reynolds, 7 Notch Road, announced his opposition to the EMS ordinance. His rationale centered on the lack of the presence of volunteerism and fear the cost will ultimately fall on tax payers. He also cited his dissatisfaction

Meeting of September 21, 2015

with the increased number of staff, the method of salary determination, and the deletion of the firefighter school requirement. He emphasized the need for more public review to adequately digest and evaluate the ordinance. With regard to the issue of college student housing and unruly behavior, he recommended a resolution to prohibit college students from renting houses in Little Falls.

Bob Schaffer, Montclair Avenue, queried whether impact studies were conducted with respect to traffic and infrastructure. He expressed that while ratables are beneficial, it is difficult to retain current businesses. He requested information to support the advantageous aspects of Transit Village. He questioned the foundation for placing bike paths on Montclair Avenue versus sidewalks.

Minette Zweben, 7 Tulip Crescent, expressed the following concerns regarding the Transit Village: the influx of transient residents, the possible need to widen Main Street and place more traffic lights, the impact on the infrastructure. She proposed the residents provide input through a referendum.

Sal Benvenuti, Warren Street, recommended the parcel on Walnut Street be changed so it cannot be developed. He questioned the need for a Transit Village designation and the benefit to residents. He expressed that the authority to develop should be made by the Planning Board and the residents.

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

Poll: Ayes: Damiano, Liess, Maceri and Council President Fontana
 Nays: None

The Council President declared the motion passed.

Mr. Janota provided clarification with regard to heights. The medium density zone which includes the parcels behind the post office, was initially five stories, and was changed to four stories. The central business district, was set at three stories. Four stories on the back side of Paterson Avenue and Main Street are permitted due to the significant grade change in that area, but not in the front. The Transit Village R-2 allows three stories, which consists of parcels from the municipal building to the church property line on Main Street and one block in along Walnut Street in the rear. Councilmember DAMIANO requested delineation of the central business district. Mr. Janota specified the central business district begins near the Methodist church on Main Street, and goes down to the intersection of First Avenue and Wilmore Road by Schumacher.

Mr. Janota confirmed several properties were removed from the Transit Village at the last council meeting. In the existing B-1 zone a prohibited use list exists. With regard to the question of addressing development on a case by case basis, Mr. Janota explained that by setting standards everyone finds comfortable, variance requests for different heights can be eliminated. He also explained medical and dental offices present parking issues and would not promote walkability of night life to support restaurants, as they close between 5pm and 6pm. Mr. Janota addressed Mr. Veteri's and Mr. Benvenuti's requests pertaining to the church parcel fronting Walnut Avenue, and deferred to the opinion of the Council. Mr. Janota responded to Mr. Schaffer's queries that traffic studies are brought up when there is an application. Mr. Janota emphasized the significance of lost ratables from the removal of over 100 units due to demolitions and MSU acquisitions. The Transit Village proposes a proactive method to recoup lost ratables. Council President FONTANA repeated losing ratables is a real issue and has been discussed for an extended period of time, not in haste.

Councilmember MACERI asked what benefit to Little Falls a Transit Village designation brings. Mr. Janota replied it provides a comprehensive plan and monetary grant driven opportunities. The lengthy process to obtain designation was outlined by Mr. Janota.

Councilmember DAMIANO questioned whether retail sale could be refined, such that a tattoo shop in the center of the Township is prohibited. Mr. Northgrave advised a rational basis must be demonstrated in order to prohibit a type of business.

Mr. Northgrave stated if there are any substantial changes to the ordinance tonight, it will have to be referred back to the Planning Board for further consideration. An additional first or second reading may be required. There will another opportunity at the next meeting for further comment.

Steve Tilton Sr., suggested a large map be provided for citizens to review the changes proposed under the Transit Village. He urged the Council to consider the impact and goal of the ordinance carefully.

Council President FONTANA stated eliminating college students from renting is not realistic. Mr. Northgrave advised the police be summoned when issues occur. Council President FONTANA stressed the Council is making an effort to improve the situation. Discussion ensued with regard to the previous ordinance regarding transient living. Mr. Northgrave discussed Supreme Court ruling and its application, which occurred after the previous ordinance.

Council President FONTANA explained that because a resident is upset, it does not make them right or wrong. He elaborated that there are circumstances that have been ongoing for years; the process can be lengthy.

Council President FONTANA declared the EMS ordinance will be discussed at the next several meetings.

Council President FONTANA clarified the County installed the bike path on Montclair Avenue, not the Township.

Meeting of September 21, 2015

It was moved by Councilmember Damiano, seconded by Councilmember Maceri, that the meeting be and it was closed to the public.

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

Cynthia Kraus
Municipal Clerk