

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

Monday, September 23, 2013

Councilmember Louis Fontana called the meeting to order at 7:39 p.m. with the following members present: Joseph Maceri, Pamela Porter and Council President John Vantuno (8:07 p.m.) Also present were Township Attorney William Northgrave, Township Engineer Dennis Lindsay, Municipal Clerk Cynthia Kraus and Township Administrator Joanne Bergin.

Absent: Mayor Darlene Post and Councilmember Joseph Rento

Township Employees present: Construction Official Joseph Macones, Recreation Director John Pace, Tax Collector/Finance Director Denise Whiteside, DPW Superintendent Phillip Simone, Police Chief John Dmuchowski, Fire Chief Jack Sweezy, Assistant to Municipal Clerk Marlene Simone, Clifton Health Department members John Biegel, Antonino Intilli, Jennifer Kidd and Jane Scarfo.

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 8, 2013; a copy of the notice was faxed to the North Jersey Herald and News and The Record on the same date; additionally, a copy of the notice was filed in the office of the Township Clerk on said date.

APPROVAL OF MINUTES

It was moved by Councilmember Maceri, seconded by Councilmember Porter, that the Minutes of the meetings of July 15, 2013 and August 12, 2013 be approved.

Poll: Ayes: Fontana, Maceri, Porter, Rento and President Vantuno
 Nays: None

The Council President declared the motion passed.

REMARKS FROM CHAIR

Councilmember FONTANA informed that the Township recently lost a firefighter of over 50 years and Fire Inspector, Frank Bender, who will be sorely missed. He asked for a moment of silence in remembrance of Mr. Bender.

Councilmember FONTANA read Council President Vantuno's report at this time.

He welcomed Denise to the Department Head table, who is the Tax Collector, and will attend meetings from now on as the Department Head of Finance.

He referred to Resolutions [D] & [E] and provided an explanation of each of these. Referring to Bond Ordinance No. 1183, he explained why this is necessary for the Township, noting that the Finance Committee has met to discuss this numerous times. He explained that these are pressing items that must be addressed at this time.

He informed that the Township's Transportation Committee has determined the need for new bus shelters; locations are under review by the appropriate Township officials. NJ Transit will install the bus shelters at its expense. Once installed, the Township will be responsible to maintain them as needed.

PROCLAMATION DECLARING OCTOBER 10, 2013 AS PUT THE BRAKES ON FATALITIES DAY –

Councilmember FONTANA read the proclamation declaring October 10th as Put the Brakes on Fatalities Day at this time.

COUNCIL MEMBER REPORTS

Councilmember FONTANA reminded that he had previously reported that the lightning detections system was put in place. He informed that the system was already put to use and it worked very well during the first lightning storm. He also informed that there is a program run by the Recreation Department which teaches kids ten and under how to

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play tennis. It is every Thursday for five weeks and one Saturday, which starts this week. The work at the Wilmore Road Park is finally under way and they have started to get the equipment in place. A meeting was held today for the Amity Field Project, which will begin shortly.

Councilmember PORTER offered condolences to the friends and family of Frank Bender, including the entire Little Falls Fire Department. He will be sorely missed. She also thanked everyone who helped out with the 9/11 ceremony; it was a nice event. She informed that she met with Senior Citizens Advisory Board recently. They are planning the Harvest Moon Dinner Dance, which will be held on 10/20/13. She also met with the Municipal Alliance Committee on Thursday night. There are events being planned for the younger schools and a dance for the fifth and sixth graders.

Councilmember MACERI informed that this past Saturday was Little Falls Soccer Day, which was very successful and well attended. He thanked the LFAC, the Recreation Department and all of the volunteers who make this event possible for the kids. He also informed that the Flood Board will be meeting on 10/10/13 in Little Falls at 7:00 p.m., which is open to the public.

MAYOR'S REPORT

Mrs. Bergin read Mayor Post's report in her absence.

PROCLAMATION DELCARING OCTOBER AS ITALIAN HERITAGE MONTH – Mrs. Bergin read and presented the UNICO Proclamation declaring October as Italian Heritage Month at this time. Members of UNICO thanked the Mayor and Council for this proclamation and explained the meaning behind UNICO.

Mrs. Bergin informed that Fire Co. #2 held a fundraising event at Town Tavern to raise funds to restore the antique engine; it was very well attended. The Annual Mayor's Conference was held last Saturday. She reported that the 9/11 services were meaningful and well attended. She thanked Councilmember Porter and all others involved. The MSU students refurbished the snack shack and painted doorways at School #1 in recognition of 9/11 during a community service day. She also informed that she met with the Dean at MSU and they discussed many ways in which the students can assist the Township. The Dean is working on putting together a group of students for assistance at no cost. She extended sympathies to the family and friends of Frank Bender, who was a long time Firefighter and Fire Inspector.

At this time, she shared letters received by the Mayor, commending Little Falls employees and volunteers. The first letter was from NJ All People Equal Organization, thanking Mr. Pace and the Recreation Department for the Summer recreation program, including the week dedicated to children with special needs.

Mr. Joseph Sarafin also sent a letter commending the Township Clerk's Office for their assistance in compiling a list of Little Falls Mayors.

She also received a letter from the Chief of Woodland Park Fire Department, thanked the LFFD for their assistance in a fire on 7/18/13; they did a wonderful job.

ATTORNEY'S REPORT

Mr. Northgrave explained that the light duty towing ordinance is on tonight's agenda for second reading and public hearing. He is again asking the Council to pull this ordinance due to additional changes that must be made. He asked that the Council re-introduce an ordinance this evening with two changes and have a public hearing scheduled for October. The heavy duty towing ordinance was scheduled for introduction this evening, but is not ready at this time, as it also requires additional changes. Therefore, he asked that this be removed from the agenda. He also suggested that the Consider a special meeting to introduce that ordinance in early October.

ADMINISTRATOR'S REPORT

Mrs. Bergin had nothing to report, but asked Mr. Simone to address the Council on a resolution he added to the agenda. Mr. Simone explained Resolutions [F] & [I] and said he is asking the Council to award these contracts this evening in order to get this work started.

PRESENTATION OF ANNUAL REPORT BY CLIFTON HEALTH DEPARTMENT

John Biegel, Health Officer, informed that Clifton just finished its second year in Little Falls and they hope to renew the contract. Clifton provides animal control services to the Township, with three officers who are on call seven days a week. He explained their purpose and services. He informed that all dogs and cats should be licensed in the

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Township to assure that all pets have their rabies vaccines. The Clifton Health Department has college students who go around town to check to make sure dogs and cats are licensed.

Mr. John Biegel, informed that the Health Department was in town day and night to make sure food establishments were not opening up in town after Hurricane Sandy for safety purposes. They also handled some of the issues involved with the train accident and the paint that was spilled.

Ms. Jane Scarfo, informed that the Health Department spends a lot of its time on communicable disease; they had about 64 cases last year. She informed that they performed an investigation at a food establishment in Little Falls, in which someone brought a virus into the food establishment and about 20 people got sick as a result. They spent quite a bit of time on this. It turned out to be Neuro Virus which is a 24 hour virus. She informed that Nurse Fran comes to the Town Hall once a month for blood pressure clinics. There is also a dental clinic offered for low-income residents. Her nurses audited eight preschools this past January to make sure they were vaccine compliant. She informed that Flu Vaccination time is coming up. There are Little Falls and Clifton dates being offered, to all of which Little Falls' residents are welcome to attend. It is free for Medicare Part B or it is \$22 otherwise. There is also a female cancer screening coming up in October, which is a \$25 charge.

Ms. Jennifer Kidd, Health Educator, explained that she provides bloodborne pathogens training to different departments in Little Falls. She trained approximately 175 trainees in the Township. This training is mandated by OSHA and the State of NJ each year, which provides education to these departments on how to prevent these from occurring. She thanked all Department Heads for their cooperation with this. The Health Department also worked with School #2 this year in providing dental health education. She provided education to approximately 150 students on how to take care of their teeth. There has been an increase in the number of Little Falls residents attending their clinics. She thanked Mrs. Bergin for the email blasts to promote the clinics. She assured that they are always open for suggestions and feedback.

Mr. Antonino Intilli, informed that he is a Senior Registered Environmental Health Specialist in town. He informed that there are 136 businesses licensed in the Township of Little Falls, ten of which have been placed on conditional this year, which means they have not passed inspection. He explained the process of how inspections and violations are handled.

Mr. Biegel informed that the updated list of restaurant inspections is available on the website.

Arnold Korotkin, asked if the Health Department has considered using a system in which the restaurants' pass/fail results are posted in the window. Mr. Biegel explained that they follow the state guidelines at this time, but this system is being considered. Mr. Intilli informed that all placards are required to be posted in public view in an establishment; if this is not posted, it should be reported to the Health Department.

John Veteri, asked for a process as to how septic systems are monitored. Mr. Biegel explained that they don't have a list of septic systems in town at this time.

PUBLIC PORTION

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

Poll: Ayes: Fontana, Maceri, Porter and President Vantuno
 Nays: None

The Council President declared the motion passed.

Maria Cordonnier, 648 Upper Mountain Avenue, asked for further clarification on the issue that was before the Council at the last meeting regarding the communication tower. She asked for the process as to how things get approved, and pointed out that there was a lot of disapproval from the residents about the tower. Mayor Post and the Council both made statements that they were not supportive of the tower. During the public comment session, she asked for definitive clarification of what they would do going forward. She also questioned whether this tower is in compliance with the Township's ordinances. She also questioned why this topic was not addressed with the public earlier in order to get feedback. With regard to the elimination of a second public portion, she explained that this is an important thing in order for the residents to ask for further clarification if needed after the first public comment.

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Rosemarie Bello-Truland, High Court, explained that over the past two years she has witnessed the Council limiting transparency to the public at meetings. Workshop Sessions have been eliminated and they have reduced the number of Regular meetings. She questioned where and when decisions are being made, noting that they should make sure they are in compliance with OPMA. She pointed out that the telecommunication tower bids were rejected at the last meeting, and asked when they made the decision to do this. She also questioned where the pole came from that is outside at this time and how it was approved. Also, it was said that the Council would have to discuss the cell tower further. She asked when, where and how this was discussed. She also asked why the Council didn't inform the public of what was going on with this proposed tower.

Brian Reynolds, 7 Notch Road, referred to the resolution on tonight's agenda regarding bus shelters and asked why the one of the original locations for a shelter was not included. Regarding garbage pickup, he informed that his section has missed 14 days of pickup since 2010.

Arnold Korotkin, Long Hill Road, explained that the Council had previously committed to posting meeting agendas on the Township website on the Friday prior to a Council meeting, with the objective of keeping the public informed. However, this is not always done on a timely basis. He also asked for the timetable for completion of the Master Plan. Referring to tonight's Closed Session subject of contract negotiations, he asked which employee group this involves. He also questioned whether the Council would take action following this meeting. Regarding the placement of a public safety pole, he asked why this couldn't be placed on the other side of the building. He also asked the Council to specify the locations of the bus shelters in connection with Resolution [G].

Louis Fernandez, 54 Harrison Street, voiced disappointment at what happened at the last Council meeting, noting that the group of people who attended were only in attendance for an issue that might affect them. They are loud and out of order and now they are not here. The residents who come to meetings on a regular basis could not hear anything at this meeting. There is a place and a time to stress your opinion in a civilized manner. The group who is in attendance this evening is always here. There are many other topics besides the cell tower that are more important. At the last meeting, there was a resolution to have the Township Administrator sign checks, including the Mayor. He asked how many signatures are required on a check today versus how many were required in 2007 and 2008, adding that only one person was made a scapegoat in reference to this.

Fire Chief Jack Sweezy, LFFD, thanked everyone for their support in the loss of Frank Bender. He also informed that the Fire Department will be providing information on fire safety in the household and the workplace.

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

Poll: Ayes: Fontana, Maceri, Porter and President Vantuno
 Nays: None

The Council President declared the motion passed.

Council President VANTUNO explained that the cell tower and the communications pole are two separate issues. The pole that is erected outside now is only for dispatch. They looked into several options for mounting this system. Chief Dmuchowski said the pole outside is a temporary pole so the Police Department can move in and start operating. They will address a more permanent system in the future. Council President VANTUNO said the Council takes the issue of the cell tower seriously. They need to review this whole issue, including review of the ordinances. Mr. Northgrave said an issue appeared to him in a meeting they had a couple of weeks ago. If a cell operator comes to town and shows that they are licensed and there is a need, the Council can vote to deny this, but they will not win. The Council cannot prevent this from ever happening. Any company can go before the Zoning Board to seek approval. He thinks it is important for people to understand the scope of the law.

Council President VANTUNO thinks the Council is more transparent than ever. Department Heads now attend meetings to answer questions, the Council goes through the agenda line by line to address each item and they stay after meetings to answer questions. Residents can also call Town Hall with any questions they may have.

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Mrs. Bergin informed that the Township submitted the list of locations to NJ Transit from the Transportation Committee. They came back and approved two of the requested locations on that list submitted.

Mr. Simone said garbage was always picked up in three sections of town. The schedule hasn't changed much, except that one of those sections was eliminated and divided between the other two. This is the way it has always been since he has been in town. There are a lot of Monday holidays, which is why his section loses more days for pickup. He also informed that the Township is under contract.

Mrs. Bergin said the Township will work to have agendas posted in a more timely manner. Regarding the process of the Master Plan, she informed that the Planning Board meets once a month on the first Thursday of the month. This will be on their agenda for discussion at the October meeting. They will know more after that meeting. Hopefully it will be referred back to the Council at that time.

Mrs. Bergin informed that there is a site visit tomorrow with NJ Transit on the bus shelter locations. Mr. Lindsay said one location is on Long Hill Road and the other is on Main Street.

Council President VANTUNO thanked Mr. Fernandez for his comments. He informed that two signatures are required on a bill and three on checks.

Mrs. Whiteside confirmed this and said she cannot answer as to 2007 and 2008; they will look into this.

CONSENT AGENDA

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

APPLICATIONS

NJ State Firemen's Association – Frank R. Conti, First Avenue, Enterprise Fire Co. #2

Blue Light Permit – John L. Peterson, Vetrone Drive, Woodland Park, Little Falls Fire Department

Raffle – Our Lady of the Holy Angels Church, Pull Tab Raffle, Thursdays from 10/2013 – 9/2014, 7 p.m. – 10 p.m.
- Our Lady of the Holy Angels Church, Bingo, Thursdays from 10/2013 – 9/2014, 7 p.m. – 10 p.m.

RESOLUTIONS

2013 Primary Election Polling Place Reimbursements

RESOLUTION [A] 13-09-23- #1
AUTHORIZING TREASURER TO PAY POLLS for 2013 PRIMARY ELECTION

BE IT RESOLVED by the Township Council of the Township of Little Falls, that the Treasurer be and is hereby authorized and directed, based upon the Clerk's certification as to the polling places used for the 2013 Primary Election, to issue checks payable to the owners of polling places at the rate of \$50 per polling place, totaling a sum of \$400 the amount received from the County of Passaic therefore, as follows:

Passaic Valley Regional High School	\$50.00
St. Agnes Church	100.00
School #3	50.00
Great Notch Fire House	50.00
St. George Antiochian Orthodox Church	50.00
Township of Little Falls – Civic Center	<u>100.00</u>
	\$400.00

Refund of Overpayment of 2013 3rd Quarter Taxes

RESOLUTION [B] 13-09-23 #2

WHEREAS, the property known as Block 177.02 Lot 22 assessed to Pravinbhai & Jyotsnaben Patel of 3 Jacobus Ave, Little Falls, NJ has a credit on their 3rd quarter 2013 taxes in the amount of \$664.20; and

WHEREAS, the Patel's had filed with the State of New Jersey their 2011 Homestead Benefit credit in the Year 2012 and was eligible for the same; and

WHEREAS, the State of New Jersey had posted a credit on the Patel's tax account re the homestead benefit credit on the 2013 3rd quarter taxes in the amount of \$664.20; and

WHEREAS, the Patel's mortgage company known as SunTrust Mortgage paid the Patel's 3rd quarter taxes on July 22, 2013 in the total amount of \$2,497.23; however, SunTrust Mortgage should have only paid the reduced amount less the homestead credit (\$664.20) in the total amount of \$1,833.03; and

WHEREAS, SunTrust Mortgage has requested in writing to our Tax Collector that the overpayment be refunded to them in the amount of \$664.20 for their customer's escrow account; and

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WHEREAS, the Tax Collector authorizes our Treasurer to refund the amount of \$664.20 made payable to: SunTrust Mortgage, Inc., Attn: D Evans RVW 3166, 1001 Semmes Avenue, Richmond, VA 23224;

NOW, THEREFORE BE IT RESOLVED by the Township Council of Little Falls on this 23rd day of September 2013 that SunTrust Mortgage be refunded the total amount of \$664.20 in taxes due to their payment made on July 22, 2013 which included a Homestead Benefit credit amount.

RESOLUTION [C] 13-09-23 #3

WHEREAS, the property known as Block 230.02 Lot 53 assessed to Craig & Cynthia L Chananie of 21 Houston Road, Little Falls, NJ has a credit on their 3rd quarter 2013 taxes in the amount of \$2,239.88; and

WHEREAS, the Chananie's mortgage company known as Wells Fargo Home Mortgage paid the 3rd quarter taxes on August 6, 2013 along with Serv Link on August 1, 2013 both in the amount of \$2,239.88; and

WHEREAS, Wells Fargo Home Mortgage has requested in writing to our Tax Collector that the overpayment be refunded to them in the amount of \$2,239.88; and

WHEREAS, the Tax Collector authorizes our Treasurer to refund the amount of \$2,239.88 made payable to: Wells Fargo Real Estate Tax Services, LLC, P.O. Box 14506, Des Moines, IA 50306 (reference on check: Claim #230960);

NOW, THEREFORE BE IT RESOLVED by the Township Council of Little Falls on this 23rd day of September 2013 that Wells Fargo Real Estate Tax Services, LLC be refunded the total amount of \$2,239.88 in taxes due to an overpayment of taxes on the 2013 3rd quarter taxes.

REGULAR AGENDA

The following items were individually considered.

CORRESPONDENCE

There was an affirmative consensus from the Council to approve the following:

LETTER FROM EAGLE HOSE COMPANY #1 REQUESTING PERMISSION TO CONDUCT ITS ANNUAL BOOT DRIVE ON SATURDAY, OCTOBER 19, 2013 AND SUNDAY, OCTOBER 20, 2013 AT THE INTERSECTION OF MAIN STREET AND UNION AVENUE

INTERDEPARTMENTAL

Finance – It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the Council approve the following:

RESOLUTION [D] 13-09-23 - #4

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP TREASURER TO SIGN TOWNSHIP CHECKS, ACCESS ON-LINE BANKING AND INITIATE WIRE TRANSFERS

BE IT RESOLVED by the governing body of the Township of Little Falls ("Township") that the funds of the Township deposited in banks and/or financial institutions be subject to withdrawal upon checks or other orders for the payment of money when signed by any two of the three following officials, to wit:

Mayor	Darlene Post
Business Administrator	Joanne Bergin
Treasurer	Nicholas Fargo

BE IT FURTHER RESOLVED that the funds of the Township deposited in banks and/or financial institutions be subject to withdrawal by wire transfer when authorized by the following official, to wit:

Treasurer	Nicholas Fargo
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BE IT FURTHER RESOLVED that access to on-line banking on all accounts with banks and/or financial institutions of the Township be accorded the following official, to wit:

Treasurer	Nicholas Fargo
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BE IT FURTHER RESOLVED that the banks and/or financial institutions holding funds of the Township are hereby authorized to pay any such orders and also to receive the same for credit of or in payment from the payee or any other holder without inquiry as to the circumstances of issue, or the disposition of the proceeds even if drawn to the individual order of any signing official; and

BE IT FURTHER RESOLVED that the Clerk of the Township be and is hereby authorized to certify the within resolution and that the provisions thereof are in conformity with the provisions of law.

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

- RESOLUTION [E] 13-09-23 - #5

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- **RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE TAX COLLECTOR/DIRECTOR OF FINANCE TO ACCESS ON-LINE BANKING ON TOWNSHIP ACCOUNTS AND INITIATE WIRE TRANSFERS OF TOWNSHIP FUNDS**
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- **BE IT RESOLVED** by the governing body of the Township of Little Falls (“Township”) that the funds of the Township deposited in banks and/or financial institutions be subject to withdrawal by wire transfer when authorized by the following official, to wit:
 - Tax Collector/Director Denise Whiteside
 - of Finance
-
- **BE IT FURTHER RESOLVED** that access to on-line banking on all accounts with banks and/or financial institutions of the Township be accorded the following official, to wit:
 - Tax Collector/Director Denise Whiteside
 - of Finance
-
- **BE IT FURTHER RESOLVED** that Denise Whiteside, Tax Collector/Director of Finance, is hereby authorized to add Nicholas Fargo, Treasurer, as a named user on Township bank and financial institution accounts such that Nicholas Fargo may conduct on-line banking and initiate wire transfers of Township funds.
- **BE IT FURTHER RESOLVED** that the Clerk of the Township be and is hereby authorized to certify the within resolution and that the provisions thereof are in conformity with the provisions of law.

NEW BUSINESS

Ordinance No. 1181 – It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that there be introduced and the meeting of October 28, 2013 set as the date and time for the public hearing on the following:

ORDINANCE NO. 1181

Chapter 249. TOWING

[HISTORY: Adopted by the Township Council of the Township of Little Falls 5-10-2010 by Ord. No. 1091. Editor’s Note: See N.J.S.A. 47:1A-1 et seq. Amendments noted where applicable.]

GENERAL REFERENCES

General penalty — See Ch. 1, Art. I.

Traffic — See Ch. 7.

Trailers — See Ch. 253.

Vehicle repair — See Ch. 268.

§ 249-1. Jurisdiction.

This chapter shall regulate towing and storage services originating in the Township of Little Falls (the “Township” or “Little Falls”) with respect to motor vehicles with a gross vehicle weight of less than 12,000 pounds.

§ 249-2. Selection of towing services.

Any owner of a vehicle requiring towing services originating in the Township shall have the right to select a tower of his own choice and at his own expense unless:

- (1) the condition or location of the vehicle, in the opinion of the Little Falls Police Department, creates a hazard or an impediment to the flow of traffic;
- (2) the owner or operator of the vehicle is unable to or unwilling to select a tower of his own choosing, including without limitation, circumstances under which the owner or operator of the vehicle has been placed under arrest or is otherwise incapacitated or impaired;
- (3) in the opinion of the Little Falls Police Department, the vehicle is an abandoned or a recovered stolen vehicle; a trespass has occurred; or where a tow is necessary to secure and preserve evidence.

In such cases, the Little Falls Police Department may summon an emergency tow provider to remove the vehicle, at the expense of the owner or driver, and store it at its storage facility. In any instance, however, in which the tow provider is summoned by the Little Falls Police Department, it shall be done pursuant to the provisions of this chapter, under the authority provided by *N.J.S.A. 40:48-2.49. et seq.*

§ 249-3. Selection process for Township tow providers’ license.

- A. On November 1 (or first following weekday if November 1 falls on a weekend) of every odd year beginning in 2013, the Township Clerk shall accept applications from towing companies seeking to be licensed as an official towing company for the Township (“Licensee”). License application forms shall be made available by October 1 for pick-up at the Township Municipal Building. Submitted applications shall contain the information as set forth and required herein and by § 249-4 of this chapter. Applicants submitting incomplete applications shall not be considered for selection. Applications may be submitted during normal business hours (9 a.m. to 4 p.m.) to the Township Clerk at the Township Municipal Building. Applications must be received by close of business day on November 30 (or first following weekday if November 30 falls on a weekend).
- B. Applications shall be reviewed for completeness by the Police Chief (for purposes of this Chapter 249, all references to the Police Chief shall mean the Police Chief or his or her designee) and/or Township Clerk by December 10 of each applicable licensee selection year. Application fees must accompany submitted applications to be deemed complete. See § 249-5.
- C. The Police Chief shall review all applications that have been timely submitted. Only applicants who have submitted complete applications (with the requisite application fee) and who meet all of the eligibility criteria set forth in sub-section E below shall be considered for

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licensure. No more than four (4) towing companies shall be licensed by the Township. The Police Chief shall conduct his review and shall recommend either approval or denial of the application(s) within 14 days of the application close date. Approved applicants shall be deemed the Township's Licensees by the Township Council for the following two years beginning January 1 and shall be duly licensed, provided the designees have met and continue to meet all the requirements of this Ordinance and for licensure

- D. In the event that the number of applicants exceeds the four (4) available openings, a selection lottery shall be held by the Township Clerk. Only applicants who have submitted complete applications (with the requisite application fee) and who meet all of the eligibility criteria set forth in sub-section E below shall be eligible for participation in the selection lottery. The selection lottery shall occur on December 10 (or the first following weekday if December 10 falls on a weekend). Under the lottery, each applicant shall be randomly assigned a number consistent with the number of applicants. The four (4) lowest numbers randomly selected shall be deemed the winning designees. Replacement designees will be selected as needed based on the numbers drawn in the lottery in the event a winning designee is disqualified for any reason following the lottery. The winning designees under the lottery shall be deemed the Township's Licensees by the Township Council for the following two years beginning January 1 and shall be duly licensed, provided the designees have met and continue to meet all the requirements of this Ordinance and for licensure.
- E. In order to be considered for selection as a Licensee, towing companies must meet the following eligibility criteria (in addition to other requirements as set forth herein):
- (1) Guarantee a maximum 20 minutes' response time.
 - (2) Be available on a seven (7) day-per-week, three-hundred-sixty-five (365) day-per-year basis.
 - (3) Provide, at the towing company's own expense, cellular telephone communication with the Little Falls Police Department.
 - (4) Have adequate storage space either in the Township or within a four (4) mile radius of 225 Main Street, Little Falls, New Jersey that shall:
 - (a) Be fully enclosed with a fence (minimally capable of holding six vehicles or 1,080 square feet) and secured from pilferage or damage;
 - (b) Permit the inside storage of at least two vehicles at any given time;
 - (c) Be adequately illuminated during hours of darkness; and
 - (d) Be completely free of garbage, debris, automotive parts, or other tripping hazards.
 - (5) Provide for the reasonable cleanup of an accident scene which shall include sweeping glass from the roadway and the removal of other accident related debris as described in N.J.S.A. 39:4-56.8. The cleanup fee as set forth in § 249-9 shall be divided equally among the towed vehicles involved in the collision. The debris shall not be placed into the towed vehicle.
 - (6) Have at its immediate disposal a minimum of three (3) towing trucks within a four (4) mile radius of 225 Main Street, Little Falls, New Jersey with sufficient personnel to be able to comply with the 20 minute maximum response time required by this Ordinance.
 - (7) Own or have immediate access to a flat-bed tow truck with sufficient personnel to be able to comply with the 20 minute maximum response time required by this Ordinance.
 - (8) Provide a certificate of insurance from a financially stable insurance carrier possessing an A.M. Best Company rating of not less than "A." Said certificate of insurance must further evidence that the following insurance coverage is valid and in effect for the specified contract period:
 - (a) Commercial automobile liability insurance with \$1,000,000 comprehensive single limit of liability.
 - (b) Garage keeper's liability with limits of \$150,000 per storage location.
 - (c) Worker's compensation insurance with the mandatory limits of coverage required by New Jersey statute.
 - (d) Endorsements naming the Township of Little Falls as an additional insured, and further indicating that the insurance coverage shall not be cancelled without a minimum of 15 days' prior notice to the Township.
 - (9) Comply with the criminal history check and certified driver history record abstract requirements of this Chapter 249.

§ 249-4. Application requirements.

- A. Every applicant for a license under this chapter shall complete, sign and verify a written application, in duplicate, on forms furnished by the Township Clerk.
- B. The application shall state:
- (1) Name and address of the applicant.
 - (2) Residence address and full local address, if any, of the applicant.
 - (3) Serial number and registration for each vehicle to be operated by the applicant.
 - (4) Location of storage area for wreckers and cars and the amount of available space for storage of towed cars.
 - (5) Policies or certificates of insurance coverage as herein provided.
 - (6) Consent to appointment of the Township Clerk as the applicant's true and lawful attorney for the purpose of acknowledging service out of any court of competent jurisdiction to be served against the applicant.
 - (7) Agreement to be available for service on business premises a minimum of 12 hours a day and to abide by the fees provided for by this chapter.
 - (8) Names and addresses of two business references.
 - (9) Sketch plan showing the location of the storage area, the number of cars that can be stored, and the total square footage area of the outside secured storage area.
 - (10) Proof of ownership or lease of the outside secured storage area.
 - (11) Proof of ownership, lease or other written agreement demonstrating availability of the vehicles which will be utilized to provides services pursuant to this chapter.
 - (12) Agreement to indemnify and hold the Township, its officers, agents, and employees harmless from any and all liabilities, claims, costs, penalties, fines, and attorney's fees rising out of the towing, wrecking, storage and/or emergency services provided by the tow vendor at the request of the Township pursuant to this chapter.

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- (13) Full list of the names of all employees working at the towage facility including all drivers of towing vehicles.
- (14) Responses to any other reasonable inquiries required by the Police Chief with regard to fitness as a Licensee.

§ 249-5. Application fee; licensing fee.

- A. The Township shall require a \$500.00 application fee payable to the Township for processing of the license application. The application fee is non-refundable.
- B. The Township shall require a \$250.00 license fee payable to the Township for licensure. The license fee shall be due upon notice from the Police Chief following the submission of satisfactory criminal history checks and driving abstracts.

§ 249-6. Licensing; Review by Chief of Police.

- A. The Township shall issue licenses to its Licensees. Licenses shall be valid for two years.
- B. Licenses are the property of the Township and may not under any circumstances be assigned, leased, shared, transferred or sold to another person, corporation or proprietorship.
- C. All prospective licensees and every towing company employee involved in the towing or storage of towed vehicles, or who will have access to towed vehicles, shall arrange for a fingerprint criminal history check to be conducted by Morpho-Trak (which is a private company under contract with the New Jersey State Police) or such successor entity which is designated by the New Jersey State Police, with the results to be provided directly by Morpho-Trak to the Township of Little Falls, 225 Main Street, Little Falls, NJ 07424 by completing Morpho-Trak Form D, which can be obtained from the New Jersey State Police or online at http://www.nj.gov/njsp/info/pdf/092509_universformd.pdf.
- D. All prospective licensees and every towing company employee involved in the towing of vehicles shall provide a certified driver history record abstract from the New Jersey Motor Vehicle Commission to the Little Falls Police Department.
- E. The Police Chief shall recommend the issuance of a license when he finds that:
 - (1) The public convenience and necessity require the proposed wrecker service for which the application has been submitted.
 - (2) The applicant and all its employees are fit and proper persons to conduct or work in the proposed business.
 - (3) The applicant's towing facility, proposed storage area, vehicles and equipment area meets the Township's requirements.
 - (4) The application submitted by the applicant complies with the requirements of this chapter and all other applicable ordinances of the Township.
- F. No license shall issue to prospective licensees prior to the payment of the licensing fee of \$250.00.
- G. The Township shall issue license stickers to Licensees to be applied to all of its towing vehicles.

§ 249-7. Rotation schedule.

- A. The rotation of Licensees shall be as follows, subject to modification by the Police Chief or his designee:
 - (1) Licensees shall be placed on a rotation list in alphabetical order by business name. A Licensee shall remain at the top of the list for a period of two weeks, at the end of which the next alphabetically listed Licensee shall serve. The two-week rotation schedule shall be implemented throughout the two-year license period. The rotating schedule of Licensees shall be posted at police headquarters. A Licensee that wishes to change its assigned rotation due to vacation or conflict may do so with the consent of the Chief of Police or his designee.
 - (2) In the event that a Licensee refuses a call for service or is unable to perform a call for service within the allotted 20-minute Ordinance requirement, that towing company shall move to the bottom of the list and the next Licensee on the rotation list shall be called. A one-time refusal or inability to service a call shall not affect the two-week rotation schedule.
 - (3) A Licensee that fails to respond to a call for service in the manner prescribed under this Ordinance, may be suspended from the rotation in accordance with Section 249-8 herein.
- B. The selection process described herein shall be operative where the tow provider is summoned by the Little Falls Police Department.

§ 249-8. Suspension and removal from Licensee rotational list; appeal.

- A. The Police Chief shall have the authority to suspend a Licensee from the tow providers' rotational list for a period of up to 30 calendar days for failure to comply with any of the requirements of this chapter. For a subsequent failure to comply with any of the requirements of this chapter, the Police Chief may remove the Licensee from the rotational list for a twelve-month period.
- B. A Licensee may appeal the suspension or removal from the tow providers' rotational list by filing a notice of appeal with the Township Clerk within 10 business days of the Police Chief's decision.
- C. A hearing shall be held by the Mayor and Township Council within 30 days of filing the appeal.
- D. The Mayor and Township Council shall render its determination within 20 days following the conclusion of the hearing. The Mayor and Township Council's determination shall be final and conclusive.

§ 249-9. Towing rates.

Towing rates are as set forth in Chapter 71, Fees. Towing rates are subject to modification by way of resolution of the Township Council and shall be on record with the Clerk of the Township.

§ 249-10. Storage; fees; reflective vests; cruising at scenes.

- A. Each Licensee shall be available to the public for the release of stored vehicles at a minimum:
 - (1) Monday to Friday, 8:00 a.m. to 6:00 p.m.
 - (2) Saturday, 8:00 a.m. to 4:00 p.m.
- B. Storage fees shall not be charged on a Sunday and a holiday where the Licensee is unavailable to release the towed vehicle.
- C. The storage rate shall be as set forth in Chapter 71, Fees. Forty dollars per day in twenty-four-hour increments, starting at the time the vehicle is towed or \$1 per hour part thereof.
- D. All employees of Licensees must wear reflective safety vests when out of the tow truck as specified by current standards/statutes.

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E. Licensees are prohibited from cruising or showing up at scenes without being called by the Police Department.

§ 249-11. Winching.

- A. Each Licensee shall have the ability to provide recovery and winching services. Recovery services are those services that require the recovery of an automobile from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm by several actions that include, but not limited to, winching and rigging.
- B. Under no circumstances shall a winching or recovery fee be charged because a vehicle was dragged onto a flatbed tow vehicle.

§ 249-12. Payment for towing.

- A. The owner and/or driver of the vehicle that has been towed shall be responsible for the payment of all towing and storage fees.
- B. Licensees shall have the ability to accept cash or credit cards, and shall furnish receipts upon request, including transactions on scene.

§ 249-13. Inquiries from motorists.

- A. In any instance in which a motorist makes an inquiry of the Little Falls Police Department concerning towing services, the Little Falls Police shall advise the motorist of the name and address of the scheduled Licensee currently in rotation and except as provided in § 249-2 where the police shall have the right to summon a tow service, the police officer shall advise the motorist that he may select any tower of his own choice and at his own expense.
- B. If requested to remove a vehicle out of the lane of travel so that a motorist could utilize his/her own towing service, the maximum allowable charge shall be as set forth in Chapter 71, Fees, and the Licensee shall tow the vehicle to a safe location as determined by the on-scene police officer.
- C. In the event a tow is requested by a motorist through the Little Falls Police Department to a location outside of the Township from the scene subject to the availability of the on-rotation Licensee, the maximum rate that can be charged is \$3 per mile, in addition to the tow charge.

§ 249-14. Enforcement.

The Police Chief or his designee is hereby authorized to enforce all provisions of this chapter in accordance with due process of law.

§ 249-15. Copies of fees and regulations made available to public; additional fees.

- A. A copy of this chapter and current fee schedule shall be available to the public at the office of the Township Clerk during normal business hours.
- B. No other fees or charges that are not specifically listed under § 249-9 shall be charged.

§ 249-16. Violations and penalties.

Any person violating the provisions of this chapter shall, upon conviction, be liable to the penalty stated in Chapter 1, General Provisions, Article I.

Poll: Ayes: Fontana, Maceri, Porter and President Vantuno
 Nays: None

The Council President declared the motion passed.

Ordinance No. 1183 – It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the public hearing on Ordinance No. 1183 be and it was opened.

Poll: Ayes: Fontana, Maceri, Porter and President Vantuno
 Nays: None

The Council President declared the motion passed.

No one coming forward to be heard, it was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the public hearing on Ordinance No. 1183 be and it was closed.

Poll: Ayes: Fontana, Maceri, Porter and President Vantuno
 Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Fontana, seconded by Councilmember Porter, that the Ordinance No. 1183 be and it was adopted.

Poll: Ayes: Fontana, Maceri, Porter and President Vantuno
 Nays: None

The Council President declared the motion passed.

Ordinance No. 1184 – It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the public hearing on Ordinance No. 1184 be and it was opened.

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Poll: Ayes: Fontana, Maceri, Porter and President Vantuno
Nays: None

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the public hearing on Ordinance No. 1184 be and it was closed.

Poll: Ayes: Fontana, Maceri, Porter and President Vantuno
Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Maceri, seconded by Councilmember Porter, that the Ordinance No. 1184 be and it was adopted.

Poll: Ayes: Fontana, Maceri, Porter and President Vantuno
Nays: None

The Council President declared the motion passed.

Ordinance No. 1182 – This ordinance was removed from the agenda.

Fair & Open Contract to All County Services, LLC for Demolition of Three Properties – it was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the Council approve the following:

RESOLUTION [F] 13-09-23 - #6
AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT
FOR THE DEMOLITION OF PROPERTIES ON WILLIAM STREET AND TAYLOR AVENUE

WHEREAS, the Township of Little Falls received sealed bids for the demolition of 82, 88, 99 & 120 William Street and 5 Taylor Avenue as follows:

Montana Construction Bid: \$140,750.00	Esposito Construction Bid: \$81,331.00
Yannuzzi & Sons, Inc. Bid: \$47,678.00	All County Services, LLC Bid: \$46,000.00
Salomone Brothers, Inc. Bid: \$51,500.00	Cinelly Group Bid: \$86,000.00
TBC (Two Brothers Contracting) Bid: \$65,400.00	Caravella Contractors Bid: \$62,975.00

WHEREAS, the Treasurer has provided a Certification of the Availability of Funds (a copy of which is appended to the original of the with Resolution) pursuant to Rule 5:30-1.10 of the Local Finance Board; and

WHEREAS, the Township Attorney has reviewed the bids for legal sufficiency, and recommends that a contract be awarded to All County Services, LLC; and

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

- 1) That the bid of

All County Services, LLC 128 Little Falls Road Cedar Grove, NJ 07009
--

in the amount of \$46,000.00

be and the same is hereby accepted; and

2) That the Mayor and Clerk be and they are hereby authorized to execute a contract in a form prepared and approved by the Township Attorney for the purchase of the within designated services subject to the successful contractor’s filing the required New Jersey Employee Information Report (Form AA302)or providing a Certificate of Employee Information to the Township.

Poll: Ayes: Fontana, Maceri, Porter and President Vantuno
Nays: None

The Council President declared the motion passed.

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Authorizing Agreement with NJ Transit for a Bus Stop – It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the Council approve the following:

RESOLUTION [G] 13-09-23 - #7

WHEREAS, NJ Transit has funds for the purchase of bus shelters throughout the State of New Jersey; and
WHEREAS, the Governing Body of a municipality in New Jersey or the Board of Chosen Freeholders of a County may apply to the New Jersey Transit Corporation for the purchase and installation of bus shelters at legally designated bus stops; and

WHEREAS, the Township of Little Falls, in the interest of promoting public transportation, conservation of energy, traffic safety, and for the convenience of the public; endorses the concept of providing bus shelters within its jurisdiction.

NOW, THEREFORE, BE IT RESOLVED, that the application is hereby made by the Township of Little Falls, to the New Jersey Transit Corporation for the purchase and installation of two (2) bus shelters as set forth in Exhibit A, made a part hereof.

BE IT FURTHER RESOLVED, that the Mayor and the Municipal Clerk be authorized to execute an agreement or agreements with NJ Transit to arrange for the purchase and installation of the shelters.

Poll: Ayes: Fontana, Maceri, Porter and President Vantuno
Nays: None

The Council President declared the motion passed.

Submit Grant Application & Execute Grant Contract with NJDOT for Highway Safety Fund 2013 – It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the Council approve the following:

RESOLUTION [H] - 13-09-23 - #8

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the NJDOT Highway Safety Fund FY2013

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

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as HSF – 2013 – Little Falls Township – 00034 to the New Jersey Department of Transportation on behalf of the Township of Little Falls

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

Poll: Ayes: Fontana, Maceri, Porter and President Vantuno
Nays: None

The Council President declared the motion passed.

Awarding Fair & Open Contract to Alkat Construction, LLC for Removal of Asbestos Shingles from 166 William Street – It was moved by Councilmember Fontana, seconded by Councilmember Porter, that the Council approve the following:

RESOLUTION [I] 13-09-23 - #9

AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT
FOR THE REMOVAL OF ASBESTOS SHINGLES FROM 166 WILLIAM STREET

WHEREAS, the Township of Little Falls received sealed proposals for the removal of asbestos shingles from 166 William Street as follows:

Alkat Construction, LLC
Proposal: \$6,400.00

MTM Metro Corporation
Proposal: \$6,800.00

Academy Construction
Proposal: \$9,800.00

WHEREAS, the Treasurer has provided a Certification of the Availability of Funds (a copy of which is appended to the original of the with Resolution) pursuant to Rule 5:30-1.10 of the Local Finance Board; and

WHEREAS, the DPW Superintendent recommends that a contract be awarded to Alkat Construction, LLC, pending review by the Township Attorney for legal sufficiency; and

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

1) That the proposal of

Alkat Construction, LLC
P.O. Box 603
Woodland Park, NJ 07424

in the amount of

\$6,400.00

be and the same is hereby accepted; and

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2) That the Mayor and Clerk be and they are hereby authorized to execute a contract in a form prepared and approved by the Township Attorney for the purchase of the within designated services subject to the successful contractor's filing the required New Jersey Employee Information Report (Form AA302) or providing a Certificate of Employee Information to the Township.

Poll: Ayes: Fontana, Maceri, Porter and President Vantuno
 Nays: None

The Council President declared the motion passed.

PAYMENT OF BILLS

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

RESOLUTION [BL]

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

Poll: Ayes: Fontana, Maceri, Porter and President Vantuno
 Nays: None

The Council President declared the motion passed.

EXECUTIVE SESSION

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

RESOLUTION [EX]

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into executive session during a Public Meeting;
and
WHEREAS, the Governing Body of the Township of Little Falls has deemed it necessary to go into executive session to discuss certain matters which are exempted from the Public; and
WHEREAS, the regular meeting of this Governing Body will reconvene;
NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Little Falls will go into executive session for the following reason(s) as outlined in N.J.S.A 10:4-12: Discussion of Contract Negotiations.

Poll: Ayes: Fontana, Maceri, Porter and President Vantuno
 Nays: None

The Council President declared the motion passed.

Mr. Northgrave informed that no action will be taken after Executive Session.

The Council entered Executive Session at 9:04 p.m.

At 10:17 p.m., the Council returned and it was moved by Councilmember Fontana, seconded by Councilmember Porter, that the meeting return to Open Session.

Poll: Ayes: Fontana, Maceri, Porter and President Vantuno
 Nays: None

The Council President declared the motion passed.

There being no further business to come before the meeting, it was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the meeting be and it was adjourned at 10:18 p.m.

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Cynthia Kraus
Municipal Clerk