

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

**Monday, September 9, 2013**

Council President John Vantuno called the meeting to order at 7:30 p.m. with the following members present: Louis Fontana, Joseph Maceri, Pamela Porter and Joseph Rento. Also present were Mayor Darlene Post, Township Attorney William Northgrave, Township Engineer Dennis Lindsay, Municipal Clerk Cynthia Kraus and Township Administrator Joanne Bergin.

Absent: Fire Chief Jack Sweezy

Township Employees present: Construction Official Joseph Macones, Recreation Director John Pace, DPW Superintendent Phillip Simone, Police Chief John Dmuchowski and Assistant to Municipal Clerk Marlene Simone.

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 Fontana, seconded by Councilmember Rento, that the Minutes of the meeting of July 8, 2013 be approved.

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

The Council President declared the motion passed.

**MAYOR'S REPORT**

Mayor Post informed that she met with President Cole at MSU recently and said they spoke at great lengths about services the college could provide to the Township. They will continue to have monthly meetings to identify ways to assist each other. She also informed that there was a dedication at the Library this past weekend to former employee Mary-Louise Helwig.

She also informed that she has decided to reject all bids for the cell tower, which is on this evening's agenda for approval.

**REMARKS FROM CHAIR**

Council President VANTUNO informed that flu shots will be available on 9/30/13 and every Wednesday in September in Clifton beginning 9/18/13. He also asked the Council to support the rejection of the bids for the telecommunications tower. He informed that the Township's CMFO has resigned and the town has reviewed the Finance Department's condition. They have decided to appoint a part-time CMFO, who has extensive experience for a lesser cost. On tonight's agenda is a bond ordinance for capital needs, one of them being the trunk line replacement between Little Falls, Woodland Park and Totowa, which is mandatory. There are other items included in the ordinance which cannot be held off on, including repair of the pump station.

**COUNCIL MEMBER REPORTS**

Councilmember FONTANA said he attended a Zoning Committee meeting this past week, where they came up with a very comprehensive list of maintenance issues with properties. They discussed penalties and a process to be implemented; they plan to review this further. He informed that Fairway hosted a Fire Department Cook-off for multiple Fire Departments this past weekend. He attended the sign dedication for Mary-Louise Helwig at the Library on Saturday; it was very well received and it was a nice event. This week the lightning detection system was

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installed, which is a shared service with Woodland Park, Totowa and the High School. It is up and running at this time at the Paterson Avenue field and Amity Field. The Township was recently awarded a grant for Inwood in the amount of \$70,000, which will be for the Wilmore Road Park and Amity Field Park fencing and equipment. He thanked everyone involved for helping to write and obtain the grants for the town.

Councilmember FONTANA also informed that Mrs. Ada Ruffalo passed away, noting what a wonderful person and asset to the community she was.

Councilmember PORTER said school has started and everyone is happy to be there. The Senior Citizens Advisory Board has a meeting tomorrow. The Municipal Alliance Board also has a meeting coming up. She was sorry to have missed the dedication for Mary-Louise Helwig, noting that she was such a wonderful person, who will be missed. On 9/11/13, there will be a ceremony for the fallen heroes at Wilmore Park at 7:00 p.m. All are invited to attend. Deacon Joe Sisco will be there for a prayer and there will be words from the Mayor and the Fire Chief as well. Father Bitar will also attend and sing, and Ben Shooter, the High School student who designed the memorial, will attend. She thanked those on the committee who all worked on this.

Councilmember MACERI congratulated Councilmember Porter on her grandson. He thanked the Mayor for her words regarding the telecommunications tower and said he is happy to hear they are rejecting all bids. Subcommittee meetings will be commencing this this week; there will be a meeting held on Thursday, 9/12/13 at Woodland Park. He also informed that the Domestic Violence Committee will meet this month.

Councilmember RENTO had nothing to report.

### **ATTORNEY'S REPORT**

Mr. Northgrave said both the light towing and heavy towing ordinances are on tonight's agenda. The light duty towing is on for public hearing and adoption. When preparing the heavy towing ordinance, they realized some glitches in the light duty towing ordinance. Therefore, he is asking the Council to re-introduce the previously introduced light duty towing ordinance with amendments, which he clarified at this time. He also explained that the heavy duty towing ordinance will need more changes before introduction.

### **ADMINISTRATOR'S REPORT**

Mrs. Bergin reported as follows:

Thank you Council President

I'd like to welcome Ron Cordero here this evening on behalf of both the Fire Department and Township Code Enforcement.

Resolutions K and J are in support of a NJDOT Municipal Aid grant for improvements Riker and Garrabrant Avenues and a NJDOT Bikeways grant to extend the existing Morris Canal Bikeway.

The bikeway grant application is for the bridge over the Peckman River intended to link the path along Wilmore with the path that extends north from Cedar Grove Road.

Resolutions M and N are part of the FEMA Severe Repetitive Loss FY10 grant for mitigation. Resolution M will award the elevation contract to RVT Construction for four homes. However, the Township must reject the bids of the other 5 homes in that bid as the low bid for those properties contained a flaw that requires rejection. Those properties will be re-advertised. Resolution P is also related to the FEMA mitigation grant. In this resolution, the home being acquired has asbestos shingles which the Township must contract to remove. The funds for this come from the grant through the property owner's Increased Cost of Compliance funds.

Councilman Fontana addressed Resolution O, and Council President Vantuno addressed Resolution S.

Resolution Q is a change order as needed for the Ridge Avenue reconstruction project. The project came in under bid and the Township asked and received approval from the NJDOT to extend the scope of the project. This change order is needed to spend the additional grant funds.

Resolution R is a liquor license renewal that we expect will be a transfer once the renewal process is complete.

Township Attorney Northgrave discussed ordinances #1181 and #1182 and Council President Vantuno discussed ordinance #1183.

The Master Plan process continues. Planner Jeff Janota and Michael Lysicatos from the Passaic County Planning Department have compiled the data from the two visioning meetings and from the visioning questionnaires.

Summary data from those reports will be posted on the Township web site this week.

Thank You

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### PUBLIC PORTION

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

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

The Council President declared the motion passed.

Maria Cordonnaire, 648 Upper Mountain Avenue, referred to the matter of bids being rejected and asked for further clarification of this. She has spoken with eight of her neighbors, who are all against the tower. She would like the rejection to be because of the concern of the residents, noting that these towers affect people's health. She explained that she previously attended meetings regarding the Master Plan, but nothing about this tower was every mentioned.

Renea Shapiro, Walnut Street, asked for clarification that the award of bids for a tower is being pulled entirely. She asked if this will come up again in the future of Little Falls. Little Falls' ordinance permits and accepts cell towers in town. There should've been a special meeting about this; the town should have told the people. This project is injustice to the residents of the Township; it is not fair to anyone. This tower would affect everyone in town. Many people would have hired a lawyer to fight this, which would've been another bill for the town. Maybe the ordinance should be changed again. Other towns refuse to have cell towers.

Frances Schultz, 280 Main Street, informed that she delivered signed petitions by over two-thirds of the occupants of the Mill to the Township Clerk earlier today; none of these people are in favor of the tower. She thanked the Mayor and Council for the rejection of these bids. She strongly suggested that this is not the place for a cell tower.

Cheryl Byrd, 8 Montclair Avenue, is happy the bids have been rejected. However, she is concerned that this might come up again in the future. She loves her house, but the tower would ruin the aesthetics. Science does not know if these towers cause illnesses.

Arnold Korotkin, 181 Long Hill Road, explained that there is alternative technology that cell towers in the future may be obsolete. Referring to the contract with MSU for fire calls, he reminded that the cost for this service to the college has not increased in two years and should be renegotiated. He also thanked the Mayor for convening the 9/11 Committee for a ceremony.

John Veteri, 133 Prospect Street, thanked everyone for the rejection of the bids. It is a tough job, but he hopes they respect the opinions of the residents. He hopes they will not reconsider this in the future.

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, Rento and President Vantuno  
                  Nays:           None

The Council President declared the motion passed.

Council President VANTUNO said bids have been rejected this evening on a financial basis. They will study this further to see what their next moves are. He does not know at this time where they will go from here.

Bob Schaffer, said the residents came here for a straight answer; they want to know if the telecommunications tower will come up again in the future.

Mayor Post said they rejected the bids and they want to do what is correct for Little Falls. However, they do need to investigate what is needed to complete the Township's radio system. As of this very moment, she rejected the bids and she is doing what is right for Little Falls. She cannot give a hard, steadfast answer at this moment. She has to allow the Council to investigate all different areas. Regardless, they need to look at all areas. She asked the residents to allow the Mayor and Council to do their job as well.

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Mayor Post informed that there was a meeting with MSU, which is done annually. There are currently difficulties with the ambulance service. So at this time, asking college to increase costs is not something they could do. They will revisit this next year.

**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**

Little Falls Fire Department Auxiliary – Joseph T. Lewicki, Hopson Avenue, Great Notch Fire Co. #3

Blue Light Permit – John Conti, Jr., Brookhill Place, Little Falls Fire Department  
 - Nicholas Gencarelli, Lower Notch Road, Little Falls Fire Department

**REPORTS**

Municipal Clerk’s Report – Month of August 2013

MUNICIPAL CLERKS REPORT  
 Month of August 2013

ABC LICENSES		\$2,200.00
OTHER LICENSES		
Business Licenses	\$100.00	
Pre-paid Business Licenses		
Raffle Licenses	60.00	\$160.00
REGISTRAR OF VITAL STATISTICS		
Fees & Permits	\$752.00	
Marriage Licenses-LF	24.00	
Marriage Licenses-NJ	200.00	\$976.00
MRNA		
Street Maps		
Zoning Maps	\$3.00	
Zoning Ordinances		
Document Copies	13.35	
Garage Sales	50.00	
Misc. Fees & Refunds:		
TOTAL MRNA		<u>\$66.35</u>
TOTAL CURRENT ACCOUNT		<u>\$3,402.35</u>
TOTAL TO TREASURER		<u>\$3,402.35</u>

Municipal Clerk’s Dog/Cat License Report – Month of August 2013

MUNICIPAL CLERK’S DOG/CAT LICENSE REPORT  
 Month of August 2013

<b>Dog Licenses issued 08/01/13 thru 08/31/13</b>		
Nos. 390 to 422 = 33 Licenses		
Amount due Little Falls		\$224.40
Amount due State		60.60
Total Cash Received		\$285.00
<b>Cat Licenses issued 08/01/13 thru 08/31/13</b>		
Nos. 55 to 59		
Licenses Issued 5		
Total Cash Received		<u>\$40.00</u>
Total to Treas.		<u>\$325.00</u>

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## Tax Collector's Report – Month of August 2013

Municipality of Township of Little Falls  
 Office of the Tax Collector  
 Township of Little Falls Current Account, Lakeland Bank  
 Revenues for the Month of August 2013

Categories	August 1-31, 2013	2013 Year to Date
2013 Taxes	\$5,788,018.04	\$31,585,903.16
2012 Taxes	0.00	498,470.93
2011 Taxes	0.00	250.00
2010 Taxes	500.00	500.00
2009 Taxes	250.00	250.00
2008 Taxes	0.00	250.00
2007 Taxes	250.00	250.00
Prepaid 2014 Taxes	234.72	234.72
Interest	4,498.80	58,816.55
Cost of Tax Sale	0.00	4,046.00
Duplicate Tax Bills	170.00	355.00
Tax Searches	0.00	10.00
Insufficient Check Charge	80.00	300.00
6% Penalty Fee	0.00	3,611.24
Tax Sale Additional Fee	0.00	1,875.00
<b>GRAND TOTALS</b>	<b>\$5,794,001.56</b>	<b>\$32,155,122.60</b>

Delinquent 2013 Taxes \$553,679.53 (177 line items) 1<sup>st</sup>- 3rd Qtrs.  
 Delinquent 2011 Taxes 986.85 (1 line item)  
**Total Delinquent Taxes \$554,666.38**

### 2007-2010 Open Items due to State of NJ \$250.00 deduction audit (due 06/01/14):

2010 Taxes = \$500.00 (2) line items (State canceled \$750.00 (3) line items)  
 2009 Taxes = 0.00 (0) line item (State canceled \$500.00 (2) line items)  
 2008 Taxes = 0.00 (0) line items (State canceled \$500.00 (2) line items)  
 2007 Taxes = 250.00 (1) line item (State canceled \$500.00 (2) line items)  
 Balance due = \$750.00 (State canceled \$2,250.00 (9) line items)

### Comparison same time last year:

Delinquent 2012 Taxes \$637,746.62 (200 line items) 1<sup>st</sup> -3<sup>rd</sup> Qtrs..  
 Delinquent 2011 Taxes 1,236.85 (1) Bankruptcy/1 Sr. Disallowance  
**Total Delinquent Taxes \$638,983.47**

2013 Refunds this month = -\$0.00  
 2013 Year to date refunds = -\$7,451.99

**Breakdown of refunds for years 2009-2013 completed in 2013(see attached).**

2013 Insufficient check charge backs (year to date) = -\$29,915.78.

### REFUNDS IN THE YEAR 2013

Month	2009 STCJ	2010 STCJ	2011 STCJ	2012 STCJ	2013 STCJ	2013 CBJ	Regular 2013	2013 Veteran/Widow	2013 Senior/Disabled	Exempt 2013	2013 Homestead Benefit	Total by Months
Jan	\$0.00	\$0.00	\$23,972.52	\$83,908.60	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$107,881.12
Feb	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
March	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$69.00	\$0.00	\$0.00	\$0.00	\$0.00	\$69.00
April	\$0.00	\$0.00	\$5,877.31	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,877.31
May	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,087.82	\$0.00	\$0.00	\$0.00	\$0.00	\$2,087.82

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June	\$0.00		\$31,555.10	\$33,835.30	\$0.00	\$0.00	\$5,295.17	\$0.00	\$0.00	\$0.00	\$0.00	\$70,685.57
July	\$162,526.64	\$173,372.96	\$180,351.60	\$193,384.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$709,635.20
Aug	\$0.00	\$0.00	\$0.00	\$1,260.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,260.40
Sept												
Oct												
Nov												
Dec												
<b>Totals</b>	\$162,526.64	\$173,372.96	\$241,756.53	\$312,388.30	\$0.00	\$0.00	\$7,451.99	\$0.00	\$0.00	\$0.00	\$0.00	\$897,496.42

Note: The above figures represent the months that the Tax Collector did the adjustments in the computer; the Resolution(s) may have been adopted in the next month.

STCJ = State Tax Court Judgments.

CBJ= County Board Judgments.

Municipality of Township of Little Falls  
Office of the Tax Collector  
Township of Little Falls Tax Collector Trust 2 (Lien Premium Monies), Lakeland Bank  
Revenues for the Months of January-August 2013

	Liens with Premiums Redeemed/(-)	Bal./Dep.(+) \$97,900.00
Balance Brought Forward (January 1, 2013)		
January 2013		
Block 41 Lot 2 (01/08/13)	-\$19,100.00	\$78,800.00
February 2013		\$78,800.00
March 2013		\$78,800.00
April 2013		
Block 76 Lot 17 (04/22/13)	-\$15,000.00	
Block 173 Lot 11 (04/25/13)	-\$12,600.00	
Sub Total		\$51,200.00
<b>Tax Sale April 17, 2013 + \$296,000.00 premiums</b>	<b>\$347,200.00</b>	
May 2013		
Block 189 Lot 3 (05/08/13)	-\$22,000.00	
Block 166 Lot 14 (05/29/13)	-\$8,500.00	
Block 148.01 Lot 56 (05/29/13)	-\$32,000.00	\$284,700.00
June 2013		
Block 73 Lot 3 (06/03/13)	-\$22,000.00	
Block 20 Lot 17 (06/11/13)	-\$10,700.00	
Block 88.05 Lot 1 C314 (06/26/13)	-\$13,000.00	\$239,000.00
July 2013		
Block 123 Lot 9 C0602 (07/18/13)	-\$7,800.00	
Block 35 Lot 7 (07/30/13)	-\$4,500.00	\$226,700.00
August 2013		\$226,700.00
Ending Balance as of August 31, 2013		\$226,700.00

Municipality of Township of Little Falls  
Office of the Tax Collector  
Township of Little Falls Tax Collector Trust 1 (Lien Monies), Lakeland Bank  
Revenues for the Months of January-August 2013

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	<u>Deposit</u>	2013 <u>Year-to-Date</u>
January 2013		
Block 41 Lot 2 (01/08/13)	\$61,643.78	\$61,643.78
February 2013	\$0.00	\$61,643.78
March 2013	\$0.00	\$61,643.78
April 2013		
Block 76 Lot 17 (04/22/13)	\$7,367.46	
Block 173 Lot 11 (04/25/13)	\$1,980.46	\$70,991.70
May 2013		
Block 189 Lot 3 (05/08/13)	\$11,131.32	
Block 166 Lot 14 & 148.01/56 (05/29/13)	\$24,805.34	\$106,928.36
June 2013		
Block 73 Lot 3 (06/03/13)	\$7,554.68	
Block 237 Lot 15 (06/05/13)	\$8,122.77	
Block 20 Lot 17 (06/11/13)	\$33,112.72	
Block 88.05 Lot 1 C314 (06/26/13)	\$5,977.60	\$161,696.13
July 2013		
Block 185 Lot 5 (07/03/13)	\$15,824.79	
Block 123 Lot 9 C0602 (07/18/13)	\$14,506.77	
Block 35 Lot 7 (07/30/13)	\$18,955.81	\$210,983.50
August 2013	\$0.00	\$210,983.50
Total Collected as of August 31, 2013		\$210,983.50

### RESOLUTIONS

#### NJ State Dept. of Health – Dog License Fees

RESOLUTION [A] 13-09-09 - #1

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:

\$60.60

payable to:

NJ State Dept. of Health

representing payment of State dog license fee, license Nos. 390 to 422 for the month of August 2013.

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#### Welfare

RESOLUTION [B] 13-09-09 - #2

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:

\$2,088.00

payable to:

Welfare Clients #55, 61, 71, 73, 74 & 75

representing payment of Self-Care for the month of August 2013 be and the same is hereby authorized and ratified.

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#### Little Falls Public Library – 3<sup>rd</sup> Quarter 2013 Funds

RESOLUTION [C] 13-09-09 - #3

BE IT RESOLVED by the Township Council of the Township of Little Falls, the Treasurer having certified to the availability of funds therefor that the Mayor, Clerk and Treasurer be and they are hereby authorized and directed to issue a check in the amount of:

\$147,858.00

payable to:

Little Falls Public Library

representing payment of 3<sup>rd</sup> quarter 2013 funds.

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## Meeting of September 9, 2013

### Hartford Steam Boiler

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

BE IT RESOLVED by the Township Council of the Township of Little Falls, the Treasurer having certified to the availability of funds therefor that the Mayor, Clerk and Treasurer be and they are hereby authorized and directed to issue a check in the amount of:

\$155.00

payable to:

The Hartford Steam Boiler Inspection & Insurance Co.  
P.O. Box 21045, Chicago, IL 60673-1210

representing payment of Certificate fee for boiler for 225 Main Street.

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### Hudson-Essex-Passaic Soil Conservation District

#### RESOLUTION [E] 13-09-09 - #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:

\$775.00

payable to:

Hudson-Essex-Passaic Soil Conservation District  
15 Bloomfield Avenue  
North Caldwell, NJ 07006

representing payment for Application for Soil Erosion and Sediment Control Plan Certification in connection with Third Avenue Improvements.

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### Dennis G. Lindsay, P.E.

#### RESOLUTION [F] 13-09-09 - #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:

\$323.75

payable to:

Dennis G. Lindsay, P.E.

representing payment for engineering services rendered in connection with Kreitzman (13 Viewmont Terrace) – Block 148.01, Lot 30 – 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.

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#### RESOLUTION [G] 13-09-09 - #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:

\$462.50

payable to:

Dennis G. Lindsay, P.E.

representing payment for engineering services rendered in connection with Little Falls Free Library – Block 97, Lots 6, 7 & 8 - Site Plan for Sign 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.

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#### RESOLUTION [H] 13-09-09 - #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:

\$231.25

payable to:

Dennis G. Lindsay, P.E.

representing payment for engineering services rendered in connection with Simone – Block 15, Lots 13 & 14 – 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.

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### Phil & Marlene Simone

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

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:

\$768.75

payable to:

Phil & Marlene Simone  
19 Coney Road  
Little Falls, NJ 07424

representing payment for return of unused escrow rendered in connection with Simone – Block 15, Lots 13 & 14; 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.

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

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

The Council President declared the motion passed.

## REGULAR AGENDA

The following items were individually considered.

### **NEW BUSINESS**

Rejection of Bids for Construction, Operation and Maintenance of a New Wireless Communication Monopole – It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the Council approve the following:

RESOLUTION [J] 13-09-09 - #10

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY REJECTING ALL BIDS FOR THE LEASE OF REAL PROPERTY FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF A NEW WIRELESS COMMUNICATION MONOPOLE AND RELATED FACILITIES**

**WHEREAS**, the Township of Little Falls issued a Request for Bids (the “RFB”) for the Lease of Real Property Owned by the Township at 225 Main Street, also known as Block 91, Lot 7 for the Construction, Operation, and Maintenance of a New Wireless Communication Monopole and Related and on August 23, 2013, received three (3) bids in response to the solicitation; and

**WHEREAS**, the bids have been reviewed and the Township has determined that it is in the best interest of the Township to reject all bids.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, PASSAIC COUNTY, NEW JERSEY, that** the Council hereby rejects all bids for the Lease of Real Property Owned by the Township at 225 Main Street, a/k/a Block 91, Lot 7 for the Construction, Operation, and Maintenance of a New Wireless Communication Monopole and Related Facilities.

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

The Council President declared the motion passed.

Authorizing Execution of Grant Agreement with NJDOT for Improvements to Riker & Garrabrant Avenues – It was moved by Councilmember Porter, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [K] 13-09-09 - #11

**SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE  
NEW JERSEY DEPARTMENT OF TRANSPORTATION  
FOR THE IMPROVEMENTS TO RIKER & GARRABRANT AVENUES**

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Roadway Improvements Project on Riker & Garrabrant Avenues.

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

## Meeting of September 9, 2013

BE IT FURTHER RESOLVED that the Mayor of the Township of Little Falls, the Clerk and Engineer are hereby authorized to sign and submit an electronic Transportation Enhancement Grant Application identified as MA-2014-Little Falls Township-00133 to the New Jersey Department of Transportation on behalf of the Township of Little Falls.

BE IT FURTHER RESOLVED that Mayor Darlene Post, 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 and Township Engineer is authorized to submit all documents.

\*\*\*\*\*

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

The Council President declared the motion passed.

Authorizing Execution of Grant Agreement with NJDOT for the Morris Canal Bikeway – Phase V – It was moved by Councilmember Fontana, seconded by Councilmember Porter, that the Council approve the following:

RESOLUTION [L] 13-09-09 - #12  
SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE  
NEW JERSEY DEPARTMENT OF TRANSPORTATION  
FOR THE MORRIS CANAL BIKEWAY – PHASE V

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Morris Canal Bikeway Phase V.

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, the Clerk and Engineer are hereby authorized to sign and submit an electronic Transportation Enhancement Grant Application identified as BIKE-2014-Little Falls Township-00034 to the New Jersey Department of Transportation on behalf of the Township of Little Falls.

BE IT FURTHER RESOLVED that Mayor Darlene Post, 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 and Township Engineer is authorized to submit all documents.

\*\*\*\*\*

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

The Council President declared the motion passed.

Authorizing Award of Contract to RVT Construction, Inc. for SRL #1 Elevating of Structures – Phase I – It was moved by Councilmember Fontana, seconded by Council President Vantuno, that the Council approve the following:

RESOLUTION [M] 13-09-09 - #13  
**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A CONTRACT TO RVT CONSTRUCTION, INC. WITH RESPECT TO THE REQUEST FOR BIDS:  
SRL#1 ELEVATING OF STRUCTURES –PHASE I**

**WHEREAS**, the Township of Little Falls issued a Request for Bids (the “RFB”) SRL #1 for Elevating of Structures – Phase I for various properties and on August 23, 2013, received four (4) bids in response to the solicitation; and

**WHEREAS**, the bids were reviewed for compliance with the RFB and it was determined that the bid submitted by Unique Floors, LLC contained a material defect which resulted in the rejection of the bid; and

**WHEREAS**, of the remaining bids reviewed, it was determined that the bid submitted by RVT Construction, Inc. for the properties: 126 William Street; 127 William Street; 132 William Street; and 133 William Street, was the most responsive and reasonable as to costs, in accordance with the requirements of the RFB; and

**WHEREAS**, the Township desires to award a contract to RVT Construction, Inc. for the work set forth in the RFB and in accordance with the bid proposal submitted by the company with respect to the properties set forth herein ; and

**WHEREAS**, adequate funds are available for this contract as certified by the Township.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, PASSAIC COUNTY, NEW JERSEY**, the Council hereby authorizes the award of a contract to RVT Construction, Inc. in accordance with RFB SRL#1 for Elevating of Structures – Phase I and the bid proposal submitted by the company with respect to the properties: 126 William Street; 127 William Street; 132 William Street and 133 William Street.

\*\*\*\*\*

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

The Council President declared the motion passed.

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Rejecting Bids Received for SRL FY10 – Phase 1 House Elevations – It was moved by Councilmember Fontana, seconded by Councilmember Porter, that the Council approve the following:

**RESOLUTION [N] 13-09-09 - #14**

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING A RE-BID FOR CERTAIN PROPERTIES WITH RESPECT TO THE REQUEST FOR BIDS: SRL#1 ELEVATING OF STRUCTURES –PHASE I**

**WHEREAS**, the Township of Little Falls issued a Request for Bids (the “RFB”) SRL #1 for Elevating of Structures – Phase 1 for various properties and on August 23, 2013, received four (4) bids in response to the solicitation; and

**WHEREAS**, the bids were reviewed for compliance with the RFB and it was determined that the bid submitted by Unique Floors, LLC contained a material defect which resulted in the rejection of the bid; and

**WHEREAS**, as a result of the rejection of the bid submitted by Unique Floors, LLC, it was further determined that the remaining bids submitted by the other bidders either did not include a bid for the properties in question or were above the Township’s cost estimates for the properties and therefore, there is a need for the Township to now issue a re-bid for these properties which include the following:: 1 Garden Street; 60 William Street; 91 William Street;144 William Street; and 145 William Street.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, PASSAIC COUNTY, NEW JERSEY**, the Council hereby authorizes the re-bid of RFB SRL#1 for Elevating of Structures – Phase I, for the following properties: 1 Garden Street; 60 William Street; 91 William Street; 144 William Street and 145 William Street.

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

The Council President declared the motion passed.

Authorizing Award of Contract for the Replacement of the Wilmore Road Playground Fencing – It was moved by Councilmember Fontana, seconded by Councilmember Maceri, that the Council approve the following:

**RESOLUTION [O] 13-09-09 - #15**

**AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR THE REPLACEMENT OF THE WILMORE ROAD PLAYGROUND FENCING**

**WHEREAS**, the Township of Little Falls received proposals for the replacement of the Wilmore Road Playground Fencing as follows:  
Barcia Brothers, Inc.  
Garfield, NJ 07026  
Proposal: \$19,175.00

**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 has reviewed the proposals for technical sufficiency, and recommends that a contract be awarded to Barcia Brothers, Inc.; and

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

- 1) That the proposal of

Barcia Brothers, Inc.  
514 River Drive  
Garfield, NJ 07026

in the amount of

\$19,175.00

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, Rento and President Vantuno  
                  Nays:           None

The Council President declared the motion passed.

Authorizing Award of Contract for the Removal of Asbestos Shingles at 82 & 120 William Street – It was moved by Councilmember Rento, seconded by Councilmember Porter, that the Council approve the following:

**RESOLUTION [P] 13-09-09 - #16**

**AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR REMOVAL OF ASBESTOS SHINGLES ON TWO PROPERTIES**

**WHEREAS**, the Township of Little Falls received proposals for the removal of asbestos shingles at 82 and 120 William Street as follows:

Alkat Construction, LLC

DYV Enterprises, LLC

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Proposal: \$11,700.00

Proposal: \$26,000.00

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 has reviewed the proposals for technical sufficiency, and recommends that a contract be awarded to Alkat Construction, LLC; 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  
Woodland Park, NJ 07424

in the amount of

\$11,700.00

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, Rento and President Vantuno  
Nays: None

The Council President declared the motion passed.

Authorizing Award of Change Order to CRC General Contractors, Inc. for Road Improvement Work on Ridge Avenue – It was moved by Councilmember Fontana, seconded by Councilmember Rento, that the Council approve the following:

RESOLUTION [Q] 13-09-09 - #17  
TOWNSHIP COUNCIL RESOLUTION AWARDING CHANGE ORDER TO  
CRC GENERAL CONTRACTORS, INC. (CROSSROAD) FOR ROAD IMPROVEMENT WORK ON  
RIDGE AVENUE IN EXCESS OF \$10,680.20 OF CONTRACT PRICE

WHEREAS, the Township Council has received a recommendation from the Township Engineer regarding the extension of the Ridge Avenue road improvement contract to include modifications to six storm drain inlets from Prospect Street to Crane Street and one replacement of a MH cover to a drain inlet at Ridge Avenue and Stanley Street; and

WHEREAS, the Township Council has considered this recommendation in accordance with NJAC 5:30-1 et seq. and the Local Public Contracts Law; and

WHEREAS, the Township Council has determined that the most efficient method of completion of the roadway work at the least cost to the residents and tax payers of the Township of Little Falls would be by having the work performed under the Township's Ridge Avenue contract; and

WHEREAS, the Township Council has determined there are benefits in having this work performed by a single contractor responsible for coordination of the work; and

WHEREAS, the Township Council has a contract with CRC General Contractors, Inc. for improvements to Ridge Avenue, which was awarded by public bidding under the Local Public Contracts Law,

NOW THEREFORE BE IT RESOLVED that the Township Council authorizes a Change Order to CRC General Contractors, Inc. for the completion of roadway work on Ridge Avenue from Prospect Street southerly to Crane Street and further authorizes a notice of this action be printed in the official newspaper and a copy of the notice be filed with the Township Clerk.

\*\*\*\*\*

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

The Council President declared the motion passed.

Approving Renewal of Township Liquor License for Top Cucina Corporation – It was moved by Councilmember Maceri, seconded by Councilmember Rento, that the Council approve the following:

RESOLUTION [R] 13-08-12 - #18  
BE IT RESOLVED by the Little Falls Township Council as follows:

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

<u>License No.</u>	<u>License and/or t/a name</u>	<u>Fee</u>
1605-33-007-009	Top Cucina Corporation t/a Bella Nottes Alta Cucina 112 Stevens Avenue	\$2,200.00

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

WHEREAS, the Township Council is familiar with the aforementioned applicant and the place for which they apply and sees no objection;

NOW, THEREFORE, BE IT RESOLVED that the above-listed application be and the same is hereby granted; and

BE IT FURTHER RESOLVED that the license be renewed accordingly, for the license term of July 1, 2012 and expire on June 30, 2013.

\*\*\*\*\*

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

The Council President declared the motion passed.

Appointing Nicholas Fargo as the CMFO for the Township of Little Falls – It was moved by Councilmember Fontana, seconded by Councilmember Porter, that the Council approve the following:

**RESOLUTION [S] 13-09-09 - #19  
RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY  
OF PASSAIC, STATE OF NEW JERSEY, APPOINTING NICHOLAS FARGO AS THE TOWNSHIP'S CHIEF  
FINANCIAL OFFICER.**

WHEREAS, the Township of Little Falls (the "Township") is a public body corporate and politic of the State of New Jersey and seeks to appoint a municipal chief financial officer ("CFO") to fill the newly vacated position, pursuant to the power granted it under *N.J.S.A. 40A:9-140.13*; and

WHEREAS, the Township Council of the Township ("Township Council") has publicized the available CFO position and reviewed resumes and qualifications of responding applicants; and

WHEREAS, the Township Council has reviewed the qualifications of Nicholas Fargo to serve as CFO, including his municipal finance officer certificate, and found them suitable for the available position; and

WHEREAS, the Township Council desires to appoint Nicholas Fargo as CFO effective September 9, 2013 through December 31, 2013 for the reasons set forth on the record; and

WHEREAS, the terms, conditions and compensation regarding Nicholas Fargo's employment shall be determined by the Township Council and approved by subsequent ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Little Falls, Passaic County, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Township Council hereby appoints Nicholas Fargo to serve as CFO of the Township effective September 9, 2013 through December 31, 2013, and the terms, conditions and compensation regarding said employment shall be determined and approved by the Township Council by subsequent ordinance.
3. A copy of this Resolution shall be available for public inspection at the offices of the Township Clerk.
4. This Resolution shall take effect immediately.

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

The Council President declared the motion passed.

Ordinance No. 1181 – It was moved by Councilmember Fontana, seconded by Councilmember Porter, that there be re-introduced and the meeting of September 23, 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.**

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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 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.

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- (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 provide 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.
  - (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](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.

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- (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.
- 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.

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

The Council President declared the motion passed.

## Meeting of September 9, 2013

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

Ordinance No. 1183 – It was moved by Councilmember Fontana, seconded by Councilmember Porter, that there be introduced and the meeting of September 23, 2013 set as the date and time for the public hearing on the following:

### BOND ORDINANCE NO. 1183

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$2,560,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,438,085 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Little Falls, in the County of Passaic, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$2,560,000, including a \$220,000 State of New Jersey Department of Transportation Grant expected to be received (the "State Grant") for improvements to 3<sup>rd</sup> Avenue, as more fully described in Section 3(d) hereof, and further including the aggregate sum of \$121,915 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets. Notwithstanding N.J.S.A. 40A:2-11(c), a down payment is being provided for the costs of the improvement described in Section 3(d) being funded by the State Grant.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments and in anticipation of receipt of the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,438,085 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

Purpose	Appropriation & Estimated Cost	Estimated Maximum Amount of Bonds & Notes	Period of Usefulness
a) <b>Fire Division:</b> Acquisition of equipment, including pagers and including all related costs and expenditures incidental thereto.	<u>\$57,595</u>	<u>\$54,850</u>	10 years
b) <b>Police Division:</b> Acquisition/installation of public safety communications systems, digital recording systems and other public safety equipment, including all related costs and expenditures incidental thereto.	\$372,050	\$354,329	10 years
The acquisition/installation of an evidence management system and acquisition of firearms, including all related costs and expenditures incidental thereto.	<u>\$25,830</u>	<u>\$24,600</u>	5 years
TOTAL:	<u>\$397,880</u>	<u>\$378,929</u>	
c) <b>Department of Public Works:</b> Various improvements, consisting of sanitary sewer and storm sewer improvements, including all work and materials necessary therefor and incidental thereto.	<u>\$664,585</u>	<u>\$632,936</u>	40 years
d) <b>Road Program:</b> Improvements to 3 <sup>rd</sup> Avenue and various Township streets, including all work and materials necessary therefor and incidental thereto.	<u>\$322,225</u> (Includes the State Grant)	<u>\$306,880</u>	10 years

## Meeting of September 9, 2013

e) <b>Recreation Division:</b> Various building improvements, as more fully described on a list on file in the Office of the Clerk which is hereby incorporated by reference as if set forth at length, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.	<u>\$110,765</u>	<u>\$105,490</u>	15 years
f) <b>Interlocal – Woodland Park:</b> Installation of a sewer trunk line, including all work and materials necessary therefor and incidental thereto.	<u>\$1,006,950</u>	<u>\$959,000</u>	40 years
<b>GRAND TOTAL:</b>	<u>\$2,560,000</u>	<u>\$2,438,085</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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

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

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 29.75 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,438,085, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$500,000 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 purposes or improvements.

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

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

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

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

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

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

The Council President declared the motion passed.

Amending 2013 Capital Budget to Reflect the Supplemental Appropriation for Various Capital Improvements – It was moved by Councilmember Fontana, seconded by Councilmember Porter, that the Council approve the following:

RESOLUTION TO AMEND THE 2013 CAPITAL BUDGET TO REFLECT THE SUPPLEMENTAL APPROPRIATION FOR VARIOUS CAPITAL IMPROVEMENTS: [T]#20

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

The Council President declared the motion passed.

Ordinance No. 1184 – It was moved by Councilmember Fontana, seconded by Councilmember Porter, that there be introduced and the meeting of September 23, 2013 set as the date and time for the public hearing on the following:

### ORDINANCE NO. 1184

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE TO ADDITIONALLY AUTHORIZE THE BUSINESS ADMINISTRATOR TO SIGN TOWNSHIP CHECKS FOR BILLS, CLAIMS AND DEMANDS.**

**WHEREAS**, the Township of Little Falls (“Township”) is a public body corporate and politic of the State of New Jersey; and  
**WHEREAS**, the Local Fiscal Affairs Law, *N.J.S.A. 40A:5-1 et seq.* (“Local Fiscal Affairs Law”) regulates certain financial affairs of the Township and prescribes which municipal officers may sign Township checks for the payment of bills, demands and claims against the Township; and

**WHEREAS**, the Township Code of Ordinances (“Code”) at Chapter 3, Section 3-10.7 currently provides that Township checks must be signed by the Mayor and countersigned by the Township Clerk and the Township Treasurer; and

**WHEREAS**, in accordance with the statutory authority provided under the Local Fiscal Affairs Law at *N.J.S.A. 40A:17*, the Township Council of the Township (“Township Council”) seeks to amend the Code to additionally authorize the Township Business Administrator to sign Township checks, to account for occasions when the Township Treasurer may not be available; and

**WHEREAS**, the Township Council has determined to amend Section 3-10.7(A) of the Code to read as follows (additions are underlined and deletions are in [brackets]):

“Bills, claims and demands against the Township shall be paid only after submission to and approval by the Council as provided in Subsection B hereof. A voucher on a form prescribed by the Treasurer shall be presented for each bill, claim or demand and shall be paid only upon the audit, warrant and approval of the Treasurer, department or division head and at least two of the three Council Finance Committee members. Disbursements shall be made by a combination warrant-bank check or draft warranted by the Treasurer, signed by the Mayor and [countersigned by] the Township Clerk and countersigned by the Treasurer or Business Administrator, except that payroll checks may be signed by the Treasurer or alone upon voucher and warrant of the Treasurer for a total payroll.”

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Little Falls, Passaic County, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Township Council hereby amends Section 3-10.7(A) of the Code to read as follows:  
“Bills, claims and demands against the Township shall be paid only after submission to and approval by the Council as provided in Subsection B hereof. A voucher on a form prescribed by the Treasurer shall be presented for each bill, claim or demand and shall be paid only upon the audit, warrant and approval of the Treasurer, department or division head and at least two of the three Council Finance Committee members. Disbursements shall be made by a combination warrant-bank check or draft warranted by the Treasurer, signed by the Mayor and the Township Clerk and countersigned by the Treasurer or Business Administrator, except that payroll checks may be signed by the Treasurer or alone upon voucher and warrant of the Treasurer for a total payroll.”
3. It is the intent of the Township Council to incorporate the additions, amendments and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 3 of the Code shall remain unchanged and have full force and legal effect.

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All other resolutions and ordinances governing the signing of Township checks for the payment of bills, demands and claims against the Township heretofore enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.

4. 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 remaining portions of this Ordinance.

5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

6. This Ordinance shall take effect after twenty (20) days of its final passage by the Township Council, upon approval by the Mayor, and publication as required by law.

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

The Council President declared the motion passed.

### INTERDEPARTMENTAL

Finance – It was moved by Councilmember Porter, seconded by Council President Vantuno, that the Council approve the following:

RESOLUTION [U] 13-09-09 - #21

WHEREAS, the following are monies where checks have been written to the payees and the checks have not been closed to date;

CHECK #	AMOUNT	CHECK#	AMOUNT
103	\$48.00	284	\$4.00
298	4.00	307	6.00
308	2.00	309	2.00
317	3.00	319	1.00
323	1.00	324	6.00
330	1.00	352	6.00
372	2.00	388	2.00
395	11.00	396	1.00
397	2.00		

and; WHEREAS, as per Municipal Court procedures set forth by the Administrative Office of the Courts, the monies are being turned over to the Township of Little Falls;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Little Falls that the above listed monies be turned over to the Township of Little Falls.

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

The Council President declared the motion passed.

### PAYMENT OF BILLS

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

RESOLUTION [BL]

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

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Poll: Ayes: Fontana, Maceri, Porter, Rento 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 Fontana, seconded by Councilmember Maceri, that the meeting be and it was adjourned at 8:27 p.m.

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Cynthia Kraus  
Municipal Clerk