

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

Monday, April 11, 2016

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

Absent: Mayor Darlene Conti

Township Employees present: DPW Superintendent Phillip Simone, Lt. Steven Post

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. 10:4-10 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, 2016; 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.

PUBLIC PORTION – GENERAL MATTERS

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

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

The Council President declared the motion passed.

John Lockwood, Shade Tree Commission, questioned what the charge will be to register specialty vehicles for the Memorial Day Parade.

Renea Shapiro, ABC, queried whether advanced notification of any work done on neighboring streets can be given to residents. She also requested a status report on the Route 46/3 project.

Arnold Korotkin, 181 Long Hill Road, requested a status report on lead contamination in the school system. He also questioned what the projected impact of the school system budget would be on the Municipal budget.

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

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

The Council President declared the motion passed.

Mr. Cuccia stated parade preparations are being coordinated by the Veterans organization. Mr. Lockwood to contact Mr. Cuccia for contact information.

Mr. Simone explained the repair and notification process relevant to Ms. Shapiro's request. He suggested an email blast might be the most effective form of notification.

Mr. Lindsay reported work is not scheduled for the main stem of Route 3/46 until the work is completed on the parallel roads. Mr. Lindsay was not aware of any contradicting plans. Mr. Cuccia added that a banner was put on the website as of today that containing all notifications with regard to the Route 46/3 project.

Councilmember PORTER conveyed that the water in the schools does not require testing on a regular basis unless it comes from wells. Nonetheless, the schools have hired an occupational and environmental company to conduct testing. Councilmember PORTER to update as information as it becomes available. Mr. Lindsay elaborated that NJ American Water is required to file an annual water report on their website. NJ American Water is in compliance with lead and copper with regard to samples collected within the Township. An annual report specific to Little Falls is on the NJ American Water company website. Councilmember PORTER noted the report is on the school website.

ACTION ITEMS:

Resolution – Waiver of Reading in Full 2016 Municipal Budget

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

RESOLUTION [A] 16-04-11

Resolution Re: Waiver of Reading in Full of the 2016 Budget

WHEREAS, N.J.S. 40A:4-8 permits that the Budget as advertised may be read by its title providing that at least one week prior to the date of the hearing a complete copy of the approved budget shall

- a) be posted in a public place where public notices are customarily posted and at the free public library, and
- b) is made available to each person requesting the same during said week and during the public hearing, and

WHEREAS, the Township of Little Falls has complied with the aforesaid requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body, the reading in full of the 2016 Budget be dispensed with.

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

The Council President declared the motion passed.

Ordinance No. 1248-It was moved by Councilmember Maceri, seconded by Councilmember Porter, that the public hearing of Ordinance No. 1248, "**CALENDAR YEAR 2016 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK,**" be and it was opened.

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

The Council President declared the motion passed.

Mr. Cuccia briefly explained that this ordinance allows the Municipality to bank cap appropriation dollars for use in the future. The statute allows the Township to go to 3.5%, which is dependent on the base CPI.

No one having come forward to be heard, it was moved by Councilmember Maceri, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1248 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Maceri, seconded by Councilmember Porter, that Ordinance No. 1248 be and it was adopted.

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

The Council President declared the motion passed.

Public Hearing on 2016 Municipal Budget-It was moved by Councilmember Maceri, seconded by Councilmember Porter, that the public hearing of the 2016 Municipal Budget be and it was opened.

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

The Council President declared the motion passed.

Al Attianese, 27 Dewey Avenue, commented the user friendly line item version of the budget was very helpful. He posed questions regarding line items in the Police Department (salaries, contribution to pension, and health care costs), debt service, and the rationale for an additional police officer and two police vehicles. He recommended comparison to surrounding towns and expressed concern in recouping lost revenue from discontinuation of Ward trucking funds and the possibility of losing the Inwood tax appeal. He urged the Councilmembers to search for tax savings and loosen the burden on tax payers.

Maria Cordonnier, 648 Upper Mountain Avenue, questioned whether the additional police officer was in addition to request for staff in the Police Chief's previous presentation. She requested a regular crime report be available to the public and that Councilmembers circumspect the budget for any possible tax savings.

Al Attianese, 27 Dewey Avenue, followed up to Ms. Cordonnier's points, cited the Faulkner Act, and described a public presentation of Department Heads during Mayor Kulick's term. He requested advisement by Mr. Northgrave related to this topic.

No one having come forward to be heard, it was moved by Councilmember Maceri, seconded by Councilmember Porter, that the public hearing on the 2016 Municipal Budget be and it was closed.

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

The Council President declared the motion passed.

Council President FONTANA acknowledged the calculations provided by Mr. Attianese, stating his awareness of the budget components and its related impacts on residents.

Mr. Cuccia addressed the issue of police staffing, noting that the agreement to come to 28 officers was approved last year. The number of staff was based upon the programs selected to run in Little Falls, such as the school resource officer program, community policing officer program, and to fill shifts to reduce overtime.

Lt. Steve Post addressed Councilmember PORTER's query as to formulas. He reiterated the presentation given last year was not using a set formula, but was developed based on staff needed to run the programs and Department efficiently. Lt. Post indicated the FBI formula calls for between 1.5 and 2.5 officers per thousand population, which would equate to 25-30 officers. Population was defined as individuals in the Township on a daily basis.

Council President FONTANA indicated a comparison to other towns was not appropriate, as each town faces different issues. Mr. Cuccia will follow up on the status of the Inwood tax appeal.

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Lt. Steve Post explained the Uniform Crime Report (UCR) includes a majority of criminal offenses. However, the UCR does not include accidents, summonses or domestic violence unless charged criminally, though these statistics could be calculated. Mr. Cuccia to discuss provision of a systematic crime report with the Police Chief.

Mr. Northgrave clarified the application of the Faulkner Act and the reference to Department Heads providing budget presentations. Authority is centralized through the Mayor and Administrator. The Council may direct questions to the Administrator who will obtain answers from Department Heads. Mr. Cuccia illustrated the example of the Faulkner Act by the presence of the Finance Department Head, DPW Department Head, and the Administrative Department Head in attendance at every meeting. He added that since last year the Chief has been asked to attend. Mr. Cuccia emphasized his willingness to avail Division and Department Heads for any meeting for any given time for questions and comments.

Adoption of 2016 Municipal Budget- Councilmember DAMIANO announced he had several opportunities to review the budget, and has determined that offsetting increased costs through redevelopment and increased ratables may be the most viable strategy.

Councilmember MACERI requested explanation and advisement from Mr. Northgrave as to what criteria would determine budget approval tonight should amendments be made. Mr. Northgrave provided several potential outcomes, dependent on the degree of modification to the budget. Mr. Cuccia referred to statutory rules, to which Mr. Northgrave specified a raise in a line item appropriation by more than five percent, cutting an appropriation more than ten percent, or adding one percent of an appropriation would require the budget to be re-noticed, with another hearing in a minimum of three days. Amendments within the limits could result in a vote tonight.

Councilmember MACERI requested clarification on use of revenues from the 2015 calendar year. Mr. Cuccia explained that in certain cases revenues of up to what was collected during the prior year may be used, but is limited to fees within control. Grants are restricted by what the State dictates to the Township to appropriate. He further elaborated there is a formula for how much can be put in with regard to delinquent taxes, and surplus is contingent as to what is sufficient to leave for cash flow.

Mr. Cuccia explained increasing any line item in the budget four votes are required. Mr. Northgrave confirmed and explained the minimum number of votes necessary depending on what type of amendments were motioned.

Councilmember MACERI declared his plan to motion for an amendment for cuts in budget. A separate motion will be made for an amendment to increase some revenues that were actually collected in 2015 to use as projections for the 2016 budget. He proposed this method could offset the tax burden but without cutting expenses.

Councilmember PORTER discussed her methodology of budget review. She suggested specific percentage cuts to the following: legal expenses, engineering costs, vehicle maintenance, community services act, construction code officials – other expenses, municipal court – other expenses, and possibly social security.

Council President FONTANA posed questions on the tipping fee increase on municipal waste, and the community services increase. He expressed his opinion that the Police Department is sufficiently staffed and another officer should not be hired at this time.

Councilmember MACERI's reviewed line items in the revenues, including alcoholic beverage licensing, alcohol education rehabilitation fund, municipal alliance alcohol and drug, drunk driving enforcement fund, Montclair sewer fees, and payment in lieu of taxes. Mr. Cuccia provided detailed explanation as to which were grants, and added that if every actual revenue from 2016 were included, it would not be enough to affect a tax point, as it is less than \$10,000.

Mr. Cuccia responded to the issues posed by the Councilmembers. He elucidated that the line items of legal, engineering, the construction code all relate to the Township's COAH circumstances, an increase of which was attributed to a law suit. These increases will be nonexistent next year, since the Township will have presented a plan to the Superior Court for approval. The plan will have instituted developer fees, such that developers will fund the COAH development fee. The community services act is linked to an agreement process with the Mill to pay past dollars not paid in the years work was performed. Mr. Cuccia stated there are two contracts due and social security is associated with anticipated contract increases. Mr. Cuccia addressed tipping fees, and that the additional court money was in anticipation of responding to any issues with the court. He also expounded upon costs associated with vehicle issues, landfills, and that recycling is now a cost to the Township. Mr. Cuccia stated the Township is meeting caps, but highlighted the dynamic of buying properties through flood mitigation and ratables as a challenge.

Discussion ensued with regard to the proper venue to modify and amend the budget and the process by which it shall occur.

Councilmember MACERI responded to a resident's comments on the process for budget review and approval. Council President FONTANA reiterated that the Council meeting is the appropriate forum for the public to hear Council discussion and potential amendment on the budget.

It was moved by Councilmember Maceri, seconded by Councilmember Porter, to amend the revenues portion as laid out by the Administrator.

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

The Council President declared the motion passed.

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Councilmember MACERI requested Mr. Northgrave's advisement on making a motion for amendment to the expenditure side if items were added to the list of suggestions for cuts made by Councilmember Porter. Mr. Northgrave advised Council make motion and if the motion fails, an informal poll could be taken on specific items. Councilmember PORTER acknowledged most of the items she suggested were related to COAH. In response to Councilmember DAMIANO, Mr. Cuccia stated if a line item is overextended, the next year's budget would be inflated. Mr. Cuccia cautioned against reducing any line item related to the COAH plan as legal, engineering, and construction initiated work. If the COAH plan is not followed through, the Township will be open for a builders remedy suit. Mr. Northgrave expanded upon the implications of a builders remedy suit. Councilmember MACERI maintained his rationale that there are other expenses for legal that may not be related to COAH. In response to Councilmember MACERI, Mr. Cuccia outlined what procedures could occur should the cuts being considered lead to insufficient monies.

Mr. Cuccia reviewed proposed cuts as per Councilmember PORTER's suggestions made earlier in the meeting. Councilmember MACERI requested adding to Councilmember PORTER's suggestions, the removal of hiring a new officer, and removal of the replacement police cars. Council President FONTANA disagreed with removing the vehicles. Discussion ensued as to whether to vote on the vehicles separately or together with the amendment being discussed.

Given that there was a stated disagreement as to the exclusion vehicles, Mr. Northgrave advised the Council vote on the amendment that would delete two vehicles and the appropriation of \$72,000. Then a vote can be taken separately on the amendment offered jointly by Councilmember Porter and Councilmember Maceri as to the other items.

Councilmember DAMIANO discussed his rationale for the need for police vehicles to be included. Councilmember MACERI clarified his position and that he recommended eliminating two vehicles.

It was moved by Councilmember Maceri, that the Council accept a resolution to amend the budget to delete the purchase of two police vehicles from this year's budget. Mr. Northgrave stated there is no second. The motion died for lack of a second.

It was moved by Councilmember Maceri, seconded by Councilmember Porter, to accept a resolution to amend the budget amendment to delete the purchase of one police vehicle for this year's budget.

Poll:	Ayes:	Porter, Maceri, and Liess
	Nays:	Damiano, Council President Fontana

The Council President declared the motion passed.

Councilmember Liess requested his vote be amended from aye to nay, at which point Mr. Northgrave advised a motion and a second would have to be made to rescind the prior motion.

It was moved by Councilmember Damiano, that the Council rescind the prior motion. Mr. Northgrave acknowledged the motion died for lack of a second.

Mr. Cuccia requested a ten minute recess to review calculations.

The Council took a brief recess at 8:33 p.m to allow Mr. Cuccia and Mr. Northgrave to review the budget calculations recommended by the Council.

The Council re-convened at 8:50pm. Mr. Northgrave informed the Council President that the resolution as passed exceeds 10% in several categories with regard to the decrease in appropriations. The resolution as passed would require a separate hearing later in the month as to those amendments if it is the Council's wish to move forward. However, if the Council wishes to approve the budget this evening, Mr. Northgrave recommended Mr. Cuccia re-evaluate the line items and indicate what the numbers would be to get to ten percent or under. Then a Councilmember can make a motion to make a further amendment and eradicate the prior amendment.

At this time Mr. Cuccia reiterated the appropriations the Council amended that require an amendment and another public hearing on that amendment, specifically, acquisition of police vehicles and unemployment insurance.

Mr. Northgrave advised the Council on the options that lay before them that would result in a vote tonight or a subsequent hearing and vote at the next meeting.

Councilmember DAMIANO stated that he believed the Council would be able to pass the budget by the end of the month without severe repercussions. Mr. Northgrave read the law on re notice. If there is no further action to amend the amendment, Mr. Northgrave explained that the hearing is tabled for this evening and the amendment would come back before the Council not less than three days of notice. If not further action by the Council, the amendment would be considered at the next Council meeting and the next agenda item would now be considered. Mr. Northgrave clarified that Mr. Cuccia requested a break to advise properly as to whether he Council could vote on the budget tonight or if Council needed to wait for the additional notice period. If the Council wanted to act this evening, Council would have to re-amend and remove the offending two items. There is temporary budget in place and the Council will be under pressure to approve at the next meeting.

Councilmember MACERI requested the council meet on Monday for special meeting to address budget, however, the next Council meeting was set as the date for a hearing. Discussion ensued with regard to the next step. Mr. Northgrave reiterated unless a motion is made to change the amendment, the hearing is closed and the next agenda

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item can be considered. The amendment will be advertised and the hearing continued as to the amendment at the next Council meeting, where further amendments may be made.

Mr. Cuccia stated the total change in the budget is \$129,898 which will not result in a change in the tax rate. Mr. Cuccia explained the tax rate and how the County calculates rates. Councilmember MACERI stated his position to maintain the amendment as it stands.

The Council President announced that as no further amendments were being made, to move on to the next item on the agenda.

ITEMS TO BE DISCUSSED:

ADMINISTRATOR:

1. CAPITAL ORDINANCES- Mr. Cuccia distributed a memo for the Council’s consideration for the capital program for 2016. The program includes: road resurfacing, acquisition of integrated car and body camera systems for police department, improvement of various street traffic lights, acquisition of DPW vehicles, and Chapter 20 expenses, which are soft costs for bond counsel and legal. The funding request for the aforementioned items are \$685,000 as a capital ordinance. The ordinance can be available for introduction at the next Regular meeting. Mr. Cuccia noted the same items are included in the capital budget.

Council President FONTANA questioned how many camera systems were needed. Lt. Post stated it would be one system per car and one body camera per car. Mr. Simone explained the inspection requirements and replacements for traffic lights. Mr. Simone described the vehicles to be replaced and how trucks are utilized to gain maximum use.

DPW SUPERINTENDENT:

1. ROSELLE STREET ABANDONEMENT- Mr. Simone explained pictures distributed to Council of Lewis Street field, Roselle Street, and the surrounding area. Mr. Simone proposed that since Roselle Street is no longer being used as a street, he would like to eliminate the street and incorporate it into the park. Mr. Simone elaborated on the process by which this would occur. He requested Council guidance. Mr. Simone described much of the work can be done in house with little cost. Councilmember PORTER questioned whether some of the land could be used for parking. Mr. Simone stated FEMA regulations do not allow an impervious substance, but stones would be acceptable and it could be used as a parking area. Councilmember DAMIANO questioned whether there were any open space funds available to offset costs. Mr. Cuccia stated an application can be submitted to the County. Discussion ensued with regard to whether funds could be acquired and how other potential properties to be acquired in that area might impact plans. Councilmembers expressed their support of Mr. Simone’s proposal.

COUNCIL TOPICS FOR DISCUSSION

Councilmember DAMIANO stated the proposed county budget for Little Falls shows an anticipated decrease of \$67.55 for the average household.

PUBLIC COMMENT – AGENDA ITEMS ONLY

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

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

The Council President declared the motion passed.

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

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

The Council President declared the motion passed.

PAYMENT OF BILLS

It was moved by Councilmember Porter, 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: Damiano, Liess, Maceri, and Council President Fontana
 Nays: None

The Council President declared the motion passed

There being no further business to come before the meeting, it was moved by Councilmember Damiano, seconded by Councilmember Porter, that the meeting be and it was adjourned at 9:19 p.m.

Cynthia Kraus
Municipal Clerk