

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

Monday, December 19, 2011

Council President Louis Fontana called the meeting to order at 7:30 p.m. with the following members present: Mercedes Gonzalez, Darlene Post, Joseph Sisco and John Vantuno. Also present were Mayor Michael DeFrancisci, Township Attorney Joseph Trapanese, Township Engineer Dennis Lindsay, Municipal Clerk William Wilk and Township Administrator Henry Underhill.

Absent: None.

Township Employees present: DPW Superintendent Phillip Simone, Fire Chief Jack Sweezy, Fire Department President Michael Burke and Deputy Municipal Clerk Cynthia Meyer

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

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

REMARKS FROM CHAIR

Council President FONTANA apologized for missing the annual tree lighting at Town Hall. Referring to last week's Workshop Meeting, he reminded that the Council had a joint meeting with the Board of Education, which he described to be a good starting point. President FONTANA informed that he received a letter from DPW Superintendent Phil Simone, which addressed the recent storms and devastation the town has experienced. He read the letter aloud at this time, in which Mr. Simone commended the workers of the DPW for all of their hard work in restoring the normalcy in town each time. He was proud and honored to work with the members of the department and he wished to commend them as a part of the record.

COUNCIL MEMBER REPORTS

Councilmember SISCO wished everyone a happy holiday season. He also congratulated Keith Kazmark and wished him well in his new position as Mayor of Woodland Park.

Councilmember GONZALEZ commended Mr. Simone and the DPW members, noting that Mr. Simone is a good leader. She also pointed out that this would be the last meeting of the year, and said she would like to discuss some issues this evening.

Councilmember POST said she met with the 9-11 Committee. She informed that the Fire Department has requested to keep the committee active at this time. She also informed that she met with the Redevelopment Committee; they are currently focusing solely on the Transit Village status. Referring to the annual tree lighting, she said it went very well and was happy that Santa came inside to sit with the children. She wished everyone a happy and healthy new year and holiday season. She also commended all of the employees of the town for their work this year.

Councilmember VANTUNO had nothing to report.

MAYOR'S REPORT

Mayor DeFrancisci explained that he received a letter from a resident on DeYoung Drive commending Mr. Simone and the DPW for their hard work during the recent storms; he thanked the DPW. He also informed that he attended the annual tree lighting, which he described to be a nice event. Mayor DeFrancisci wish everyone a good holiday season and thanked the Council as well as the employees for all of their hard work this year.

ATTORNEY'S REPORT

Mr. Trapanese referred to the blue building on the corner of Main Street and Route 23, and informed that with the help of a newly updated property maintenance code and some action from the Council, they were able to put some pressure on the owners of this property. The building has now been sold and the new owner is working on getting some of the issues solved; this is a positive note. They will move forward on this issue at the Council's request.

PUBLIC PORTION

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

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

The Council President declared the motion passed.

Rosemarie Bello-Truland, High Court, explained that she was in attendance to discuss the proposed parking ordinance. She referred specifically to a section of the ordinance regarding read a portion of the ordinance regarding providing proof of residency in town or a letter from a little falls resident indicating that they are visiting a resident. She is dissatisfied with the ordinance. She thinks this is intrusive and inconvenient. NJ Motor Vehicle Registration requirement should be removed; this doesn't allow for people outside of NJ to visit. There is still no way to deal with an emergency. Why not return to the weekend exceptions for these requirements? If there are reasons why these are necessary, there may be a way to work out a more reasonable alternative. There may be a better way to resolve this.

Phillip Simone, 19 Coney Road, said he has addressed the proposed parking ordinance at previous meetings. He said he would reach out to all residents who currently have parking permits; he requested this information through an OPRA request

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and received same today. He requested that the Council hold off on passing the ordinance tonight until he is able to notify these residents. He also questioned who proposed the fee for the parking permits in the proposed ordinance.

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

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

The Council President declared the motion passed.

Mr. Trapanese referred to registration for out of state vehicles and explained that the Police Department does not have the authority to issue permits on a call basis; this becomes an issue. He explained that people could call the Police Department for a temporary permit for the evening when needed.

Referring to Mr. Simone’s OPRA request, he informed that he received the request on 12/5/11 before he was leaving to go on vacation. When he returned, he was on trial, and when he finally did go over it with the Police Chief, they found that there are a small number of residents who have permits, most of whom are not against the ordinance. He explained that the Township was not trying to make any money on this ordinance, but said there is a cost factor involved. They have reduced the fee for a permit at this time. Councilmember SISCO asked if an out of state visitor could call for a permit last minute or if there would be time constraints. Mr. Trapanese said this would be possible.

Chief Dmuchowski referred to a specific portion of the ordinance which addresses emergency requests for daily visitors on a case-by-case basis, and asked that this be removed, noting that there are inconsistencies and this hasn’t worked out in the past. He explained that the current ordinance is in conflict with itself. Councilmember GONZALEZ said she received an email from the Police Chief saying that she would be prosecuted if she continued to interfere with police business; she assured that she is not trying to interfere. She asked for clarification that there is no overnight parking during the week, but there is on the weekends; Chief Dmuchowski agreed with this. He also informed that he had previously recommended the Council to stop making changes and not pass the ordinance. It is up to the Council to decide what they would like on the books to be enforced. Councilmember GONZALEZ said there should be no permits; she suggested that they keep the current overnight parking restrictions and if someone parks illegally, they will be ticketed.

Councilmember GONZALEZ said all of this could have been avoided if Mr. Trapanese took the time in the beginning to do this correctly. Mr. Trapanese said he submitted the ordinance and the Police Chief was satisfied with it; he made changes as requested by the Council. He explained that not allowing overnight parking from Monday through Fridays, but allowing parking on weekends is inconsistent and doesn’t make sense.

In response to Councilmember VANTUNO, Chief Dmuchowski said they have permits now and they work well. President FONTANA said they used to ticket people consistently if they continued to park on the street illegally. Chief Dmuchowski said this used to be the law; it was changed when they adopted a new form of government. Referring to permits, Councilmember GONZALEZ said they could make a restriction of a permit limit per household. Councilmember SISCO asked for clarification that they still need to think about out of state visitors. Chief Dmuchowski agreed and said Mr. Trapanese addressed this matter already, and said they are trying to simplify this ordinance so it makes it easy to enforce. It is up to the Council as to how they wish to proceed with this.

Mr. Trapanese recommended implementing this ordinance with an instruction to amend it next year; the current ordinance needs to be amended. Councilmember GONZALEZ said they have adopted ordinances before subject to change and it never worked. Chief Dmuchowski said if this doesn’t pass tonight, they will have to start over again and they will only have the current ordinance to go by in the meantime. Mr. Trapanese recommended to pass the ordinance this evening subject to an amendment being introduced at the first meeting in January. Chief Dmuchowski said they would then notify everyone of the pending changes.

Referring to Mr. Simone’s OPRA Request, Mr. Trapanese said this information had to be researched, after which time, he had to obtain the records from the Police Chief. Once he did that, he forwarded the response to Mr. Simone. Referring to the fee for permits, he explained that this has already been reduced and therefore, the town will most likely lose money.

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.

REPORTS

Municipal Clerk’s Report – Month of November 2011

MUNICIPAL CLERKS REPORT
Month of November 2011

ABC LICENSES		
OTHER LICENSES		
Business Licenses		
Pre-paid Business Licenses	\$5,790.00	
Raffle Licenses	60.00	
		\$5,850.00
REGISTRAR OF VITAL STATISTICS		
Fees & Permits	\$816.00	
Marriage Licenses-LF	9.00	
Marriage Licenses-NJ	75.00	
		\$900.00
MRNA		
Street Maps		
Zoning Maps	\$3.00	
Zoning Ordinances		
Document Copies	36.45	
Garage Sales	10.00	
Misc. Fees & Refunds:		
TOTAL MRNA		\$49.45

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TOTAL CURRENT ACCOUNT	\$6,799.45
TOTAL TO TREASURER	<u>\$6,799.45</u>

Municipal Clerk's Dog/Cat License Report – Month of November 2011
MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT
Month of November 2011

Dog Licenses issued 11/1/11 thru 11/30/11
Nos. 413 to 435 = 22 Licenses
Amount due Little Falls \$149.60
Amount due State 35.40
Total Cash Received \$185.00

Cat Licenses issued 11/1/11 thru 11/30/11
Nos. 088 to 097 (Licenses 91-91 skipped)
Licenses Issued 17
Total Cash Received \$136.00

Total to Treas. \$321.00

Tax Collector's Report – Month of November 2011

MONTHLY REPORT

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

	<u>To November 30, 2011</u>	<u>2011 YEAR TO DATE</u>
2011 Taxes	\$6,693,022.28	\$39,712,938.14
2010 Taxes	13,330.15	512,222.07
Prepaid 2012 Taxes	14,139.31	107,349.97
Interest	6,645.92	88,212.73
Township Tax Title Lien	0.00	6,687.49
Township Tax Title Lien Int.	0.00	434.28
Cost of Tax Sale	0.00	3,516.30
Outside Tax Liens	0.00	59,725.94
Duplicate Tax Bills	50.00	375.00
Tax Searches	0.00	0.00
Insufficient Check Charge	0.00	120.00
6% Penalty Fee	0.00	5,536.78
Misc. Line Item Fee	0.00	0.00
Premium Outside Lien	0.00	129,200.00
Tax Sale Additional Fee	0.00	1,900.00
Municipal Copy Fee	0.00	0.29
GRAND TOTALS	\$6,727,187.66	\$40,628,218.99
Comparison of Years:		
Nov. 1, 2011 to Nov. 30, 2011	\$6,727,187.66	\$40,628,218.99
Nov. 2, 2010 to Nov. 30, 2010	<u>9,139,605.19</u>	<u>39,550,357.36</u>
	-\$2,412,417.53	+\$ 1,077,861.63

Delinquent 2011 Taxes = \$806,681.35 (207) (1st-4th qtrs.).

Comparison--same time last year:
Delinquent 2010 Taxes = \$712,962.32 (205) (1st -4th qtrs.).

2011 Bounced checks this month = \$24,715.23 2011 Year-to-date bounced checks = \$36,177.08
2011 Refunds this month = -\$89,081.14 2011 Year-to-date refunds = -\$117,021.21*

In 2011 Refunds Year-to-date for 2009 \$ 1,569.60 STCJ
for 2010 32,342.45 STCJ
for 2011 5,758.37 STCJ *in figure above.
for 2011 88,331.14 CBJ *in figure above.

In 2011 CBJ credits applied to accounts directly = -\$16,462.90

STCJ = State Tax Court Judgments.
CBJ = County Board Judgments.

APPLICATIONS

Little Falls Fire Department Auxiliary – Vincent Wisse, Paterson Avenue, Great Notch Fire Co. #4
- - Max Frankovits, Jacobus Avenue, Great Notch Fire Co. #4
- - Frank Barbetta, Bergin Drive, Eagle Hose Co. #1

NJ State Firemen's Association – David A. Altieri, Notch Road, Clifton, NJ, Little Falls Fire Department

Blue Light Permit – David A. Altieri, Notch Road, Clifton, NJ Little Falls Fire Department

RESOLUTIONS

Refunds for Overpayments of 2011 Property Taxes

RESOLUTION [A] 11-12-19 #1

the Year 2011; and
WHEREAS, the following properties have tax overpayments for
WHEREAS, the Tax Collector shall authorize the Treasurer to
refund the overpayments as follows:

<u>BLOCK/LOT</u>	<u>OWNER/</u>	<u>REFUND PAYABLE &</u>	<u>MAIL TO:</u>
<u>QUAL.</u>	<u>LOCATION</u>	<u>AMOUNT</u>	

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20/37	DeMarco, Frederick & Tina Louise 18 Coney Rd	\$1,767.70	Frederick & Tina Louise DeMarco 18 Coney Rd Little Falls, NJ 07424
34/10	Easterbrook, Thomas & Michelle 126 Van Pelt Pl	1,816.72	Thomas & Michelle Easterbrook 126 Van Pelt Pl Little Falls, NJ 07424
62/10	Lopez, Carlos & Renee 76 Dewey Av	2,031.07	Carlos & Renee Lopez 76 Dewey Av Little Falls, NJ 07424
68/6	Schneider, Kenneth 24 Zeliff Av	5,459.03	CoreLogic 1 CoreLogic Drive Westlake, TX 76262 Ref#09738952 001
71/160	Gilburn, James & Kathleen Picirillo 37 Parkway	39.77	James Gilburn & Kathleen Picirillo 37 Parkway Little Falls, NJ 07424
73/7	Hebert, Wayne Edward & Arlene 149 Island Av	26.79	Wayne Edward & Arlene Hebert 149 Island Av Little Falls, NJ 07424
80/3	Carline, Randi 97 E Woodcliffe Av	1,174.31	Ocwen Loan Servicing, LLC 12001 Science Drive Suite #110B Orlando, FL 32826 Ref#74246234 001
88.03/1 C116	Focacci, Christian 260 Main St., Unit 116	1,575.09	Christian Focacci 260 Main St., Unit 116 Little Falls, NJ 07424
88.05/1 C208	Colasanti, Molly J 300 Main St., Unit 208	103.10	Molly J Colasanti 300 Main St., Unit 208 Little Falls, NJ 07424
88.05/1 C810	Dubov, Alexander & Mejia, Lucia 300 Main St., Unit 810	156.53	Alexander Dubov & Lucia Mejia 300 Main St., Unit 810 Little Falls, NJ 07424
138/6	Hagen, Ronald & Catherine 165 Stevens Av	2,026.34	Ronald & Catherine Hagen 165 Stevens Av Little Falls, NJ 07424
143/25	Chapdelaine, Linda B 157 First Av (buyer from Soccio)	2,323.87	Christine Soccio 30 Prospect St Little Falls, NJ 07424
186/7 C193	Balkin, Alvin 19C Colonial Dr	1,137.88	Alvin Balkin 19C Colonial Dr Little Falls, NJ 07424
186/12	DeMusso, Sergio & Anna 133 Lower Notch Rd	2,120.45	Sergio & Anna DeMusso 6 Cheryl Ct Little Falls, NJ 07424

Total Refund = \$21,758.65

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls on this 19th day of December, 2011 that the above block and lots for 2011 be noted as overpaid and be granted refunds in the total amount of \$21,758.65.

NJDOT Highway Safety Fund FY 2011

RESOLUTION [B] 11-12-19 - #2

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the NJDOT Highway Safety Fund FY2011

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

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as HSF – 2011 – Little Falls Township – 00031 to the New Jersey Department of Transportation on behalf of the Township of Little Falls

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

LFFD LOSAP 2011

RESOLUTION [C] 11-12-19 - #3

APPROVING CERTIFIED LIST OF LOSAP ELIGIBLE VOLUNTEER MEMBERS OF THE LITTLE FALLS VOLUNTEER FIRE DEPARTMENT

BE IT RESOLVED by the Township Council of the Township of Little Falls, that the attached certified list of volunteer members of the Little Falls Volunteer Fire Department eligible to participate in the Little Falls Length of Service Award Program is hereby approved.

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

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

The Council President declared the motion passed.

REGULAR AGENDA

The following items were individually considered.

INTERDEPARTMENTAL

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

RESOLUTION AUTHORIZING TRANSFERS IN THE 2011 BUDGET: \$55,915.00 [D]#4

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

The Council President declared the motion passed.

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

RESOLUTION [E] 11-12-19 - #5
 SPECIAL ITEMS OF REVENUE AND APPROPRIATION

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Little Falls in the County of Passaic, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$1,050.00, which is now available from Miscellaneous Revenues – Section F – Special Items of General Revenue Anticipated with prior written consent of Director of Local Government Services - Public & Private Revenues Offset with Appropriations – New Jersey Division of Highway Safety – Over the Limit Under Arrest - 2011 in the amount of \$1,050.00;

BE IT FURTHER RESOLVED, that the like sum of \$1,050.00 is hereby appropriated under the caption:

General Appropriations
 (A) Operations – Excluded from “CAPS”
 Public & Private Programs Offset by Revenues
 New Jersey Division of Highway Safety – Over the Limit Under Arrest – 2011
 \$1,050.00

Mr. Wilk provided clarification of this resolution.

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

The Council President declared the motion passed.

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

RESOLUTION REQUESTING APPROVAL FOR AUTHORIZATION OF AN EMERGENCY APPROPRIATION IN ACCORDANCE WITH N.J.S.A. 40A:4-6 – LEGAL SERVICES AND COSTS – OTHER EXPENSES: \$35,000.00 [F]

Councilmember VANTUNO asked for clarification that this resolution was voted down at the last meeting and asked why it is back on the agenda. Mr. Trapanese informed that he had asked Mr. Underhill to provide backup information on this resolution to the Council in order to provide them with more information. He explained that the legal budget is not only comprised of his office and said there are other people who are hired and paid out of the legal budget. He further noted that there are a large number of tax appeals which are included in the budget as well. It is on the agenda for reconsideration. Councilmember GONZALEZ said she has a breakdown of legal fees for this year, noting that at this point in the year, they have spent \$301,162.59, which doesn't include the approval of this resolution. She explained that out of this amount, \$219,489.15 has been paid to Mr. Trapanese. She voiced her opinion that the legal fees are out of control and said she has trouble approving all of this money to be paid to someone without any backup information. Mr. Trapanese said he has collected money for the Township over the past ten years. He informed that the legal fees are high because the Council has requested him to do extra work. Councilmember GONZALEZ said she found it unethical that he drew up his own contract and defended it. She reminded that the Council voted on his contract with pending changes to be made, but said those changes were never addressed. Mr. Trapanese said he spends 50-60 hours a week working for the Township and he is available 24 hours a day; he is full-time status.

Mayor DeFrancisci said they should move on with the meeting and Councilmember GONZALEZ pointed out that he is a guest at the meeting. She said he should not be influencing the Council members in their decision making. Mayor DeFrancisci said he is not influencing the Council members.

Mr. Underhill said they have received some of these legal bills already and they need this resolution in place in order to pay them.

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

The Council President declared the motion passed.

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

RESOLUTION [G] 11-12-19 - #6

WHEREAS, the Township is required to pay interest on certain bonds maturing on January 1, February 1, March 1 and March 15, 2012 and WHEREAS, N.J.S.A. 40A:4-19 permits the governing body to make appropriations for interest and debt redemption charges maturing during the fiscal year at any time between December 20 of the year preceding and the beginning of the fiscal year and the date of the adoption of the budget;

NOW THEREFORE, BE IT RESOLVED that the following appropriations be made for interest charges:

Interest on Bonds	\$191,821.45
Bond Principal	\$150,000.00

Notes:

	<u>Principal</u>	<u>Interest</u>
TAN's		\$23,542
Special Emergency \$45,000	850	

BE IT FURTHER RESOLVED, that this resolution shall take effect as of December 21, 2011.

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Mr. Wilk provided a brief explanation of this resolution.

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

The Council President declared the motion passed.

NEW BUSINESS

Ordinance No. 1142 - It was moved by Councilmember Post, seconded by Councilmember Gonzalez, that the public hearing on Ordinance No. 1142, **“AN ORDINANCE AMENDING AND REGULATING THE OVERNIGHT PARKING OF MOTOR VEHICLES IN THE CODE OF THE TOWNSHIP OF LITTLE FALLS”**, be and it was opened.

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

The Council President declared the motion passed.

Louis Fernandez, 54 Harrison Street, asked what the restrictions of this ordinance are and said he has had previous issues with the Police Department when he had a temporary parking tag.

Jeffrey Durocher 3 Stephen Place, asked where there are issues with parking in town, adding that there shouldn't be any parking restrictions in Great Notch. He doesn't agree with the parking restrictions.

Phillip Simone, 19 Coney Road, referred to previous discussion of the OPRA Request he submitted and informed that the town has seven business days to respond to him regardless of vacations taken by other employees. He explained that his rights have been violated, which restricts him from being able to notify the residents. He said the Council is now paying to introduce and adopt the ordinance; they will then pay to introduce and adopt an amendment; this is taxpayer dollars being spent. He explained that it is not necessary to adopt the ordinance now and then amend it, noting that this is being forced on the Council. He said these problems need to be worked out and discussed before they go through with the ordinance. He suggested that they discuss this further at a Workshop meeting.

Rosemarie Bello-Truland, High Court, said she printed the parking ordinance from the Township website; however, it didn't include certain restrictions. She explained that she drives 90 miles roundtrip to work because she loves living in Little Falls. She thought they could work out another alternative if they sat down to discuss this with the Police Chief. She offered her time as a citizen to settle this matter. She believes that having cars on the street is not a quality of life issue compared to these restrictions.

No one else having come forward to be heard, it was moved by Councilmember Gonzalez, seconded by Councilmember Sisco, that the public hearing on Ordinance No. 1142 be and it was closed.

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

The Council President declared the motion passed.

Mr. Trapanese explained that the Township has seven business days to respond to an OPRA Request, but they do not have to comply if they cannot. However, they must provide a response, which he said is what was done in Mr. Simone's case. He didn't believe Mr. Simone's objections were valid.

Council President FONTANA appreciated that Mrs. Truland offered her time to help out. Mr. Trapanese said he took her suggestions into account and said he has met with the Chief already. He proceeded from there according to the Council's instruction. Council President FONTANA asked what the procedure would be if they didn't approve the ordinance tonight. Mr. Trapanese said they could make changes and introduce a new ordinance in 2012. Chief Dmuchowski pointed out that there is currently no restriction for overnight parking since it was suspended due to flooding. He agrees that they need a parking ordinance, but said they should wait a few more weeks to make sure it's done the right way the first time. Mr. Trapanese said you legally cannot waive the enforcement of an ordinance. Councilmember SISCO agreed with Chief Dmuchowski's comments.

Council President FONTANA said they will table this ordinance tonight. Mr. Wilk asked if they are able to table it and Mr. Trapanese said they cannot because it is the end of the year and they will have to introduce a new ordinance in 2012. Councilmember GONZALEZ asked what happens next and Mr. Trapanese said he is aware of the Council's concerns.

Due to the lack of a motion, the Ordinance was not approved.

Ordinance No. 1145 – It was moved by Councilmember Vantuno, seconded by Councilmember Sisco, that the public hearing on Ordinance No. 1145, **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 280 (“ZONING”), ARTICLE 11 (“BUSINESS B2 DISTRICT”), SECTION 81 (“CONDITIONAL USES – SECTION B – BILLBOARDS OR OFFSITE ADVERTISING SIGNS”) AND SECTION 154 (“DEFINITIONS”) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LITTLE FALLS**”, be and it was opened.

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

The Council President declared the motion passed.

Dorothy O'Haire, Turnberry Road, pointed out that it was previously discussed that a portion of the income from the signs could be used to pay a portion of the Township's debt. She asked if this is included in the ordinance.

Al Buglione, Woodland Park Borough Attorney, explained that he is in attendance this evening to object to the ordinance on behalf of the Borough of Woodland Park, and due to concern for the public health, welfare and safety of the residents of the surrounding towns, the aesthetics and related issue with regard to the content of speech. He explained that billboards have

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become lightning rods for free speech litigation and said the Township will be limiting its rights with regard to content of speech. Referring to aesthetics, he explained that billboards are linked to lighting pollution issues and electronic pollution issues. He also informed that traffic safety studies show that billboards cause accidents. He pointed out that once the Township approves billboards in one area, they will lose the ability to restrict them in other areas. With all of the issues he has raised, he respectfully requested that this ordinance not be approved.

Donald Radcliffe, 239 Long Hill Road, said Mr. Buglione put forth a very good argument, but said other towns along Routes 46 and Three have taken advantage of billboards.

No one further having come forward to be heard, it was moved by Councilmember Gonzalez, seconded by Councilmember Post, that the public hearing on Ordinance No. 1145 be and it was closed.

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

The Council President declared the motion passed.

Mr. Underhill said there is nothing included in this ordinance that addresses the money the Township receives. This is covered by a contract through another company who solicits for placement of billboards. Councilmember SISCO voiced his concern that the Council wasn't informed by their own attorney of the issues raised by Mr. Buglione this evening. Mr. Trapanese disagreed and said they discussed these issues previously in an extensive conversation about the ordinance. He voiced his opinion that Woodland Park is here this evening as a result of a personal matter, as they Township is currently in litigation with them. Councilmember GONZALEZ disagreed that Woodland Park was here for personal reasons, and pointed out that they are concerned about what they will be looking at. She assured that the Council reviewed everything and said they are doing their best to try to satisfy everyone. However, they need to consider this ordinance, as the Township is in great need of the revenue.

Mr. Lindsay said if Woodland Park was under the impression that the Township didn't say a traffic study, they are incorrect. The Planning Board didn't wish to have a traditional traffic study in terms of the count of number of vehicles, as it was not necessary to count the number of vehicles on Route 46. There was a concern that the applicant would look at the safety aspects of the billboards. Free speech always comes up when it comes to public issues. What you have done with the ordinance is regulate this to the places that are most attractive to those who want to have billboards. This particular amendment is before you because it originally did not address the height appropriately. Council President FONTANA agreed that the Township needs the ratables.

It was moved by Councilmember Gonzalez, seconded by Councilmember Post, that the Ordinance No. 1145 be and it was adopted.

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

The Council President declared the motion passed.

Authorizing Stipulation of Settlement for Tax Years 2009, 2010, 2011 and 2012 – It was moved by Councilmember Vantuno, seconded by Council President Fontana, that the Council approve the following:

RESOLUTION [H] 11-12-19 - #7

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

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

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

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

437 Main Street		Block 77 Lot 1			
		Original Assessment	County Board	Requested Tax Judgement	Court Judgment
2009		\$252,000		\$252,000	\$252,000
Land:				\$269,400	\$269,400
Improvements:	\$269,400				
Total:		\$521,400	\$521,400	\$521,400	
2010		\$252,000		\$252,000	\$252,000
Land:				\$269,400	\$223,000
Improvements:	\$269,400				
Total:		\$521,400	\$521,400	\$475,000	
2011		\$252,000	\$252,000	\$252,000	
Land:				\$269,400	\$173,000
Improvements:	\$269,400				
Total:		\$521,400	\$521,400	\$425,000	

2. There will be no prejudgment interest.

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

Council President FONTANA asked if this was for the year 2012 as well and Mr. Trapanese explained that the Assessor makes recommendations to the Attorney's office as a package deal.

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

The Council President declared the motion passed.

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Authorizing Stipulation of Settlement for Tax Years 2010 & 2011 – It was moved by Councilmember Gonzalez, seconded by Councilmember Vantuno, that the Council approve the following:

RESOLUTION [I] 11-12-19 - #8

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

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

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

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

195 Paterson Avenue Block 89 Lot 5.03

	<u>Original Assessment</u>	County Board	<u>Requested Tax Judgement</u>	<u>Court Judgment</u>
2010				
Land:	\$360,500			
Improvements:	<u>\$2,331,900</u>			<u>WITHDRAW</u>
Total:	\$2,692,400			
	<u>Original Assessment</u>	County Board	<u>Requested Tax Judgement</u>	<u>Court Judgment</u>
2011				
Land:	\$360,500			\$360,500
Improvements:	<u>\$2,331,900</u>			<u>\$2,089,500</u>
Total:	\$2,692,400		\$2,450,000	

2. There will be no prejudgment interest.

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

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

The Council President declared the motion passed.

Approving Settlement of 2009 and 2010 Tax Appeals – It was moved by Councilmember Vantuno, seconded by Councilmember Post, that the Council approve the following:

RESOLUTION [J] 11-12-05 - #9

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

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

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

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

455 Route 46 E. Block 251 Lot 9.01

	<u>Original Assessment</u>	County Board	<u>Requested Tax Judgement</u>	<u>Court Judgment</u>
2009				
Land:	\$1,048,500	DIRECT	\$1,048,500	
Improvements:	<u>\$348,300</u>	<u>APPEAL</u>	<u>\$348,300</u>	
Total:	\$1,396,800		\$1,396,800	
	AFFIRMED			
	<u>Original Assessment</u>	County Board	<u>Requested Tax Judgement</u>	<u>Court Judgment</u>
2010				
Land:	\$1,048,500	DIRECT	\$1,048,500	
Improvements:	<u>\$348,300</u>	<u>APPEAL</u>	<u>\$ 251,500</u>	
Total:	\$1,396,800		\$1,300,000	
	<u>Original Assessment</u>	County Board	<u>Requested Tax Judgement</u>	<u>Court Judgment</u>
2010				
Land:	\$1,048,500	DIRECT	\$1,048,500	
Improvements:	<u>\$348,300</u>	<u>APPEAL</u>	<u>\$ 101,500</u>	
Total:	\$1,396,800		\$1,150,000	

2. There will be no prejudgment interest.

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

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

The Council President declared the motion passed.

Adopting Changes to VALIC Deferred Compensation Plan – It was moved by Councilmember Sisco, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [K] 11-12-19 - #10

RESOLUTION FOR ADOPTING CHANGES TO AN EXISTING DEFERRED COMPENSATION PLAN PURSUANT TO THE FINAL INTERNAL REVENUE CODE SECTION 415 REGULATIONS, PENSION PROTECTION ACT OF 2006, THE HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008 AND THE WORKER, RETIREE AND EMPLOYER RECOVERY ACT OF 2008

WHEREAS, the Township of Little Falls (hereinafter referred to as the “Employer”), by resolution, adopted a Deferred Compensation Plan (hereinafter referred to as the “Plan”), effective _____, for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, the Employer by resolution retained The Variable Annuity Life Insurance Company (“VALIC”) as the contractor under the Deferred Compensation Plan and executed a Service Agreement with said contractor; and

WHEREAS, the final Internal Revenue Code (“Code”) Section 415 regulations, Pension Protection Act of 2006 (“PPA”), the Heroes Earnings Assistance and Relief Tax Act of 2008 (the “HEART Act”) and the Worker, Retiree and Employer Recovery Act of 2008 (“WRERA”) amended Section 457 of the Code; and

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WHEREAS, State and local governmental Section 457(b) plan sponsors must amend their plans to comply with the PPA legislative changes by the last day of the 2011 plan year;

WHEREAS, the Employer desires its Plan to conform with the changes in the Code; and

WHEREAS, the Employer desires to adopt an amended and restated Plan that conforms with the changes in the Code; and

WHEREAS, such amended and restated Plan shall supersede the previously adopted Plan;

NOW, THEREFORE, BE IT RESOLVED, that the Employer does hereby adopt the amended and restated Plan prepared by VALIC and assigned Plan Document identifier 81-PD-VALIC-103111 by the Director of the Division of Local Government Services.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services.

Mr. Underhill provided an explanation of this resolution, noting that the IRS has changed some rules and we have to modify ours to comply with theirs. The Township must be in compliance by next week.

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

The Council President declared the motion passed.

Awarding Contract to Ocean Clean, Inc. for Cleaning Services 12/1/11 – 5/31/12 – It was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, that the Council approve the following:

RESOLUTION [L] 11-12-19 - #11
AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR
BUILDING CLEANING SERVICES

WHEREAS the Township of Little Falls solicited proposals for cleaning of the Municipal Building, Civic Center and Police Station second floor which were received and reviewed by DPW Superintendent Phillip Simone as follows:

Ocean Clean Inc. 41 Sunset Terrace Cedar Grove, NJ 07090 \$1,294.00/month \$7,764.00/6 months	Vanguard Cleaning Systems, Inc. 115 Route 46 West Suite A-8 Mountain Lakes, NJ 07046 \$1,431.00/month	\$8,586.00/6 months
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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 the appropriation to be charged for this expenditure is Building and Grounds O/E; and

WHEREAS, the term of the contract is six (6) months and will commence on December 1, 2011 through May 31, 2012;

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

1) That the proposal of

Ocean Clean, Inc.
41 Sunset Terrace
Cedar Grove, NJ 07009

in the amount of

\$1,294.00 per month

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 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.

Councilmember GONZALEZ questioned this and Mr. Underhill explained that the Township is renewing with this company for cleaning services for six months, so they can renew again when the Justice Complex is complete.

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

The Council President declared the motion passed.

Awarding Contract to Gaeta Recycling for Solid Waste and Recycling Services 1/1/12 – 12/31/14 – It was moved by Councilmember Vantuno, seconded by Councilmember Sisco, that the Council approve the following:

RESOLUTION [M] 11-12-19 - #12
ACCEPTING BID AND AWARDING CONTRACT
FOR GARBAGE AND RECYCLING SERVICES

WHEREAS, pursuant to advertising duly made, bids were received by the Township of Little Falls Garbage and Recycling Services, and the bids were opened and read publicly by the Township Clerk and Department of Public Works Superintendent as follows:

Gaeta Recycling Bid: \$1,222,780.00/36 months	Future Sanitation Bid: \$1,499,112.00/36 months
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Joseph Smentkowski
Bid: \$1,320,000.00/36 months

and, WHEREAS, the Department of Public works Superintendent has reviewed the bids for technical sufficiency and the Township Attorney has reviewed the bids for legal sufficiency; and

WHEREAS, each bidder has been notified of the need to supply the appropriate form of proof of compliance with Affirmative Action requirements; and

WHEREAS, the award is subject to the Availability of Funds and certification of same in the 2012 budget for Solid Waste; and

WHEREAS, the term of the contract is 36 months, commencing January 1, 2012 through December 31, 2014

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

1) That the bid of

Gaeta Recycling
278-282 West Railway Avenue
Paterson, NJ 07503

in the amount of

\$1,222,780.00/36 months

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 approved by the Township Attorney for the designated services at the bid price hereinabove cited, subject to the successful Contractor's filing the required form of Affirmative Action compliance and Payroll Certification for Public Works Projects; and

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

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

The Council President declared the motion passed.

Awarding Contract to TM Fitzgerald & Associates for Recycling Containers – It was moved by Councilmember Gonzalez, seconded by Council President Fontana, that the Council approve the following:

RESOLUTION [N] 11-12-19 - #13

WHEREAS, the Township of Little Falls, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of Little Falls wishes to purchase 3,800 recycling pails for each of its families to encourage residents to recycle; and

WHEREAS, **WHEREAS**, the award is subject to the Availability of Funds and certification of same in the 2012 budget for Recycling Trust; and

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Little Falls authorizes the Purchasing Agent to purchase the above referenced goods or services from State Contract Vendor, T.M. Fitzgerald & Associates, 850 West Chester Pike, Suite 303, Haverton, PA 19083-4439 in the amount of \$53,360.00; and

BE IT FURTHER RESOLVED, this award shall be subject to all the conditions applicable to the current State contracts;

Council President FONTANA clarified that this is money that is coming from the Township’s recycling fund; they discussed this at last week’s Workshop meeting.

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

The Council President declared the motion passed.

Awarding Contract to Shore Tel/IPC Technologies for a New Telephone System – It was moved by Councilmember Gonzalez, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [O] 11-12-19 - #14

WHEREAS, the Township of Little Falls, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of Little Falls wishes to purchase telephone system hardware and software; and

WHEREAS, the award is subject to the Availability of Funds and certification of same in Ordinance No. 1128; and

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Little Falls authorizes the Purchasing Agent to purchase the above referenced goods or services from State Contract Vendor, Shore Tel, C/O IPC Technologies, 6 Cherry Tree Lane, Warren, NJ 07059 in the amount of \$37,936.67; and

BE IT FURTHER RESOLVED, this award shall be subject to all the conditions applicable to the current State contracts;

Mr. Underhill explained that he had been asked to work on a new telephone system. He informed that he has been looking into systems with the Police Chief; they have spoken with approximately seven different vendors for all different systems. This vendor seems to have the best system. A local resident who is in the business gave a good endorsement about that vendor. He informed that the funds have been appropriated. Councilmember VANTUNO asked if they went to bid on this. Mr. Underhill said they didn’t, but they sought proposals. Chief Dmuchowski said this system will benefit the town and Mr. Underhill pointed out that it will save money on the current phone bill.

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

The Council President declared the motion passed.

Amending List of State Contract Vendors – It was moved by Councilmember Post, seconded by Councilmember Gonzalez, that the Council approve the following:

**RESOLUTION [P] 11-12-19 - #15
AUTHORIZING CONTRACTS WITH CERTAIN APPROVED STATE
CONTRACT VENDORS FOR CONTRACTING UNITS
PURSUANT TO N.J.S.A. 40A:11-12a**

Whereas, the Township of Little Falls, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

Whereas, the Township of Little Falls has the need on a timely basis to purchase goods or services utilizing State contracts; and

Whereas, the Township of Little Falls intends to enter into contracts with the attached Referenced State Contract Vendors through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts;

Now, Therefore, Be It Resolved, that the governing body of the Township of Little Falls authorizes the Purchasing Agent to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list and any other approved State Contract Vendor that may be utilized throughout the year, pursuant to all conditions of the individual State contracts; and

Be It Further Resolved, that the governing body of the Township of Little Falls, pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer; and

Be It Further Resolved, that the duration of the contracts between the Township of Little Falls and the Referenced State Contract Vendors shall be from January 1, 2011 to December 31, 2011.

Mr. Wilk clarified this resolution.

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

The Council President declared the motion passed.

ANNUAL REPORT BY DEPARTMENT OF PUBLIC WORKS SUPERINTENDENT PHILLIP SIMONE ON THE TOWNSHIP’S STORM WATER PROGRAM – Mr. Simone explained that he is required to provide a report to the Council annually under the Storm Water Program. He informed that the State came in recently and assured that the Township is in full compliance; all of the Township’s ordinances are in place and correct at this time. The State is very happy with the program. All of the catch basin cleaning is done, including all other inspections as required by law. He explained that all of

