

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

Monday, December 5, 2016

Council President Louis Fontana called the meeting to order at 7:01 p.m. with the following members present: Joseph Maceri, Pamela Porter, and William Liess. Also present were Township Attorney Leslie London, Township Administrator Charles Cuccia, and Municipal Clerk Cynthia Kraus.

Absent: Councilmember Damiano (Mayor-Elect), DPW Superintendent Philip Simone, and Township Engineer Dennis Lindsay

Township Employees present: Police Chief 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 COMMENT – GENERAL MATTERS

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

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

The Council President declared the motion passed.

Cathleen Zehnacker, 141 Browertown Road, summoned the Council's support in preventing the Morris Canal Greenway phase II project, which called for widening Browertown Road and installing sidewalks and bike paths. She referenced the Township's website, Shade Tree Commission, Passaic Valley Student Handbook, TAP grant guidelines, a crash study from the Student Advocates for Safety (SAFS), and a newspaper article to support her position. She requested follow-up from Councilmember Damiano (Mayor-Elect) with regard to his commitment to present the Browertown Road residents' opposition at a meeting with the County. She thanked Chief Post for his Department's efforts focused on improving safety on Browertown Road.

John Herman, 122 Ridge Avenue, raised the issue of safety concerns near the end of Francisco Avenue while turning right. He stated landscaped shrubbery on a home on the left corner impedes the line of sight. He also requested examination into methods to reduce speeding on Prospect Street, offering suggestions of speed bumps or a stop sign.

Marelin Bolanos, 98 Browertown Road, supported Ms. Zehnacker's position and expressed concern that progression of a project has occurred without resident notification or input.

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

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

The Council President declared the motion passed.

Mr. Cuccia stated he has conferred with Councilmember Damiano (Mayor-Elect) and contacted the County to coordinate a meeting to discuss the plan for Browertown Road. Council President FONTANA declared his agreement with the residents of Browertown Road.

Louis Fernandez, Harrison Street, questioned whether the Greenway project would affect Little Falls taxpayers. Council President FONTANA clarified that it is a county project, and therefore Township taxes are not affected.

Chief Post declared his awareness of the line of sight issue on Francisco Avenue. Mr. Simone and he have discussed addressing several similar problematic areas in the Township. As the area of concern involves a County Road, he will request Mr. Simone contact the County to determine an acceptable course of action.

Council President FONTANA and Councilmember PORTER concurred that installation of a stop sign on Prospect Street may be appropriate for that length of roadway. Mr. Cuccia to follow-up.

ACTION ITEMS:

Mr. Cuccia introduced the Action Items, noting that there are present on tonight's Agenda as they must be addressed by year's end.

1. RESOLUTION TO JOIN THE SUBURBAN ESSEX JOINT INSURANCE FUND- In follow-up to the November 28, 2016 presentation by Frank Covelli, Mr. Cuccia explained this resolution is presented for approval. In response to Council President FONTANA's query, Mr. Cuccia confirmed his agreement with Mr. Covelli's recommendations.

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

**RESOLUTION [A] 16-12-05 - #1
RESOLUTION OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY TO JOIN
SUBURBAN ESSEX JOINT INSURANCE FUND SUBJECT TO APPROVAL OF ASSESSMENT**

WHEREAS, a number of municipalities in the state of New Jersey have joined together to form a Joint Insurance Fund as permitted by chapter 372 Laws of 1983 (40A: 10-36) and;

WHEREAS, said Fund was approved to become operational by the New Jersey Department of Insurance and the Department of Community Affairs and has been in operation since that date, and;

WHEREAS, the statutes and regulations governing the creation and operation of a Joint Insurance Fund contain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a Fund;

NOW THEREFORE, BE IT RESOLVED, that the Governing Body of the Township of Little Falls do hereby agree to join the Fund subject only to the right to approve the initial assessment when the same is received from the Fund following processing of the application, and;

BE IT FURTHER RESOLVED that the Township of Little Falls is applying to the Fund for the following types of coverages:

1. Workers' Compensation and Employer's Liability;
2. Liability, other than motor vehicle;
3. Property Damage, other than motor vehicle;
4. Motor Vehicle;
5. Public Officials Liability/Employment Practices Liability;
6. Environmental Impairment Liability

BE IT FURTHER RESOLVED, that the Governing Body hereby adopts and approves of the bylaws of the Fund; and

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute the application for membership and the accompanying certification on behalf of the Governing Body; and

BE IT FURTHER RESOLVED, that the Governing Body is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the Fund as are required by the Fund's bylaws and to deliver same to the Executive Director of the Fund with the express reservation that said document shall become effective only upon the applicant's admission to the Fund following approval by the Fund, passage by the Governing Body of a Resolution Accepting Assessment and approval by the New Jersey Department of Insurance and the Department of Community Affairs.

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

The Council President declared the motion passed.

2. RESOLUTION APPOINTING A RISK MANAGEMENT CONSULTANT- Mr. Cuccia summarized that this resolution complements Agenda Item #1. A Risk Management Consultant must be appointed to the new fund.

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

**RESOLUTION [B] 16-12-05 - #2
RESOLUTION OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY
APPOINTING FUND COMMISSIONER**

WHEREAS, Public Law 1983, c. 372 (N.J.S.A. 40A:10-36 et seq) permits municipalities to join together to form a joint insurance fund; and

WHEREAS, the Suburban Essex Joint Insurance Fund is duly constituted as a Municipal Self-Insurance Fund; and

WHEREAS, the Township of Little Falls is a member of the Suburban Essex Joint Insurance Fund, and

WHEREAS, the NJSA 40A:10-36 et seq as well as the Bylaws of the Suburban Essex Joint Insurance Fund provide that "in the manner generally prescribed by law, each member shall appoint one (1) commissioner to the Fund. Each member shall select either a member of its governing body or one of its employees and,

WHEREAS the term of the appointment is either:

1. A commissioner, other than the special commissioner, who is a member of the appointing municipality's governing body shall hold office for two years or for the remainder of his/her term of office as a member of the governing body, whichever shall be less.
2. Commissioners who are employees of the appointing member shall hold office at the pleasure of the Township and can be removed by the Township at any time without cause.

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Little Falls does hereby appoint Charles Cuccia to serve as Fund Commissioner to the Suburban Essex Joint Insurance Fund.

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

The Council President declared the motion passed.

3. RESOLUTION AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT WITH THE FAIR SHARE HOUSING CENTER AND APPROVAL OF THE TOWNSHIP'S REVISED HOUSING ELEMENT AND FAIR SHARE PLAN- Mr. Cuccia deferred to Ms. London, who provided an update. Following a resolution approved on October 17, 2016, modifications were made by Jeff Janota, Township Planner, on December 2, 2016, based on recommendations by Fair Share. A compliance meeting on December 8, 2016 will determine whether the Township is constitutionally compliant. Ms. London projected the judgement will grant compliance and repose subject to adopting several housing ordinances, which Mr. Janota has drafted. Compliance and repose will protect the Township from builder's remedy suits for ten years. In response to Mr. Hernandez's query, Ms. London stated the number of affordable housing units was set at 156 over a ten year period. Ms. London culminated her report, stating approval of this resolution authorizes approval of a settlement agreement and revised plan, which indicates Fair Share will not challenge the Township's plan, but will support it.

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

RESOLUTION [C] 16-12-05 - #3

RESOLUTION OF THE TOWNSHIP OF LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH THE FAIR SHARE HOUSING CENTER AND APPROVAL OF THE TOWNSHIP’S REVISED NOVEMBER 2016 HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, on October 17, 2016 by Resolution E-16-10-17 #5, the Council of the Township of Little Falls (the “Township”) authorized the submission of the Township’s 2016 Housing Element and Fair Share Plan (the “HEFSP”) dated October, 2017, to the New Jersey Superior Court, in accordance with the Township’s July 7, 2015, Declaratory Judgment Action that was filed with the New Jersey Superior Court, Passaic County; and

WHEREAS, the Township’s action sought a declaration from the Court in accordance with *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing*, 221 N.J. 1 (2015) that its HEFSP is constitutionally compliant; and such action also sought protection and repose against exclusionary zoning litigation for a ten (10) year period. In that filing, the Township also sought a determination from the Superior Court with respect to the Township’s future use and disposition of the Township’s Affordable Housing Trust Funds, as directed by the New Jersey Appellate Division in the case, *In Re Failure of the Council on Affordable Housing to Adopt Trust Fund Commitment Regulations*; and

WHEREAS, subsequent to the Township’s submission of its October 2016 HEFSP to the Court, the October 2016 HEFSP was reviewed by the Fair Share Housing Center (“FSHC”), a N.J. Supreme Court-designated interested party in the matter; and

WHEREAS, the Township, the FSHC and the Special Court Master, entered into discussions and engaged in settlement negotiations to address certain revisions requested by the FSHC to the October 2016 HEFSP; and

WHEREAS, the parties were able to successfully resolve all issues and consequently, a revised November 2016 HEFSP was prepared by the Township’s Planning Consultant to incorporate the FSHC revisions, which do not substantially change the Township’s housing obligations as previously discussed with Council and approved by Resolution E-16-10-17 #5; and

WHEREAS, the agreement between the FSHC and the Township with respect to the revised November 2016 HEFSP has been memorialized in a proposed Settlement Agreement, which will be presented to the Court, together with the revised HEFSP, for review and approval by the Court at the December 8, 2016 Compliance Hearing; and

WHEREAS, the Council desires to approve the revised November 2016 HEFSP and proposed Settlement Agreement, and authorize execution of the Settlement Agreement, subject to approval by the Court; and

WHEREAS, upon approval of the revised November 2016 HEFSP by the Court, the HEFSP will be submitted to the Planning Board of the Township for approval as an amendment to the Master Plan of the Township of Little Falls, and then submitted to Council for its endorsement.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Little Falls, County of Passaic, State of New Jersey, they being the Governing Body thereof as follows:

1. The Council hereby approves the revised November 2016 HEFSP and proposed form of Settlement Agreement with the Fair Share Housing Center.
2. This Resolution shall take effect immediately.

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

The Council President declared the motion passed.

ITEMS TO BE DISCUSSED:

ADMINISTRATOR: Mr. Cuccia outlined the following items to be presented for the approval at the December 19, 2016 Regular Meeting:

1. TAX REFUND RESOLUTION-Mr. Cuccia reported the tax refund resolutions are routine and are in the process of being prepared.
2. RESOLUTION APPROVING CAPITAL BUDGET AMENDMENT (BOND ORDINANCE #1272)- Mr. Cuccia explained this is a technical issue pertaining to the bond ordinance for DUVA field improvements. A capital budget amendment is required.
3. STATE-LOCAL SUBAWARD AGREEMENT-FLOOD MITIGATION ASSISTANCE PROGRAM- Mr. Cuccia explained the agreement concerns the new flood mitigation program for the acquisition of homes in the amount of \$11,624,155.28. Mr. Cuccia added this is for the current FEMA program; other programs will be completed by the year’s end.
4. BUDGET TRANSFER RESOLUTION – Mr. Cuccia noted the resolution was not prepared for tonight’s meeting to allow for maturity and inclusion of additional expenditures. The proposed resolution will cover transfers up through December 19, 2016.
5. PUBLIC HEARING OF ORDINANCE #1271, TECHNICAL AMENDMENT TO BOND ORDINANCE #1267- Mr. Cuccia summarized the amendment of the life of Ordinance No. 1267 to 40 years on the referenced roadway.
6. PUBLIC HEARING OF ORDINANCE #1272, IMPROVEMENTS TO DUVA PARK- Mr. Cuccia stated this ordinance will be presented for public hearing at the December 19, 2016 meeting.
7. PUBLIC HEARING OF ORDINANCE #1273, LOSAP ORDINANCE - Mr. Cuccia noted this ordinance was previously discussed.
8. PUBLIC HEARING OF ORDINANCE #1274, REAPPROPRIATION BOND ORDINANCE – Mr. Cuccia explained the ordinance pertains to COAH development fees such that they can be used in the COAH program as opposed to RCA agreements. In response to Council President FONTANA, Mr. Cuccia added that funds have been accounted for.
9. PUBLIC HEARING OF ORDINANCE #1275, PARKING RESTRICTIONS ON CERTAIN STREETS – AMITY STREET- Mr. Cuccia announced this ordinance will be presented at the December 19, 2016 Meeting.

DPW SUPERINTENDENT: Mr. Cuccia reported on the following Agenda Items in Mr. Simone’s absence:

1. 2017 SNOW PROPOSALS-As conducted annually, Mr. Simone will be seeking proposals. Mr. Cuccia projects presentation of the proposals to be ready for the December 19, 2016 Meeting.
2. RESOLUTION AWARDING CONTRACT FOR ROCK SALT- Mr. Cuccia stated this contract award is projected to be presented at the December 19, 2016 Meeting.
3. RESOLUTION AWARDING CONTRACT FOR DEMOLITION OF ISLAND AVE. AND ZELIFF AVE. HOUSES – Mr. Cuccia explained the award will address the last few houses of the FEMA grant.

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COUNCIL TOPICS FOR DISCUSSION

Councilmember PORTER questioned whether any shared services agreements have been sought with regard to rock salt. Mr. Cuccia indicated shared service agreements are sought after when considering a purchase.

Council President FONTANA requested confirmation that Island Ave. and Zeliff Ave. properties require completion by the end of this year. Mr. Cuccia provided confirmation stating finalization of the projects will result in completion of the grant in good order.

Councilmember PORTER referred to an email she received from Lincoln Avenue residents regarding businesses conducting business on public streets. She stated this is a legitimate concern and requested advisement on how to address this. Mr. Cuccia will discuss with Chief Post to investigate the issue further.

Councilmember MACERI reiterated a request raised at a previous Council meeting regarding alleviating the difficult left turn from Montclair Avenue onto Main Street. Mr. Cuccia to follow-up with Mr. Simone for a status report on his contact with the County to inquire about a "Stop Here on Red" sign.

PUBLIC COMMENT – AGENDA ITEMS ONLY

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

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

The Council President declared the motion passed.

Cathleen Zehnacker, 141 Browertown Road, questioned why the Morris Canal safe route is no longer snow plowed.

Dorothy O’Haire, Turnberry Road, explained her concern regarding spending \$90,000 on a roof for batting cages.

John Herman, 122 Ridge Road, questioned why the recreational fields are being improved all in one year.

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

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

The Council President declared the motion passed.

Council President FONTANA requested examination into what entity had plowed the Morris Canal previously. Mr. Cuccia to forward to Mr. Simone for follow-up.

Council President FONTANA explained the purpose of the roof is to allow practice not only during rain but also to shield from the sun. He agreed the amount quoted for the roof seemed high. In response to Councilmember PORTER’s query, Mr. Cuccia responded Mr. Lindsay was to examine the costs with and without the roof. He further added that approval can move forward and specifications adjusted dependent on the Council’s determination regarding inclusion/exclusion of a roof. At this time, Councilmember MACERI requested a breakdown of the grants awarded for DUVA field. Mr. Cuccia stated \$150,000 was granted from Open Space for lighting and \$50,000 from Open Space for the batting cages. In response to Mr. Herman’s concerns, Mr. Cuccia explained that while improvements may be carried out in one year, they are the result of a compilation of several years of Open Space grants obtained by the Township and being applied to the project(s).

PAYMENT OF BILLS

It was moved by Councilmember Liess, 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.

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

The Council President declared the motion passed.

EXECUTIVE SESSION

Mr. Cuccia informed the Council President the Council may forgo tonight’s Executive Session, as the necessary information for the Executive Session has not been prepared as anticipated.

There being no further business to come before the meeting, it was moved by Councilmember Porter, seconded by Councilmember Maceri, that the meeting be and it was adjourned at 7:40 p.m.

Municipal Clerk
Cynthia Kraus