

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

Monday, January 23, 2017

Council President Anthony Sgobba called the meeting to order at 7:01 p.m. with the following members present: Maria Cordonnier, William Liess, and Joseph Maceri. Also present were Mayor James Damiano, Township Attorney Joseph Wenzel, Township Engineer Dennis Lindsay, Township Administrator Charles Cuccia and Township Clerk Cynthia Kraus.

Absent: None.

Township Employees present: Police Chief Steven Post, DPW Superintendent Philip Simone, Deputy Registrar Marlene Simone, Recreation Director John Pace, and Fire Chief Jack Sweezy

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

STATEMENT OF PUBLIC NOTICE: Take notice that adequate notice of this meeting was provided in accordance with N.J.S.A. 10:4-8 and N.J.S.A. 10:4-10 as follows: A notice of the meeting was prominently posted on the bulletin board at the Municipal Building, located at 225 Main Street, Little Falls, N.J. on January 3, 2017; a copy of the notice was faxed to the North Jersey Herald and News and The Record on the same date; additionally, a copy of the notice was filed in the office of the Township Clerk on said date.

APPROVAL OF MINUTES

It was moved by Councilmember Cordonnier, seconded by Councilmember Liess, that the Minutes of the Reorganization Meeting of January 2, 2017 be and they were approved.

Poll: Ayes: Cordonnier, Liess, Maceri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

INTRODUCTION AND CONVERSATION WITH CANDIDATES TO FILL COUNCIL VACANCY

At this time Council President SGOBBA invited Brett Thomas and Christopher Vancheri to present their respective backgrounds and perspectives on issues, followed by an opportunity for questions. Councilmember CORDONNIER commented the qualifications of both candidates make for a difficult decision. Councilmember MACERI requested each candidate specify their position on other issues affecting the Township aside from flooding, as both candidates reside in the flood zone. Mr. Thomas and Mr. Vancheri put forth their responses.

Council President SGOBBA opened nominations to fill the Council vacancy. He clarified that the vacancy will be filled for the remainder of the year. The election for the position will be held in November, which will be for the term until 12/31/2018.

Councilmember Cordonnier nominated Christopher Vancheri. No other nominations were made.

It was moved by Councilmember Cordonnier, seconded by Councilmember Maceri, to close the nominations.

Poll: Ayes: Cordonnier, Liess, Maceri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

It was moved by Councilmember Cordonnier, seconded by Councilmember Liess, to appoint Chris Vancheri to fill the Council vacancy.

Poll: Ayes: Cordonnier, Liess, Maceri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

Mayor James Damiano administered the Oath of Office to Chris Vancheri to fill the Council vacancy.

REMARKS FROM CHAIR

Council President SGOBBA requested a moment of silence for Albert Spaak, former Little Falls Mayor in 1993 and 1994, and Planning Board member for over twenty years.

Council President SGOBBA announced the Library has a new Board of Trustee member, Joyce Frommer. In addition, the Great Notch Association will convene tomorrow at 7:00 p.m. at the Civic Center to address the deer population. He also announced a sold-out fundraiser is being held for firefighter Anthony Englehardt, who has Stage IV Hodgins lymphoma. There may be more tickets sold and information will be given out through social media. He requested Councilmembers approach Mrs. Kraus or him, to obtain any missing information regarding their Committees, and to kindly advise him of Committee meeting dates.

COUNCIL MEMBER REPORTS

Councilmember CORDONNIER reported on recent Open Space and Grant Committee meetings. Her update concluded with the focus on a long term vision for Little Falls. She announced the Transportation Committee will convene on Tuesday.

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Councilmember LIESS stated the Senior Advisory Board will convene next week at the Civic Center to plan events and discuss best methods to disseminate information about events to the seniors of our Township.

Councilmember MACERI stated the Domestic Violence Committee Meetings will convene the second Friday of each month at 4 p.m. He also announced the Technology Committee will convene the third Thursday of each month at 7 p.m..

At this time, Council President SGOBBA elected Councilmember Vancheri as Chairman of the Wildlife Committee.

Council President SGOBBA responded to two issues presented by Mr. Alexander, a resident, during Public Comment at the January 9, 2017 Workshop. After follow-up with Chief Post, and review by the Council and Mayor, it was found the handling of matter by the Police Department during the referenced date was in compliance with procedure. Additionally, the matter of the interest rates on delinquent taxes was referred to Mrs. Kraus, who made comparisons with neighboring municipalities revealing similar procedures are in place.

MAYOR’S REPORT

Mayor Damiano announced the Regional Flood Board received notice the Army Corps. of Engineers is considering moving forward with one of the Flood Board proposals. Along with Mr. Cuccia, he met with the Clifton Health Department. He encouraged everyone to visit the Township website, which links with the Clifton Health Department. There are a wealth of programs and services available to residents. Mayor Damiano also discussed a state contract for deer removal on resident property which is available to Township residents.

Mayor Damiano then appointed Chris Vancheri as Chairman of the Municipal Alliance Committee.

ATTORNEY’S REPORT

Mr. Wenzel reported on his meeting with the previous Township Attorney to transition files and information on projects in the most efficient and effective manner. Mr. Wenzel will continue to apprise the Council with updates.

Councilmember MACERI requested an update on a recent settlement. Mr. Wenzel discussed the findings of the COAH settlement he obtained from Mr. Northgrave. Council President SGOBBA requested Mr. Wenzel further explain COAH to the public. Mr. Wenzel explained the role of the Council for Affordable Housing (COAH) and its failure resulting in the recent NJ Supreme Court decision. The County Court must review each municipality’s affordable housing plan to determine whether the number of affordable housing is adequate. He reiterated that Little Falls is ahead of many municipalities as it has entered into a settlement agreement. Councilmember MACERI inquired further regarding COAH litigation and the status of the settlement. Mayor Damiano responded that Mr. Northgrave’s office should continue to manage the COAH litigation and settlement. Councilmember MACERI requested updates on the settlement as they become available. Mr. Cuccia inserted that the next step will occur at the Planning Board, where Ms. London will be present to explain the last piece of the process that must be complied with in order to settle the case as it has been presented.

PUBLIC COMMENT

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

Poll: Ayes: Cordonnier, Liess, Maceri, Vancheri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

Kevin Barry- 110 Island Avenue, Chairman of the Democratic Committee, congratulated Chris Vancheri on his new position on Council.

Louis Fernandez, Harrison Street, stated his unfamiliarity with the Council candidates as he had not seen them at previous Council meetings. He requested more information on several resolutions on the Agenda as well as further elaboration on the payment of flood insurance.

Mr. Cuccia explained the right of taxpayers to file a County Board judgement which may lead to an adjustment on their assessment. It is based on comparables of similar properties in the area. There are assessments that are affirmed, however, the only cases that come before Council are those that are returned. Mr. Cuccia further elaborated on how the cases are affected by the current market. Councilmember CORDONNIER queried of how assessments of Little Falls had compared to other municipalities. Mr. Cuccia stated it is difficult to compare with other municipalities as there are different tax bases. However, there is no threat to the Township’s financial stability at this time.

To further respond to Mr. Fernandez, Mayor Damiano stated his assumption that the construction of retaining walls may lead to a reduction in insurance rates.

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

Poll: Ayes: Cordonnier, Liess, Maceri, Vancheri, and Council President Sgobba
 Nays: None

The Council President declared the motion passed.

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COUNCIL AD HOC COMMITTEES: - Council President SGOBBA requested Councilmember Maceri and Councilmember Cordonnier, announce their new appointments to their respective Committee

Technology Committee

Community Representatives (1) Beth Ann Mastrom

Transportation Committee

Community Representatives (1) Pearl Beers

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 December 2016

MUNICIPAL CLERKS REPORT
Month of December 2016

| | | |
|-------------------------------|------------|-------------------|
| ABC LICENSES | | |
| OTHER LICENSES | | |
| Business Licenses | \$8,590.00 | |
| Pre-paid Business Licenses | | |
| Raffle Licenses | | |
| | | \$8,590.00 |
| REGISTRAR OF VITAL STATISTICS | | |
| Fees & Permits | \$136.00 | |
| Marriage Licenses-LF | \$12.00 | |
| Marriage Licenses-NJ | \$100.00 | |
| | | \$248.00 |
| MRNA | | |
| Street Maps | | |
| Zoning Maps | | |
| Zoning Ordinances | | |
| Document Copies | \$1.70 | |
| Garage Sales | | |
| Misc. Fees & Refunds: | | |
| | | \$1.70 |
| TOTAL MRNA | | <u>\$1.70</u> |
| TOTAL CURRENT ACCOUNT | | <u>\$8,839.70</u> |
| TOTAL TO TREASURER | | <u>\$8,839.70</u> |

Municipal Clerks Dog/Cat License Report - Month of December 2016

MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT
Month of December 2016

| | |
|---|----------------|
| Dog Licenses issued 12/01/2016 to 12/31/2016 | |
| Nos. 364 to 372 = 9 Licenses | |
| Amount due Little Falls | \$61.20 |
| Amount due State | \$16.80 |
| Total Cash Received | \$78.00 |
| | |
| Cat Licenses issued 12/01/2016 thru 12/31/2016 | |
| Nos. 0 to 0 | |
| Licenses Issued | |
| Total Cash Received | <u>\$0.00</u> |
| | |
| Total to Treas. | <u>\$78.00</u> |

Tax Collector's Report – Month of December, 2016

MONTHLY REPORT

Municipality of Township of Little Falls

Office of the Tax Collector

Township of Little Falls Current Account, Lakeland Bank

Revenues Collector for the Month of December 2016

| Categories 01- | December 1-30, 2016 | 2016 Year to Date |
|---------------------------|---------------------|------------------------|
| 2016 Taxes | \$266,331.58 | \$45,417,056.76 |
| 2015 Taxes | 0.00 | 682,352.40 |
| 2014 Taxes | 0.00 | 392.22 |
| Prepaid 2017 Taxes | 67,284.88 | 212,486.41 |
| Interest | 12,803.25 | 154,003.90 |
| Cost of Tax Sale | 0.00 | 1,372.00 |
| Duplicate Tax Bills | 0.00 | 325.00 |
| Tax Searches | 0.00 | 10.00 |
| Insufficient Check Charge | 20.00 | 180.00 |
| 6% Penalty Fee | 0.00 | 17,141.60 |
| GRAND TOTALS | \$346,439.71 | \$46,485,320.29 |

| | |
|------------------------------------|--|
| Delinquent 2015 Taxes | \$3,464.61 (1 st -4 th Qtrs.) |
| Delinquent 2016 Taxes | <u>680,183.61</u> (1 st -4 th Qtrs.) |
| Total Open/Delinquent Taxes | \$683,648.22 |

| | |
|------------------------------------|---------------------|
| 2016 Refunds this month = | -744.08 |
| 2016 Year to date refunds = | <u>-\$56,852.02</u> |

Breakdown of refunds for years 2013-2016 completed in 2016(see attached).

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REFUNDS IN THE YEAR 2016

| Months | All/Any 2015 | 2014 STCJ | 2015 STCJ | 2016 STCJ | 2016 CBJ | Regular 2016 | 2016 Veteran/Widow | 2016 Senior/Disabled | Exempt 2016 | 2016 Homestead Benefit | Total by Months |
|---------------|--------------------|---------------|---------------|---------------|---------------|--------------------|--------------------|----------------------|-------------------|------------------------|--------------------|
| January | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| February | \$7,682.87 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$7,682.87 |
| March | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| April | \$250.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$250.00 |
| May | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| June | \$33,632.85 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$6,448.35 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$40,081.20 |
| July | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$18,333.31 | \$0.00 | \$0.00 | \$0.00 | \$788.88 | \$19,122.19 |
| August | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$16,019.23 | \$0.00 | \$0.00 | \$0.00 | \$2,892.49 | \$18,911.72 |
| September | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$453.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$453.00 |
| October | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$10,134.44 | \$0.00 | \$0.00 | \$1,038.24 | \$0.00 | \$11,172.68 |
| November | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| December | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$744.08 | \$744.08 |
| Totals | \$41,565.72 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$51,388.33 | \$0.00 | \$0.00 | \$1,038.24 | \$4,425.45 | \$98,417.74 |

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

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

Municipality of Township of Little Falls
Office of the Tax Collector
Township of Little Falls Tax Collector Trust 1 (Lien Monies), Lakeland Bank
Revenues for the Month of December 2016

| | Deposit | 2016 Year-to-Date |
|--|-------------|----------------------|
| January 2016 | \$7,837.59 | \$ 7,837.59 |
| February 2016 | \$ 0.00 | \$ 7,837.59 |
| March 2016 | \$ 0.00 | \$ 7,837.59 |
| April 2016 | \$17,102.85 | \$24,940.44 |
| May 2016 | \$62,883.00 | \$87,823.44 |
| June 2016 | \$ 0.00 | \$87,823.44 |
| July 2016 | \$ 0.00 | \$87,823.44 |
| August 2016 | \$ 7,651.19 | \$95,474.63 |
| September 2016 | \$ 2,500.00 | \$97,974.63 |
| October 2016 | \$ 0.00 | \$97,974.63 |
| November 2016 | \$ 0.00 | \$97,974.63 |
| December 2016 | \$15,638.65 | \$113,613.28 |
| Total Collected as of December 30, 2016 | | \$113,613.28 |

Municipality of Township of Little Falls
Office of the Tax Collector
Township of Little Falls Tax Collector Trust 2 (Lien Premium Monies), Lakeland Bank
Revenues for the Month of December 2016

| | Liens with Premiums Redeemed/ (-)(+) | Bal. /Dep. (+) |
|---|--|---------------------|
| Balance Brought Forward (January 1, 2016) | | \$270,300.00 |
| January 2016 | \$ 0.00 | \$270,300.00 |
| February 2016 | \$ 0.00 | \$270,300.00 |
| March 2016 | \$ 0.00 | \$270,300.00 |
| April 2016 | \$-15,000.00 | \$255,300.00 |
| May 2016 | \$-28,000.00 | \$227,300.00 |
| June 2016 | \$ 0.00 | \$227,300.00 |
| July 2016 | \$ 0.00 | \$227,300.00 |
| August 2016 | \$ 0.00 | \$227,300.00 |
| September 2016 | \$- 1,800.00 | \$225,500.00 |
| September 2016 (Premiums paid @ tax sale) | \$+70,000.00 | \$295,500.00 |
| October 2016 | \$ 0.00 | \$295,500.00 |
| November 2016 | \$ 0.00 | \$295,500.00 |
| December 2016 | \$-10,000.00 | \$285,500.00 |
| Ending Balance as of December 30, 2016 | | \$285,500.00 |

APPLICATIONS

Little Falls Fire Department Auxiliary Application, Thomas R. Spadafora, Dewey Avenue, Totowa, Enterprise Fire Co. #2

RESOLUTIONS

2012 State Tax Judgement

RESOLUTION [A] 17-01-23 - #1

WHEREAS, there is a State Tax Court Judgment on Block 66 Lot 1, known as 1300 Associates, LLC of 9 Fairfield Avenue, Little Falls, NJ 07424 for the Year 2012 reducing the assessed value by \$172,000.00;

YEAR 2012

| | |
|---------------------|---------------------|
| Original Assessment | \$1,512,000.00 |
| STCJ | <u>1,340,000.00</u> |
| Difference | \$ 172,000.00 |
| 2012 Tax Rate | x 2.30% |
| | \$3,956.00 |

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WHEREAS, the Tax Collector authorizes the Treasurer to refund the total amount of \$3,956.00 for the Year 2012 payable to Chasan Leyner & Lamparello, P.C., Trust Account, Attn: Kenneth A. Porro, Esq., 300 Lighting Way, Suite 200, Secaucus, NJ 07094; and

WHEREAS, this refund shall be granted on or before February 21, 2017 (sixty (60) days from the date of entry of the Tax Court Judgment December 21, 2016);

NOW, THEREFORE BE IT RESOLVED by the Township Council of Little Falls on this 23rd day of January 2017 that the above taxpayer's attorney be refunded the total amount of \$3,956.00 for the overpayment of taxes due to a State Tax Court Judgment on Block 66 Lot 1.

2013 State Tax Court Judgement

RESOLUTION [B] 17-01-23 - #2

WHEREAS, there is a State Tax Court Judgment on Block 66 Lot 1, known as 1300 Associates, LLC of 9 Fairfield Avenue, Little Falls, NJ 07424 for the Year 2013 reducing the assessed value by \$255,000.00;

YEAR 2013

| | |
|---------------------|---------------------|
| Original Assessment | \$1,505,000.00 |
| STCJ | <u>1,250,000.00</u> |
| Difference | \$ 255,000.00 |
| 2013 Tax Rate | <u>x 2.845%</u> |
| | \$7,254.75 |

WHEREAS, the Tax Collector authorizes the Treasurer to refund the total amount of \$7,254.75 for the Year 2013 payable to Chasan Leyner & Lamparello, P.C., Trust Account, Attn: Kenneth A. Porro, Esq., 300 Lighting Way, Suite 200, Secaucus, NJ 07094; and

WHEREAS, this refund shall be granted on or before February 21, 2017 (sixty (60) days from the date of entry of the Tax Court Judgment December 21, 2016);

NOW, THEREFORE BE IT RESOLVED by the Township Council of Little Falls on this 23rd day of January 2017 that the above taxpayer's attorney be refunded the total amount of \$7,254.75 for the overpayment of taxes due to a State Tax Court Judgment on Block 66 Lot 1.

2014 State Tax Court Judgement

RESOLUTION [C] 17-01-23 - #3

WHEREAS, there is a State Tax Court Judgment on Block 66 Lot 1, known as 1300 Associates, LLC of 9 Fairfield Avenue, Little Falls, NJ 07424 for the Year 2014 reducing the assessed value by \$255,000.00;

YEAR 2014

| | |
|---------------------|---------------------|
| Original Assessment | \$1,505,000.00 |
| STCJ | <u>1,250,000.00</u> |
| Difference | \$ 255,000.00 |
| 2014 Tax Rate | <u>x 2.994%</u> |
| | \$7,634.70 |

WHEREAS, the Tax Collector authorizes the Treasurer to refund the total amount of \$7,634.70 for the Year 2014 payable to Chasan Leyner & Lamparello, P.C., Trust Account, Attn: Kenneth A. Porro, Esq., 300 Lighting Way, Suite 200, Secaucus, NJ 07094; and

WHEREAS, this refund shall be granted on or before February 21, 2017 (sixty (60) days from the date of entry of the Tax Court Judgment December 21, 2016);

NOW, THEREFORE BE IT RESOLVED by the Township Council of Little Falls on this 23rd day of January 2017 that the above taxpayer's attorney be refunded the total amount of \$7,634.70 for the overpayment of taxes due to a State Tax Court Judgment on Block 66 Lot 1.

2015 State Tax Court Judgement

RESOLUTION [D] 17-01-23 - #4

WHEREAS, there is a State Tax Court Judgment on Block 66 Lot 1, known as 1300 Associates, LLC of 9 Fairfield Avenue, Little Falls, NJ 07424 for the Year 2015 reducing the assessed value by \$255,000.00;

YEAR 2015

| | |
|---------------------|---------------------|
| Original Assessment | \$1,505,000.00 |
| STCJ | <u>1,250,000.00</u> |
| Difference | \$ 255,000.00 |
| 2015 Tax Rate | <u>x 3.076%</u> |
| | \$7,843.80 |

WHEREAS, the Tax Collector authorizes the Treasurer to refund the total amount of \$7,843.80 for the Year 2015 payable to Chasan Leyner & Lamparello, P.C., Trust Account, Attn: Kenneth A. Porro, Esq., 300 Lighting Way, Suite 200, Secaucus, NJ 07094; and

WHEREAS, this refund shall be granted on or before February 21, 2017 (sixty (60) days from the date of entry of the Tax Court Judgment December 21, 2016);

NOW, THEREFORE BE IT RESOLVED by the Township Council of Little Falls on this 23rd day of January 2017 that the above taxpayer's attorney be refunded the total amount of \$7,843.80 for the overpayment of taxes due to a State Tax Court Judgment on Block 66 Lot 1.

2016 State Tax Court Judgement

RESOLUTION [E] 17-01-23 - #5

WHEREAS, there is a State Tax Court Judgment on Block 66 Lot 1, known as 1300 Associates, LLC of 9 Fairfield Avenue, Little Falls, NJ 07424 for the Year 2016 reducing the assessed value by \$255,000.00;

YEAR 2016

| | |
|---------------------|---------------------|
| Original Assessment | \$1,505,000.00 |
| STCJ | <u>1,250,000.00</u> |
| Difference | \$ 255,000.00 |
| 2016 Tax Rate | <u>x 3.121%</u> |
| | \$7,958.55 |

WHEREAS, the Tax Collector authorizes the Treasurer to refund the total amount of \$7,958.55 for the Year 2016 payable to Chasan Leyner & Lamparello, P.C., Trust Account, Attn: Kenneth A. Porro, Esq., 300 Lighting Way, Suite 200, Secaucus, NJ 07094; and

WHEREAS, this refund shall be granted on or before February 21, 2017 (sixty (60) days from the date of entry of the Tax Court Judgment December 21, 2016);

NOW, THEREFORE BE IT RESOLVED by the Township Council of Little Falls on this 23rd day of January 2017 that the above taxpayer's attorney be refunded the total amount of \$7,958.55 for the overpayment of taxes due to a State Tax Court Judgment on Block 66 Lot 1.

NJ DOT Highway Safety Fund FY2016 Project Grant Application and Contract

RESOLUTION [F] 17-01-23 - #6

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 FY2016 project.

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 Highway Safety Fund Grant 2016 from NJDOT SAGE to the New Jersey Department of Transportation on behalf of the Township of Little Falls.

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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.

Licensure of Companies Providing Rotational Light Towing Services

**RESOLUTION [G] - #7
RESOLUTION AUTHORIZING THE LICENSURE OF COMPANIES PROVIDING ROTATIONAL LIGHT TOWING SERVICES
IN THE TOWNSHIP OF LITTLE FALLS**

WHEREAS, pursuant to Chapter 249 of the Code of the Township of Little Falls for Light Towing, the Township was required to obtain applications for light towing services for the year 2017-2018 cycle, in accordance with the adopted Code; and

WHEREAS, the Township received six (6) applications and the Township Attorney reviewed the applications for legal sufficiency; and

WHEREAS, based on that review, the Township Attorney determined that several of the applications contained what appeared to be minor immaterial defects that if corrected, could be waived in accordance with Chapter 249, Section 249-5 of the Code, to render the applications complete; and

WHEREAS, Section 249-5 of the Code provides that the Township and its employees, officials and agents, in connection with the review, processing and approval of any application for licensure, shall have the discretion to waive any immaterial defect with respect to any such application, in a manner on par with and consistent with applicable statutory and common procurement law governing a contracting unit's discretion to waive immaterial defects in connection with the public bidding and procurement process; and

WHEREAS, the Township contacted the applicants with respect to the missing documentation involved, received and reviewed the documentation, and determined that the documentation was satisfactory; and

WHEREAS, in light of the fact that six (6) applications were deemed satisfactory, the Township held a lottery in accordance with Section 249-3D of the Code, and the following four (4) applicants were selected by the draw of the lottery:

- LIGHT TOWING SERVICES**
- Triton Towing, LLC**
- Criger Service, Inc.**
- Camp Auto & Truck Parts, Inc.**
- J&M Heavy Tow, LLC**

NOW, THEREFORE, BE IT RESOLVED, that the following light towers shall be issued a license for light towing services:

Settlement Agreement and Release with Rafael and Yvette Reyes

**RESOLUTION [H] 17-01-23 - #8
RESOLUTION OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, NEW JERSEY AUTHORIZING EXECUTION
OF A SETTLEMENT AGREEMENT AND RELEASE WITH RAFAEL AND YVETTE REYES**

WHEREAS, in a letter dated November 11, 2016, Mr. Daniel R. Bevere, Esq., on behalf of Mr. & Mrs. Reyes, requested reimbursement and/or payment from the Township of Little Falls (the "Township") for certain costs his clients claim were incurred by or as a result of certain work on their property located at 19 Louis Street, Little Falls, New Jersey (the "Property"); and

WHEREAS, the Township has reviewed their claims and have agreed to make payment for certain costs as set forth by their counsel in the amount of \$3,554.34; and

WHEREAS, Mr. & Mrs. Reyes have agreed to such payment and the Parties desire to enter into a Settlement Agreement and Release to amicably resolve this matter, and any and all other obligations, liabilities and claims, known or unknown of any kind between the Parties with respect to the Property.

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

- Section 1.** The foregoing recitals are hereby incorporated by reference as if fully repeated herein.
- Section 2.** The Municipal Council hereby approves and authorizes the execution of a Settlement Agreement and Release to resolve and settle the claims presented with respect to the Property in the amount of \$3,554.34. A copy of this Resolution and the executed Settlement Agreement and Release shall be maintained on file with the Township Clerk.
- Section 3.** This Resolution shall take effect immediately.

Agreement with McManimon, Scotland, & Baumann, LLC for Certain Legal Services

**RESOLUTION [I] 17-01-23 - #9
RESOLUTION OF THE TOWNSHIP OF LITTLE FALLS AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH
McMANIMON, SCOTLAND & BAUMANN, LLC FOR CERTAIN LEGAL SERVICES**

WHEREAS, the law firm of McManimon, Scotland & Baumann, LLC (the "Firm") has provided legal services to the Township of Little Falls ("the Township") in accordance with a Resolution of the Council adopted in 2016, which appointed the firm as counsel to the Township for a one year period; and

WHEREAS, the Township desires to have the Firm continue to provide certain limited legal services to the Township in order to complete certain pending matters that are near completion and/or have been determined to be in the best interest of the Township to be completed by the Firm; and

WHEREAS, the matters for continuing representation by the Firm are the following matters:

- 1. Pending Affordable Housing Declaratory Judgment Action, *In the Matter of the Township of Little Falls*, Passaic County, Law Division, Docket No. PAS-L-2438-15; and
- 2. A & A Construction V. Little Falls
- 3. Reyes Payment Claims
- 4. Township Declaratory Judgment Action
- 5. Sanitary Sewer Utility Easement Agreement
- 6. Subcontractor Claims Against Elite Construction
- 7. Review of Towing Applications

WHEREAS, the Local Contracts Law, more specifically N.J.S.A. 40A:11-5, allows for the awarding of a contract for "professional services" without public advertising for bids; and

WHEREAS, the Local Contracts Law requires that contracts awarded without competitive bid be authorized by resolution of the municipal governing body and that notice of the award of such contract be publicly advertised.

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

- 1. The Mayor and Township Clerk are hereby authorized and directed to execute a Contract with McManimon Scotland & Baumann, LLC for continued representation of the matters set forth in this Resolution.
- 2. The Contract is awarded without competitive bidding as a "professional service" under the provisions of the Local Contracts Law, more specifically N.J.S.A. 40A:11-5, because the services in question are of a specialized, technical and professional nature.
- 3. This Resolution shall take effect immediately.

Meeting of January 23, 2017

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Municipal Council of the Township of Little Falls that a copy of this Resolution shall be published in the official newspaper within 10 days of its passage, as required by law, and shall be on file and available for public inspection in the office of the Little Falls Township Municipal Clerk, Municipal Building, 25 Main Street, Little Falls, New Jersey.

Councilmember MACERI further elaborated on overpaid taxes in response to Mr. Fernandez. He recounted the number of appeals in prior years were higher. In addition to refunding overpayments, the Township had to incur legal fees as well. Since the 2012 reassessment, the number of applications have gone down, and therefore attorney fees, representing a significant savings to the Township.

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

Poll: Ayes: Cordonnier, Liess, Maceri, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

REGULAR AGENDA

NEW BUSINESS

Ordinance No. 1276-It was moved by Councilmember Cordonnier, seconded by Councilmember Liess, that there be introduced and the meeting of February 27, 2017 set as the date for the public hearing of the following:

ORDINANCE NO. 1276

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF LITTLE FALLS TO ACCEPT THE CONVEYANCE OF A SANITARY SEWER UTILITY EASEMENT FROM GREAT NOTCH VILLAGE ASSOCIATES, LP

SUMMARY

An ordinance authorizing the Township of Little Falls to accept the conveyance of a sanitary sewer easement from Great Notch Village Associates, LP with respect to Block 184.03, Lot 17 within the Township.

WHEREAS, Great Notch Village Associates, LP (“Grantor”) owns certain real property located in the Township of Little Falls, County of Passaic, State of New Jersey, and identified as **Lot 17, Block 184.03** on the tax maps of the Township of Little Falls, and also known as 1 Rustic Ridge (the “Subject Parcel”); and

WHEREAS, the Township of Little Falls (“Township” or “Grantee”) is installing a new sanitary sewer utility line in the Township that, *inter alia*, will traverse underneath the Subject Parcel; and

WHEREAS, in connection therewith, the Grantor agrees to give, grant, and convey a sanitary sewer utility easement underneath the Subject Parcel (the “Easement Area”) to the Township as Grantee, all as more fully described in Attachments A and B to the “Sanitary Sewer Utility Easement Agreement” which is appended hereto, and hereby made a part hereof; and

WHEREAS, pursuant to *N.J.S.A. 40A:12-1, et seq.*, the Local Lands and Buildings Law, and specifically pursuant to *N.J.S.A. 40A:12-5* thereof, the Township has the power to accept conveyances of interests in real property such as the Easement Area; and

WHEREAS, to effectuate all of the foregoing, the Township is desirous of adopting this Ordinance under the terms and conditions herein set forth.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Little Falls, County of Passaic and State of New Jersey, that:

The forgoing Recitals be and hereby are, incorporated herein by reference as if set forth at length, and the Township be and hereby is authorized to accept the conveyance to it from the Grantor of the Easement Area for sanitary sewer purposes, all as described. The Mayor and other necessary Township personnel be and hereby are authorized and directed to execute such documents as may be reasonably required to effectuate the acceptance of this conveyance, including without limit proper execution and recordation of the “Sanitary Sewer Utility Easement Agreement” which is appended hereto, and hereby made a part hereof.

BE IT FURTHER ORDAINED that this Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

Poll: Ayes: Cordonnier, Liess, Maceri, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

PUBLIC COMMENT –GENERAL MATTERS

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

Poll: Ayes: Cordonnier, Liess, Maceri, Vancheri, and Council President Sgobba
Nays: None

The Council President declared the motion passed.

Louis Fernandez, Harrison Street, commented on the community involvement of the candidates that ran for Council vacancies.

Councilmember MACERI addressed Mr. Fernandez’s comments, stating that there are many people who have not come to Council meetings who do serve the community.

Ashley Oblinger 1 Rustic Ridge Road, Apt. E37, representing the Great Notch Village Apartment, presented a petition of 90-100 signatures supporting either the removal of the pedestrian gate on Crestmont Road or keeping the gate open. He cited several reasons to maintain access and also noted several instances of harassment and criminal mischief towards Great Notch Village residents and their vehicles.

Council President SGOBBA stated that the Council is in the process of addressing this issue.

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

Poll: Ayes: Cordonnier, Liess, Maceri, Vancheri, and Council President Sgobba
Nays: None

Meeting of January 23, 2017

The Council President declared the motion passed.

PAYMENT OF BILLS – NO BILL LIST

Payment of bills was deferred as a bill list was not presented.

There being no further business to come before the meeting, it was moved by Councilmember Cordonnier, seconded by Councilmember Maceri, that the meeting be and it was adjourned at 7:55 p.m.

Cynthia Kraus
Municipal Clerk