

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

Monday, March 14, 2016

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

Absent: Councilmember William Liess and Deputy Registrar Marlene Simone

Township Employees present: DPW Superintendent Phillip Simone, Fire Chief Sweezy, Lt. Steve Post, and Recreation Director John Pace

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

STATEMENT OF PUBLIC NOTICE: Take notice that adequate notice of this meeting was provided in accordance with N.J.S.A. 10:4-10 as follows: A notice of the meeting was prominently posted on the bulletin board at the Municipal Building, located at 225 Main Street, Little Falls, N.J. on January 8, 2016; a copy of the notice was faxed to the North Jersey Herald and News and The Record on the same date; additionally, a copy of the notice was filed in the office of the Township Clerk on said date.

PUBLIC PORTION – GENERAL MATTERS

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

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

The Council President declared the motion passed.

Louis Fernandez, Harrison Street, discussed a recent newspaper article announcing a County budget increase, and requested the hypothetical vote of the Democratic Councilmembers present.

Al Attianese, 27 Dewey Avenue, emphasized a need to have active Councilmember participation on the team negotiating the Police Department contract.

Dorothy O’Haire, Turnberry Road, queried how the grant writer position would be compensated. She also raised the issue of the Peckman River, mentioned correspondence was sent to County Maintenance and Freeholders with no response, and implored the Council’s support.

Ed English, 7 Hopson Avenue, commented that the raise received by Township employees was deserved, but questioned the rationale given for the increase.

Joan Imandt, Long Hill Road, provided an update on the Shade Tree Commission’s activities from 2015-2016. The Shade Tree Commission received approval for their Community Foresting Plan. The Plan provides liability protection under the NJ Shade Tree and Community Forest Re-assistance Act, grant opportunities, and economic and environmental benefits to the community. The Little Falls Shade Tree Commission has also applied for Tree City USA approval, which broadens opportunities.

Arnold Korotkin, Long Hill Road, requested Councilmember Porter address the issue of lead in the schools.

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

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

The Council President declared the motion passed.

Council President FONTANA stated only one Democratic Councilmember was present at this time to respond to Mr. Fernandez’s request. Councilmember DAMIANO stated party affiliation may not necessarily play a role in the vote. He added his familiarity with the County budget was insufficient to make an adequate determination of his hypothetical vote.

In response to Mr. Attianese, Mr. Cuccia described the legislative process of the Council body, and responsibilities of the Mayor and Administrator. He further elaborated that in this form of government, it is inappropriate for any of the Councilmembers to be at the negotiating table. Mr. Northgrave supported Mr. Cuccia’s explanation by stating a prohibition in the statute specifies employees are dealt with through the Mayor and Administrator. Mr. Northgrave will provide the specific statute for review and consultation.

Council President FONTANA responded that the grant writer position will be discussed at a later point in the meeting.

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Councilmember DAMIANO declared the suspension of the Peckman River Project by the Army Corps of Engineers was lifted. Council President FONTANA enlisted Mr. Cuccia to contact the appropriate parties to expedite the project.

Mr. Cuccia addressed the issue of Township employee raises. He explained Mr. English was correct that the State recorded a zero COLA rate for cap purposes. However, the Township is in the process of having employees pay for their health benefits. He provided a specific calculations of the COLA derived from the medical trend, which attributed to the cost of living increase.

Council President thanked Ms. Imandt for the update on the Shade Tree Commission’s activities.

Councilmember PORTER stated she will check on lead testing within the school system and report back to Council.

ACTION ITEMS:

Mr. Cuccia presented a detailed powerpoint presentation of the proposed 2016 Municipal Budget. Statutory requirements indicate that the budget must be introduced with the Council at this time. Adoption is planned for April 11, 2016 at which time a public hearing will take place. Mr. Cuccia has met with all Councilmembers to review the budget.

Al Attianese, 27 Dewey Avenue, asked if the \$91 increase included any negotiated settlements with the Police Department or the DPW. Mr. Cuccia stated the \$91 amount includes fully considered contracts that are expected to be approved.

Bob Dombrowski, requested clarification of the increase in employee salary with regard to COLA definition.

Ed English, 7 Hopson Avenue, asked for clarification that employees are getting an additional 1.75% to help them offset their health expenses. Mr. Cuccia concurred with Mr. English’s understanding.

Rosemarie Bello-Truland, 15 High Court, stated in that her personal experience as a County employee, the raise does not substantially compensate employees for the increase in their health insurance premiums.

Don Radcliffe, 239 Long Hill Road, questioned whether there are any anticipated settlements on tax appeals in the budget. Mr. Cuccia stated historically they are not in the budget. They are either charged to surplus or with a funding ordinance if they are sizable enough.

At this time, Mr. Cuccia requested that the Council consider a resolution to introduce the budget and the cap amendment

Mr. Cuccia explained that the in accordance with the statute, the Township is allowed to go to a 3.5% cap. The Township is not spending more money than the budget allows.

Councilmember DAMIANO requested clarification on the items that are on the agenda for Council vote.

Mr. Northgrave instructed that the Council can move everything but the ordinance if there is unanimity among the Council, and move Resolution A and B and the two raffles as a Consent Agenda. Then there would be introduction of the ordinance afterwards. Council President FONTANA recommended approval of each agenda time separately for reasons of clarity.

Reserve of Uncollected Taxes in Municipal Budget

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

**TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY, NEW JERSEY
RESOLUTION [A] 16-03-14 - #1**

Resolution Re: Computation of Reserve for Uncollected Taxes – 2016 Budget

WHEREAS, pursuant to N.J.S.A. 40A:4-41, a municipality must include an appropriation for “Reserve for Uncollected Taxes” in its annual budget where less than 100% of current tax collections may be and are anticipated; and

WHEREAS, receipts from the collection of taxes levied or to be levied in the municipality and payable in the fiscal year shall be anticipated in an amount which is not in excess of the percentage of taxes levied and payable during the next preceding fiscal year which was received in cash by the last day of the preceding fiscal year; and

WHEREAS, if tax appeal judgments of the county tax board pursuant to R.S. 54:3-21 et seq. and/or the State tax court pursuant to R.S. 54:48-1 et seq. result in tax reductions for the previous fiscal year, the governing body of the municipality may elect to calculate the current year reserve for uncollected taxes by reducing the certified tax levy of the prior year by the amount of the tax levy adjustments resulting from those judgments; and

WHEREAS, Sheet 22 of the Township’s Annual Financial Statement for the year 2015 reflects reductions due to tax appeals of \$35,910 which when reduced from the 2015 tax levy results in the 2015 tax collection rate being 98.44 percent; and

WHEREAS, the election of this choice to calculate the “Reserve for Uncollected Taxes” for the 2016 municipal budget shall be made by resolution approved by a majority of the full membership of the governing body prior to the introduction of the 2016 municipal budget pursuant to N.J.S.A. 40A:4-5.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Little Falls elects to calculate the “Reserve for Uncollected Taxes” appropriation for the 2016 municipal budget by reducing the certified tax levy of the prior year by the amount of tax levy adjustments of the county tax board pursuant to R.S. 54:3-21 et seq., and State tax court pursuant to R.S. 54:48-1 et seq., in order to calculate the prior year tax collection rate.

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

The Council President declared the motion passed.

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Ordinance No. 1248 – It was moved by Councilmember Porter, seconded by Councilmember Maceri, that there be introduced and the meeting of April 11, 2016 set as the date and time for the public hearing on the following:

**ORDINANCE NO. 1248
TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY, NEW JERSEY
CALENDAR YEAR 2016 ORDINANCE TO EXCEED
THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A-4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0.0% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Little Falls in the County of Passaic finds its advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5% increase in the budget of said year, amounting to \$397,538 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE BE IT ORDAINED, by the Township Council of the Township of Little Falls, in the County of Passaic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Township of Little Falls shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$397,538, and that the CY 2016 municipal budget for the Township of Little Falls be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

The Council President declared the motion passed.

Introduction of 2016 Municipal Budget

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

RESOLUTION [B] 16-03-14 - #2

Re: Introduction of 2016 Budget

BE IT RESOLVED, that the following statements of revenues and appropriations attached hereto constitute the local Budget of the Township of Little Falls, Passaic County, New Jersey for the year 2016.

BE IT FURTHER RESOLVED, that the said budget be published in the Herald News in the issue of March 17, 2016, and that a hearing on the Budget will be held at the Municipal Building on April 11, 2016 at 7:30 o’clock (P.M.) or as soon thereafter as the matter may be reached.

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

Councilmember DAMIANO explained his nay for Resolution. He further recommended that moving forward, he would like to meet with the Department Heads regarding the budget. Councilmember MACERI expressed his understanding that it is by statute that the Councilmembers are not involved, while he did agree with several of Councilmember DAMIANO’s points. Council President FONTANA requested confirmation that Councilmember Damiano was able to meet with Mr. Cuccia to discuss any questions Councilmember Damiano would pose regarding the budget, to which Mr. Cuccia confirmed.

Mr. Northgrave instructed that the Mayor, through the Administrator, will meet with all the Departments and draft the budget. The involvement of the legislative body does not usually occur prior to the Mayor’s presentation.

The Council President declared the motion passed.

The Council President provided approval for the following:

Raffle – Little Falls ABC, On-Premise 50/50, 4/5/16, 5:00 p.m.-9:00 p.m., 4-6 Woodhull Avenue

Raffle – Little Falls ABC, Tricky Tray, 4/5/16, 5:00 p.m.-9:00 p.m., 4-6 Woodhull Avenue

ITEMS TO BE DISCUSSED:

ADMINISTRATOR:

1. RESOLUTION AUTHORIZING LFFD TO RECEIVE/PROVIDE MUTUAL AID TO NEIGHBORING MUNICIPALITIES IN THE EVENT OF AN EMERGENCY- Mr. Cuccia requested consideration of this resolution at the Regular Meeting. Councilmember MACERI questioned the order of mutual aid. Chief Sweezy discussed the sequence for mutual aid, in that the eight bordering towns are utilized first. Council President FONTANA questioned why the resolution is currently being presenting as it has been current practice. Chief Sweezy responded that documentation of the procedure is necessary for liability reasons should mutual aid not be available to the Township. Councilmember MACERI requested the last page of the resolution be provided for review.

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2. TIVOLI COURT PUMP STATION- Mr. Northgrave provided a status report. The developer received a list of items to be resolved and is awaiting Council approval. Mr. Northgrave to send the letter with all the identified issues to Mr. Simone and Mr. Lindsay. Upon approval of identified issues requiring action, Mr. Northgrave to draft a resolution for the Council at the next meeting authorizing the Mayor to execute an agreement to complete and inspect work before the Township takes it over.
3. LOSAP RESOLUTION – Mr. Cuccia requested the Council’s consideration of this resolution. Detailed spreadsheets were forwarded to Councilmembers for prior review. Mr. Cuccia responded to Councilmember DAMIANO’s question that Valic is the asset administrator and maintains the accounts.
4. DISCUSSION OF GRANT WRITER – Mr. Cuccia announced as per the Grant Committee’s request, a grant writing company was sought that would be compensated as a percentage once a grant was obtained. Councilmember DAMIANO explained the payment schedule and advantages of the selected grant writing company. Councilmember DAMIANO clarified Council President FONTANA’s questions, indicating that it is a zero dollar retainer; the contract confirms the company will be paid for the certain percentage required. The contract will be for one year. Mr. Cuccia confirmed that grants that are being obtained through the regular administrative process would not be referred to the grant writing company. All grants would be presented to the Council for approval. Mr. Cuccia to forward copy of contract to Councilmembers.
5. RESOLUTION TO RATIFY PUBLIC ASSISTANCE PAYMENTS – Mr. Cuccia requested Council approve public assistance payments for the last half of 2015. He added that these payments are conducted in six month intervals.
6. ELEVATOR INSPECTION CONTRACT- Mr. Cuccia informed the Council that authorization of the contract is required as the current contract has expired.
7. SUMMER CAMP FEES – Mr. Cuccia related a request from Mr. Pace to amend the fees in the ordinance for summer camp fees. Mr. Cuccia provided details of each fee increase. Mr. Cuccia stated this requires an ordinance amendment. Mr. Pace explained the fee schedule and also announced new procedures for staffing.
8. RENT LEVELING ORDINANCE CHANGE – Mr. Cuccia explained that in consultation with Mr. Northgrave, it has been determined that the current procedure of rent leveling could be handled administratively, with an opportunity for appeal. Mr. Northgrave added the procedure will be more efficient for the Township and residents.
9. AMENDMENT TO TOWNSHIP CODE CHAPTER 3-7., POLICE PROMOTIONS – Mr. Cuccia informed the Council the Police Department is requesting a change in the promotional process. This change will include an appeal process for an individual who is on the list provided by the accreditation company, and has not been promoted. The appeal process does not exist in the current ordinance.
10. RESOLUTION AUTHORIZING 2015 PROPERTY TAX REFUNDS DUE TO OVERPAYMENTS- Mr. Cuccia stated specific details as to this resolution were not presently available but will be provided in time for review at the Regular Meeting.
11. RESOLUTION AUTHORIZING PROPERTY TAX REFUNDS DUE TO 2012 HOMESTEAD BENEFIT CREDIT- Mr. Cuccia stated specific details as to this resolution were not presently available but will be provided in time for review at the Regular Meeting.
12. RESOLUTION AUTHORIZING CANCELLATION OF TAXES DUE TO AN IN REM FORECLOSURE OF TOWNSHIP HELD TAX LIENS- Mr. Cuccia stated specific details as to this resolution were not presently available but will be provided in time for review at the Regular Meeting.
13. RESOLUTION REFUNDING OVERPAYMENT OF THIRD PARTY LIEN REDEMPTION- Mr. Cuccia stated specific details as to this resolution were not presently available but will be provided in time for review at the Regular Meeting.

DPW SUPERINTENDENT:

1. PARKING RESTRICTIONS – Mr. Simone distributed the next segment of parking regulations, which covers the area between Stevens Avenue and Wilmore Road, and Wilmore Road to the railroad tracks. He reviewed the proposed restrictions. Discussion ensued with regard to Stanley Avenue Mr. Simone and Lt. Post to review and bring recommendations back to the Council.
2. HEMLOCK ROAD – Mr. Lindsay explained his examination of a resident request regarding Hemlock Road. Mr. Lindsay to provide further detail and recommendation at Executive Session.
3. SUMP PUMPS - Mr. Simone stated Little Falls and the State have ordinances prohibiting sump pumps from being tied into the sanitary sewer system. He explained during rain, there is a large infiltration in the sewer system. He implored the Council’s action to eliminate this practice, as there is a cost to the Township as well as a toll on the pipeline. Per the Council President’s request, Mr. Simone will prepare a report to demonstrate the cost and impact on the sewer system. Mr. Simone to discuss with Joe Macone to determine if compliance inspection can be concurrent with other types of inspections.
4. BUS STOP LOCATION CHANGE – Mr. Simone announced he received a call from NJ Transit that that there was a mistake on the ordinance. The direction of traffic must be changed to westbound. Mr. Simone will forward to Mr. Northgrave to make the correction and amend the ordinance, with placement on the next Agenda.
5. BROOK AT THE END OF VAN PELT PLACE – Mr. Simone distributed pictures of the brook after the last storm. He highlighted the challenges of no easement, narrow width, and location on private property. Mr. Simone to consult with Mr. Lindsay to devise some possibilities and refer suggestions to Mr. Northgrave for legal advisement.
6. SIDEWALK/CURBING ORDINANCE – Mr. Simone stated the Township does not currently have an ordinance describing responsibility for curbing and sidewalk. Mr. Simone emphasized a written policy is needed to establish formal responsibility of the homeowner to maintain curbing and sidewalk. Mr. Simone will gather information and present to the Council and Mayor to develop and ordinance. Council President FONTANA expressed his reluctance that residents would be responsible for curbing, however, Mr. Simone said most residents have been in the past.

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- 7. RETENTION POND ON WILLIAM STREET –Mr. Simone stated last year approval was obtained to change the draining line from William Street over to Island Avenue pump station. Mr. Simone distributed drawings of two proposals. He provided details, advantages and disadvantages of both the pipeline and retention pool proposals. Discussion ensued with regard to the benefits and costs of each option, ultimately leading to the recommendation to proceed with the pipeline proposal. Mr. Simone to proceed with pipe design.

ENGINEER:

- 1. WILLIAM STREET PUMP STATION CHANGE ORDER – Mr. Lindsay described the recent upgrades to the pump station, and an in depth account for the cost increases incurred. He recommended approval of the change orders due to the cost increases outlined.

COUNCIL TOPICS FOR DISCUSSION

Councilmember DAMIANO announced this week is Sunshine Week and requested permission to read a Proclamation. At this time, Councilmember read the Proclamation.

PUBLIC COMMENT – AGENDA ITEMS ONLY

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

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

The Council President declared the motion passed.

Arnold Korotkin, questioned how many cases in the past have come before the Rent Leveling Board and how residents can be informed of the procedure. He thanked Councilmember Damiano for reading the Proclamation.

Dorothy O’Haire, Turnberry Road, asked if FEMA grants are included in the grant writing process and requested the name of the firm proposed by the Grant Committee.

Chief Sweezy, Little Falls Fire Department Chief, requested that parking restrictions include parking on the opposite side of the street for hydrants and consider parking on Main Street from Center Avenue to Stevens Avenue.

Rosemarie Bello-Truland, High Court, stated a sign that stated “Stop Here on Red” should be replaced on Main Street near the nail salon.

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

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

The Council President declared the motion passed.

Mr. Cuccia stated that in the past two years, no one has presented their case to the Rent Leveling Board. Council President FONTANA suggested landlords incorporate notification to the renters in their bill agreements. Council President FONTANA agreed the Sunshine Proclamation is beneficial and is part of the Township’s every day operations, as required by law.

Councilmember DAMIANO announced the name of the grant writing firm is named Capital Alternatives Corporation. Mr. Cuccia clarified that flood mitigation runs on its own and the Township has its own grant administrator, Jeff Ward Associates. Other FEMA grants that are outside the realm of the norm may be considered, but it would be on a grant by grant basis.

Mr. Simone will discuss the parking issue brought up by Mr. Sweezy with Chuck Silverstein and report back.

PAYMENT OF BILLS

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

The Council President declared the motion passed

EXECUTIVE SESSION

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

RESOLUTION [EX]

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into executive session during a Public Meeting; and **WHEREAS**, the Governing Body of the Township of Little Falls has deemed it necessary to go into executive session to discuss certain matters which are exempted for the Public; and **WHEREAS**, the regular meeting of this Governing Body with reconvene;

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NOW, THEREOFRE, BE IT RESOLVED that the Township Council of the Township of Little Falls will go into executive session for the following reason(s) – items of negotiation - no action taken.

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

The Council President declared the motion passed.

The Council entered Executive Session at 9:18 p.m.

At 9:37 p.m. the Council returned and it was moved by Councilmember Damiano seconded by Councilmember Maceri, that the meeting return to Open Session.

There being no further business to come before the meeting, it was moved by Councilmember Maceri, seconded by Councilmember Porter, that the meeting be and it was adjourned at 9:38 p.m.

Cynthia Kraus
Municipal Clerk