

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

**Monday, May 23, 2016**

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

Absent: Township Engineer Dennis Lindsay.

Township Employees present: Lt. Steven Post, DPW Superintendent Philip Simone, Deputy Clerk Marlene Simone, Fire Chief Jack Sweezy, and Rich Timmerman

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 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.

At this time, Mayor Conti installed Rich Timmerman as a Little Falls police officer.

**REMARKS FROM CHAIR**

Council President FONTANA congratulated Rich Timmerman and his family on his installation. Council President FONTANA reported the first annual LFAC Appreciation Night was held for eighth graders who participated in recreation events during their elementary school years. He also encouraged everyone to attend the Memorial Day parade this weekend at 10:00 a.m., and the Library's 100<sup>th</sup> anniversary celebration on June 11, 2016 from 10 a.m.-3 p.m.

**COUNCIL MEMBER REPORTS**

Councilmember PORTER congratulated Rich Timmerman. She announced the Municipal Alliance will host Staying on the Right Track for eighth graders on May 26, 2016. The Senior Advisory Board sponsored a successful Ice Cream Social with over 40 seniors in attendance and entertainment by the children. She encouraged everyone to attend the Memorial Day Parade. Councilmember PORTER also reported a recent incident that required an ambulance at the high school, noting the superior response time of the EMS.

Councilmember DAMIANO congratulated Rich Timmerman. He reported the Transportation Committee convened earlier tonight and continues to address pedestrian crosswalk and truck route issues. The Grant Committee is in the process of obtaining lists from Department Heads to provide the grant writer with grant subject areas to pursue. Councilmember DAMIANO thanked Chief Post for his extraordinary efforts in patrolling the Township to address the recent string of auto burglaries. He requested additional pedestrian crosswalk signs be placed in high traffic areas throughout the Township to promote pedestrian safety. He expressed his anticipation of the upcoming parade.

Councilmember LIESS stated he enjoyed the Ice Cream Social. He emphasized the planning that went into the Memorial Day parade and thanked the Police, Fire and DPW Departments for their help incorporating many changes into the parade.

Councilmember MACERI congratulated Rich Timmerman on his installation and thanked the members of the Police Department for their efforts in addressing the recent auto crimes. Councilmember MACERI encouraged everyone to attend the Memorial Day parade and reiterated the importance of the parade.

**MAYOR'S REPORT**

Mayor Conti reported the EMS has been in service for one week with an average response time of 5.6 minutes, compared to a previous response time of 20 minutes or more. Chief Sweezy reported during the first week of paid EMS, there have been 25 calls, 21 of which were billable. He further stated that there are two individuals staffing EMS at all times. Additionally, Little Falls is assisting MSU as their ambulances are currently disabled. Councilmember DAMIANO questioned why four calls were not billable. Chief Sweezy explained that one was a no need call and the other three calls were mutual aid to cover Little Falls, as our EMS was at another call.

At this time, Mayor Conti read a Proclamation for 2016 as the Year of the Little Falls Library, in honor of its 100<sup>th</sup> anniversary.

**ATTORNEY'S REPORT**

Mr. Northgrave had nothing to report.

**PUBLIC COMMENT**

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

**Meeting of May 23, 2016**

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

The Council President declared the motion passed.

Al Attianese- 27 Dewey Avenue, addressed Councilmember PORTER to determine whether the football camp stationed at the high school by a private entity is reimbursing the Township for use of facilities.

Lisa Riotto, 8 Morningside Circle, requested a timeline for work done in her neighborhood on the pipeline and easement, as her property now has a large sinkhole.

Arnold Korotkin, 181 Long Hill Road, requested a status report from Councilmember Porter regarding lead in the schools. He also referenced the Open Public Records Act (OPRA) when expressing his concern that Council meeting minutes are not posted on the Township website in a timely manner. He questioned whether the Township would be in violation of OPRA pending the results of the November 8, 2016 election, if there was an inadequate quorum to approve previous Council meeting minutes. He further queried whether the failure to post minutes on the website would negatively impact the Township's filing of the 2016 Governor's Best Practice Report, which he asserted may impact the revenue that the Township may receive.

Louis Fernandez, Harrison Street, agreed with Mr. Attianese's question regarding reimbursement for use of the high school facilities. He additionally proposed Township employees be residents of the Township.

Thomas Paulhus, 123 Montclair Avenue, questioned why there are no curb cuts on First Street. Additionally, he informed the Council he is legally blind, and would like to request a sign on Montclair Avenue, to notify drivers a blind individual is in residence.

Reena Shapiro, ABC, congratulated Mrs. Kraus on her reappointment as Township Clerk. She questioned whether trees donated in memory of an individual could be planted in areas besides Memorial Park. She notified the Council she received a letter from Gail Pardon indicating a location on which to hang a banner on Stevens Avenue does not exist. She requested Council assistance in this matter to advertise Township events.

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

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

The Council President declared the motion passed.

Councilmember PORTER stated she has not heard back from the Business Administrator regarding lead testing in the schools, however, she will follow-up and report back. She also indicated she will obtain a response regarding the football camp and report back to Council.

Mr. Cuccia stated the work done thus far in Mrs. Riotto's neighborhood was performed by the water company. The Township will repair the drainage system and possibly the road and curbing, however, a definitive status will be obtained from Mr. Lindsay, who could not attend tonight's meeting due to death in the family. Mr. Cuccia to obtain Mrs. Riotto's contact information and reach out to Mr. Lindsay.

Council President FONTANA reported the employee assigned to the minutes has relinquished her position. However, a new hire has been obtained and substantial headway on the minutes is expected.

Council President FONTANA stated while he agrees with the idea of Little Falls residents being employed by the Township, the Township cannot use this criteria as a basis for hiring personnel.

In response to Mr. Paulhus's requests, Mr. Simone stated the curb cuts fall under the purview of the DOT, which is slated to install handicap ramps along Route 23 in 2017. Mr. Simone will reach out to the DOT to remind and advise them of the request. Mr. Simone will discuss installation of a sign on Montclair Avenue with Chuck Silverstein.

Mr. Simone addressed Ms. Shapiro's inquiry about tree planting by stating that the trees have been purchased and planted in the open spaces once occupied by homes in the flood area, however, this is ongoing project. Donations for trees are accepted and approval for locations besides Memorial Park would be determined by the Council. In reference to banner locations, Mr. Simone stated Public Service had distributed regulations in 2015 prohibiting use of poles that house electrical wires, which has resulted in the inability to hang banners. Council President FONTANA recommended pinpointing two or three locations throughout the Township as potential sites. Mr. Simone stated the Township would have to pay to install the poles and guidewire. He suggested charging a fee to hang the banner to recoup costs. Mr. Simone to forward Public Service guidelines to Council President FONTANA as per his request.

The Councilmembers congratulated Mrs. Kraus on her reappointment as Township Clerk.

**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 April 2016

MUNICIPAL CLERKS REPORT  
Month of April 2016

ABC LICENSES		
OTHER LICENSES		
Business Licenses	\$855.00	
Pre-paid Business Licenses		
Raffle Licenses		\$855.00
REGISTRAR OF VITAL STATISTICS		
Fees & Permits	\$200.00	
Marriage Licenses-LF	\$24.00	
Marriage Licenses-NJ	\$200.00	\$424.00
MRNA		
Street Maps	\$	
Zoning Maps	\$	
Zoning Ordinances		
Document Copies	\$3.15	
Garage Sales	\$15.00	
Misc. Fees & Refunds:		
TOTAL MRNA		\$15.00
TOTAL CURRENT ACCOUNT		\$1,297.15
TOTAL TO TREASURER		<u>\$1,297.15</u>

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

MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT

Month of April 2016

<b>Dog Licenses issued 04/01/2015 thru 04/30/2016</b>		
Nos. 388 to 391 = 4 Licenses		
Amount due Little Falls		\$27.20
Amount due State		7.80
Total Cash Received		\$35.00
<b>Cat Licenses issued 03/01/2015 thru 03/31/2016</b>		
Nos. to		
Licenses Issued 0		
Total Cash Received		<u>\$0.00</u>
Total to Treas.		<u>\$35.00</u>

**TAX COLLECTOR’S REPORT FOR THE MONTH OF APRIL 2016**

**RESOLUTIONS**

Participation in Community Development Block Grant Program

**RESOLUTION [A] 16-05-23 - #1**

**RESOLUTION TO ADOPT THE THREE-YEAR COOPERATIVE AGREEMENT BETWEEN PASSAIC COUNTY AND THE TOWNSHIP OF LITTLE FALLS TO PARTICIPATE IN THE PASSAIC COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: FEDERAL FISCAL YEARS 2017, 2018 AND 2019**

**WHEREAS**, Title I of the Housing and Community Development Act of 1974, as amended, provides federal funds to Passaic County to carry out eligible community development activities; and

**WHEREAS**, the Township of Little Falls (hereinafter referred to as the “Municipality”) agrees to participate in the eligible activities to be carried out under the Passaic County Urban County Entitlement Community Development Block Grant Program; and

**WHEREAS**, the Mayor of the Municipality is authorized to execute this Cooperation Agreement; and

**WHEREAS**, Passaic County and the Municipality agree to cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities; and

**WHEREAS**, all parties to this Cooperation Agreement will take all actions necessary to assure compliance with Passaic County’s Urban County certification under section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title IV of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. Further, all parties will comply with section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and with other applicable laws. The Urban County will not provide funding for activities in, or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the County’s actions to comply with the County’s fair housing certification. Noncompliance by a unit of general local government included in an Urban County may constitute noncompliance by the County that can, in turn, provide cause for funding sanctions or other remedial actions by the U.S. Department of Housing and Urban Development; and

**WHEREAS**, this agreement shall be in effect for the three year program period: Federal Fiscal Years 2017, 2018 and 2019, and remains in effect until the CDBG funds and program income received (with respect to activities carried out during the three-year qualification period) are expended and the funded activities completed, and that the County and Municipality cannot terminate or withdraw from the Cooperation Agreement while it remains in effect. This agreement shall remain in effect until expressly terminated by one of the parties hereto, but said termination may only occur at the end of each three year Urban County requalification period; and

**Meeting of May 23, 2016**

**WHEREAS**, the County has the authority to carry out activities which shall be funded from annual Community Development Block Grant funding appropriations: the County has final responsibility for selecting projects, preparing the Five Year Plan, as required by HUD, and preparing annual Action Plans; and

**WHEREAS**, by executing this Cooperation Agreement, the Municipality understands the following:

1. It may not apply for grants under the Small Cities New Jersey State CDBG Program for appropriations for fiscal years during the period in which it participates in the Passaic County Urban County CDBG Program;
2. This agreement shall remain in effect until the CDBG funds and income received with respect to the three year qualification period are expended and the funded activities completed;
3. The County and the Municipality may not terminate or withdraw from this agreement while this agreement remains in effect as above;
4. The Municipality has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations;
5. The Municipality has a policy of enforcing applicable State and local laws against physically barring entrance to, or exit from, a facility or location that is the subject of nonviolent civil rights demonstrations within its jurisdiction;
6. The Municipality shall be prohibited from receiving Urban County funding for activities in, or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the County's actions to comply with its fair housing certification;
7. The Municipality, pursuant to 24 CFR 570.501(b) is subject to the same requirements applicable to sub-recipients, including the requirement of a written agreement as described in 24-CFR 570.503; and

**WHEREAS**, the Municipality shall comply with all applicable laws, ordinances, and codes of the State and Local governments, and shall commit no trespass on any private property in performing any kind of the work embraced by this Cooperation Agreement; and

**WHEREAS**, the Municipality shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin, handicap or familiar status, The Municipality shall take affirmative action to ensure that applicant for employment are employed, and that employees are treated during employment without regard to their race, color, religion, sex, national origin, handicap or familiar status. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff/termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Municipality shall post in conspicuous places, available to employee and applicants for employment, notices to be provided by the Government setting forth the provisions of this nondiscrimination clause. The Municipality shall incorporate the foregoing requirements of this paragraph (a) in all its contractors for such work to incorporate such requirements in all of its contractors for such requirements in all subcontractors for program work; and

**WHEREAS**, the Municipality is subject to the requirements of Title VI of the Civil Rights Act of 1964, and Title VIII of the Civil Rights Act of 1968. (P.L. 88-352) and HUD regulations with respect thereto including the regulations under 24 CFR Part 1. In the sale, or lease, or other transfer of land acquired, cleared, or improved with the assistance provided under this Agreement, the Municipality shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination upon the basis of race, color, religion, sex or national origin in the sale, lease or rental, or in the use or occupancy of such land or any improvements erected thereon, and providing that the sub grantee and the United States are beneficiaries of and entitled to enforce such covenant. The Municipality in undertaking its obligation in carrying out the program assisted hereunder agrees to take such measures as are necessary to enforce such covenant and shall not itself so discriminate; and

**WHEREAS**, the County and the Municipality agree to comply with the Consolidated and Further Continuing Appropriations Act, 2016, Pub. L 114-113, which states that a unit of local government may not sell, trade or otherwise transfer for all or any portion of such funds to a metropolitan city, urban county, unity of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended; and

**WHEREAS**, the aforesaid activities are in the best interest of the Township of Little Falls; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Township of Little Falls, that the Mayor is authorized to execute the Urban County CDBG Cooperation Agreement with the County of Passaic to participate in the Passaic County Urban County Entitlement Community Development Block Grant Program for Federal Fiscal Years 2017, 2018 and 2019; and

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon its enactment, as provided by law.

\*\*\*\*\*

Reappointment of Municipal Clerk

**RESOLUTION [B] 16-05-23 - #2  
RESOLUTION TO REAPPOINT TOWNSHIP CLERK**

**WHEREAS**, the Township Council of the Township of Little Falls, on May 20, 2013, appointed Cynthia Kraus Township Clerk for a three-year term; and

**WHEREAS**, pursuant to N.J.S.A. 40A:9-133, the said appointment expired on May 19, 2016; and

**WHEREAS**, the Township Council of the Township of Little Falls desires to continue the employment of Cynthia Kraus as Township Clerk; and,

**WHEREAS**, Cynthia Kraus is the holder of Certificate No. C-1649, certifying her as a Registered Municipal Clerk;

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Little Falls hereby appoints Cynthia Kraus Township Clerk of the Township of Little Falls, for a term of three years commencing on May 20, 2016, in accordance with the provisions of N.J.S.A. 40A:9-133.

\*\*\*\*\*

**CORRESPONDENCE**

Request from Great Notch Fire Company for permission to conduct a boot drive on Friday, June 10, 2016 at the intersections of Long Hill Road and Notch Road and Browertown Road and Rose Street between the hours of 7:00 a.m. and 7:30 p.m.

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

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

The Council President declared the motion passed.

**REGULAR AGENDA**

**NEW BUSINESS**

Ordinance No. 1249 -It was moved by Councilmember Damiano, seconded by Councilmember Maceri, that the Ordinance No. 1249 be and it was adopted.

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

The Council President declared the motion passed.

**Meeting of May 23, 2016**

Ordinance No. 1253-It was moved by Councilmember Damiano, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1253, **“BOND ORDINANCE PROVIDING FOR THE 2016 ROAD RESURFACING PROGRAM IN AND BY THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$320,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$304,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”** be and it was opened.

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

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Damiano, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1253 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Liess, seconded by Councilmember Damiano, that the Ordinance No. 1253 be and it was adopted.

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

The Council President declared the motion passed.

Ordinance No. 1254- It was moved by Councilmember Liess, seconded by Councilmember Damiano, that the public hearing on Ordinance No. 1254, **“BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$155,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$199,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”** be and it was opened.

No one having come forward to be heard, it was moved by Councilmember Liess, seconded by Councilmember Damiano, that the public hearing on Ordinance No. 1254 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Damiano, seconded by Councilmember Porter, that the Ordinance No. 1254 be and it was adopted.

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

The Council President declared the motion passed.

Ordinance No. 1255- It was moved by Councilmember Liess, seconded by Councilmember Damiano, that the public hearing on Ordinance No. 1255, **“BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF AN INTEGRATED BODY AND CAR CAMERA SYSTEM FOR THE POLICE DEPARTMENT IN AND BY THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING \$155,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$147,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”** be and it was opened.

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

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Damiano, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1255 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Maceri, seconded by Councilmember Damiano, that the Ordinance No. 1255 be and it was adopted.

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

The Council President declared the motion passed.

Ordinance No. 1256- It was moved by Councilmember Damiano, seconded by Councilmember Liess, that the public hearing on Ordinance No. 1256, **“ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF**

**Meeting of May 23, 2016**

**LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE TO REVISE THE LOCATION OF A CERTAIN BUS STOP ALONG EAST MAIN STREET” be and it was opened.**

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

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Damiano, seconded by Councilmember Porter, that the public hearing on Ordinance No. 1256 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Damiano, seconded by Councilmember Porter, that the Ordinance No. 1256 be and it was adopted.

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

The Council President declared the motion passed.

**PAYMENT OF BILLS**

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

**RESOLUTION [BL]**

**BE IT RESOLVED** by the Township Council of the Township of Little Falls the Council having received the Treasurer’s certification of the availability of funds for payment of all bills presented, that payment of all bills approved by the Finance Committee be and is hereby authorized, subject to the availability of funds and subject to the appropriate and available appropriation in the line item.

\*\*\*\*\*

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

The Council President declared the motion passed.

There being no further business to come before the meeting, it was moved by Councilmember Damiano, seconded by Councilmember Porter, that the meeting be and it was adjourned at 7:49 p.m.

---

Municipal Clerk  
Cynthia Kraus