

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

Monday, May 9, 2011

Council President Louis Fontana called the meeting to order at 7:32 p.m. with the following members present: Mercedes Gonzalez, Darlene Post, Joseph Sisco and John Vantuno. Also present were Mayor Michael DeFrancisci, Township Attorney Joseph Trapanese, Township Engineer Dennis Lindsay, Municipal Clerk William Wilk, Township Administrator Henry Underhill and Township Grant Writer Joanne Bergin.

Absent: None.

Township Employees present: Police Chief John Dmuchowski, Detective Alfred Batelli, Fire Chief Jack Sweezy, Fire Department President Michael Burke and Deputy Municipal Clerk Cynthia Meyer

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

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

APPROVAL OF MINUTES

It was moved by Councilmember Post, seconded by Councilmember Gonzalez, that the Minutes of the meeting of March 21, 2011, be approved.

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

The Council President declared the motion passed.

REMARKS FROM CHAIR

Council President FONTANA informed that the Council received a letter from an adjunct professor at MSU, in which he commended Chief Dmuchowski for speaking at a class on Criminal Justice recently. He received a letter from the City of Clifton, who needs volunteers to participate in a mass public emergency drill on Saturday 5/21/11 from 10:00 a.m. – 12:00 p.m.

COUNCIL MEMBER REPORTS

Councilmember SISCO pointed out that this is his seventh year on the Council. He reminded that Detective Batelli is retiring from the Police Department and he commended him on his years of service to the Township and wished him well in his retirement.

Councilmember GONZALEZ congratulated Chief Dmuchowski and Detective Batelli; she commended both of them.

Councilmember POST explained that she met with the Redevelopment Committee; the new Township Planner went out to look at the downtown area with the committee. She informed that the Township will be celebrating its 300th year anniversary on 11/27/11; the Historical Society is planning a celebration and they are hoping that people would volunteer to help plan this. Their next meeting will be held on Tuesday, 5/17/11 at 7:00 p.m. at the Civic Center. The Garden Club's Exhibit will be ran from 5/11/11 to 5/15/11 at the Montclair Art Museum Their display is a floral display to go with a piece of Andy Walher's art. That display will be at Venus Creations on 5/16/11.

Councilmember VANTUNO had nothing to report.

MAYOR'S REPORT

Mayor DeFrancisci had nothing to report.

ATTORNEY'S REPORT

Mr. Trapanese had nothing to report.

Council President FONTANA said Joanne Bergin would give a presentation at this time. Mrs. Bergin explained that the town is interested in pursuing open space tax, which is strictly for open space projects, such as developing properties or maintaining parks. This will be a question for the voters to decide on at the General Election. Green Acres and NJEC Society have been active with this process. She explained that the Open Space Trust Fund will also allow the town to pay off debt. The main purpose of her presentation tonight is to get an idea of where they want to be in terms of how much they will ask tax payers to contribute. She explained that they can be flexible in what they ask, as it can increase or decrease yearly up to a certain percentage. Approximately 41% of municipalities in New Jersey have this and only 7% in Passaic County. If the ballot question is approved, they will set up an Open Space Committee. She provided further details of the process, giving a timeline of events. Council members FONTANA and VANTUNO asked for clarification and Mrs. Bergin informed that they would start the first year at two cents, which must be endorsed and supported by the governing body. It is important to educate the residents on the value of this. Councilmember SISCO pointed out that there are older residents who may not be able to afford it, and Councilmember GONZALEZ said they are working on this.

Mr. Trapanese said this question will be placed on the ballot, but it must be explained and the purposes given; they must be very particular. Council President FONTANA agreed that they need to go up to two cents in the first year. Mayor DeFrancisci wasn't sure about the number, but said this wasn't something they needed to discuss this evening. He explained that they tried to get money from the Open Space Trust Fund two years ago; they were successful in that application and they were successful last year as well. They don't have the control to go out for these matching monies right

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now. They have a business in town who wanted to donate 10,000 dollars to Open Space this year, but they couldn't take the money because they didn't have the fund. This is something that must be approved by the voters.

PUBLIC PORTION

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

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

The Council President declared the motion passed.

Dorothy O'Haire, Turnberry Road, explained that the Open Space Trust Fund works the same as the Hazard Mitigation Plan; if the Township is not willing to do the work, they will not get the money/matching funds. She pointed out that an Open Space Fund is a wonderful thing, and suggested they start small and work their way up.

Frank Zimmerman, Long Hill Road, referred to the issue regarding Woods Road, and pointed out that there was a resolution on this evening's agenda to rescind Ordinance No. 1120; he asked for clarification. He attended last week's Planning Board meeting and they held a public hearing on Ordinance No. 1120, but the ordinance was not available to the public. Now the Council is introducing a new Ordinance for this, which is No. 1124. He asked for the differences between the two. He also pointed out that the public hearing on this new ordinance will be held prior to the next regularly scheduled Planning Board meeting.

Raymond Kastrowski, Donato Drive, referred to the Justice Complex and explained that they dug the foundation, but there was no waterproofing done, and part of it has already been filled in. If there is a basement, it should be waterproofed. He also referred to the house on Wilmore Road and First Avenue and said the hedges are above what the fencing wall is; it is a corner property and you cannot see when making turns in that area.

Brian Reynolds, 7 Notch Road, said the Open Space tax sounds like a good idea, but said if a target is set of how much money and they get donations, then the tax should be lower for the residents since they received some of it in donations. He also pointed out that there is a resolution on tonight's agenda to withdraw the membership of the Tri-town Board on MSU; he questioned this, noting that they still have issues with MSU. He also asked if resolutions could be posted on the website and if public notices could be sent out to residents who wish to receive same.

Arnold Korotkin, Long Hill Road, informed that PNC Bank had previously removed some trees in front of the bank because of a safety hazard. He explained that they have found a vendor who will start the work this week or next to plant new trees.

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

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

The Council President declared the motion passed.

Mr. Trapanese referred to Mr. Zimmerman's comments, and explained that one ordinance is being withdrawn because it only deals with two acres. He further noted that they cannot divulge ongoing discussions between Mr. Schumacher and the Township. The new ordinance represents seven acres with regard to zoning and the building of 27 single-family homes. He agreed that the Planning Board will have to review this again, but said they have reviewed the general nature of the ordinance. He explained that the Township will be re-notifying everyone within 200 feet, and said there should be a report available to the Council before the hearing.

Mr. Trapanese said he is familiar with the property on First Avenue and Wilmore Road; he recognized this as a dangerous situation. They had the County come to take a look at this since it is a County road. The County required the owners to trim the hedges low enough for people to see when turning. They need to bring this matter to the attention of the Building Department.

Mr. Underhill said he will check with the Construction Manager on the building of the Justice Complex. He thinks they already waterproofed the section where the court will be.

Mrs. Bergin explained to Mr. Reynolds that they cannot change the percentage until it's time to renew it the following year. Therefore, the percentage would stay the same for that year, but could decrease the next year if there were donations.

Mr. Wilk explained that not all backup and/or resolutions are in computer format; it would require scanning, sizing and other modifications to get this information on the Website.

Councilmember GONZALEZ said she sat in on a few meetings with the Mayor of Montclair and a Clifton representative. She explained that there are issues that do not concern the Township; they have much bigger issues with MSU, and they should be dealing with MSU directly. She spoke with the Mayor about this and previously announced it at a Workshop. She also gave notice to the Mayor of Montclair, providing him time to give his input. They need to work closely and directly with MSU to get anywhere.

Mr. Underhill informed that he has been looking into the idea of a cyber newsletter; he will report back on this shortly. Councilmember VANTUNO also commented that he and Mr. Organisciak have been working on this.

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

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Township Clerk's Report – Month of April 2011

TOWNSHIP CLERKS REPORT
Month of April 2011

ABC LICENSES		
OTHER LICENSES		
Business Licenses	\$1,005.00	
Pre-paid Business Licenses		
Raffle Licenses	480.00	\$1,485.00
REGISTRAR OF VITAL STATISTICS		
Fees & Permits	\$392.00	
Marriage Licenses-LF	12.00	
Marriage Licenses-NJ	100.00	\$504.00
MRNA		
Street Maps		
Zoning Maps		
Zoning Ordinances		
Document Copies	\$8.50	
Garage Sales	15.00	
Misc. Fees & Refunds:		
TOTAL MRNA		\$23.50
TOTAL CURRENT ACCOUNT		\$2,012.50
TOTAL TO TREASURER		\$2,012.50

Township Clerk's Dog/Cat License Report – Month of April 2011

TOWNSHIP CLERK'S DOG/CAT LICENSE REPORT
Month of April 2011

Dog Licenses issued 4/1/11 thru 4/30/11	
Nos. 385 to 385 = 1 License	
Amount due Little Falls	\$6.80
Amount due State	1.20
Total Cash Received	\$8.00
Total to Treas.	\$8.00

Tax Collector's Report – Month of April 2011

MONTHLY REPORT

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

	<u>To April 29, 2011</u>	<u>2011 YEAR TO DATE</u>
2011 Taxes	\$3,441,943.87	\$13,248,614.74
2010 Taxes	47,404.12	262,266.78
Prepaid 2012 Taxes	0.00	0.00
Interest	5,619.97	24,268.92
Township Tax Title Lien	0.00	0.00
Township Tax Title Lien Int.	0.00	0.00
Cost of Tax Sale	130.64	130.64
Outside Tax Liens	0.00	13,736.01
Duplicate Tax Bills	80.00	160.00
Tax Searches	0.00	0.00
Insufficient Check Charge	0.00	40.00
6% Penalty Fee	679.36	2,532.05
Misc. Line Item Fee	0.00	0.00
Premium Outside Lien	0.00	0.00
Tax Sale Additional Fee	0.00	0.00
Municipal Copy Fee	0.00	0.29
GRAND TOTALS	\$3,495,857.96	\$13,551,749.43
Comparison of Years:		
April 1, 2011 to April 29, 2011	\$3,495,857.96	\$13,551,749.43
April 1, 2010 to April 30, 2010	2,895,608.46	12,329,702.99
	+\$600,249.50	+\$1,222,046.44

Delinquent 2011 Taxes = \$208,235.26 (1st Qtr.---120 line items).
Delinquent 2010 Taxes = 239,401.90 (51---tax sale 06/15/11).
2010 Taxes = 9,000.00 (6) Sr. Citizen/Vet. disallow. due 06/01/11.
\$456,637.16

Comparison--same time last year:

Delinquent 2010 Taxes = \$184,462.01 (1st Qtr.---119 line items)
Delinquent 2009 Taxes = 171,722.50 (48 tax sale 10/20/10)
\$356,184.51

Bounced checks this month = \$6,915.23 Year-to-date bounced checks = \$9,255.19
Refunds this month = -\$19,563.66 Year-to-date refunds = -\$19,847.19

RESOLUTIONS

NJ Department of Health – Dog License Fees

RESOLUTION [A] 11-05-09 - #1

BE IT RESOLVED by the Township Council of the Township of Little Falls, the Treasurer having certified to the availability of funds, that the Mayor, Clerk and Treasurer be and they are hereby authorized and directed to issue a check in the amount of:

\$1.20

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payable to:

NJ State Dept. of Health
representing payment of State dog license fee, license Nos. 385 to 385 for the month of April 2011.

Welfare

RESOLUTION [B] 11-05-09 - #2

BE IT RESOLVED by the Township Council of the Township of Little Falls, the Treasurer having timely certified to the availability of funds therefor, that the action of the Mayor, Clerk and Treasurer in issuing checks in the amount of:

\$1,470.00 (\$210.00 each)

payable to:

Welfare Clients #55, 58, 60, 61, 63, 66, 68
representing payment of Self-Care for the month of May 2011 be and the same is hereby authorized and ratified.

Refund for Overpayment of 2nd Qtr. 2011 Taxes

RESOLUTION [C] 11-05-09 - #3

WHEREAS, the property known as Block 148 Lot 12 assessed to George & Isabel Dassinger of 172 Second Avenue, Little Falls, NJ has an overpayment of taxes on their 2011 2nd quarter in the amount of \$311.25; and

WHEREAS, the above taxpayer applied to the State of New Jersey for the 2009 Homestead Benefit credit and was eligible for the same; and

WHEREAS, the taxpayer's mortgage company (American Home Mortgage Servicing) paid the amount of the 2nd Quarter before the credit amount on April 25, 2011; and

WHEREAS, the Tax Collector shall authorize our CMFO/Treasurer to issue a refund check made payable George & Isabel Dassinger, 172 Second Avenue, Little Falls, NJ 07424 in the amount of \$311.25;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls on this 9th day of May 2011 that the amount of \$311.25 be refunded to George & Isabel Dassinger due to an overpayment of taxes from a Homestead Benefit credit.

Little Falls Library – Payment of 2nd Qtr. 2011 Funds

RESOLUTION [D] 11-05-09 - #4

BE IT RESOLVED by the Township Council of the Township of Little Falls, the Treasurer having certified to the availability of funds therefor that the Mayor, Clerk and Treasurer be and they are hereby authorized and directed to issue a check in the amount of:

\$158,473.25

payable to:

Little Falls Public Library

representing payment of 2nd quarter 2011 funds.

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

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

The Council President declared the motion passed.

Mr. Trapanese recommended that they enter into Executive Session at this time, prior to the Regular Agenda being voted on.

EXECUTIVE SESSION

It was moved by Councilmember Post, seconded by Councilmember Sisco, 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 from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Little Falls will go into executive session for the following reason(s) as outlined in N.J.S.A 10:4-12: Discussion of Emergency Medical Services Ordinance, Schumacher Litigation and Pinnacle Wireless.

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

The Council President declared the motion passed.

The Council entered Executive Session at 8:16 p.m.

At 9:35 p.m., the Council returned and it was moved by Councilmember Sisco, seconded by Councilmember Post, that the meeting return to Open Session.

REGULAR AGENDA

The following items were individually considered.

INTERDEPARTMENTAL

Administration – It was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, that the Council approve the following:

RESOLUTION [E] 11-05-09 - #5

FIXING SUMMER OFFICE HOURS OF TOWN HALL AND TAX COLLECTOR'S OFFICE

BE IT RESOLVED by the Township Council of the Township of Little Falls that the summer hours of the offices in Town Hall be and they are fixed as follows, with a half hour lunch break Monday through Thursday:

May 30, 2011 – September 2, 2011

Monday through Thursday: 8:30 a.m. to 5:00 p.m.
Fridays: 9:00 a.m. to 12 Noon

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BE IT FURTHER RESOLVED that the Tax Collector’s Office shall be open to the **public** as follows:

Monday through Thursday: 8:30 a.m. to 4:30 p.m.
Fridays: 9:00 a.m. to 11:30 a.m.

Council President FONTANA asked why the Tax Collector’s hours are different from the rest of the building. Mr. Wilk explained that the Tax Collector has always had separate hours, and also pointed out that the office closes earlier to the public in order to count the monies and close out accounts.

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

The Council President declared the motion passed.

Fire Department – It was moved by Councilmember Vantuno, seconded by Councilmember Sisco, that the Council approve the following:

RESOLUTION [F] 11-05-09 - #6
ACCEPTING BID AND AWARDING CONTRACT
FOR THERMAL IMAGING CAMERAS

WHEREAS, pursuant to advertising duly made, bids were received by the Township of Little Falls for thermal imaging cameras as follows:

Guard Line Fire & Safety Co.
75 Main Avenue
Elmwood Park, NJ 07407
Bid: \$18,750.00

Breathe Safe Fire & Safety Equipment Co.
P.O. Box 520, 3400 Pickertown Road
Warrington, PA 18976
Bid: \$21,050.00

MSA The Safety Company
P.O. Box 426
Pittsburgh, PA 15230
Bid: \$23,575.35

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

1) That the bid of

Guard Line Fire & Safety Co.
75 Main Avenue
Elmwood Park, NJ 07407

in the amount of

\$18,750.00

be and the same is hereby accepted; and

2) That the award is being made through the Morris County Cooperative Pricing Council.

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

The Council President declared the motion passed.

CORRESPONDENCE

LETTER FROM SHAG 86 REQUESTING PERMISSION TO CONDUCT ITS ANNUAL BREAST CANCER WALKATHON ON OCTOBER 9, 2011. THE WALK WILL START AT 10 AM FROM SHAG 86 TO FOUR CORNERS AND BACK. IT IS ANTICIPATED TO TAKE PLACE APPROXIMATELY ONE HOUR AND 100 TO 150 PARTICIPANTS ARE EXPECTED.

There was an affirmative consensus of the Council to approve this.

NEW BUSINESS

Public Hearing on Amendment to the 2011 Municipal Budget – It was moved by Councilmember Sisco, seconded by Councilmember Vantuno, that the public hearing on the amendment to the 2011 Municipal Budget be and it was opened.

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

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Sisco, seconded by Councilmember Post, that the public hearing on the amendment to the 2011 Municipal Budget be and it was closed.

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

The Council President declared the motion passed.

Resolution to Adopt 2011 Municipal Budget – It was moved by Councilmember Gonzalez, seconded by Councilmember Post, that the Council approve the following:

RESOLUTION [G] 11-05-09 - #7
ADOPTING 2011 MUNICIPAL BUDGET

BE IT RESOLVED by the Governing Body of the Township of Little Falls, County of Passaic, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$19,966,267 for municipal purposes.

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

The Council President declared the motion passed.

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Resolution [H] was no longer required to be acted upon since the Budget was adopted this evening.

Rescinding Introduction of Ordinance No. 1120 – It was moved by Councilmember Sisco, seconded by Councilmember Vantuno, that the Council approve the following:

RESOLUTION [I] 11-05-09 - #8

WHEREAS, Ordinance No. 1120, “AN ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS AMENDING AND SUPPLEMENTING § 280 OF THE “ZONING” PROVISIONS OF THE TOWNSHIP CODE TO ESTABLISH THE AFFORDABLE HOUSING OVERLAY II ZONE (AHO II), AMEND § 280-5 ENTITLED “DISTRICTS NUMERATED,” TO INCLUDE THE AHO II ZONE, AND AMENDING § 280-6 ENTITLED "ZONING MAP" TO REZONE CERTAIN LOTS TO THE NEWLY ESTABLISHED AHO II ZONE”, was introduced at a meeting of the Township Council held on April 11, 2011; and

WHEREAS, the Township Attorney has prepared a new ordinance which would replace Ordinance No. 1120; and
NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Little Falls, that the Ordinance No. 1120 is hereby rescinded.

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

The Council President declared the motion passed.

Ordinance No. 1121 – It was moved by Councilmember Vantuno, seconded by Councilmember Gonzalez, that the public hearing on Ordinance No. 1121, “**ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, NEW JERSEY, APPROPRIATING A \$364,770 GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE ELEVATION OF HOMES**”, be and it was opened.

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

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Sisco, seconded by Councilmember Vantuno, that the public hearing on Ordinance No. 1121 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Sisco, seconded by Councilmember Post, that the Ordinance No. 1121 be and it was adopted.

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

The Council President declared the motion passed.

Ordinance No. 1122 – It was moved by Councilmember Vantuno, seconded by Councilmember Sisco, that the public hearing on Ordinance No. 1122, “**AN ORDINANCE ESTABLISHING CHAPTER ___, ‘CHARITABLE DONATION BINS’, OF THE GENERAL ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS, IN ORDER TO REGULATE THE PLACEMENT AND OPERATION OF DONATION BINS WITHIN THE TOWNSHIP OF LITTLE FALLS**”, be and it was opened.

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

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Sisco, seconded by Councilmember Post, that the public hearing on Ordinance No. 1122 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Sisco, seconded by Councilmember Post, that the Ordinance No. 1122 be and it was adopted.

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

The Council President declared the motion passed.

Ordinance No. 1123 – It was moved by Councilmember Post, seconded by Councilmember Sisco, that the public hearing on Ordinance No. 1123, “**AN ORDINANCE ESTABLISHING A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM**”, be and it was opened.

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

The Council President declared the motion passed.

No one having come forward to be heard, it was moved by Councilmember Vantuno, seconded by Councilmember Post, that the public hearing on Ordinance No. 1123 be and it was closed.

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

The Council President declared the motion passed.

It was moved by Councilmember Sisco, seconded by Councilmember Post, that the Ordinance No. 1123 be and it was adopted.

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

The Council President declared the motion passed.

Defeated 2011/2012 Passaic Valley High School Budget – It was moved by Councilmember Post, seconded by Councilmember Vantuno, that the Council approve the following:

RESOLUTION [J] 11-05-09 - #9

WHEREAS, on April 27, 2011, the 2011-2012 Budget of the Passaic Valley Regional High School District #1 was defeated in the school election and;

WHEREAS, THE administration and representatives of the Board and representatives of the three governing bodies consisting of the Borough of Woodland Park, The Borough of Totowa and the Township of Little Falls met to resolve the amount of the 2011-2012 Budget reduction;

THEREFORE BE IT RESOLVED AND AGREED that the General Fund Tax Levy should be set for the 2011-2012 School Year at \$20,589,474. which reflects a reduction of \$60,000. in the General Fund Budget.

Child Study Team Salaries \$ 30,000.
Resource Room Teacher’s Salaries 30,000.

BE IT FURTHER RESOLVED, that the Board of Education directs the Business Administrator to make the necessary adjustments in the 2011-2012 Budget.

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

The Council President declared the motion passed.

Award Recycling Services Contract to Gaeta Recycling Inc. – It was moved by Councilmember Vantuno, seconded by Councilmember Sisco, that the Council approve the following:

RESOLUTION [K] 11-05-09 - #10
AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR
RECYCLING SERVICES

WHEREAS, on April 26, 2011, the Township of Little Falls received bids for recycling services as follows:

Gaeta Recycling, Inc. a/k/a Get-A-Can Inc. – Co.
Paterson, NJ
Bid: \$32,340.00

Joseph Smentkowski, Inc. Future Sanitation, Inc.
Jersey City, NJ Passaic, NJ
Bid: \$45,360.00 Bid: \$60,000.00

Marangi Waste Industries
Paterson, NJ
Bid: \$46,488.00

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Little Falls that the firm of:

Gaeta Recycling
278 West Railway Avenue
Paterson, NJ 07503

be awarded a six month (7/1/2011 to 12/31/2011) contract for recycling services in the amount of \$32,340.00

and that the Clerk be and is hereby authorized and directed to advertise the within award of contract; and

2) That the Mayor and Clerk be and they are hereby authorized to execute a contract in a form approved by the Township Attorney for the purchase of the within designated services subject to the successful contractor’s filing the required New Jersey Employee Information Report (Form AA302)or providing a Certificate of Employee Information to the Township.

Councilmember GONZALEZ questioned this resolution, and Mr. Underhill said it is an outsourcing of a service, instead of doing it in-house in terms of the cost benefit. She asked if Mr. Simone was spoken to about this and Mr. Underhill agreed, noting that Mr. Underhill had input on the RFP. He also said this would give the ability for work to be done by the DPW that cannot get done now due to a shortage of employees. Councilmember GONZALEZ asked for a report on this and asked for a breakdown of cost and savings. Mr. Underhill explained further, giving cost figures and noting that the service is less than they would pay for labor. Mayor DeFrancisci said the purpose of this was to free up time for the DPW workers to get other things done in town; they thought this would save money for the town and time for the DPW. He said this cost would be deducted from Recycling Trust and it is not a budget issue. Mr. Underhill informed that this is a six month contract, and they will bid it next year with the regular garbage. Mayor DeFrancisci said this is a reasonable way to evaluate an outside contract and it is a very short contract. In response to Councilmember GONZALEZ, Mayor DeFrancisci said reports were given by the DPW. Mr. Underhill said he would give the Council the spreadsheets from himself and Mr. Simone.

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

The Council President declared the motion passed.

Stipulation of Settlement – 2010 Tax Appeal – It was moved by Councilmember Sisco, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [L] 11-05-09 - #11

Meeting of May 9, 2011

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

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

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

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

97 Center Avenue Block 95 Lot 14

		Original Assessment	Requested Tax	Court Judgement
2010 Land:		\$226,000		\$236,000
Improvements:	\$192,700	\$149,000		
Total:		\$418,700	\$385,000	

2. There will be no prejudgment interest.

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

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

The Council President declared the motion passed.

Stipulation of Settlement – 2010 Tax Appeal – It was moved by Councilmember Sisco, seconded by Councilmember Gonzalez, that the Council approve the following:

RESOLUTION [M] 11-05-09 - #12

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

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

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

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

Oak Hill Road Block 251 Lot 14

		Original Assessment	County Board	Requested Tax Judgement	Court Judgement
2010 Land:		\$239,000		\$239,000	\$239,000
Improvements:	\$193,100	\$193,100		\$161,000	
Total:		\$432,100	\$432,100	\$400,000	

2. There will be no prejudgment interest.

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

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

The Council President declared the motion passed.

Stipulation of Settlement – 2010 Tax Appeal – It was moved by Councilmember Vantuno, seconded by Councilmember Gonzalez, that the Council approve the following:

RESOLUTION [N] 11-05-09 - #13

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

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

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

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

409-415 Main Street Block 77 Lot 3

		Original Assessment	County Board	Requested Tax Judgement	Court Judgement
2011 Land:		\$518,000		\$518,000	\$518,000
Improvements:	\$2,016,200	\$2,016,200		\$1,082,000	
Total:		\$2,534,200	\$2,534,200	\$1,600,000	

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

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

The Council President declared the motion passed.

Ordinance No. 1124 – It was moved by Councilmember Post, seconded by Councilmember Sisco, that there be introduced and the meeting of May 23, 2011 set as the date and time for the public hearing on the following:

ORDINANCE NO. 1124

AFFORDABLE HOUSING OVERLAY II ZONE

Meeting of May 9, 2011

ARTICLE XVIII . AFFORDABLE HOUSING OVERLAY II ZONE

§ 280-139.1. Purpose.

The purpose of this overlay zone is to create an additional realistic opportunity for the construction of low- and moderate-income housing in the Township of Little Falls utilizing single-family houses and thereby to provide an additional means of addressing the unmet-need portion of the fair share housing obligation of the Township of Little Falls under the New Jersey Fair Housing Act.

§ 280-139.2. Geographic scope.

This overlay zone includes the properties as identified by Block 237, Lots 30, 44, 52 and 59 as they appear on the Township's official Tax Map.

§ 280-139.3 Permitted uses

In addition to the uses otherwise permitted on the property, the following uses are permitted on a site located on one or more contiguous lots with an aggregate area of at least 6 acres:

- 1) Single family detached houses is constructed at a gross density no greater than 3.57 units per acre, but totaling no more than 24 housing units in the overlay zone.
- 2) Accessory uses customarily incidental to the above uses.
 - a. The term "accessory uses" shall not include a business or any building or use not located on the same lot with the building to which it is accessory.
 - b. Sheds
 - c. Essential services
 - d. Fences subject to the provisions of § 280-163 — § 280-167
 - e. Other customary accessory uses ad buildings which are clearly incidental to the principle use and building.
- 3) Signs.

§ 280-139.4 Affordable housing

- a) Twenty percent of the total number of units shall be affordable to low- and moderate-income households. The developer may construct the low- and moderate-income housing units on-site or, alternatively, the developer may make a Payment in Lieu (PIL) of construction for the low- and moderate-income housing units pursuant to § 280-139.5. If the developer chooses to construct the affordable housing units on-site, any computation resulting in a fraction of less than 0.5 shall be rounded down; any computation resulting in a fraction of 0.5 or greater shall be rounded up. If the developer chooses to make a Payment in Lieu of construction for the low- and moderate-income housing units, any fractional unit resulting from that computation shall be not be rounded off and shall be paid for by the developer at a prorated share of the PIL amount.
- b) The housing units set aside for low- and moderate-income households shall be constructed, marketed, and rented or sold in accordance with the regulations of the New Jersey Department of Community Affairs, including:
 - 1) Affordability;
 - 2) Occupant Eligibility;
 - 3) Proportion of low-income units and moderate-income units;
 - 4) Resale price controls;
 - 5) Handicapped adaptability and accessibility;
 - 6) Bedroom mix; and
 - 7) Affirmative marketing.

§ 280-139.5 Payment in lieu of construction of low-and moderate-income housing.

When payment in lieu of construction is selected by the developer, the developer and/or property owner may develop all the residential units permitted under this ordinance as market-priced units and shall deposit \$35,000 into the Township's Mt. Laurel Housing Fund for each low-and moderate-income housing unit otherwise required. Should a fractional unit result from the computation of the number of low-and moderate-income housing units required, the fraction shall not be rounded off and the developer shall pay the full PIL fee, including the prorated share for the fractional unit. The developer and/or property owner may make the \$35,000 PIL deposit separately for each four units constructed, except that if fewer than four units remain to be constructed, the final deposit shall be prorated. For each four units, the PIL deposit shall be made in two payments, half at the time of the issuance of the first building permit and half prior to the issuance of the first certificate of occupancy.

§ 280-139.6 Standards for single-family houses

A. Minimum lot dimensions

- 1) Lot area 5,000 square feet
- 2) Lot width (at front yard setback line) 50 feet
- 3) Mean depth 90 feet

B. Minimum yard dimensions

- 1) Front yard 12 feet
- 2) Side yard 5 feet
- 3) Side and front yards for corner lots 10 feet
- 3) Rear yard 15 feet

C. Maximum lot coverage

- 1) Building 40 percent
- 2) Impervious surface 65 percent

- D. Maximum Height 2.5 stories 35 feet

§ 280-139.7 Signs

This use may include one sign identifying the development plus directional and official signs. The development sign shall be set back at least five feet from all lot lines. The permitted total display area of the development sign shall not exceed 18 square feet; the maximum height shall not exceed eight feet; the maximum width of the sign face shall be 6 feet. The development sign shall be of durable construction and shall contain only the name of the development. If illuminated, the illumination shall be nonflashing and provided by a ground source.

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

The Council President declared the motion passed.

Meeting of May 9, 2011

Referring Ordinance No. 1124 to Planning Board – It was moved by Councilmember Post, seconded by Councilmember Sisco, that the Council approve the following:

RESOLUTION [O] 11-05-09 - #14

BE IT RESOLVED by the Township Council of the Township of Little Falls, that the following Ordinance:
Ordinance No. 1124: AFFORDABLE HOUSING OVERLAY ZONE II

be and is hereby referred to the Little Falls Planning Board for its review, comment and report, in accordance with the Municipal Land Use Law; and it is **FURTHER RESOLVED** that said Little Falls Planning Board shall, within the statutory period of time or sooner, report back to the Township Council of the Township of Little Falls as to its findings, recommendations and appropriate Resolutions.

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

The Council President declared the motion passed.

Referring Ordinance No. 1124 to COAH – It was moved by Councilmember Sisco, seconded by Councilmember Post, that the Council approve the following:

RESOLUTION [P] 11-05-09 - #15

BE IT RESOLVED by the Township Council of the Township of Little Falls, that the following Ordinance:
Ordinance No. 1124: AFFORDABLE HOUSING OVERLAY ZONE II

be and is hereby referred to the Council on Affordable Housing (COAH) for its review, comment and approval.

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

The Council President declared the motion passed.

Authorizing Termination of Participation in Tri-Town Board – It was moved by Councilmember Vantuno, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [Q] 11-05-09 - #16

WHEREAS, 85% of the Montclair State University campus is in Little Falls; and,
WHEREAS, in March of 2008, the Township of Little Falls resolved to participate in the Tri-Town Montclair State University Board; and,
WHEREAS, the Township of Little Falls is disappointed in the progress of the Board over the ensuing three years,
NOW THEREFORE BE IT RESOLVED the Township of Little Falls does hereby terminate its membership in the Tri-Town Montclair State University Board,

BE IT FURTHER RESOLVED, the Township of Little Falls will continue to interact with the University on a regular basis in its efforts to work cooperatively with Montclair State to obtain the best relationship for both the University and the Township.

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

The Council President declared the motion passed.

PUBLIC PORTION

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

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

The Council President declared the motion passed.

Dorothy O’Haire, Turnberry Road, explained that they are not saving any money if they are spending extra money on a six month contract for this year. She said it didn’t make any sense since the work is already getting done.

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

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

The Council President declared the motion passed.

Mr. Underhill said they know what they are paying each DPW man to go out and do this labor. This contract allows the DPW employees to get other work done that they cannot do otherwise. Mrs. O’Haire explained that it is costing them more. Mr. Underhill said they are getting the value of one extra worker for \$32,000. Mrs. O’Haire pointed out that the town is still spending more money.

PAYMENT OF BILLS

It was moved by Councilmember Vantuno, seconded by Councilmember Gonzalez, 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: Gonzalez, Post, Sisco, Vantuno and President Fontana
Nays: None

The Council President declared the motion passed.

Clarion Office Supply	General Admin.	150.00
Verizon Wireless		120.22
Bergin Consulting LLC	A & E	2625.00
Cablevision Systems Corp.		59.95

Meeting of May 9, 2011

CDW-G		99.74
Pitney Bowes Inc.		125.98
Professional Accountants	Treasurer	125.00
Vital Communications	Tax Assessor	700.00
Nicholas S. Brindisi, Esq.	Legal	2895.00
Trapanese & Trapanese, Esqs.		12,500.00
Action Interpreting LLC	Municipal Court	243.00
Cablevision Systems Corp.		49.95
Gann Law Books		98.00
West Group		549.96
North Jersey Media Group	Planning Board	103.03
Bernard B. Montalbano, Esq.		300.00
NJSHB	Group Health Ins.	73,278.56
Teamsters Local 97 Benefit Fund		1450.00
Teamsters Local 97 Benefit Fund		1500.00
Polaris Galaxy Insurance, LLC	Other Ins. LIAB	300.00
CDW-G	Aid to Volunteer Fire	99.74
Clifton Power Equipment, Inc.		496.85
James Di Maria		150.00
Joe Casillo		150.00
Little Falls Trophy		233.38
Verizon Wireless		127.80
Trailerama		1520.00
Clarion Office Supply	Fire Life Hazard	51.87
Cablevision Systems Corp.	Police	74.90
CDW-G		99.74
Chilton Occupational Health Ctr.		155.00
I.D.M. Medical Supply Co.		111.25
Mobile Mini Inc.		262.00
NJ Bias Crime Officers Assoc.		40.00
Park West Diner		37.80
Park West Diner		18.40
Verizon Wireless		404.68
Verizon Wireless		160.04
Integrated Document Tech.	Construction Official	26.00
Jerry Tolomeo		110.00
Verizon Wireless		110.11
CDW-G	DPW	99.74
Home Depot		7.99
Home Depot		14.02
Integrated Document Tech.		13.00
Stone Industries, Inc.		256.00
Tilcon New York Inc.		215.24
Verizon Wireless		351.79
Cablevision Systems Corp.	Emergency Mgmt.	49.95
Verizon Select Services		26.20
General Parts Group, Inc.	Vehicle Maintenance DPW	21.98
ZEP Manufacturing Co.		343.22
General Parts Group, Inc.	Vehicle Maintenance Police	7.26
Little Falls Auto Service		2091.15
Little Falls Auto Service		1809.14
Murphy		130.00
Wayne Ford Auto Sales		8.21
Wayne Ford Auto Sales		111.50
PSE&G	Street Lighting	9000.15
Ball & Chain Printers	Recreation	155.50
Cablevision Systems Corp.		49.95
CDW-G		99.74
Integrated Document Tech.		26.50
Rosangela Targia		180.00
Dr. Dilts	Animal Regulation Trust	200.00
4 Clean-Up	Bond Ord. – 1098	84,739.41
Verizon	Telephone	230.83
Verizon		3843.07
Hess Corporation	Gas & Electric	8058.78
Hess Corporation		326.07
PSE&G		7543.13
NJ American Water	Water	960.29
Veolia Environmental Service	Tipping Fees	25,818.83
NJ American Water	Fire Hydrants	13,469.04
Veolia Environmental Services	Tipping Fees Flood	9804.88
Lynn Donovan	Municipal Alliance 2010	1100.00
Elisabeth T. Billig	2010	1100.00
Kristy Gregory	2010	500.00
Andrea Kornberg	2010	500.00
Willie Jean Creations	2010	800.00
Willie Jean Creations		110.00
Big Daddy's Dogs of Little Falls		200.00
Conrad Productions		200.00
Mystical Entertainment LLC		900.00
Vanderhoof Transport Co., Inc.	Senior Citizen Transportation	765.00
Ford Motor Credit Company	Acq. Of Police Car	1341.27
County of Passaic	County Taxes	2,537,047.46
County of Passaic		48,244.79

FINANCE COMMITTEE

Darlene Post

Louis Fontana

Joseph Sisco

Meeting of May 9, 2011

There being no further business to come before the meeting, it was moved by Councilmember Vantuno, seconded by Councilmember Gonzalez, that the meeting be and it was adjourned at 10:05 p.m.

William E. Wilk
Municipal Clerk

Cynthia Meyer
Deputy Municipal Clerk