

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

Monday, October 4, 2010

Council President Joseph Sisco called the meeting to order at 7:34 p.m. with the following members present: Louis Fontana, Paul Huggins, Christie Huh and William Liess. Also present were Mayor Michael DeFrancisci, Township Attorney Joseph Trapanese, Township Engineer Dennis Lindsay, Municipal Clerk William Wilk and Township Administrator Matthew Kazmierczak

Township Employees present: Police Chief John Dmuchowski, Fire Chief Jack Sweezy 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 bulleting board at the Municipal Building, located at 225 Main Street, Little Falls, N.J. on January 7, 2010; 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, Council President SISCO explained that the Council would enter Executive Session after the roll call with regard to the Clove/Long Hill Road plans.

EXECUTIVE SESSION

It was moved by Councilmember Liess, seconded by Councilmember Huggins, 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: Clove Road/Long Hill Road

Poll: Ayes: Fontana, Huh, Huggins, Liess and President Sisco
 Nays: None

The Council President declared the motion passed.

The Council entered Executive Session at 7:36 p.m.

At 8:10 p.m., the Council returned and it was moved by Councilmember Fontana, seconded by Councilmember Liess, that the meeting return to Open Session.

Poll: Ayes: Fontana, Huh, Huggins, Liess and President Sisco
 Nays: None

The Council President declared the motion passed.

REMARKS FROM CHAIR

Council President SISCO thanked the Little Falls ABC for the concerts in the park and the Farmer's Market this year. He also explained that he attended a nice ceremony at Enterprise Fire Company, where the old antique fire truck was dedicated to the late Lieutenant Conti; it was a nice honor.

COUNCIL MEMBER REPORTS

Councilmember FONTANA said the Peckman Preserve meeting that was scheduled to be held on Thursday at the Civic Center, was postponed due to the rain, and explained that he would inform all of a new meeting date shortly. Referring to the promise of certain donations from the former Sheriff, he said he would like to see the Minutes of the meeting at which these items were promised. Councilmember LIESS pointed out that he would talk about this during his report. Councilmember FONTANA explained that Council members as well as Board of Education members of Totowa, Woodland Park and Little Falls, all met on Friday to discuss the possibility of merging the Boards of Education. He voiced his disappointment that the Little Falls Board didn't attend, and further noted that he was the only Councilmember in attendance.

Councilmember HUH said a decision needs to be made with regard to Clove Road as soon as possible. She suggested that each Councilmember state which plan they support and explain why. She referred to the Tri-Town Board, and explained that the board has been meeting for three years on MSU issues. She further noted that both Montclair and Clifton governing bodies have adopted a resolution regarding MSU. The resolution was included in the packets, and states the following: Resolution Opposing any further expansion of the legal ability of State Colleges and Universities to Expand Development of their campuses without local approvals and encouraging the Legislature to amend current law to further restrict existing expansion authority. She suggested that Little Falls adopt this resolution as well.

Councilmember HUH also referred to transparency and accuracy, noting that all public meetings are recorded in other towns; therefore, they are able to check the recording if a dispute arises. She explained that Little Falls is one of the few towns that doesn't record Executive Sessions, and suggested that they continue to improve transparency with accuracy.

Councilmember LIESS informed that the Senior Citizen Advisory Board Harvest Moon Dinner Dance will be held on Friday, October 22, 2010; he reminded everyone to make reservations, as they are only taking 100 people. This past week, he

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attended two press conferences with regard to receiving FEMA monies and other flood issues. They also had a discussion about the elevation of homes; it was great to hear that the town is eligible for these monies. He further noted that Little Falls was able to get the FEMA Aide because of the Mitigation Plan, which he and Councilmember Huggins worked very hard to get. He explained that they started working on this project three years ago. Making reference to the promise of a police car from the former sheriff, he explained that he wrote a letter to the Board of Chosen Freeholders this week, requesting a response as soon as possible. He also informed that he marched yesterday in the March against Breast Cancer; he explained that there was a very good turnout and said it was a very good cause.

Councilmember HUGGINS said it was nice to march in the Breast Cancer Walk with the Mayor and Councilmember Liess. He thanked Councilmember Fontana for attending the Board of Education Meeting on behalf of the Council. He also explained that he recently attended an important meeting with the Congressman's Office regarding hydroelectricity at Beattie's Dam. He explained that it is a generator that would be low in maintenance and would bring in ratables if they could get it done; it will save the town money as well and it is their next goal. It was an exciting meeting. He also explained that he had a meeting planned with the Redevelopment Committee as well as the County Planner, the Engineer, Deborah Hoffman, and the President of the Freeholder Board. However, due to the bad weather, he has rescheduled the meeting for 10/6/10. The SRL (Severe Repetitive Loss Program) has gone through; he asked if they received the final copy of this. Mr. Wilk said he has not seen a final copy. Councilmember HUGGINS also pointed out that the camera to televise meetings is broken, and they are looking for a camera to use so they can get this up and running again. When the Justice Complex is completed, they will have a new system for televising meetings. He asked that they discuss the one-side parking on Van Pelt at a future Workshop meeting. He said they should discuss the option of parking on the opposite side, where there may be more curbing.

At this time, Councilmember SISCO said he did take off from work when Senator Lautenberg and Congressman Pascrell were there with the Mayor. He commended the Mayor for handling the questions excellently.

MAYOR'S REPORT

Mayor DeFrancisci said the meeting represented the boards of educations from all three towns, and noted that they cannot continue to do business the way they do now, because they don't have the funds. He was disappointed that nobody came to listen to the presentation, noting that it is better to go into these things on a voluntary basis, as opposed to having it forced upon you. He also pointed out that there was no one there from Totowa either. These are realities that will eventually have to be met. Last week the Police, Fire and DPW were all out doing what they could to help people out in anticipation of flooding. He also informed that the FEMA award for the elevation of homes has been granted. He explained that the flooding is a small percentage of town; he doesn't want people to think that this town is underwater 90% of the time. The Police Chief spoke to the County last week about the police car they were promised; eight cars have been given out so far, and the program stopped. There are 12 cars left to be given out and he hopes they will be getting one soon. He informed that Shag 86 held their 3rd Annual Breast Cancer Walk, which he noted, is a good cause. He explained that Mr. Kazmierczak spoke with Paul Gerber Passaic Valley High School with regard to the use of a camera; they are working on getting one to borrow while they remedy the situation.

ATTORNEY'S REPORT

Mr. Trapanese had no report.

SPECIAL RECOGNITION OF THE ABC GARDENERS – Councilmember LIESS read a proclamation for the Little Falls Alliance for a Better Community, noting all of the work they have done around town, including plantings and maintenance of the flower beds. They will soon be cleaning up and getting these things ready for next spring. This is something that has been going on for a long time, but it has never been recognized.

PUBLIC PORTION

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

Poll: Ayes: Fontana, Huh, Huggins, Liess and President Sisco
 Nays: None

The Council President declared the motion passed.

Agnus Lambert, 660 Long Hill Road, voiced her frustration with regard to the Fire Chief's response to the Clove/Long Hill Road project (Proposal #6). She explained that this has been going on for more than two years, only to be back where they started. She hoped the Council would realize that everyone is important in contributing to this town. At this point, it is hard to know what to believe, where their homes are going and how they will handle this. Their homes are in jeopardy. She doesn't respect that the Fire Chief says that he has not been consulted about the plan proposals; he has been to every meeting.

Richard Goldberg, 612 Upper Mountain Avenue, pointed out that the Fire Chief's letter doesn't, in any way, respond to the current plans that are before the Council. He pointed out that since the letter was written, new proposals have come out from the County, and said that this letter should not be relevant to any discussions today.

Frank Zimmerman, Long Hill Road, asked for an update on the status of Woods Road. Referring to the Motion decision from COAH, he referred to a section of the report regarding the overlay zone ordinance, and asked why the town was negotiating with Mr. Schumacher about the development of the town's overlay zone; he would like to know why Mr. Schumacher is involved.

Maria Cordonnier, 648 Upper Mountain Avenue, voiced confusion as to what will happen now due to this letter. She referred to one of the proposals which would include a turnaround, and questioned why the street would need to be widened when it has no impact on the turnaround. She voiced her understanding that the road has never been called out as a hazard or a liability to the town. She also pointed out that the Township Council is the most personal relationship the residents have with the government, and asked that the Council do something for the residents by doing nothing with this proposal.

Antonia Peters, 10 Clove Road, said the Council didn't have to pass any of the plans, and pointed out that the residents are depending on the Council to help them. She asked them to take this into consideration before making a decision.

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Mike Albanese, 85 Houston Road, explained he was in attendance this evening on behalf of the concerned citizens, and reminded that they had been here a couple of months ago expressing dissatisfaction with both the Township and Planning Board attorneys regarding their misrepresentation in two court cases. They had asked that these individuals be terminated or sued; he asked for the status of this. He also asked for the status of the cell tower.

Dorothy O’Haire, Turnberry Road, informed that the flood siren on the Peckman River went off at 4:45 a.m. She hasn’t had the chance to speak with Detective Batelli, but he had said something about Woodland Park. She asked for a report on what happened and why the alarm was set off, so she can bring it to the Flood Board.

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

Poll: Ayes: Fontana, Huh, Huggins, Liess and President Sisco
 Nays: None

The Council President declared the motion passed.

Council President SISCO said they are passing a resolution this evening regarding the Clove Road issue. Councilmember HUH referred to Mr. Goldberg, and explained that the Fire Chief should clarify his letter to the Council; not through a single resident. Council President SISCO explained that the Fire Chief clarified the letter to him. Councilmember HUGGINS explained that there are many options to remedy the Clove/Long Hill Road issue, and voiced his opinion that doing nothing with the intersection would not be good for the town. He explained that the County would then come in and do something without the residents’ input. He voiced his understanding that the plan to make the road a one-way would work and it would meet all of the criteria.

Mr. Trapanese explained that the town is involved in litigation with Mr. Schumacher. He explained that under the law, any individual in town has an opportunity to object to a plan. Since Mr. Schumacher was an objector the town’s plan, he had the right to enter mediation with the Council to be heard on the subject.

Councilmember HUGGINS explained that there hasn’t been much action regarding the cell tower investigation, since the Prosecutor’s Office was supposed to be reviewing it first. At this point, the Council has to hire a new attorney for the issue, which is why it has been held up. Mr. Trapanese explained that the attorney must review the file before moving forward with this, but the current attorney has not done so. Therefore, they will be selecting a new attorney within the next ten days. Councilmember HUH said she is embarrassed that the cell tower went up without the Governing Body’s knowledge.

Mr. Albanese voiced his opinion that the Township Attorney should not be part of a committee to review this case, as it is a conflict of interest. Councilmember HUGGINS pointed out that the law states that the recommendation for the hire of Legal Counsel must come from the Department Head, which is Mr. Trapanese or the Mayor. Mayor DeFrancisci informed that he had selected the current attorney along with Mr. Trapanese; he doesn’t know why the attorney has stopped responding to them, since he was very highly recommended. They are now in the process of looking for a new attorney. Discussion ensued between Mr. Albanese and Mr. Trapanese, and Mr. Albanese explained that the attorney for the concerned citizens was not permitted to represent them because on behalf of the town, Mr. Trapanese would not let him. Mr. Albanese asked for his comments to be on the record. Mr. Trapanese explained that their attorney failed to file papers and the appeal was dismissed.

Councilmember HUH suggested that there be a performance evaluation sheet for the employees, which should be completed every year and then circulated to the Council members for review. Mayor DeFrancisci explained that this is a matter of policy, which has nothing to do with the Council, and said he is working on this.

C O N S E N T A G E N D A

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.

APPLICATIONS

Raffles – Passaic Valley High School, Calendar Raffle, Operation Graduation, 2nd and 4th Friday of January, February and March 2011

- - The Woman’s Club of Little Falls, On-premise 50/50, 11/9/10, Noon to 4:00 p.m.

RESOLUTIONS

Redeemed Tax Sale Certificate

RESOLUTION [A] 10-10-04 - #1

WHEREAS, the Tax Collector has received the lien monies in the amount of \$45,699.49 from Marie Dixon on the property known as Block 186.01 Lot 5, assessed to Robert & Marie Dixon of 5 Lynn Place; and
WHEREAS, these lien monies redeemed Certificate #02 from my tax sale of October 12, 2006 which included premium monies collected in the amount of \$400.00 presently being held in the Township’s Trust Account; and
WHEREAS, the Tax Collector must refund the lienholder from the trust account a total of \$46,099.49 made payable to Crusader Servicing Corporation, 115 West Avenue, Suite 300, Jenkintown, PA 19046; and
WHEREAS, the penalty/interest due to Crusader Servicing Corporation when the Chief Finance Officer is completing the 1099 form is in the amount of \$12,374.56
NOW, THEREFORE BE IT RESOLVED by the Township Council of Little Falls on this 4th day of October 2010 that the above lienholder be reimbursed the amount of \$46,099.49. This check shall be forwarded to the Tax Collector on October 5, 2010, as she must surrender the tax sale certificate from the lienholder before they receive their money.

RESOLUTION [B] 10-10-04 - #2

WHEREAS, the Tax Collector has received the lien monies in the amount of \$40,380.18 from Ocwen Loan Servicing LLC on the property known as Block 233 Lot 42, assessed to Robert & Doreen Bugliaro of 43 Woodlawn Terrace; and
WHEREAS, these lien monies redeemed Certificate #06 from my tax sale of October 1, 2008; and
WHEREAS, the Tax Collector must refund the lienholder from the trust account a total of \$40,380.18 made payable to Crusader Lien Services, 115 West Avenue, Suite 300, Jenkintown, PA 19046; and

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WHEREAS, the penalty/interest due to Crusader Lien Services when the Chief Finance Officer is completing the 1099 form is in the amount of \$8,744.91;

NOW, THEREFORE BE IT RESOLVED by the Township Council of Little Falls on this 4th day of October 2010 that the above lienholder be reimbursed the amount of \$40,380.18. This check shall be forwarded to the Tax Collector on October 5, 2010, as she must surrender the tax sale certificate from the lienholder before they receive their money.

Refund for Overpayment of 3rd Quarter 2010 Taxes

RESOLUTION [C] 10-10-04 - #3

WHEREAS, the property known as Block 142 Lot 3 in the names of Lisa J. Passaretti & etals of 124 Lincoln Avenue, Little Falls, NJ has an overpayment of taxes on their 2010 3rd Quarter in the amount of \$2,187.16; and

WHEREAS, the above taxpayer's title company paid on July 30, 2010, and their mortgage company paid on August 6, 2010 which was included in a batch; and

WHEREAS, the Tax Collector has received a letter from Metropolitan Title Agency, requesting that the overpayment be refunded to the owners; and

WHEREAS, the Tax Collector shall authorize our CMFO/Treasurer to issue a refund check made payable to Lisa J. Passaretti & etals in the amount of \$2,187.16 and mail to 11 Stanley Road, Little Falls, NJ 07424;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Little Falls on this 4th day of October 2010 that the amount of \$2,187.16 be refunded to Passaretti and etals due to an overpayment of taxes.

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

Poll: Ayes: Fontana, Huh, Huggins, Liess and President Sisco
 Nays: None

The Council President declared the motion passed.

REGULAR AGENDA

The following items were individually considered.

NEW BUSINESS

Award of Non-Fair and Open Contract to Bergin Consulting – It was moved by Councilmember Huggins, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [D] 10-10-04 - #4

RESOLUTION APPROVING A VENDOR SERVICES CONTRACT ON A 'NON-FAIR AND OPEN' BASIS PURSUANT TO THE 'PAY-TO-PLAY' LAW
(JOANNE BERGIN OF BERGIN CONSULTING)

WHEREAS, the Township of Little Falls has a need to acquire Program Administration services for the RFC FY 09 FEMA Grant award on a "non-fair and open" contract pursuant to the provision of the "New Jersey Local Unit Pay-to-Play Law," P.L. 2004, Chapter 19 (as amended by P.L. 2005, c.51), N.J.S.A. 19:44A20.4 et seq.; and

WHEREAS, a determination has been made as follows:

1. The known or estimated cost of the Program Administration services to be provided may exceed \$17,500.
2. The term of this contract is 22 months.
3. Pursuant to the N.J.A.C. 5:30-5.4, the Chief Financial Officer has certified as to the availability of funds. The costs associated for Program Administration are included in the grant and fully reimbursable through the grant award.
4. The required Business Entity Disclosure Certification form has been submitted and will be placed on file.
5. The contract will prohibit the vendor from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Little Falls, in the County of Passaic, State of New Jersey, that it does hereby approve the following vendor services contract under a 'non-fair and open' basis;

Vendor Name: Joanne Bergin of Bergin Consulting

Estimated Cost of Service: Not to exceed \$18,238.50

Councilmember HUGGINS explained that this is classified as 'Non-Fair and Open' to indicate that this contract has not gone out to bid. He further noted that they didn't go out to bid, because this particular individual has knowledge/history with grants and paperwork regarding the elevation of homes, etc.

Poll: Ayes: Fontana, Huh, Huggins, Liess and President Sisco
 Nays: None

The Council President declared the motion passed.

Award of Contract for the Construction of the new Justice Complex to CGT Construction – It was moved by Councilmember Fontana, seconded by Councilmember Liess, that the Council approve the following:

RESOLUTION [E] 10-10-04 - #5

ACCEPTING BID AND AWARDING CONTRACT FOR NEW JUSTICE COMPLEX

WHEREAS, PURSUANT TO ADVERTISING DULY MADE BIDS WERE RECEIVED BY THE TOWNSHIP OF LITTLE FALLS ON SEPTEMBER 24, 2010 FOR THE NEW LITTLE FALLS JUSTICE COMPLEX AND WERE OPENED AND READ PUBLICLY BY THE CONSTRUCTION MANAGER AS FOLLOWS:

ARCO CONSTRUCTION ELIZABETH, NJ BID \$4,585,699.26	BERNARD ASSOCIATES WAYNE, NJ BID \$4,389,000	BROCKWELL & CARRINGTON TOWACO, NJ BID \$4,680,000
CARTER CONTRACTING UNION, NJ BID \$4,733,000	CGT CONSTRUCTION. EDISON, NJ BID \$4,049,000	CHANREE MANASQUAN, NJ BID \$4,521,804
CROSSON CONSTRUCTION RED BANK, NJ BID \$4,647,000	DEL-SANO UNION, NJ BID \$4,503,417	DELRIC CONST. NORTH HALEDON, NJ BID \$4,700,000
DICAROLIS ASSOCIATES HACKENSACK, NJ BID \$5,140,905	DMR CONSTRUCTION WALDWICK, NJ BID \$4,974,000	GINGERELLI BROS. TOMS RIVER, NJ BID \$4,280,000
GPC INC. MILBURN, NJ BID \$4,499,000	ICS BUILDERS NEW YORK, NY BID \$4,984,483	J. PISA, INC. WOODLAND PARK, NJ BID \$4,627,000
JG DRYWALL, LLC ELMWOOD PARK, NJ	JOSEPH DE VITA, INC. PATERSON, NJ	KARIO CONSTRUCTION ROCHELLE PARK, NJ

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BID \$4,327,000
 MARK CO., INC.
 MONTVILLE, NJ
 BID \$4,377,000

BID \$4,774,000
 NIRAM, INC.
 BOONTON, NY
 BID \$4,070,000

BID \$4,412,923
 STRAIGHT EDGE CONST.
 MANASQUAN, NJ
 BID \$4,875,985

UNIMAK, LLC
 GARFIELD, NJ
 BID \$4,290,000

AND; WHEREAS, THE CONSTRUCTION MANAGER HAS REVIEWED THE BIDS FOR TECHNICAL SUFFICIENCY AND THE TOWNSHIP ATTORNEY HAS REVIEWED THE BIDS AS TO LEGAL SUFFICIENCY; AND
 WHEREAS, EACH BIDDER HAS BEEN NOTIFIED OF THE NEED TO SUPPLY THE APPROPRIATE FORM OF PROOF OF COMPLIANCE WITH AFFIRMATIVE ACTION REQUIREMENTS; AND

WHEREAS, THE TREASURER HAS PROVIDED IN ADVANCE OF THE AWARD OF CONTRACT A CERTIFICATION OF THE AVAILABILITY OF FUNDS (COPY OF WHICH IS APPENDED TO THE ORIGINAL OF THE WITHIN RESOLUTION) PURSUANT TO RULE 5:30-1.10 OF THE LOCAL FINANCE BOARD, AND THE APPROPRIATION TO BE CHARGED FOR THIS EXPENDITURE IS BOND ORDINANCE NO. 1020/1055/1086

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS AS FOLLOWS:
 1) THAT THE BID OF

CGT CONSTRUCTION
 EDISON, NJ.

IN THE AMOUNT OF \$4,049,000

CONTAINED STATED ALLOWANCES TOTALING \$377,000, WHICH HAVE BEEN REVIEWED BY THE CONSTRUCTION MANAGER IN LIGHT OF KNOWN SITE CONDITIONS, AND THE CONSTRUCTION MANAGER HAS RECOMMENDED TO THE GOVERNING BODY A REDUCTION IN THE ALLOWANCES AMOUNTING TO \$250,000 THEREBY REDUCING THE CONTRACT TOTAL TO \$3,799,000 ; 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 ON BEHALF OF THE TOWNSHIP OF LITTLE FALLS WITH CGT CONSTRUCTION OF EDISON, NJ FOR THE CONSTRUCTION OF THE NEW JUSTICE COMPLEX AT THE ADJUSTED CONTRACT PRICE OF \$3,799,000 HEREINABOVE CITED, SUBJECT TO THE SUCCESSFUL CONTRACTOR'S FILING THE REQUIRED FORM OF PROOF OF AFFIRMATIVE ACTION [INITIAL PROJECT MANNING REPORT FORM AA-201] AND PAYROLL CERTIFICATION FOR PUBLIC WORKS PROJECTS; AND

3) THAT THE CLERK BE AND HE IS HEREBY AUTHORIZED AND DIRECTED TO RETURN TO THE UNSUCCESSFUL BIDDER(S) ANY CERTIFIED CHECKS AND/OR BID BONDS RECEIVED FROM THEM AS BID SURETY, WITH THE EXCEPTION OF THE SURETY RECEIVED FROM THE SECOND-LOWEST RESPONSIBLE BIDDER, WHICH SHALL BE RETAINED FOR A PERIOD NOT TO EXCEED SIXTY (60) DAYS OR UNTIL A CONTRACT IN A FORM SATISFACTORY TO THE TOWNSHIP ATTORNEY SHALL HAVE BEEN EXECUTED WITH THE LOW BIDDER, WHICHEVER SHALL COME FIRST.

Councilmember HUGGINS said they received recommendations from the Engineering Department and the DPW; there was a request to vote on this last week. However, since he was acting as Council President at the time, he wanted to hold on this until the entire Council, including the residents were in attendance. He pointed out that the contract is close to \$4 million, noting that the public should be present for the vote. The Superintendent of the DPW has stated that he still has some concerns, but at this time, it is important to go forward. He spoke with the Mayor and he is confident that all concerns can be addressed moving forward. Mayor DeFrancisci and Mr. Simone brought several issues to the Governing Body's attention with regard to the bid and the contract; many of these have been addressed and some will be addressed as they move forward. He explained that they will be working with Mr. Albanese to bring this in as close to budget as possible.

Mr. Lindsay explained that a project of this size will bring many changes. He further noted that Mr. Simone, who is extremely familiar with this building and construction, has given a value engineering report on things that he thinks should be addressed. He explained that some of these things would be no extra cost, as they are simple modifications, while others will have some cost implications. Those modifications that will be of additional cost will be decisions made by the Council or the Administration of how they should proceed. Mr. Lindsay explained that he gave a report on the site work, and there are some things in there that he has included that will have to be addressed in some form so the site can function properly. The Construction Manager now has a comprehensive list from Mr. Simone and a list from himself, stating things that will need to be addressed along the way. Since they are aware of these things ahead of time, they hope to address them as early as possible to have the least cost implications. Mayor DeFrancisci explained that the Construction Manager reviewed the bid and came up with approximately \$127,000 in reserves just in case they come up with extra stuff.

Poll: Ayes: Fontana, Huh, Huggins, Liess and President Sisco
 Nays: None

The Council President declared the motion passed.

Settlement of 2009 Tax Appeal – It was moved by Councilmember Huggins, seconded by Councilmember Liess, that the Council approve the following:

RESOLUTION [F] 10-10-04 - #6

WHEREAS, a stipulation of settlement regarding Tax Appeals by Block 57, Lot 10, known as 11 Muller Place for Tax Year 2009 has been provided; and

WHEREAS, the stipulation has been explained to the Council by the Township Attorney.

NOW, THEREFORE, the Township Council does hereby authorized the Township Attorney to finalize the agreement and calculate the amount of refund, if any, and provide such information to the Municipal Clerk so that he may prepare a resolution adopting the final settlement.

Mr. Trapanese said there are certain tax appeals that are filed each year, noting that all details are included in the resolutions.

Poll: Ayes: Fontana, Huggins, Liess and President Sisco
 Nays: None
 Abstain: Huh

The Council President declared the motion passed.

Settlement of 2009 & 2010 Tax Appeals – It was moved by Councilmember Huggins, seconded by Councilmember Fontana, that the Council approve the following:

RESOLUTION [G] 10-10-04 - #7

WHEREAS, a stipulation of settlement regarding Tax Appeals by Block 157, Lot 17, known as 15 Morningside Circle for Tax Years 2009 and 2010 has been provided; and

WHEREAS, the stipulation has been explained to the Council by the Township Attorney.

NOW, THEREFORE, the Township Council does hereby authorized the Township Attorney to finalize the agreement and calculate the amount of refund, if any, and provide such information to the Municipal Clerk so that he may prepare a resolution adopting the final settlement.

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Poll: Ayes: Fontana, Huggins, Liess and President Sisco
Nays: None
Abstain: Huh

The Council President declared the motion passed.

Ordinance No. 1109 – It was moved by Councilmember Huggins, seconded by Councilmember Liess, that there be introduced and the meeting of October 25, 2010 set as the date and time for the public hearing on the following:

Title: “Ordinance Amending Bond Ordinance #856, as Amended by Ordinance #1096, of the Township of Little Falls, in the County of Passaic, New Jersey Finally Adopted June 4, 2001, as Amended July 12, 2010, in Order to Amend the Amount Allocated to Costs of the Purpose or Improvement under N.J.S.A. 40A:2-20.”

Purpose: Section 4(d) of Bond Ordinance #856 of the Township, finally adopted June 4, 2001, as amended by Ordinance #1096 of the Township, finally July 12, 2010, is amended to read as follows:

“(d) An aggregate amount not exceeding \$100,000 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said law may be included as part of the cost of said purposes, and is included in the foregoing estimate thereof.”

Mr. Wilk explained that this ordinance amends a recent bond ordinance that amended an older Morris Canal bond ordinance.

Poll: Ayes: Fontana, Huh, Huggins, Liess and President Sisco
Nays: None

The Council President declared the motion passed.

Authorizing Award of Contract for two (2) 2011 Police Vehicles – It was moved by Councilmember Fontana, seconded by Councilmember Huggins, that the Council approve the following:

RESOLUTION [H] 10-10-04 #8

WHEREAS, the Township of Little Falls received a bid from Dey Chevrolet, Inc., 1600 Golden Mile Highway, Monroeville, PA, for two (2) 2011 Chevrolet Tahoe police vehicles under 2009 state contract number A73849; and,

WHEREAS, the vehicles will be financed through the Ford Motor Credit Company, Dearborn, MI, Municipal lease-purchase plan; and,

WHEREAS, the plan calls for 60 monthly payments of \$1,341.27 and a contract period from November 1, 2010 through October 31, 2015 resulting in a total cost of \$80,476.20; and,

WHEREAS, the cost for each calendar year breaks down as follows:

2010	\$2,682.54
2011	\$16,095.24
2012	\$16,095.24
2013	\$16,095.24
2014	\$16,095.24
2015	\$13,312.70

NOW THEREFORE BE IT RESOLVED, that the Township of Little Falls hereby agrees to purchase two (2) 2011 Chevrolet Tahoe vehicles from Dey Chevrolet and finance said purchase through Ford Motor Credit Company for a total amount of \$80,476.20,

BE IT FURTHER RESOLVED, the Mayor and Municipal Clerk are hereby authorized to execute a contract with Dey Chevrolet and/or Ford Motor Credit Company as necessary to complete this transaction.

Mr. Wilk explained that this was added to the agenda late this afternoon. Mr. Trapanese commented briefly, noting that this will be subject to the revisions he stated in a letter to the Council. Councilmember HUH said they should hold this until the next meeting, since the Council didn't see this before tonight; they have no information on it. No other Council members had any objections.

Poll: Ayes: Fontana, Huggins, Liess and President Sisco
Nays: Huh

The Council President declared the motion passed.

Mr. Lindsay clarified, in detail, the two plans that are currently before the Council. Mr. Trapanese explained that the Council had asked him for his opinion regarding this issue, and informed that the County controls these roads. He also informed that the Township is governed by the Tort Claims Act, which he clarified in great detail. Council President SISCO said that the current plan is the least intrusive for everyone, noting that the County would come in and do what they wished, which may include taking property from the residents, if they Council decided to do nothing. Councilmember HUGGINS agreed that this plan was the best one so far. Mr. Lindsay reminded that this plan is the one they were originally going to endorse, and further noted that without this criteria, they will not be funded to do the work; the only way it will be funded is to widen the road. He also pointed out that today is the deadline to make a decision.

President SISCO explained that he would like to pass the resolution approving the plan, with a request not to widen Long Hill Road. Councilmember HUGGINS said they should also ask whether the County would purchase ViJay's house.

Councilmember HUH suggested they let the County know how each individual Council member feels about he plans that are before them.

After further discussion with the residents regarding the consequences of each plan, it was decided that they would include a stipulation in the resolution to request that Long Hill Road not be widened. Councilmember HUH said she would like for nothing to be done with the intersection. Councilmember LIESS pointed out that the Council has worked very hard on this project and they have reached out to do everything possible. In his opinion, the one-way plan is the best plan at this point; they should ask for the least impact on the properties.

Council President SISCO asked for a poll of the Council with regard to the approval of the “one-way” plan, noting that they would ask the County for the least restrictions if approved.

Poll: Ayes: Huggins, Liess and President Sisco
Nays: Fontana and Huh

The Council President declared the motion passed.

Both Council members Fontana and Huh voted to do nothing, while Council members Huggins, Liess and Sisco voted for the one-way plan, with the least restrictions.

Meeting of October 4, 2010

PUBLIC PORTION

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

Poll: Ayes: Fontana, Huh, Huggins, Liess and President Sisco
Nays: None

The Council President declared the motion passed.

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

Poll: Ayes: Fontana, Huh, Huggins, Liess and President Sisco
Nays: None

The Council President declared the motion passed.

PAYMENT OF BILLS

It was moved by Councilmember Liess, seconded by Councilmember Huggins, 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: Fontana, Huggins, Liess and President Sisco
Nays: Huh

The Council President declared the motion passed.

Clarion Office Supply	A & E	122.39
Integrated Document Technology		7.50
Clarion Office Supply	Treasurer	105.16
Rutgers, State University of NJ		916.00
Clarion Office Supply	Tax Assessor	179.99
Vital Communications		700.00
John A. Spizziri, Sr., Esq.	Legal	375.00
John A. Spizziri, Sr., Esq.		112.50
Trapanese & Trapanese		75.00
Trapanese & Trapanese		1815.00
Trapanese & Trapanese		60.00
Trapanese & Trapanese		405.00
Trapanese & Trapanese		375.00
Trapanese & Trapanese		585.00
Trapanese & Trapanese		1065.00
Trapanese & Trapanese		555.00
Trapanese & Trapanese		1365.00
Trapanese & Trapanese		1290.00
Trapanese & Trapanese		285.00
Trapanese & Trapanese		335.00
NPC	Municipal Court	272.34
Teamsters Local 97 Benefit Fund	Group Health Ins.	1160.00
Teamsters Local 97 Benefit Fund		1500.00
Hanson & Ryan Inc.	Liability Surety Bonds	3399.67
Chilton Occupational Health Center	PEOSH	540.00
Chilton Occupational Health Center		110.00
Chilton Occupational Health Center		70.00
Cablevision Systems Corp.	Police	84.90
Turn Out Uniforms Inc.		1330.79
Clarion Office Supply	Construction Code Official	151.85
Joseph Macones		40.80
Konica Minolta Premier Finance		203.99
Advanced Plumbing & Drain	DPW	350.00
Cablevision Systems Corp.		74.95
Clifton Power Equipment, Inc.		17.31
Home Depot		29.94
Home Depot		22.41
Mike Orgera		100.00
Phillip Simone		100.00
Regal maintenance Supply Co.	DPW	32.95
Verizon Select Services Inc.	Emergency Mgmt.	1485.57
Konica Minolta Premier Finance	Solid Waste	91.99
S. Rotondi & Sons, Inc.		4062.50
Certified Speedometer Service	Vehicle Maintenance Police	102.00
General Parts Group, Inc.		109.99
Wayne Ford Auto Sales		128.00
PSE&G	Street Lighting	8500.00
NJ American Water	Fire Hydrants	12,863.76
NJ American Water	Water	2739.14
Konica Minolta Premier Finance	Recreation	189.99
Regal Maintenance Supply Co.		211.20
John Morano	Senior Citizen	300.00
Camp Hope Senior Program	Senior Citizen Transportation	300.00
Trapanese & Trapanese	Bond Ord. - 1020	60.00
PSE&G	Gas & Electric	20,000.00
Treasurer, State of NJ	Other Trust DCA	2628.76
Gro-Rite, Inc.	Public Bldg. & Grounds	140.00
Outdoor Designs		950.00
Little Falls Board of Ed.	Local School	1,009,461.00
Passaic Valley Reg. High School	Regional School	496,007.20
Passaic Valley Reg. High School		32,806.72
Dano Enterprises	Recycling Trust	10,656.00
Passaic Valley Sewerage Comm	Passaic Valley Sewerage Comm.	219,944.91

Meeting of October 4, 2010

Gaeta Recycling Co., Inc.

Flood (Solid Waste)

220.00

FINANCE COMMITTEE

Paul Huggins

Joseph Sisco

William Liess

Councilmember HUH asked Mr. Trapanese about literature that was included in the council packets with regard to the NJDEP lawsuit; she asked if the township joined any groups to represent the township. Mr. Trapanese said the town has not joined any groups. A retired judge is handling this case. They are requiring us to go into a program that they must pay monthly to go online to monitor specific information on this case. He explained that litigation will continue with this for years.

There being no further business to come before the meeting, it was moved by Councilmember Fontana, seconded by Councilmember Huggins, that the meeting be and it was adjourned at 9:57 p.m.

William E. Wilk
Municipal Clerk

Cynthia Meyer
Deputy Municipal Clerk