



**TOWNSHIP OF ROCHELLE PARK
151 WEST PASSAIC STREET
ROCHELLE PARK, NEW JERSEY 07662**

MINUTES – PUBLIC MEETING – August 21, 2013

Call to Order

According to the Open Public Meetings Act, this meeting of August 21, 2013 was advertised in the notice sent to the “Our Town” and “The Record” and posted on the bulletin board in the Municipal Building on January 8, 2013 and has remained continuously posted as the required notice under the Statute and is being taped. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

Roll Call: Comm. Ouellette
 Comm. Kazimir
 Comm. Kovalcik
 Comm. Valenzuela - Absent
 Mayor Scarpa

Pledge of Allegiance was led by Diane Davidson
Mayor Scarpa asked that everyone remain standing for a moment of silence remembering those in the military

A motion was offered by Comm. Ouellette and seconded by Comm. Kovalcik to approve the agenda. Motion carried on a voice vote – all present voting “Aye”.

A motion was offered by Comm. and seconded by Comm. to approve the minutes of the Public Meeting held July 17, 2013. Motion carried on a voice vote – “Ayes” Kazimir, Kovalcik, Ouellette, Scarpa Absent - Valenzuela

At a Work Session held August 14, 2013 the following resolutions were adopted – all voting “Aye”.

The following resolutions were offered by Comm. Kazimir and seconded by Comm. Kovalcik and reads:

Resolution #2013 - 147

A Resolution - Authorizing Tax Court Judgment Refund – Block 61.01 Lot 1.01

Resolved, by the Mayor and Council of the Township of Rochelle Park that the Tax Collector is hereby authorized to issue a check in the amount of \$18,298.20, payable to “Davenport & Spiotti” as a result of a Tax Court Judgment covering the year 2011 dated April 3, 2013, for various properties. See Attached.

Be it further resolved, that the Borough Clerk is hereby authorized to furnish copies of this Resolution to the following:

1. Chief Financial Officer
2. Tax Collector

Attest: Virginia De Maria

Resolution #2013 – 148

A Resolution – Authorizing Tax Court Judgment Refund – Block 95 Lot 18

Resolved, by the Mayor and Council of the Township of Rochelle Park that the Tax Collector is hereby authorized to issue a check in the amount of \$15,384.58, payable to “Waters, McPherson, McNeill, PC” as a result of a Tax Court Judgment covering the year 2010, 2011 and 2012 dated March 18, 2013, on property known as Block 95 / Lot 18, 188 W. Passaic St., Rochelle Park, NJ 07662.

Be it further resolved, that the Borough Clerk is hereby authorized to furnish copies of this Resolution to the following:

1. Chief Financial Officer
2. Tax Collector

Attest: Virginia De Maria

Resolution #2013 – 149

A Resolution – Authorizing Tax Court Judgment Refund – Block 102 Lot 3

Resolved, by the Mayor and Council of the Township of Rochelle Park that the Tax Collector is hereby authorized to issue a check in the amount of \$4,205.52, payable to “DeCotiis, FitzPatrick & Cole, PC” as a result of a Tax Court Judgment covering the year 2010 dated June 27, 2013, on property known as Block 102 / Lot 3, 370 W. Passaic St., Rochelle Park, NJ 07662.

Be it further resolved, that the Borough Clerk is hereby authorized to furnish copies of this Resolution to the following:

1. Chief Financial Officer
2. Tax Collector

Attest: Virginia De Maria

Resolution #2013 – 150

A Resolution - Authorizing Tax Court Judgment Refund – Block 81.01 Lot 1

Resolved, by the Mayor and Council of the Township of Rochelle Park that the Tax Collector is hereby authorized to issue a check in the amount of \$4006.70, payable to “Schneck Law Group LLC” as a result of a Tax Court Judgment covering the year 2012 dated April 19, 2013, on property known as Block 81.01 / Lot 1, 241 W. Passaic St., Rochelle Park, NJ 07662.

Be it further resolved, that the Borough Clerk is hereby authorized to furnish copies of this Resolution to the following:

1. Chief Financial Officer
2. Tax Collector

Attest: Virginia De Maria

Reports:

- Health Department - July 2013
- Municipal Court - July 2013
- Building Department - July 2013

The Consent Agenda was offered by Comm. Ouellette seconded by Comm. Kovalcik and reads:

Resolution #2013 – 153

A Resolution – Rescinding Resolution #2013-150 – Tax Court Judgment – 241 W. Passaic St.

Be it resolved by the Township Committee of the Township of Rochelle Park, County of Bergen that Resolution No. 2013 – 150 entitled “A Resolution Authorizing Tax Court Judgment Refund – Block 81.01 Lot 1 be hereby rescinded. Action has been taken with the adoption of Resolution No. 2012 – 213 dated December 19, 2012 entitled “A Resolution Authorizing Tax Court Judgment – 214 W. Passaic Street.

Attest: Virginia De Maria

Resolution #2013 – 154

A Resolution – Payment of Bills – August 2013

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, that the following bills be turned over to the Treasurer, and if found to be correct, be paid provided there is sufficient funds in the various accounts. (See Attached)

Attest: Virginia De Maria

Resolution #2013 – 155

A Resolution – Supporting Alternative for Bridge & Intersection Improvements – Market St./Essex St./Rochelle Ave./Main St.

Whereas, the Bergen County CR 12/561 (Market St./Essex St.) and DR 61 (Rochelle Ave./Main St.) intersection is a link to major highways in the vicinity including Routes 4, 17, 46, 80 and the Garden State Parkway; and

Whereas, the office of the Bergen County Engineer has determined that the CR 12/561 and DR 61 intersection is in need of operational and safety improvements, through a federally funded Local Concept Development process administered by North Jersey Transportation Planning Authority (NJTPA), which has performed an alternatives

Resolution #2013 – 155 (cont.)

analysis to identify and evaluate viable and feasible alternatives to provide improved traffic flow at each leg of the intersection to decrease delays and accidents; and

Whereas, the NJTPA and the New Jersey Department of Transportation (NJDOT) have been project team members with Bergen County; and

Whereas, the project team held three (3) public information centers to inform the public and receive comments and input for the project; and

Whereas, the project team met with respective municipal representatives to inform them and receive comments and input for the project; and

Whereas, based on the alternatives analysis and the public and municipal comments, the project team's Preliminary Preferred Alternative (PPA), the lane configuration of Alternative No. 9, is proposed for transportation improvements using results from existing (2012) and future (2035) condition traffic analysis; and

Whereas, based on the alternative analysis and the public and municipal comments, the project team's preliminary preferred alternative (PPA), the lane configuration of Alternative No. 9, is proposed to mitigate deficient Levels of Service and improve traffic safety; and

Whereas, the County of Bergen is desirous of completing the Local Concept Development phase and proceeding to the Preliminary Engineering and Final Design phases; and

Whereas, to qualify to receive federal funding for the Preliminary Engineering and Final Design phases, a resolution of support of the project is desirous from the Township Committee of Rochelle Park and included in the Local Concept Development phase project documentation.

Now, therefore, be it resolved, by the Township of Rochelle Park that the Township Committee hereby supports the Preliminary Preferred Alternative, as defined on the attached plan, for transportation improvements.

Be it further resolved, that this resolution shall be forwarded to the Bergen County Engineer.

Attest: Virginia De Maria

Resolution #2013 - 156

A Resolution – Extending the Due Date for the Payment of 3rd Quarter Taxes – September 9, 2013

Whereas, the Tax Collector has certified that the Township Tax Bills will be mailed on or before Friday, August 9th and;

Whereas, the official date of mailing is August 19th, and the law provides 25 days from the date of mailing for 3rd quarter 2013 Tax Quarter to end on September 9th, 2013 and;

Whereas, taxes received after September 9th, 2013 shall be deemed delinquent and subsequent tax laws concerning interest and penalties shall prevail; and

Now, therefore, be it resolved, by the Governing Body of the Township of Rochelle Park, County of Bergen, State of New Jersey that September 9th, 2013 shall be the last day in which 3rd Quarter Taxes shall be considered current.

Attest: Virginia De Maria

Resolution #2013 – 157

A Resolution – Amending Resolution No. 2013 – 24 – Entitled “Meeting Dates” 2013

Be it resolved by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey that Resolution No. 2013 – 24 entitled “Meeting Dates” is hereby amended as follows:

Public Meeting was scheduled for Wednesday, September 11, 2013 – 7:30 PM
Is rescheduled to:

Public Meeting – Thursday, September 12, 2013 – 7:30 PM

Formal action may or may not be taken at the rescheduled meetings.

The Clerk is directed to publish this resolution and post on the Municipal Bulletin Board.

Attest: Virginia De Maria

Resolution #2013 – 159

A Resolution – Authorizing Settlement of Tax Appeal – Rochelle Park LLC

PROPERTY OWNER: Rochelle Park, LLC
 ADDRESS: Route 17 & Woodland
 Rochelle Park, New Jersey
 LOT: 1.01
 BLOCK: 33
 TAX COURT DOCKET NO: 004402-29112; 004260-2011; 011807-2010

	Original Assessment 2010	Reduced/Settlement Assessment 2010
Land	\$2,979,000	\$2,979,000
Improvements	\$4,020,300	\$3,521,000
TOTAL	\$6,999,300	\$6,500,000

	Original Assessment 2011	Reduced/Settlement Assessment 2011
Land	\$2,979,000	\$2,979,000
Improvements	\$4,020,300	\$2,761,000
TOTAL	\$6,999,300	\$5,740,000

	Original Assessment 2012	Reduced/Settlement Assessment 2012
Land	\$2,979,000	\$2,979,000
Improvements	\$4,020,300	\$2,761,000
TOTAL	\$6,999,300	\$5,740,000

Whereas, a real property tax appeal has been filed in connection with the above referenced property; and

Whereas, the within tax appeal has been reviewed by the Tax Assessor, Township Attorney as well as the Municipality’s Appeal Appraisal Expert. (if applicable); and

Whereas, all professionals have agreed that it would be in the best interest of the Municipality to enter into the settlement described above.

Now, therefore, be it resolved, by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey as follows:

1. A settlement of the above referenced real property tax appeal be and is hereby authorized
2. The settlement shall be on the terms and conditions described above.
3. The Municipal attorney is hereby authorized and directed to execute any documents including a Stipulation of Settlement which may be necessary in order to effectuate the provisions of this resolution.
4. The Tax Assessor is hereby authorized and directed to amend the records of the Municipality to reflect the above referenced settlement.

Now therefore be it further resolved that the Township Clerk be and she is hereby authorized and directed to forward certified copies of the within Resolution to the Township Attorney and the Township Tax Assessor

Attest: Virginia De Maria

Resolution #2013 – 160

A Resolution – Authorizing Payment of Overtime – Special Elections

Whereas, due to the requirements of New Jersey State Law in 2013, there will be several additional elections; and

Whereas, as a result of these changes, it has become necessary to require that the Township Clerk, Virginia De Maria, and the Deputy Township Clerk, Elizabeth Kroll, provide additional services that would not otherwise be required in connection with their employment; and

Whereas, as a result of the foregoing, the Township Committee has determined that it would be fair, reasonable, proper and appropriate to provide and overtime payment to these employees since these are services which would not otherwise be part of their job description; and

Resolution #2013 – 160 (cont.)

Whereas, the Township Committee has determined that, during 2013, the Township Clerk, Virginia De Maria, will provide approximately eighteen (18) hours of additional overtime and the Deputy Township Clerk, Elizabeth Kroll, shall provide approximately ten (10) hours of additional overtime.

Now, therefore, be it resolved, by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey as follows:

1. Overtime payments, calculated based upon the employee's regular salary (straight time) are hereby authorized.
2. The amounts authorized shall be approximately the following (with the actual number of hours to be calculated after all elections):
Virginia De Maria – approximately eighteen (18) hours
Elizabeth Kroll – approximately ten (10) hours
3. This resolution is contingent upon certification by the Chief Financial Officer that sufficient funds exist for this purpose.
4. The Township Clerk is hereby authorized and directed to submit copy of this resolution together with any other supporting documents to the State of New Jersey in order to seek any available reimbursement for these expenditures.

Now therefore be it further resolved that the Township Clerk be and she is hereby authorized and directed to forward certified copies of the within Resolution to Virginia De Maria, Elizabeth Kroll, the Chief Financial Officer and any relevant state agency with jurisdiction over this issue.

Attest: Virginia De Maria

Resolution #2013 – 161

A Resolution – Authorizing Reduction of Performance Bond – Bergen Landscaping - \$16,675.00

Whereas, pursuant to the requirements of the approval resolutions as well as the Developer's Agreement, BERGEN LANDSCAPING was required to post a performance guarantee in the amount of \$330,454.80; and

Whereas, this amount was established in accordance with the direction of the Township Engineer, Kenneth Job; and

Whereas, the developer has now completed a portion of the construction in connection with this project and has therefore requested a reduction in the amount of the performance bond; and

Whereas, this request has been reviewed by the Township Engineer who has approved a reduction and recommended that the performance bond be reduced by \$16,675.00; and

Whereas, the Township Committee has reviewed this request and believes it is appropriate to allow such a reduction.

Now, therefore, be it resolved, by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey as follows:

1. The Performance Bond in connection with the Bergen Landscaping site plan for property located at 131 Rochelle Avenue may be reduced by \$16,675.00.
2. The amount of this reduction is in accordance with the request of the developer and as approved and recommended by the Township Engineer.
3. The Township Clerk is hereby authorized and directed to take any and all action which may be necessary in order to effectuate the provisions of this resolution.

Now therefore be it further resolved that the Township Clerk be and she is hereby authorized and directed to forward certified copies of the within Resolution to Bergen Landscaping, the Building Department, Anthony Gallina, Esq. , the Township Engineer and the Township Attorney.

Attest: Virginia De Maria

A motion was offered by Comm. Ouellette and seconded by Comm. Kovalcik to adopt the Consent Agenda. Motion carried on a voice vote – all voting "Aye".

The following resolution was offered by Comm. Ouellette and seconded by Comm. Kovalcik and reads:

Resolution #2013 – 158

A Resolution – Endorsing Open Space Grant Application

Whereas, the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund ("County Trust Fund"), provides matching grants to municipal

Resolution #2013 – 158 (cont.)

governments and to nonprofit organizations for assistance in the development or redevelopment of municipal recreation facilities; and,

Whereas, the Township of Rochelle Park desires to further the public interest by obtaining a matching grant of \$94,619.00 from the County Trust Fund to fund the following project: Poured Rubberized Carpeting; and

Whereas, the governing body/board has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions and desires to make an application for such a matching grant and provide application information and further such documents as may be required; and,

Whereas, as part of the application process, the governing body/board received public comments on the proposed park improvements in the application on August 21, 2013; and,

Whereas, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

Whereas, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project and ensure its completion on or about the project contract expiration date.

Now, therefore, be it resolved by the Township Committee:

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of August 29, 2013, as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Township Committee has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That the Township Committee is committed to providing a dollar for dollar cash match for the project; and,
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
5. That the Township Committee agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
6. That this resolution shall take effect immediately.

Attest: Virginia De Maria

A motion has been offered by Comm. Kazimir and seconded by Mayor Scarpa to open the hearing to the public. Motion carried on a voice vote – all voting “Aye”.

No comments from the public

A motion has been offered by Comm. Ouellette and seconded by Mayor Scarpa to close the hearing to the public. Motion carried on a voice vote – all voting “Aye”.

A motion was offered by Comm. Ouellette and seconded by Comm. Kovalcik to adopt the above resolution. Motion carried on a roll call vote – “Ayes” Kazimir, Kovalcik, Ouellette, Scarpa, Naves – None, Absent - Valenzuela

Committee’s/Administrator’s/Attorney’s Reports

Comm. Kovalcik - Provided an update on the 9th Annual Summerfest concert which will be held on August 22nd and featuring Shirley Alston Reeves and the Shirelles. This concert continues to be sponsored by Park Avenue/BMW/Acura. Kovalcik hopes there is good weather for the event.

Comm. Ouellette – Reminded everyone that the Library was hosting their first Bingo event Thursday, August 22nd. She gave a brief overview of the many activities in the library, which included a Cupcake Social, and applauded the efforts of the new library director Nicole Williams. Nicole has been avidly increasing the number of books and DVD’s available to the public.

Comm. Kazimir – No Report

Mayor Scarpa – Advised that the newly installed flags and poles installed at the monument site looked wonderful. The Mayor also advised that American Legion Commander Salvini, was currently posting information about the 9-11 memorial

ceremony. The Mayor advised that he had had complaints regarding property located at 57 Sommerville and ponding problem. He asked the Administrator to contact the engineer for his determination.

Administrator Davidson – Advised that the 9-11 memorial fund donations totaled over \$30,000. He advised that regarding property maintenance issues at 412 Rochelle Avenue, he, the Police Chief, the Building Inspector and Health Officer had visited the location and were taking step to rectify it. Maintenance violations were issued. Regarding 114 Howard Avenue property, Davidson arranged for a local landscaper to cut the grass.

Attorney Rotolo – No Report

A motion was offered by Comm. Ouellette and seconded by Mayor Scarpa to open the meeting to the public. Motion carried on a voice vote – all present voting “Aye”.

Barbara Graziano – 12 Peek Street – Spoke regarding the property located at 412 Rochelle Avenue. She cited 9 foot weeds and debris on the side of the home as well as the rear. The Administrator advised that a property maintenance violation was issued. Attorney Rotolo explained the violations/summons process to Mrs. Graziano. After a brief discussion, it was agreed that the Administration would visit this property tomorrow.

Diane Davidson – Asked the Deputy Clerk, Liz Kroll, to provide her with the number of the representative of the Trap Neuter and Release program.

A motion was offered by Comm. Ouellette and seconded by Comm. Kazimir to close the meeting to the public. Motion carried on a voice vote – all present voting “Aye”.

A motion was offered by Comm. Ouellette and seconded by Mayor Scarpa to adjourn the meeting. Motion carried on a voice vote – all present voting “Aye”.

Respectfully submitted,

Elizabeth Kroll, Deputy Clerk
for Virginia De Maria, Municipal Clerk