



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

MINUTES – PUBLIC MEETING – December 18, 2013

Call to Order 7:37 PM

According to the Open Public Meetings Act, this meeting of December 18, 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
 Mayor Scarpa

Pledge of Allegiance was led by Police Chief Robert Flannelly
Mayor Scarpa asked that everyone remain standing for a moment of silence remembering those in the military

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

A motion was offered by Comm. Valenzuela and seconded by Comm. Kovalcik to approve the minutes of the Public Meeting held November 13, 2013. Motion carried on a voice vote – all voting “Aye”.

Reports:

Health Department - November 2013
Municipal Court - November 2013
Building Department - November 2013

Police Department liaison Comm. Kovalcik and Police Chief Flannelly swore in Police Officers Ptl. James LaVigna and Ptl. Brian Cobb who were surrounded by family members.

Chief Flannelly advised that these two officers were qualified and would fit in well with the Police Department. It is a small but aggressive police department. The Chief thanked the Township Committee for their support.

Mayor congratulated both officers and told them to be safe.

At the Work Session held on December 11, 2013 the following Resolutions were unanimously adopted:

Resolution #2013 - 207

Resolution – Authorizing Refund Tax Overpayment

Whereas, Roy Riggitano, Tax Collector, has advised that tax payments were received from the following:

Block 107.03 Lot 19 overpayment of \$1,310.65 known as 8 Hoffman Ave
Block 79.02 Lot 17 overpayment of \$1,770.21 known as 8 Eldorado Court

Whereas, the above payments were made in duplicate and received in the Township of Rochelle Park’s Tax Office and:

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County that the following checks be issued to \$1,310.65 to Eileen Bliss 8 Hoffman Ave, Rochelle Park, NJ 07662 and \$1,770.21 issued to Anthony N. Gallina, Esq. 218 Rt. 17 North, Rochelle Park, N.J. 07662 (for client known as 8 Eldorado Court).

Attest: Virginia De Maria

Resolution #2013 – 208

Resolution – Authorizing Entering Into Fire Assistance Agreement with the Borough of River Edge

Be it resolved, that the Township Committee of the Township of Rochelle Park that an agreement be entered into with the Borough of River Edge for the purpose of establishing a Twin-Borough coverage for fire assistance between the municipalities; and

Be it further resolved that the Township Committee authorize the Administrator execute on behalf of the Township of Rochelle Park a Twin-Borough Fire Assistance Agreement between the Township of Rochelle Park and the Borough of River Edge retro-active from January 1, 2013 through December 31, 2014.

Attest: Virginia De Maria

Resolution #2013 – 209

Resolution – Authorizing Professional Services Contract

Whereas, ROBERT MC NERNEY of McNerney Associates is a professional Real Estate Appraiser regularly engaged in the practice of providing Appraisal Reports for municipalities in the defense of real property tax appeals; and

Whereas, ROBERT MC NERNEY was previously appointed by the Township of Rochelle Park as a real estate appraiser; and

Whereas, the Township Committee previously determined that Appraisal Reports would only be prepared if needed; and

Whereas, the Township Attorney and Tax Assessor have evaluated the matter of Ratan R. Park, LLC for property located at 375 West Passaic Street, Rochelle Park, New Jersey and have determined that there is a need for an Appraisal Report in order to adequately defend this case.

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. Robert McNerney of McNerney Associates be and is hereby authorized to prepare an Appraisal Report and perform all other necessary services in connection with the aforementioned Real Property Tax Appeal.
2. Mr. McNerney's fee shall be between \$2,500.00 and \$5,000.00 based upon the specific fee proposal which shall be subject to the final review and confirmation by the Township Administrator together with \$100.00 per hour for actual court testimony.
3. This appointment is contingent upon certification, by the Chief Financial Officer, that sufficient funds exist for this purpose.

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, McNerney Associates, and Office of the Tax Assessor.

Attest: Virginia De Maria

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

Resolution #2013 – 210

A Resolution – Payment of Bills – December 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 – 211

A Resolution – Acknowledging the Annual Report of Audit

Whereas, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

Whereas, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40a: 5-6, and a copy has been received by each member of the governing body; and

Whereas, R.S. 52:27BB-34 authorizes the Local finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

Whereas, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution,

certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

Whereas, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

Whereas, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

Whereas, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

Whereas, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

Now, therefore, be it resolved, that the Township Committee of the Township of Rochelle Park, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of the resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON DECEMBER 19, 2013.

Attest: Virginia De Maria

Resolution #2013 – 212

A Resolution – Authorizing Lien Redemption #2009 – 05

Whereas, Roy Riggitano, Tax Collector, has advised that payment was received in the amount of \$15,469.62 from Fulton Bank of New Jersey to redeem TTL #13-001 and

Whereas, Stonefield Investment Fund II, 21 Robert Pitt Dr., Suite 202, Monsey, NY 10952

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County that the following checks are issued to Stonefield Investment Fund II, in the amount of \$15,469.62 from current and \$21,100.00 from trust premium account for a total redemption of \$36,569.62.

Attest: Virginia De Maria

Resolution #2013 – 213

A Resolution – Opposing the closure of Woodbridge Developmental Centers (WDC)

Whereas, in an effort to reduce New Jersey's reliance on institutional care, The Task Force on the Closure of State Developmental Centers was created by the state legislature and charged with reviewing certain criteria of each of the state-operated facilities including but limited to the local economic impact of losing a center; the ability of a community to provide or develop services for those leaving who wanted to leave or didn't oppose moving outside the region; the state's ability to maintain operations, and projected repair and maintenance of each center; and

Whereas, among the seven state-operated facilities for this purpose is the Woodbridge Developmental Center (hereafter referred to as WDC), a residential facility, established in 1965 for persons with developmental disabilities and located on 68-acres in the Avenel section of Woodbridge Township and,

Whereas, among the seven state-operated facilities for the purpose is North Jersey Developmental Center (hereafter referred to as NJDC), a residential facility, established in 1930 for persons with developmental disabilities and located on 188-acres campus in Totowa, and the current residents of NJDC and,

Whereas, in July (2012) the task force recommended WDC and NJDC be shuttered by 2017; and,

Whereas, while indicating that no one piece of information or experience was a determining factor in which of the seven state-operated facilities would be recommended for closure, there are other factors that should have been considered before making their decision. These factors include the rights (federal law requires government to meet the needs of the individual) of the clients at WDC and NJDC to have treating professionals make judgment about how their needs are best met and that transferring clients from long-term institutional care to community housing has its own set of problems including higher rates of mortality and an increased likelihood of abuse in a community; and

Whereas, closing NJDC and WDC will force the residents of these centers to move to a different developmental center in another region of the state far from family and support, this will force these families, friends and guardians of these residents to distances they will be unable to travel and,

Whereas, over 8,000 individuals with developmental disabilities are waiting for residential placement and services in the community and,

Whereas, the Township Committee of the Township of Rochelle Park is deeply concerned by not only the recommendation by the task force to displace WDC and NJDC clients and the potential harm to those residents, but the wide reaching economic effect with the loss of approximately 2,600 jobs in the combined communities. The opinion that the relatively strong economies of the effected cities are more able to absorb closures should not be relative to the task force's decision.

Now, therefore be it resolved, by the Township Committee of the Township of Rochelle Park, that it express its disagreement with the finding and conclusion of the Task Force on Closure of Developmental Centers; opposing the closing of the WDC and NJDC as vital and valuable resources and that all seven state-operated developmental centers should be kept in operation for the benefit of its residents, employees and the state in which they provide service;

Be it further resolved by the Township Committee of Rochelle Park that certified copies of this Resolution are forwarded to Governor Chris Christie, 38th District Senator Robert M. Gordon and Assemblyman Timothy J. Eustace and the surrounding communities of Rochelle Park.

Attest: Virginia De Maria

Resolution #2013 –214

A RESOLUTION AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE #0254-33-004-007 FOR THE LICENSING TERM 2013-2014 AND GRANTING NEW LICENSE FOR FAILURE TO RENEW IN A TIMELY FASHION FOR THE YEARS 2011-2012, 2012-2013 PURSUANT TO N.J.S.A. 33:1-12.18

US INTERNATIONAL HOSPITALITY, INC.

Whereas, the licensee failed to renew its Plenary Retail Consumption License for the 2011-2012, 2012-2013 Licensing Term in a timely fashion for premises located at 70 West Passaic, Rochelle Park, NJ; and

Whereas, the Licensee filed a Verified Petition for Relief pursuant to N.J.S.A. 33:1-12.18 and a Special Ruling was received from the Division of Alcoholic Beverage Control dated June 13, 2013. A copy of which is attached hereto; and

Whereas, said Special Ruling authorized the Township Committee of the Township of Rochelle Park to consider the Application for a New License for failure to timely renew said License for the 2011-2012 and 2012-2013 Licensing Terms; and

Whereas, the Licensee subsequently filed for renewal for the 2013-2014 Licensing Term; and

Whereas, all required fees have been received and paid through the 2014 Licensing Term and the appropriate Tax Clearance Certificate has been received from the Division of Taxation, State of New Jersey.

Now, therefore, be it resolved by the Township Committee of the Township of Rochelle Park, County of Bergen, New Jersey that the Municipal Clerk is hereby authorized to issue a new License for the 2010 – 2011, 2011-2012 and 2012-2013 Licensing Terms and is further authorized to renew said License for the 2013-2014 Licensing Term effective December 18, 2013.

Attest: Virginia De Maria

Resolution #2013 –215

A Resolution – Authorizing Shared Service Contract with the Borough of Maywood Fire Department – Use of Firefighter Mask Fit Machine

Whereas, the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey that an agreement be entered into with the Borough of

Maywood and the Borough of Elmwood Park for the purpose of using the Borough of Maywood’s Firefighter Mask Fit Machine; and

Whereas, the machine was obtained through a 200 Club Grant provides the required calibration and ensures the self-contained breathing apparatus mask that each member is issued is safe for use in a hazardous atmosphere; and

Now be it resolved, that the Mayor and Municipal Clerk be and they are hereby authorized to execute on behalf of the Township of Rochelle Park an agreement between the Borough of Maywood and the Borough of Elmwood Park for the use of the Borough of Maywood’s Firefighter Mask Fit Machine at an annual cost of \$235.00 due prior to December 1, 2013 for each municipality and for a term of three years.

Attest: Virginia De Maria

Resolution #2013 –216

A Resolution – 2014 Temporary Budget Appropriations

Whereas, N.J.S.A.40A:4-19 provides that where contracts, commitments or payments are to be made prior to the adoption of the 2014 Budget, temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided, and

Whereas, said total temporary appropriations are limited to 26.25% of the total appropriations in the 2013 Budget exclusive of any appropriations made for debt service, capital improvement fund in the said 2013 Budget.

Now therefore, be it resolved, by the Township Committee of the Township of Rochelle Park, that the following appropriations be effective January 1, 2014, be made and a certified copy of this resolution be transmitted to the Borough Chief Financial Officer for his records.

Attest: Virginia De Maria

Resolution #2013 – 219

A Resolution Requesting a New Public Fire Hydrant – Terrace Avenue

Whereas, NORTHERN PARK, LLC has requested the installation of one (1) new public fire hydrant; and

Whereas, UNITED WATER COMPANY is in the process of negotiating with NORTHERN PARK, LLC for the installation of that fire hydrant; and

Whereas, UNITED WATER has requested that the Township adopt a resolution for the installation of the fire hydrant in the event that negotiations are consummated.

Now, therefore, be it resolved, the UNITED WATER NEW JERSEY, INC. is hereby requested to erect one (1) fire hydrant (s) at the following designated place, to be used for fire purposes only, in accordance with the Rules and Regulations of the Company, and its rates as set forth in its Schedule of Rates filed with the New Jersey Board of Public Utilities in Newark, New Jersey; and

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 United Water New Jersey, Inc., Northern Park, LLC, the Township Engineer and the Department of Public Works.

Attest: Virginia De Maria

Resolution #2013 – 220

A Resolution Authorizing Transfers within the 2013 Budget Appropriations

RESOLVED, by the Mayor and Council of the Township of Rochelle Park, that the Collector-Treasurer shall and is hereby authorized to make the following transfers as per instructions from the Chief Financial Officer as follows:			
		Appropriation	Appropriation
	Account #	From:	To:
-	-	-	-
Police S & W	25-2401	\$99,870.00	
General Administration S & W	20-1001		\$6,100.00
Mayor and Council S & W	20-1101		\$245.00

Police Other Expenses	25-2402		\$7,500.00
Police Cars	25-2411		\$1,800.00
Emergency Management O/E	25-2522		\$150.00
Fire Prevention O/E	25-2652		\$4,800.00
Streets and Roads S & W	26-2901		\$600.00
Solid Waste Collection	26-3052		\$25,000.00
Buildings and Grounds O/E	26-3102		\$2,000.00
Utilities Telephone	31-4402		\$8,000.00
Utilities Water	31-4452		\$725.00
Utilities Gas	31-4462		
Utilities Gasoline	31-4602		
Municipal Court S & W	43-4901		
Municipal Court O/E	43-4902		
-	-	-	-
		\$99,870.00	
		\$0.00	

Attest: Virginia De Maria

Resolution #2013 – 221

A Resolution authorizing Contract for Carlock Field Replacement

Whereas, pursuant to Resolution No. 2013-138, the Township Committee authorized participation in a cooperative purchasing program; and

Whereas, this program was called the Keystone Purchasing Program which is a buying cooperative that provides predetermined preferential pricing by approved vendors; and

Whereas, one of the approved vendors in that program is FieldTurf which provides athletic field surfaces and has provided an athletic field surface for Carlock Field; and

Whereas, pursuant to the aforementioned resolution, the Township Administrator was authorized to execute a Purchase Order with FieldTurf for the Carlock Field replacement; and

Whereas, the final cost of that project has now been determined and the Township Committee wishes to confirm its previous authorization and authorize the execution of the required Contract.

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

1. A Contract with FieldTurf of Montreal, Quebec be and is hereby authorized.
2. This Contract shall be for the replacement of Carlock Field and shall be in the amount of \$538,914.04 in accordance with the terms, conditions and obligations set forth in the attached proposal dated December 5, 2005.
3. This Contract may be awarded without the necessity of competitive bidding as a result of participation in the Keystone Purchasing Network as authorized in Resolution 2013-138. This award is contingent upon certification by the Chief Financial Officer that sufficient funds exist for this purpose.
4. The award of this Contract is contingent upon certification by the Chief Financial Officer of the Township of Rochelle Park that sufficient funds exist for this purpose.

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 FieldTurf, the Keystone Purchasing Network, the Chief Financial Officer for the Township of Rochelle Park, the Recreation Committee the Township Attorney and the Township Engineer.

Attest: Virginia De Maria

A motion was offered by Comm. Kazimir and seconded by Comm. Kovalcik to adopt the Consent Agenda. Motion carried on a roll call vote – all voting “Aye”.

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

Resolution #2013 - 217

A Resolution – Hearing & Adoption Ord. #1064-13 - Amending Chapter 112
“Garbage, Rubbish and Refuse”

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, New Jersey, that an ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 112 OF THE CODE OF THE TOWNSHIP OF ROCHELLE PARK ENTITLED “GARBAGE, RUBBISH AND REFUSE”” be and it is hereby passed upon second and final reading and that the Municipal Clerk be and she is hereby authorized and directed to advertise the same according to law.

Attest: Virginia De Maria

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

No Comments

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

A motion was offered by Comm. Valenzuela and seconded by Comm. Ouellette to adopt the above resolution. Motion carried on a roll call vote – all voting “Aye”.

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

Resolution #2013 – 218

A Resolution –Hearing & Adoption Ord. #1065-13 – Amending Chapter 118 Stop Signs – Lexington Ave. and Madison Ave.

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, New Jersey, that an ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF ROCHELLE PARK AND, SPECIFICALLY, TO AMEND AND SUPPLEMENT SCHEDULE VII (Section 180-48) REGARDING STOP SIGNS”” be and it is hereby passed upon second and final reading and that the Municipal Clerk be and she is hereby authorized and directed to advertise the same according to law.

Attest: Virginia De Maria

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

No Comments

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

Comm. Valenzuela thanked the Police Chief and the DPW Superintendent for the placement of stops signs on Madison Avenue and High Street. He felt this was a public safety issues and thanked the Township Committee for their support.

A motion was offered by Comm. Valenzuela and seconded by Comm. Ouellette to adopt the above resolution. Motion carried on a roll call vote – all present voting “Aye”.

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

Comm. Kovalcik – Congratulated the two new police officers and wished everyone Happy Holidays.

Comm. Valenzuela – Congratulated the two new police officers and wished them God speed. He then thanked the DPW for their snow clearing efforts during the last three weather events. He reminded everyone not to throw snow into the streets as this is against Township ordinances. He also reminded everyone that snow removal must be completed within 24 hours after the storm. He wished everyone a Merry Christmas and Happy New Year.

Comm. Ouellette – Wished everyone a Merry Christmas and Happy New Year.

Comm. Kazimir – Thanked the Township Committee for the past year and their guidance.

A motion was offered by Comm. Kazimir and seconded by Comm. Valenzuela to appoint Carlos Sandoval to the Rochelle Park Fire Department. Motion carried on a voice vote – all voting “Aye”.

Kazimir wished everyone a Merry Christmas and Happy New Year.

Administrator Davidson – Wished everyone a Merry Christmas, Happy New Year and a Happy Holiday Season.

Municipal Clerk De Maria – Wished everyone a Happy Holiday Season. She also advised that the Annual Reorganization meeting was scheduled for Sunday, January 5th at 12:00 PM.

Mayor Scarpa – Thanked the Recreation Committee for the planning of the Annual Tree Lighting held in the beginning of December. The Fire Department would be hosting their Santacade on Christmas Eve. Scarpa thanked the DPW for their snow plowing efforts the past few winters. He wished everyone a Merry Christmas and Happy New Year.

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

Residents thanked the Township Committee for the passing of Resolution 2012 – 213 regarding the closure of Woodbridge Developmental Centers. These centers house developmentally challenged persons who otherwise would have a difficult time finding housing close to relatives. The group hopes the resolutions collected and sent to the Governor will have an impact on his decision to close these homes. They wished everyone a Merry Christmas and Happy New Year.

Mayor Scarpa asked that the Municipal Clerk certify four copies.

Mayor Scarpa advised that he does not understand the Governor’s rationale regarding the decision to close these centers. He wished the group well and offered his assistance.

Sam Allos – Board of Education liaison – Thanked the Township Committee for their support regarding the school referendum. The improvements made to Midland School will reflect on property values and lifestyles within the Township. On behalf of Midland School administration, teacher and students he wished everyone a Merry Christmas and Happy New Year.

Mayor Scarpa reminded everyone that Midland School was utilizing a partial grant for the improvements. He advised that areas of the Township were being looked at for a rehabilitation program. The area is along Railroad Avenue and Rochelle Avenue. This rehabilitation project will begin in 2014.

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

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

Respectfully submitted,

Virginia De Maria
Municipal Clerk