



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

MINUTES – PUBLIC MEETING – April 16, 2008

Call to Order 8:00 PM

According to the Open Public Meetings Act, this meeting of April 16, 2008 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 7, 2008 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. K. J. Kovalcik
Comm. W. Lotz
Comm. P. Strohmeyer
Comm. F. Valenzuela
Mayor J. Scarpa

Pledge of Allegiance was led by US Army Captain Steven Sans

Mayor Scarpa asked that everyone remain standing for a moment of silence remembering those in the military stationed overseas.

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

A motion was offered by Comm. Strohmeyer and seconded by Comm. Valenzuela to approve the Minutes of the Public Meeting of March 19, 2008 and Redevelopment Meeting of March 27, 2008

Annual Health Meeting (Minutes of Health Meeting attached)

Presentation – Captain Steven Sans – U.S. Army

Mayor Scarpa thanked Captain Sans for his patriotism. He presented in with a Certificate of Appreciation from the Township Committee. He also thanked his family for always giving back to the community.

Reports:

Building Department - March 2008
Health Department - March 2008
Municipal Court - March 2008
Attendance Report - March 2008

The Consent Agenda was offered by Comm. Lotz seconded by Comm. Strohmeyer and reads:

Resolution #2008 – 82

A Resolution – Payment of Bills – April 2008

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 #2008 – 83

A Resolution – Endorsing Submission of Recycling Tonnage Grant Application

Whereas, the Mandatory Source separation and Recycling Act, P.L. 1987, c102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

Whereas, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

Resolution #2008 – 83 (cont.)

Whereas, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

Whereas, the recycling regulations impose on municipalities certain requirements as a condition to applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

Whereas, a resolution authorizing this municipality to apply for such tonnage grants 2004 memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

Whereas, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

Now, therefore, be it resolved by the Township Committee of the Township of Rochelle Park the Township of Rochelle Park hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Roland Jacobson to ensure that the application is properly filed; and

Be it further resolved that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Attest: Virginia De Maria

Resolution #2008 – 84

A Resolution - Authorizing Execution of Developers Agreement – SAC Realty, LLC

Whereas, SAC Realty, LLC and Rochelle Park Holdings, LLC filed an application with the Planning Board of the Township of Rochelle Park requesting amended site plan approval for the purpose of adding additional parking at their current location and to permit the continuation of valet parking; and

Whereas, this application relates to premises known and designated on The official Tax Map of the Township of Rochelle Park as Block 18.01, Lot 1 and Block 19.02, Lot 1; and

Whereas, the Planning Board approved the application and memorialized the same on August 23, 2007; and

Whereas, pursuant to the approvals granted by the Planning Board, a Developer's Agreement was to be prepared and executed by the developer prior to commencement of construction; and

Whereas, the aforesaid Developer's Agreement was prepared by the attorney for the Planning Board and reviewed by the Township Attorney who has approved the content and form of the same;

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

1. The Mayor be and he is hereby authorized and directed to execute, on behalf of the Township of Rochelle Park, a Developer's Agreement in the matter of the site plan application of SAC Realty, LLC and Rochelle Park Holdings, LLC;
2. The Developer's Agreement shall include copies of all Resolutions and engineering review reports prior to its execution;
3. The approval shall be subject to appropriate escrow deposits and performance bonds in accordance with the directions of the Township Engineer.

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, the Attorney for the Planning Board, the Township Engineer and the Rochelle Park Building Department.

Attest: Virginia De Maria

Resolution #2008 – 85

A Resolution – Authorizing Change Order No. 1 – 2006 Road Improvement Program

Whereas, pursuant to a Resolution of the Township Committee a Contract was awarded to Smith Soudy Paving, 150 Anderson Avenue, Wallington, New Jersey for the 2006 Road Program in the Township of Rochelle Park; and

Resolution #2008 – 85 (cont.)

Whereas, said award was in accordance with the plans and specifications dated June 20, 2007; and

Whereas, the original amount of Contract including the base bid and alternate bid was \$69,079.74; and

Whereas, the aforesaid project is near completion; and

Whereas, Smith Soudy Paving has now submitted Change Order No. 1 which provides for various reductions, supplements and extras; and

Whereas the result of the Change Order will be to adjust the total Contract downward to a total of \$58,934.44; and

Whereas, the Township Engineer, Kenneth Job, has reviewed the proposed Change Order together with the plans and specifications and has recommended the approval of Change Order No. 1; and

Whereas, the Chief Financial Officer has certified that sufficient funds exist for this purpose.

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. Change Order No. 1 submitted by Smith Soudy Paving, 150 Anderson Avenue, Wallington, New Jersey for the 2006 Road Program be and is hereby approved.
2. The adjusted amount of Contract based on Change Order No. 1 will be \$58,934.44.
3. This award is contingent upon certification by the Chief Financial Officer that sufficient funds exist for this purpose.
4. The Township Administrator / Chief Financial Officer is hereby authorized and directed to execute any documents which may be necessary in order to carry out the terms and provisions of this Resolution.

Now therefore be it resolved that the Township Clerk be and she is hereby authorized and directed to forward certified copies of the within Resolution to the Township Engineer, the Chief Financial Officer and Smith Soudy Paving, 150 Anderson Avenue, Wallington, New Jersey 07057.

Attest: Virginia De Maria

Resolution #2008 – 86

A Resolution – Approving Conclusion of Probationary Term And Conversion to Permanent Status – Officer Robert Liebmann

Whereas, on January 17, 2007 the Township Committee, upon the recommendation of the Chief of Police, hired Robert Liebmann as a Police Officer for the Township of Rochelle Park;

Whereas, said Resolution provided for a one (1) year probationary term under the supervision of the Chief of Police;

Whereas, prior to the end of said probationary term, Chief Zavinsky was to submit a report with recommendations as to whether said probationary term had been successfully completed together with a recommendation as to conversion of the hiring to a permanent position;

Whereas, Chief Zavinsky has, in fact, reported to the Township Committee and recommended that Robert Liebmann be hired on a permanent basis.

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. Police Officer Robert Liebmann is hereby hired on a permanent basis after having successfully completed a one (1) year probationary term pursuant to Township Committee.
2. The conversion of Officer Liebmann's probationary term to permanent hiring shall be deemed effective immediately upon adoption of this Resolution but his hiring shall be effective as of January 17, 2007 and all time periods for determination of salary, seniority, etc. shall be effective as of that date.

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 Chief Richard Zavinsky, Officer Robert Liebmann, the Chief Financial Officer for the Township of Rochelle Park and the Township Attorney.

Attest: Virginia De Maria

Resolution #2008 - 87

A Resolution – Authorizing Amendment to Communications Site Lease Agreement

Whereas, pursuant to Resolution No. 98-139, the Township Committee authorized the execution of a Communications Site Lease Agreement for the installation of radio communications facilities in and about the municipality's tower on the property of the Department of Public Works; and

Whereas, the Township Committee is now in receipt of a proposed Amendment to that Site Agreement which would permit the installation of additional antennas/microwave dishes on the exterior of the tower; and

Whereas, the proposed Amendment to the Agreement also provides for an increase in rent of \$1,000.00 per month in consideration for installation of these additional facilities.

Now therefore be it resolved, by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey that the proposed Amendment No. 1 to the Communications Site Lease Agreement be and is hereby approved subject to the modifications requested by the Township Administrator and the Township Attorney; and

Now therefore be it further resolved, that the Mayor and the Township Clerk are hereby authorized to execute any and all documents which may be necessary in order to facilitate the implementation of this Resolution; 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 the Township Administrator, Township Attorney, Township Engineer, Construction Official for the Township of Rochelle Park and Transcend Wireless, LLC.

Attest: Virginia De Maria

Resolution #2008 - 88

A Resolution – Authorizing Change Order No. 1 – Grove Avenue & Oldis Street – Repaving Project

Whereas, pursuant to a Resolution of the Township Committee a Contract was awarded to 4 Clean Up, Inc. of North Bergen, New Jersey for the State Aid Improvement of Grove Avenue and Oldis Street; and

Whereas, pursuant to the bid specifications and terms of the Contract, the original Contract amount including alternates, if any, was \$103,124.80; and

Whereas, the aforesaid project has proceeded in accordance with the terms of Contract; and

Whereas, the Township is now in receipt of a request for Change Order No. 1 which will result in a net reduction of the Contract price from \$103,124.80 to \$95,295.43; and

Whereas, this net reduction in the Contract price is the result of extras, reductions and supplemental work; and

Whereas, Change Order No. 1, together with all supporting documentation has been submitted to the Township Engineer, Kenneth Job, who has reviewed the same and recommends its approval; and

Whereas, the Contractor, 4 Clean Up, Inc. has submitted all necessary documents and information in order to review, evaluate and approve this Change Order.

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. Change Order No. 1 in connection with the State Aid Improvement of Grove Avenue and Oldis Street be and is hereby approved.
2. The within Contract has been entered into with 4 Clean Up, Inc. of North Bergen, New Jersey with an original Contract total price of \$103,124.80.
3. The net result of the within Change Order shall be to reduce the total Contract price to \$95,295.43.
4. This approval is contingent upon the receipt of the recommendation of the Township Engineer.

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 Engineer, Chief Financial Officer for the Township of Rochelle Park and 4 Clean Up, Inc., P.O. Box 5098, North Bergen New Jersey 07047.

Attest: Virginia De Maria

Resolution #2008 - 89

A Resolution – Authorizing DPW Collective Bargaining Agreement FOR 2008, 2009 and 2010

Whereas, Teamsters Local 97 of New Jersey represents the employees of the Township of Rochelle Park Department of Public Works; and

Whereas, Teamsters Local 97 of New Jersey had previously entered into a Collective Bargaining Agreement with the Township which expired on December 31, 2007; and

Whereas, prior to and subsequent to the expiration of that Collective Bargaining Agreement the Township Administrator and members of the Township Committee engaged in discussions and negotiations with Teamsters Local 97 of New Jersey for a Successor Agreement; and

Whereas, through the efforts of the Township Administrator a Successor Agreement was tentatively reached which was presented to the Township Committee; and

Whereas, the Township Committee has reviewed the tentative Agreement which has been recommended by the Township Administrator and is in agreement that entry into this Successor Agreement would be in the best interests of the residents and taxpayers of the Township; and

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

1. A Successor Agreement between the Township of Rochelle Park and Teamsters Local 97 of New Jersey be and is hereby approved.
2. The Successor Agreement shall be in the form annexed to this Resolution which will provide for all of the terms, conditions and obligations of that Collective Bargaining Agreement.
3. The Mayor and Township Clerk be and are hereby authorized and directed to execute said Collective Bargaining Agreement on behalf of the Township of Rochelle Park subject, however, to the review and approval of the Township Administrator and Township Attorney.

Now therefore be it resolved that the Township Clerk be and she is hereby authorized and directed to forward certified copies of the within Resolution to the Teamsters Local 97 of New Jersey, the Township Administrator, the Township Attorney, the Department of Public Works and the Chief Financial Officer for the Township of Rochelle Park.

Attest: Virginia De Maria

Resolution #2008 - 90

A Resolution – Introduction Ord. # 984-08 – Salary Ordinance – DPW 2008, 2009 & 2010

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, New Jersey, that an ordinance entitled “**AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE SALARY OR RATE OF COMPENSATION OF THE EMPLOYEES OF THE DEPARTMENT OF PUBLIC WORKS OF THE TOWNSHIP AND TO ESTABLISH A METHOD OF PAYMENT OF SUCH COMPENSATION FOR THE YEARS 2008, 2009 AND 2010**” be and it is hereby introduced and passed on first reading April 16, 2008 and that said ordinance be further considered for final passage at a meeting to be held on May 21, 2008 at 8:00 PM or as soon thereafter as the matter can be reached at the Municipal Complex, 151 West Passaic Street, Rochelle Park, NJ 07662 and that at or such time and place all persons interested be given an opportunity to be heard concerning same and that the Township Clerk be and she is hereby authorized and directed to publish and post said ordinance, together with a notice of the introduction thereof and the time and place when and where such ordinance will be considered for final passage.

Attest: Virginia De Maria

Resolution #2008 - 91

A Resolution – Introduction Ord. #985-08 – Amend Chapter 14 – Rochelle Park Fire Department

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, New Jersey, that an ordinance entitled “**AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE SALARY OR RATE OF COMPENSATION OF THE EMPLOYEES OF THE DEPARTMENT OF PUBLIC WORKS OF THE TOWNSHIP AND TO ESTABLISH A METHOD OF PAYMENT OF SUCH COMPENSATION FOR THE YEARS 2008, 2009 AND**

Resolution #2008 -91

2010” be and it is hereby introduced and passed on first reading April 16, 2008 and that said ordinance be further considered for final passage at a meeting to be held on May 21, 2008 at 8:00 PM or as soon thereafter as the matter can be reached at the Municipal Complex, 151 West Passaic Street, Rochelle Park, NJ 07662 and that at or such time and place all persons interested be given an opportunity to be heard concerning same and that the Township Clerk be and she is hereby authorized and directed to publish and post said ordinance, together with a notice of the introduction thereof and the time and place when and where such ordinance will be considered for final passage.

Attest: Virginia De Maria

Resolution #2008 – 92

A Resolution Authorizing Self-Examination for 2008 Budget

Whereas, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the director of the division of Local Government Services, of conducting the annual budget examination; and

Whereas, N.J.A.C. 5:30-7 was adopted by the Local Finance Board of February 11, 1997; and

Whereas, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Rochelle Park has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2008 budget year.

Now, therefore be it resolved by the governing body of the Township of Rochelle Park that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief financial Officer’s certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amount have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form , arrangement and content, the budget will permit the exercise of the comptroller function within the municipality
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

Be it further resolved, that a copy of this resolution will be forwarded to the Director of the division of Local Government Services upon adoption.

Attest: Virginia De Maria

Resolution #2008 – 96

A Resolution – Emergency to Temporary Budget Resolution #4 of 2008

Whereas an emergency condition has arisen with respect to **VARIOUS LINE ITEMS** (see attached) and no adequate provisions have been make in the 2008 temporary budget for the purpose above mentioned, and

Resolution 2008 -90 (cont.)

Whereas, the total emergency temporary resolution adopted in the year 2008 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, O.L. 1951 as amended) including this resolution total \$5,130,563.86.

Now, therefore, be it resolved, by the Township Committee of the Township of Rochelle Park (not less than two thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A: 4-20,

1. An emergency temporary appropriations be and the same is hereby made for the account listed in the amount of \$476,500.

Inside CAP

20-1102	Mayor & Council O/E	1,500.00
20-1452	Revenue Administration O/E	1,000.00
20-2102	General Ins. O/E	50,000.00
23-2202	Health Ins. O/E	300,000.00
25-2403	Police Cars	30,000.00
25-2652	Fire Prevention O/E	15,000.00
26-2902	Streets & Roads O/E	<u>10,000.00</u>
	Total Inside CAP	\$407,500.00

Outside CAP

36-4770	L.O.S.A.P.	\$ 10,000.00
43-5060	Sewerage Processing O/E	10,000.00
44-1002	Boro of Paramus	2,000.00
44-1012	Boro of Paramus	37,000.00
44-4024	Boro of Paramus	<u>10,000.00</u>
	Total Outside CAP	\$ 69,000.00

Total \$ 476,500.00

2. That said emergency temporary appropriations will be provided for in the 2008 budget under the title of: 2008 Municipal Budget

Attest: Virginia De Maria

Resolution #2008 – 97

A Resolution – Authorizing Discharge of Treated Groundwater Into Sanitary Sewer – 21 Somerville

Whereas, as a result of an investigation into petroleum (heating oil) contamination at 21 Somerville Street contaminated soil and groundwater was encountered; and

Whereas, in order to address this situation it will be necessary for the property owner to remove said contaminated soil and install a groundwater treatment facility; and

Whereas the excavating contractor and environmental consulting firm undertaking said groundwater remediation have requested permission to discharge treated groundwater into the Township of Rochelle Park’s sanitary sewer system and;

Whereas the Township Engineer has determined that there is sufficient capacity within the sanitary sewer subsystem into which treated groundwater will discharge to accommodate said treated groundwater,

Now, therefore, be it resolved, by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey that they hereby approve the proposed discharge of treated groundwater into the Township of Rochelle Park’s sanitary sewer system under the following conditions:

1. The total flow volume shall not exceed 10 gallons per minute (14,400 gallons per day).
2. The flow shall be metered and the Township of Rochelle Park reimbursed for all treatment/disposal costs.
3. The facility shall be operating on a 24/7 basis utilizing electric power from the property owner’s electric service.
4. If the facility requires “standby” power the generator to provide said standby power shall be “silenced”. If a “silenced” generator is not utilized the facility may operate between the hours of 8:30 am – 9:00 pm Monday-Saturday only.
5. Prior to activation of the system all engineering issues raised by the Township of Rochelle Park Engineer shall be addressed.
6. Prior to the installation of the system or excavation of the contaminated soil all conditions of the Township of Rochelle Park Attorney including posting of Insurance Certificates, executing of Hold Harmless Agreements etc. shall be addressed.

Resolution #2008 – 97 (cont.)

7. The property owner and/or their designated representative(s) shall comply with all other conditions as set forth by the Township Attorney, Township Engineer or Department of Public Works.

Attest: Virginia De Maria

Resolution #2008-99

A Resolution – Endorsement for Grant Application – Safe Routes to School

Whereas, Chief Richard Zavinsky of the Rochelle Park Police Department has received information from the State of New Jersey in connection with an available grant pursuant to the Safe Routes to Schools Program; and

Whereas, said funding may be utilized in connection with project related to making travel to and from schools more safe for the children of municipalities throughout the State of New Jersey; and

Whereas, Chief Zavinsky has recommended that the Township of Rochelle Park make application for such funding and, in order to do so, a resolution endorsing such an application must be adopted by the Governing Body; and

Whereas, the Township Committee has reviewed this request and agrees that it would be in the best interests of the residents and taxpayers of the Township of Rochelle Park to apply for such grant; and

Whereas, substantial benefits may be obtained for the children of Rochelle Park in the event that the grant is approved.

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

1. Chief Richard Zavinsky and the Rochelle Park Police Department are hereby authorized to complete and file an application for a grant pursuant to the Safe Routes to Schools Program administered by the State of New Jersey Department of Transportation

2. The Township Committee hereby endorses this application and hereby provides any necessary authorization and approval for the preparation and filing of any and all documents which may be necessary in order to process this application.

3. The Township Committee hereby endorses and supports every aspect of this application which will enable and encourage children, including those with disabilities to walk and bicycle to school thereby encouraging a healthy and active lifestyle from an early age.

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 Rochelle Park Police Department, the State of New Jersey Department of Transportation and the Township Administrator.

Attest: Virginia De Maria

A motion was offered by Comm. Lotz and seconded by Comm. Strohmeier to adopt the Consent Agenda. Motion carried on a voice vote – all voting “Aye”.

The following resolution was offered by Mayor Scarpa and seconded by Comm.

Valenzuela and reads:

Resolution #2008 - 93

A Resolution – Hearing & Adoption Ord. #981-08 – Amending Chapter 29 – Personnel Policy – Nepotism Ban

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 29 OF THE CODE OF THE TOWNSHIP OF ROCHELLE PARK TO ADD A SECTION ENTITLED “NEPOTISM BAN”**” 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. Valenzuela and seconded by Comm. Strohmeier to open the hearing to the public. Motion carried on a voice vote – all voting “Aye”.

Comm. Kovalcik – Stated that while he was not pro-nepotism, he felt the current ordinance could use further modifications possibly with the input of Attorney Rotolo. He would not support this ordinance.

Minutes of Public Meeting held April 16, 2008 cont.

Comm. Lotz – Remarkd that he felt regarding previous hires, never were there any problems regarding nepotism. He would not support this ordinance.

Comm. Strohmeier – Echoed the sentiments of Comm. Kovalcik and would not support this ordinance.

Comm. Valenzuela – Gave his reasons for supporting this ordinance. He feels that past practice aside, current hiring situations warrant adoption of this ordinance. He stated that not adopting this ordinance was doing a disservice to the Township employees. He then gave a definition of nepotism which is “showing favoritism”. He also advised that since this ordinance was not going to be adopted he would be polling residents door to door asking for them to support this cause in a petition. He also would like a question submitted as a ballot initiative for the November election. He stated that he feels that the most qualified person must be hired for the position based on what they know, not who they know. He then indicated his intention to vote yes.

Comm. Scarpa – He stated that it was unfortunately this ordinance was being voted down. He echoed Comm. Valenzuela’s thoughts regarding nepotism. He feels the negative vote, is a vote against good government. Scarpa stated that he felt the ordinance had been fully discussed and assured the residents that in the future this ordinance would be passed. He also advised that an anti-nepotism policy is already in place in the Township’s Policy and Procedures Manual.

Comm. Lotz – Responded that the guidelines of receiving applicants, interviewing and bringing the best candidates before the Township Committee have always been followed. The Committee would then hire the best person for the job. He challenged anyone to find conflicts with prior hired relatives.

Comm. Valenzuela – Stated that he was not passing judgment over the past years, however he stated that an anti-nepotism procedures is already in place, but feels the verbiage should be tightened up.

Comm. Scarpa – Is not commenting on past practice. He feels it is the wrong decision to not support this ordinance. He feels the recent hiring of DPW personnel did not following the guidelines in place. He felt the DPW Superintendent’s son was placed at the top of the list and other applicants ignored.

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

A motion was offered by Mayor Scarpa and seconded by Comm. Valenzuela to adopt the above resolution. Motion carried on a roll call vote – “Aye’s” Scarpa, Valenzuela “Ney’s” Kovalcik, Lotz, Strohmeier

The following resolution was offered by Comm. Strohmeier and seconded by Comm. Lotz and reads:

Resolution #2008 – 94

A Resolution – Hearing & Adoption Ord. 982-08 – Amending Chapter 185 – Land Use and Development Regulations

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 185 OF THE CODE OF THE TOWNSHIP OF ROCHELLE PARK ENTITLED “LAND USE AND DEVELOPMENT REGULATIONS”**” 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. Strohmeier and seconded by Comm. Lotz to open the hearing to the public. Motion carried on a voice vote – all voting “Aye”.

No Comments

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

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

Minutes of Public Meeting held April 16, 2008 cont.

The following resolution was offered by Comm. Strohmeyer and seconded by Comm. Lotz and reads:

Resolution #2008 – 95

A Resolution – Hearing & Adoption Ord. 983-08 – Amending Chapter 16 – Municipal Charges for Certain Calls – Ambulance Corp.

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 16 OF THE CODE OF THE TOWNSHIP OF ROCHELLE PARK TO ADD A SECTION ENTITLED “MUNICIPAL CHARGES FOR CERTAIN CALLS”**” 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. Strohmeyer and seconded by Comm. Valenzuela to open the hearing to the public. Motion carried on a voice vote – all voting “Aye”.

Comm. Kovalcik – liaison to the Ambulance Corp., advised that in 2007 approximately 20% of ambulance calls were responding to 96 Parkway (Bristol Manor Nursing Home and the Chateau). This is an overuse of Township emergency resources.

Teresa Judge-Cravello – 165 Howard Ave. – Requested clarification on the above ordinance, regarding determination of emergency vs. non emergency calls. She was advised that at the time the EMT completes their finished paperwork, they would determine the status and bill accordingly.

Attorney Rotolo explained that this ordinance was introduced to prevent businesses (i.e. Bristol Manor, etc.) from using our emergency services indiscriminately thus putting other residents at risk while the emergency services were responding to non-emergency calls at those businesses.

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

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

The following resolution was offered by Comm. Lotz and seconded by Mayor Scarpa and reads:

Resolution #2008 – 98

A Resolution – Authorizing Release of Closed Session Minutes of April 9, 2008

Whereas, pursuant to the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.) certain issues may be discussed by the Township Committee in a session which excludes the public; and

Whereas, the aforementioned law requires that the minutes of said closed sessions be released as soon as practicable after the meeting and so long as the release of the minutes will not be adverse to the interests of the public and/or the Township; and

Whereas, pursuant to statute, the purpose of this Resolution is to disclose the information which was discussed in closed session on April 9, 2008 to the extent that said information can be disclosed without adversely affecting the Township or the public interest.

Now, therefore, be it resolved, by the Township Committee of the Township of Rochelle Park, County of Bergen and State of New Jersey that the attached closed session minutes may be released to the public in accordance with the requirements of New Jersey State Law; and

Be it further resolved, that any minutes which have not been released pursuant to this Resolution shall be reviewed periodically by the Township Attorney and further recommendation shall be made for the release of additional minutes as the release of same is deemed to be proper.

Attest: Virginia De Maria

CLOSED SESSION MINUTES – April 9, 2008

A motion was made for the Township Committee to go into closed or executive session to discuss matters of personnel, litigation and negotiations. The following

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represents the minutes of that closed session to the extent that those minutes may be released at this time:

1. Litigation (375 West Associates / New York Prime II) - The Township Attorney provided the Township Committee with a summary of the status of all pending litigation in connection with the Ramada Inn Hotel including a summary of the status of litigation between the Ramada Inn Hotel operator and the liquor licensee.
2. DPW Contract - The DPW Contract has been finalized and the Township Attorney was authorized to prepare a Resolution authorizing the execution of a successor agreement.
3. Northern Park - The Township Attorney advised the Township Committee as to the current status of the appeal pending before the Department of Environmental Protection and was directed to contact the DEP in order to obtain an update as to the status of that matter.
4. Personnel - The Township Clerk advised the Township Committee of receipt of a "Notice of Claim" from a former employee which has been transmitted to the Township's insurance carrier. The Township Administrator and Township Attorney advised the Township Committee as to the status of the Township's claim for reimbursement from a former employee for costs and expenses associated with an alleged disability.

Attest: Virginia De Maria

A motion was offered by Comm. Lotz and seconded by Mayor Scarpa to adopt the above resolution. Motion carried on a roll call vote – all voting "Aye".

Committee's/Administrator's/Attorney's Reports

Comm. Kovalcik – Ambulance Corps. Report March – 71 Calls. He thanked the Ambulance Corp. for their hard work.

Welcome Committee Reception will be held on May 21st in the Senior Center, 7:00 PM – 9:00 PM. There will be tours of the municipal building including the police department. He advised that the dedication of a tree in his father's memory would be held on Memorial Day. He advised that a plaque would be placed at the base of the tree. The Annual Ken Kovalcik Summerfest Concert was being held on Wednesday, August 21st featuring The Happenings. The concert is 100% funded by Park Avenue/Acura. He thanked them for their generosity.

Comm. Lotz – DPW March Report – Most time spent done brush pick-up, secondly building and grounds and thirdly general work

Police Department March Report – Motor Vehicle Accidents 56, Total Police Calls 1,258, Total Summons Issued 414, Total Patrol Mileage 10,219, Total Arrests 15
Lotz thanked Police Chief Zavinsky and the officers for doing a wonderful job in Rochelle Park.

Municipal Court Report March - 431 cases disposed

Comm. Strohmeier - Library Report March - Circulated 1891 items, Added 100 New Items, New Cards Issued 33, Computer Usage, 242

Regarding the nepotism ordinance, Strohmeier advised in the 16+ years she has been on the Township Committee the issue of nepotism has arisen once. She felt that they had wasted a huge amount of time discussing this ordinance. She also stated that at a previous work session, Comm. Kovalcik made suggestions to modify the ordinance and was told the ordinance was not up for discussion. Strohmeier feels that hiring ones family has some merit if it is the best person for the job and feels that limiting the hiring of relatives is a mistake.

Comm. Valenzuela – Congratulated the newly elected Board of Education candidates Barbara Maurer, Teresa Judge-Cravalo and Sam Allos. He advised that the school budget did not pass, however there are two provisional votes still unaccounted for which will determine the final outcome of the budget. The Fire Department is expecting delivery of their new rescue truck shortly.

A motion was offered by Comm. Valenzuela and seconded by Mayor Scarpa to accept the resignation of fire department member Christopher Capelli. Motion carried on a voice vote – all voting "Aye".

Minutes of Public Meeting held April 16, 2008 cont.

A motion was offered by Comm. Valenzuela and seconded by Comm. Kovalcik to appoint David Coleman, Billy Simons and James Sheridan as regular members of the Rochelle Park Fire Department. Motion carried on a roll call vote – all voting “Aye”.

Valenzuela spoke regarding the nepotism ordinance stating that the Township Committee should begin “looking outside the box for new ideas” past practice is not always right.

Mayor Scarpa – Attended the recent D.A.R.E. graduation at Midland School and attended Baseball’s opening day. The Recreation Committee sponsored the annual Easter Egg Hunt on Saturday, March 22nd. He congratulated newly elected school board member Teresa Judge-Cravelo and thanked Capt. Steven Sans for his patriotism. Regarding the nepotism ordinance, he feels previous hiring procedures were not adhered to and the above ordinance was in the best interests of Rochelle Park.

Comm. Kovalcik stated that he will provide revisions to the ordinance at the next work session.

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

Diane Verhasselt – 40 Forest Place – Advised the Township Committee that the appearance of nepotism is improper. She feels that the hiring of relatives is not productive to the Township and urged the Township Committee to consider this issue in the future.

Comm. Strohmeier – advised that summer camp counselor have traditionally been relatives of the Recreation Committee and has worked well in the past. Mrs. Verhasselt did not agree.

Elizabeth Podgorski – 90 Howard Avenue – Asked the status of FEMA mitigation in regards to the renovation of her home which has been damaged in previous flooding events. Comm. Valenzuela advised that Construction Code Official Bolan had been providing information to FEMA regarding their situations. He asked Ms. Podgorski to meet with him after the meeting for further discussion.

Norma Heyn – 94 Howard Avenue – Echoed her neighbor’s feeling. She has not been living in her home for one year due to past flooding. She was also asked to meet with Comm. Valenzuela after the meeting.

Comm. Valenzuela advised both residents that he had been part of a group of municipalities in contact with the Passaic Valley Sewer Authority who are cleaning local rivers and tributaries. The municipalities involved are Lodi, Wallington, Saddle Brook, Garfield and Rochelle Park.

Administrator Mariniello updated the residents on the status of the introduction of the 2008 budget. He advised that as it stands currently, the amount to be raised by taxation was approximately a 4% increase.

The Central Bergen Administrators Group meets every fourth Wednesday with the objective of saving money by bidding projects collectively. He advised that Bergen County Executive Dennis McNerney would be attending the 9:00 AM meeting on April 23rd all were welcome to attend. The Administrator advised that Rochelle Park was looking to entering into a co-op agreement with Fair Lawn regarding buying asphalt in bulk to begin the 2007 road program. The Administrator was unsuccessful in obtaining a start date from Fair Lawn. He asked the Township Committee’s permission to possibly go out to bid alone or possibly enter into a co-op situation with Paramus.

A motion was offered by Mayor Scarpa and seconded by Comm. Lotz to allow the administrator to enter into the bidding process or combining with Paramus for the 2007 road program work. Motion carried on a roll call vote – all voting “Aye”.

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

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

Personnel

Minutes of Public Meeting held April 16, 2008 cont.
Redevelopment

A motion was offered by Comm. Strohmeier and seconded by Comm. Lotz to close the closed session. Motion carried on a voice vote – all voting “Aye”.

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

Respectfully submitted,

Virginia De Maria,
Municipal Clerk