



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

MINUTES – PUBLIC MEETING – July 21, 2010

Call to Order 7:30 PM

According to the Open Public Meetings Act, this meeting of June 21, 2010 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 9, 2010 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. R. Davidson
 Comm. K. J. Kovalcik - Absent
 Comm. J. Scarpa
 Comm. P. Strohmeier
 Mayor F. Valenzuela

Pledge of Allegiance was led by Mr. Fred Jones

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

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

A motion was offered by Comm. Davidson and seconded by Comm. Strohmeier to approve the Minutes of the Public Meeting held on June 16, 2010. Motion carried on a voice vote – all present voting “Aye”.

Resolutions

At the Work Session held on July 14th the following resolutions were approved.

The following resolution was offered by Comm. Kovalcik and seconded by Comm. Strohmeier and was adopted on a roll call vote – all voting “Aye”.

Resoluion#2010-117

A Resolution Awarding 2009 Road Program – D&L Paving Contractors - \$89,664.34

Whereas, on Thursday, June 17, 2010 bids were received for the township of Rochelle Park 2009 Road Program; and

Whereas six (6) bids were received, opened and read; and

Whereas the low bidder for the base bid and the base bid plus alternate bid was D&L Paving Contractors, PO Box 507, Nutley, New Jersey 07110 for the base bid amount of \$68,999.27 and the base bid plus alternate bid amount of \$89,664.34; and

Whereas, upon review of the bid’s submitted, the Township Engineer has recommended that the bid be awarded to D&L Paving Contractors, PO Box 507, Nutley, New Jersey 07110, and

Now, therefore, be it resolved, by the Township Committee of the township of Rochelle Park, County of Bergen, State of New Jersey, that the contract for the Township of Rochelle Park 2009 Road Program base bid plus and alternate bid be awarded to D&L Paving Contractors, PO Box 507, Nutley, New Jersey 07110 for the bid amount of \$89,664.34; and

Be it further resolved that the Chief Financial Officer has certified that the funds are available from Account # of the fund in the amount not to exceed \$89,664.34.

Attest: Virginia De Maria

The following resolution was offered by Comm. Strohmeier and seconded by Comm. Kovalcik and was adopted on a roll call vote – all voting “Aye”.

Resolution#2010-118

A Resolution – Authorizing Shared Services Agreement

Whereas, pursuant to the provisions of N.J.S.A.40A:65-1, et seq., the “Uniform Shared Services and Consolidation Act” local units may share services; and

Whereas, Municipalities throughout the State of New Jersey have been encouraged to enter into such shared services agreements in order to consolidate services and preserve economic resources; and

Whereas, the Township of Rochelle Park and the Borough of Elmwood Park have engaged in various discussions regarding the sharing of the Construction Official, Building Subcode Official and Zoning Official; and

Whereas, the Township of Rochelle Park recently reduced its Construction Official, Building Subcode Official and Zoning Official from a full time position to a part time position for reasons of economy and efficiency; and

Whereas, the Township of Rochelle Park and the Borough of Elmwood Park believe that it would be in the best interests of the Municipalities to share the services of the individual currently serving in the aforementioned positions; and

Whereas, it is the intent of this resolution to authorize an agreement for the sharing of such services to extend until the end of 2010, on a trial basis, in order to confirm the feasibility of such an agreement and to confirm the fiscal responsibility 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. A Shared Services Agreement with the Borough of Elmwood Park be and is hereby authorized.
2. This agreement shall be in the form annexed hereto or in such other form as approved by the Township Committee after consultation with the Township Attorney.
3. The agreement shall be in compliance with and this resolution shall be in furtherance of the provisions of the Uniform Shared Services and Consolidation Act, N.J.S.A.40A:65-1, et seq.
4. This contract shall be for a period of six (6) months from July 1, 2010 through December 31st, 2010 and shall be subject to a review, revision, modification or renewal as of the end of Calendar Year 2010.
5. The agreement shall provide, among other things, for the payment, by the Borough of Elmwood Park of the sum of \$4,638.90 per month to the Township of Rochelle Park representing Elmwood Park’s share of the cost of the services of the shared employee.
6. The shared employee shall serve in the positions of Construction Official, Building Subcode Official and Zoning Official and shall be required to perform all of the services and obligations of these positions for each Municipality on a schedule to be determined.

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 Borough of Elmwood Park, Richard Bolan, the Township Attorney, the Personnel Department of the Township of Rochelle Park and the State of New Jersey Department of Community Affairs.

Attest: Virginia De Maria

Administrator De Maria advised that Rich Bolan, Construction Code Officials new hours would be as follows:

Monday, Wednesday and Friday – Elmwood Park

7:00 AM – 11:00 AM

Rochelle Park

12:00 PM – 4:00 PM

Tuesday and Thursday – Elmwood Park

12:00 – 4:00 PM

Rochelle Park

7:00 AM – 11:00 AM

Reports:

Health Department - June 2010

Municipal Court - June 2010

Attendance Report - June 2010

Minutes of the Public Meeting held July 21, 2010 cont.

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

Resolution #2010 - 119

A Resolution – Payment of Bills – July 2010

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.

Attest: Virginia De Maria

Resolution #2010 – 120

A Resolution – Amendment to the 2010 Budget

Published in the Record Newspaper – A Special Meeting has been scheduled for Wednesday, July 28, 2010 for the hearing on the amendment and adoption of the 2010 Budget.

Resolution #2010 – 121

A Resolution - Dedication by Rider – Public Defender Fees

Requesting approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for Public Defender Fees
Pursuant to P.L. 1998, c.256

Whereas, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and
Whereas, the Rider approved under P.L. 1998, c.256 allows municipalities to receive amounts for costs incurred for Public Defender Fees, and
Whereas, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,
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 Township Committee hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Public Defender Fees as per N.J.S.A. 40A:4-39.

The municipal clerk of the Township of Rochelle Park is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Service

Attest: Virginia De Maria

Resolution #2010 – 122

A Resolution – Authorizing Lien Redemption –175 Rochelle Avenue - \$42,450.98

Whereas, the owner of 175 Rochelle Avenue, Unit 302 has paid the Tax Title Lien Certificate #2008-0005 2007;

Whereas, Crusader Lien Servicing Corp., 179 Washington Lane, Jenkintown, PA 19046 is the present owner of said certificate and;

Whereas, funds have been deposited into a suspense account and;

Now therefore, be it resolved, that the C.F.O. is hereby authorized to issue a check to Crusader Lien Servicing Corp. in the amount of \$42,450.98 for the redemption of Tax Title Lien #2008-0005 2007.

Attest: Virginia De Maria

Resolution #2010 - 123

A Resolution – Authorizing Lien Redemption – 54 Parkway - \$17,058.82

Whereas, the owner of 54 Parkway has paid the Tax Title Lien Certificate #2009-01 2009;

Whereas, Robert Rothman, 411 Grand Avenue, Englewood, NJ 07631 is the present owner of said certificate and;

Whereas, funds have been deposited into a suspense account and;

Now therefore, be it resolved, that the C.F.O. is hereby authorized to issue a check to Robert Rothman in the amount of \$17,058.82 for the redemption of Tax Title Lien #2009-01 2009

Attest: Virginia De Maria

Resolution #2010 – 124

A Resolution – Change Order – S/A Lincoln Drive/Chestnut Avenue

Whereas, a Contract was previously awarded to D & L Paving Contractors of Nutley, New Jersey in connection with the improvement of Chestnut Avenue and Lincoln Drive in the Township of Rochelle Park; and

Whereas, the original Contract amount was \$120,343.75; and

Whereas, as a result of changes to the project which were not anticipated at the time of the award of the Contract it has become necessary to amend the total Contract to reflect certain additions, supplemental items and reductions; and

Whereas, the net effect of these modifications, are set forth on the attached summary, results in an amended Contract price of \$121,893.22.

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 be and is hereby approved in connection with the state aid improvement of Chestnut Avenue and Lincoln Drive.
2. As a result of the within Change Order, the total Contract with D & L Paving Contractors of Nutley, New Jersey shall be amended to \$121,893.22.
3. This Resolution is contingent upon certification, by the Chief Financial Officer, that sufficient funds exist for this purpose.
4. The approval of this Change Order is further contingent upon confirmation that said Change Order is acceptable by the Township Engineer and that the total
5. Contract price has not changed in an amount which exceeds the allowable modification pursuant to the Local Public Contracts Law.

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 D & L Paving Contractors of Nutley, New Jersey, the Township Engineer and the Chief Financial Officer for the Township of Rochelle Park.

Attest: Virginia De Maria

Resolution #2010 – 125

A Resolution – Authorizing Compliance with IRS Regulations To Qualify as Tax Exempt - \$140,000

Member _____ introduced and moved the adoption of the following resolution and Member _____ seconded the motion:

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ROCHELLE PARK, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE TOWNSHIP OF ROCHELLE PARK AND AUTHORIZING THE MAYOR, MUNICIPAL CLERK, CHIEF FINANCIAL OFFICER AND OTHER TOWNSHIP OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$6,088,000 BOND ANTICIPATION NOTE AND A \$140,000 SPECIAL EMERGENCY NOTE, BOTH ISSUES DATED JUNE 25, 2010, PAYABLE JUNE 24, 2011, AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

Whereas, the Township of Rochelle Park, in the County of Bergen, New Jersey (the "Township") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

Whereas, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Township to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

Whereas, the Township intends to issue a \$6,088,000 bond anticipation note and a \$140,000 special emergency note, both issues dated June 25, 2010, payable June 24, 2011 (collectively, the "Notes"); and

Whereas, the Township desires to designate the Notes as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code;

Minutes of the Public Meeting held July 21, 2010 cont.

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

Section 1. The Township Committee of the Township of Rochelle Park hereby covenants on behalf of the Township, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Notes be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

Section 2. The Mayor, Municipal Clerk, Chief Financial Officer and the other officials of the Township are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

Section 3. The Notes are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

Section 4. It is hereby determined and stated that (1) said Notes are not "private activity bonds" as defined in the Code and (2) the Township and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$30 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2010.

Section 5. It is further determined and stated that the Township has not, as of the date hereof, issued any tax-exempt obligations (other than the Notes) during the calendar year 2010.

Section 6. The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Township does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

Section 7. The issuing officers of the Township are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Notes and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2010 dated as of the date of delivery of the Notes.

Section 8. This resolution shall take effect immediately upon its adoption.

Attest: Virginia De Maria

Resolution #2010 – 126

A Resolution - Authorizing Compliance with IRS Regulations To Qualify as Tax Exempt – \$6,088,000

Member _____ introduced and moved the adoption of the following resolution and Member _____ seconded the motion:

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ROCHELLE PARK, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE TOWNSHIP OF ROCHELLE PARK AND AUTHORIZING THE MAYOR, MUNICIPAL CLERK, CHIEF FINANCIAL OFFICER AND OTHER TOWNSHIP OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$6,088,000 BOND ANTICIPATION NOTE AND A \$140,000 SPECIAL EMERGENCY NOTE, BOTH ISSUES DATED JUNE 25, 2010, PAYABLE JUNE 24, 2011, AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

Whereas, the Township of Rochelle Park, in the County of Bergen, New Jersey (the "Township") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

Whereas, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Township to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

Minutes of the Public Meeting held July 21, 2010 cont.

Whereas, the Township intends to issue a \$6,088,000 bond anticipation note and a \$140,000 special emergency note, both issues dated June 25, 2010, payable June 24, 2011 (collectively, the "Notes"); and

Whereas, the Township desires to designate the Notes as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code;

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

Section 1. The Township Committee of the Township of Rochelle Park hereby covenants on behalf of the Township, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Notes be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

Section 2. The Mayor, Municipal Clerk, Chief Financial Officer and the other officials of the Township are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

Section 3. The Notes are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

Section 4. It is hereby determined and stated that (1) said Notes are not "private activity bonds" as defined in the Code and (2) the Township and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$30 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2010.

Section 5. It is further determined and stated that the Township has not, as of the date hereof, issued any tax-exempt obligations (other than the Notes) during the calendar year 2010.

Section 6. The Township will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Township does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

Section 7. The issuing officers of the Township are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Notes and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2010 dated as of the date of delivery of the Notes.

Section 8. This resolution shall take effect immediately upon its adoption.

Attest: Virginia De Maria

Resolution #2010-127

A Resolution – Authorizing Execution of Developer’s Agreement – Sprint Spectrum

| | |
|------------------|---|
| Property Owner / | SRINT SPECTRUM, L.P. |
| Developer: | (D/B/A SPRINT/NEXTEL) |
| Address: | 4168 Route 17 North Rochelle Park, NJ 07662 Block 34, Lot 2 |

Whereas, the above referenced property owner/developer has received approvals from the Zoning Board of Adjustment in connection with a development of the above referenced property; and

Whereas, in accordance with the requirements of Local Ordinance and the Resolution of the Board, the Zoning Board Attorney has prepared a Developer’s Agreement for execution by the developer and the municipality; and

Whereas, this Developer’s Agreement has been reviewed and approved by the Township Engineer, Building Department and Township Attorney; and

Whereas, the Township Committee shall now provide the necessary authorization to execute this Agreement on behalf of the Township.

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 and Township Clerk be and are hereby authorized to execute a Developer’s Agreement in connection with the above referenced project.
2. The execution of the Developer’s Agreement shall be subject to payment of all fees and escrows as well as submission of all necessary insurance certificates, performance bonds or other documents necessary based upon the review and 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

Attest: Virginia De Maria

Resolution #2010 –128

A Resolution - Authorizing Execution of Developer's Agreement – 43 Central Associates

Property Owner /

Developer: 43 CENTRAL ASSOCIATES, LLC

Address: 41-43 Central Avenue
Rochelle Park, NJ 07662
Block 24.01, Lot 8

Whereas, the above referenced property owner/developer has received approvals from the Zoning Board of Adjustment in connection with a development of the above referenced property; and

Whereas, in accordance with the requirements of Local Ordinance and the Resolution of the Board, the Zoning Board Attorney has prepared a Developer's Agreement for execution by the developer and the municipality; and

Whereas, this Developer's Agreement has been reviewed and approved by the Township Engineer, Building Department and Township Attorney; and

Whereas, the Township Committee shall now provide the necessary authorization to execute this Agreement on behalf of the Township.

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 and Township Clerk be and are hereby authorized to execute a Developer's Agreement in connection with the above referenced project.
2. The execution of the Developer's Agreement shall be subject to payment of all fees and escrows as well as submission of all necessary insurance certificates, performance bonds or other documents necessary based upon the review and 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 Attorney, the Township Engineer, Building Department and Anthony N. Gallina, Esq., Zoning Board Attorney.

Attest: Virginia De Maria

Resolution #2010 –129

A Resolution – Authorizing Execution of Developer's Agreement – Katherine Marchese Ent.

Property Owner /

Developer: KATHERINE MARCHESE ENTERPRISE, LLC

Address: 39 Central Avenue
Rochelle Park, NJ 07662
Block 24.01, Lot 7

Whereas, the above referenced property owner/developer has received approvals from the Zoning Board of Adjustment in connection with a development of the above referenced property; and

Whereas, in accordance with the requirements of Local Ordinance and the Resolution of the Board, the Zoning Board Attorney has prepared a Developer's Agreement for execution by the developer and the municipality; and

Whereas, this Developer's Agreement has been reviewed and approved by the Township Engineer, Building Department and Township Attorney; and

Whereas, the Township Committee shall now provide the necessary authorization to execute this Agreement on behalf of the Township.

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 and Township Clerk be and are hereby authorized to execute a Developer's Agreement in connection with the above referenced project.
2. The execution of the Developer's Agreement shall be subject to payment of all fees and escrows as well as submission of all necessary insurance certificates, performance bonds or other documents necessary based upon the review and 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

Attest: Virginia De Maria

Resolution #2010 – 130

A Resolution – Third Party Ambulance Transportation Billing Administration – Revenue Guard

Whereas, the Township of Rochelle Park recently commenced a program authorizing the imposition of fees in order to offset the cost of providing Emergency Medical Services; and

Whereas, in order to properly administer this program, it is necessary to appoint a Claims Administrator for the purpose of preparing all necessary billing and collecting all fees; and

Whereas, Revenue-Guard, a New Jersey Corporation, with offices located at 540 Bordentown Avenue, South Amboy, New Jersey is a company engaged in the business of consulting for federal insurance programs, Medicare and Medicaid, emergency medical services management computer systems, administration and collection of insurance claims; and

Whereas, Revenue-Guard has been appointed, in other Municipalities, including the Borough of Maywood, in order to administer programs similar to that which has been commenced in the Township of Rochelle Park; and

Whereas, the Township Administrator has reviewed the proposal received from this company and has recommended that the Township enter into an agreement with Revenue-Guard in order to administer the recently established program

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 Contract with Revenue-Guard or South Amboy, New Jersey be and is hereby authorized
2. The Mayor and the Township Clerk are authorized and directed to execute any and all agreements necessary in order to facilitate this Contract
3. The Contract shall be in the form submitted by Revenue-Guard and approved by the Township Attorney and Township Administrator
4. There shall be no costs incurred by the Township of Rochelle Park in connection with this agreement other than payment of a percentage of the amount collected by Revenue-Guard under the third party billing program established by the Township.
5. Any and all Contracts entered into in connection with this matter shall be subject to termination, with or without cause, upon thirty (30) days written notice and is subject to all laws, regulations, ordinances or statutes of the State of New Jersey and Township of Rochelle Park.

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, Revenue-Guard, 540 Bordentown Avenue, South Amboy, New Jersey, the Rochelle Park Ambulance Corps and the Chief Financial Officer for the Township of Rochelle Park

Attest: Virginia De Maria

Resolution #2010 – 131

A Resolution – Third Party Ambulance Billing Account

Whereas, a need exists to open a new checking account entitled “Third Party Ambulance Billing Account”, and;

Whereas, the Township Committee has entered into a contract with a third party ambulance service inclusive of billing Medicare, and;

Be it resolved, that the Chief Financial Officer is authorized to open at TD Bank, a checking account entitled “Third Party Ambulance Billing Account” for purposes of the third party agency to make deposits on behalf of the Township of Rochelle Park.

Attest: Virginia De Maria

Resolution #2010 – 132

A Resolution – Authorizing Professional Services Agreement – Robert McNerney – Tax Appeals

Whereas, the Township Committee previously appointed ROBERT MCNERNEY of McNerney and Associates as its Real Estate Appraiser in connection with real property tax appeals; and

Minutes of the Public Meeting held July 21, 2010 cont.

Whereas, the Township Attorney has requested authorization to engage Mr. McNerney in connection with certain pending tax appeal matters; and

Whereas, the Township Attorney and Tax Assessor have requested authorization to utilize the services of Mr. McNerney in connection with all tax appeals where the assessment being challenged exceeds \$2,000,000.00; and

Whereas, the Township Committee has agreed with that recommendation and hereby authorizes the same.

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 Township Attorney is hereby authorized to engage ROBERT MCNERNEY of McNerney & Associates to assist the municipality in connection with real property tax appeals.
2. Mr. McNerney shall be authorized to prepare a preliminary report in connection with all tax appeals of assessments which exceed \$2,000,000.00.
3. The cost of each preliminary report shall be between \$1,000.00 and \$1,500.00.
4. If a full appraisal report is required, a separate authorization shall be requested and action must be taken by the Township Committee.
5. The cost of the preliminary appraisal reports authorized herein shall not exceed \$15,000.00 for 2010.
6. The within authorization can be provided without the necessity of competitive bidding since the same is an Agreement for Professional Services and is, therefore, exempt from competitive pursuant to the Local Public Contracts Law.
7. The Chief Financial Officer of the Township of Rochelle Park has certified that the necessary funds are available 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, ROBERT MCNERNEY, and McNerney & Associates and James Tighe, the Township Tax Assessor.

Attest: Virginia De Maria

Resolution #2010 –133

A Resolution – Appointing Community Development Representatives

Be it resolved, by the Township Committee of the Township of Rochelle Park, County of Bergen, New Jersey, that Joseph Scarpa, Committee Member of the Township of Rochelle Park residing at 28 East Forest Place, Rochelle Park, is hereby appointed the Community Development Representative for the Township of Rochelle Park effective July 1, 2010 through June 30, 2011; and

Be it further resolved, that Virginia De Maria of 175 Rochelle Ave., Rochelle Park is appointed as Alternate Representative serving the same term.

Attest: Virginia De Maria

Resolution #2010 – 134

A Resolution – Authorizing Hiring Esephania Guterrez – Part Time Technical Assistant

Whereas, the Construction Code Official, Richard Bolan, has requested a Technical Assistant in his office; and

Whereas, the Township Committee has reviewed this request and has determined that the Construction Code Official is in need of a Technical Assistant for that Department; and

Whereas, the Chief Financial Officer for the Township of Rochelle Park has confirmed 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. Estephania Guterrez be and is hereby hired as Technical Assistant for the Building Department to serve under the direction of the Construction Code Official
2. This employee shall work no more than twenty (20) hours per week, with no benefits, holidays or sick pay.
3. This employee shall be paid at the rate of twelve dollars (\$12.00) per hour and shall work four (4) hours per day Monday through Friday or when furloughed.
4. This appointment shall take place immediately upon the adoption of this Resolution.

Minutes of the Public Meeting held July 21, 2010 cont.

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 Construction Code Official Bolan, Estephania Guterrez and the Personnel Department for the Township of Rochelle Park.

Attest: Virginia De Maria

Resolution #2010 – 135

A Resolution – In Support of the Immediate Repeal of Kyleigh’s Law

Whereas, parents and teens across the State of New Jersey have voiced their strong opposition to the Kyleigh’s Law decal requirements for Graduated Driver License holders under the age of 21; and

Whereas, the decals make it easier for criminals and other predators to identify and target drivers under the age of 21; and

Whereas, these decals have also been cited as discriminatory to young drivers; and

Whereas, legislation has been introduced in both the Assembly and the Senate to immediately repeal the “teen decal” requirements; and

Whereas, the safety of our young drivers must be preserved and protected without infringing on their rights or unintentionally putting them in harm’s way;

Now, therefore, be it resolved that the Township Committee of the Township of Rochelle Park implore the General Assembly and the Senate of the State of New Jersey, along with Governor Chris Christie, to act swiftly to rescind the decal requirements stipulated under Kyleigh’s Law, and support the passage of Bills A2650 and S1908, and any floor amendments that would result in the repeal of the decals; and

Be it further resolved that a copy of this resolution be sent to Governor Chris Christie and to all State legislators in both the Senate and the Assembly and all municipalities in Bergen County.

Attest: Virginia De Maria

Resolution #2010 – 136

A Resolution – Authorizing Submission of Grant Application – w/NJDOT for Improvement of High Street

Now, therefore, be it resolved that the Township Committee of the Township of Rochelle Park formally approves the grant application for the above stated project.

Be it further resolved that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2011 Rochelle Park Township – 00125 to the New Jersey Department of Transportation on behalf of the Township of Rochelle Park.

Be it further resolved that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Rochelle Park and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Attest: Virginia De Maria

Resolution #2010 – 137

A Resolution – Renewing Liquor Licenses – 0254-33-013-005 Ristoranti Nanni Fine Italian Cuisine - 53 W. Passaic Street & 0254-33-001-005 Deep Blue Restaurant Group

Whereas, the licensees as noted below have filed applications for renewal of their liquor licenses at premises noted; and

Whereas, all applications are in proper order, the license fees have been paid;

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 renewal licenses as follows effective July 1, 2010

Plenary Retail Consumption – Fee \$1492.00

0254-33-013-005 Ristoranti Nanni Fine Italian Cuisine 53 W. Passaic Street

0254-33-001-005 Deep Blue Restaurant Group LLC 55 Route 17 S

Attest: Virginia De Maria

Resolution #2010 – 138

A Resolution – Authorizing Settlement of Tax Appeal – J&J Vittorio

Whereas, J&J VITTORIO and VITTORIO CONSTRUCTION COMPANY were the owners of property located at 18 Railroad Avenue in the Township of Rochelle Park (Block 59, Lot 5); and

Whereas, Real Property Tax Appeals have been filed in connection with this property for 2008 and 2009; and

Whereas, the original assessment in connection with this property was as follows:

| | |
|---------------|---------------------|
| Land: | \$ 774,300.00 |
| Improvements: | <u>1,575,700.00</u> |
| Total: | \$2,350,000.00; |

And

Whereas, the Township Attorney has consulted with the Tax Assessor and the Township’s Real Estate Appraisal Expert and has recommended a settlement of these appeals

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 Township Committee hereby agrees to a settlement of the following Real Property Tax Appeals:

Plaintiff: J&J Vittorio & Vittorio Construction Company
Premises: 18 Railroad Avenue
Block: 59
Lot: 5
Year: 2008

2. The authorized Tax Court Judgment by way of settlement will be as follows:

| | |
|---------------|-------------------|
| Land: | \$ 774,300.00 |
| Improvements: | <u>875,700.00</u> |
| Total: | \$1,650,000.00 |

3. The aforesaid settlement will be for the 2008 Appeal only and on the condition that all subsequent appeals are withdrawn and the Plaintiff also waives the provisions of the “freeze act” for 2009 and 2010

4. Any and all refunds paid in connection with the settlement of this tax appeal shall be made payable to Zipp and Tannenbaum Attorney Trust Account and forwarded to Zipp and Tannenbaum, 166 Gatzmer Avenue, Jamesburg, New Jersey .

Attest: Virginia De Maria

Resolution #2010 – 139

A Resolution – Amendment to the 2010 Capital Budget
(See Attached)

Resolution #2010 – 140

A Resolution – Introduction Ord. #1020 – 10 – Amending Various Chapters – Municipal Fees and Other Charges

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 VARIOUS CHAPTERS OF THE CODE OF THE TOWNSHIP OF ROCHELLE PARK IN CONNECTION WITH MUNICIPAL FEES AND OTHER CHARGES**” be and it is hereby introduced and passed on first reading July 21, 2010 and that said ordinance be further considered for final passage at a meeting to be held on August 18, 2010 at 7:30 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

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

Minutes of the Public Meeting held July 21, 2010 cont.

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

Resolution #2010 – 141

A Resolution – Introduction Bond Ord. #1021-10 – Bond Ordinance - \$825,000

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, New Jersey, that an ordinance entitled **“BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF ROCHELLE PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$825,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.”** be and it is hereby introduced and passed on first reading July 21, 2010 and that said ordinance be further considered for final passage at a meeting to be held on August 18, 2010 at 7:30 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

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

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

Resolution #2010 – 142

A Resolution – Hearing & Adoption Ord.#1019 – 10 Salary Ordinance

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 VARIOUS MUNICIPAL EMPLOYEES OF THE TOWNSHIP OF ROCHELLE PARK AND TO ESTABLISH A METHOD OF PAYMENT OF SUCH COMPENSATION FOR THE YEAR 2010”** 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. Scarpa to open the hearing to the public. Motion carried on a voice vote – all present voting “Aye”.

No comments from the public

Comm. Scarpa explained lay-offs, reduction in salaries and furloughs to employees.

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

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

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

Resolution #2010 – 143

A Resolution – Authorizing Release of Closed Session Minutes of July 14, 2010

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

Minutes of the Public Meeting held July 21, 2010 cont.

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 July 14, 2010 to the extent that said information can be disclosed without adversely affecting the Township of 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 – July 14, 2010

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

1. The Township Attorney provided a litigation update regarding the following matters:
 - A. Northern Park, LLC
 - B. Longo Electrical Mechanical, Inc.
 - C. Lotz
2. DPW Garage: The Township Attorney and the Township Administrator reported on the status of the DPW garage construction and potential litigation that may arise as a result of that delayed and defective project.
3. 151 West Passaic Street Rental: The Township Attorney and Township Administrator reported to the Township Committee concerning the rent defaults by the tenant on the second floor of the municipal building.
4. Railroad Avenue / Rochelle Avenue: The Township Administrator reported to the Township Committee concerning the status of possible eminent domain proceedings in connection with this intersection improvement.

Attest: Virginia De Maria

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

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

Comm. Scarpa – Would like the Township Committee to pass a resolution opposing the separation of the Borough of Teterboro by the State. He stated that it was a strictly a land grab situation. Scarpa stated that this was the States way of eliminating small towns, which have proven to be more effective, less corrupt and more accessible. Scarpa spoke regarding the Rt. 17 bottleneck project, he has prepared a letter of opposition signed by the Township Committee to present to the Freeholders. The Township Committee is united in the opposition of this project. It will negatively impact small business, residents and ultimate effect the quality of life in Rochelle Park.

Comm. Davidson – Advised that the road work being done on Rochelle Avenue by PSE&G will continue for another two weeks. Davidson advised that at the last Work Session a Board of Education member advised that due to the aforementioned construction their phone lines were compromised and they requested the Township's assistance. After speaking with Police Chief Zavinsky he was advised that their phone lines were not cut, that it was an internal problem rectified quickly. However, Davidson advised that he, Chief Zavinsky and OEM Coordinator Pete Donatello would be meeting at the school on Thursday, July 22nd to discuss and implement an emergency plan.

Mayor Valenzuela advised that Administrator/Municipal Clerk Virginia De Maria left the meeting and Deputy Clerk Liz Kroll took her place.

Minutes of the Public Meeting held July 21, 2010 cont.

Comm. Strohmeier – Advised that Estephania Guterrez was appointed as the Technical Assistant in the building department replacing Gloria Cottrell who fell ill and could not return to her job. Stephanie's hours will be Monday thru Friday from 10:00 AM – 2:00 PM. She will be able to provide paperwork and contact the building official and sub code officials. The Building Inspector and Sub-Code Officials have all been made part time. The Rochelle Park Library suffered a great loss this past Friday as the founder, Mary Boss passed away. Her daughter, Judy Sands is the library director. Her son Robert Sands is a fire fighter and a fire inspector. They are a very community oriented family. Strohmeier also advised that due to budget constraints, the library's hours have been reduced to Monday through Thursday's during the summer months.

Mayor Valenzuela – Asked for a moment of silence in remembrance of Mrs. Boss. In Comm. Kovalcik's absence Mayor Valenzuela reminded everyone that the Summerfest Concert was being held Thursday, August 19th behind Midland School sponsored by Park Avenue/BMW. It is being held at 7:30 featuring the Bronx Wanderers. This is a rain or shine event. Valenzuela spoke regarding the Rt. 17 bottleneck project proposed by the County of Bergen. Comm. Strohmeier, Mayor Valenzuela, Police Chief Zavinsky and Engineer Ken Job attended a meeting in August of 2009 regarding the proposed project. They all provided alternative solutions to the bottleneck issue without impacting the business and residents of Rochelle Park. In March of 2010 plans were provided to the Township Engineer and none of Rochelle Park considerations were taken into consideration. Valenzuela feels this project is moving forward due to a previous issue with Bergen County Planner Farouk Ahmad. Mr. Ahmad went before the Rochelle Planning Board with plans to open a Dunkin Donuts and Car Wash on Rt. 17. His application was denied. Valenzuela feels that this places Mr. Ahmad in a conflict of interest situation. The Mayor advised that Rochelle Park stands to lose \$8,000,000 in ratables. The Record Newspaper article stated that this project would be beneficial during the 2012 Super Bowl event at Giant Stadium. This is a Sunday event when there is limited traffic on Rt. 17. Valenzuela feels that this project will only benefit Westfield Garden State Plaza, a local shopping center. He would like to find out if Westfield had been lobbying the County or had entered into discussions with the County through an OPRA request filed by Township Attorney Rotolo.

Comm. Strohmeier – Spoke regarding the improvement of the intersection at Passaic Street and Rochelle Avenue which was a County project. She worked closely with Farouk Ahmad. The County held numerous meetings seeking the township's input regarding any and all decisions. This project was beneficial to the Township of Rochelle Park. Strohmeier feels that this project went smoothly due to the former county administration. In 2006 the County, through eminent domain, wanted to take over the County of Social Services Building located in Rochelle Park. This would have significantly impacted Rochelle Park's tax base. A referendum was placed on the November ballot and the wishes of the residents of Rochelle Park were heard and this project ended. Strohmeier advised that during the potential acquisition of this property, buses were hired and the residents attended a Freeholder's meeting and voiced their objections in person.

Comm. Scarpa – Cited the County's attempt at eminent domain. Previously the County circulated a petition attempting to have Rochelle Park merge with Maywood. This was done without the knowledge of Rochelle Park's governing body. Scarpa also stated that the Rt. 17 project will not eliminate the bottle neck as Rt. 17 will return to two lanes in Lodi and also has numerous traffic lights running the length of the highway. He feels this is a waste of tax payer's money.

Comm. Strohmeier advised that if Rochelle Park was allotted this money it would be used to help Rochelle Park residents, not hurt them.

Comm. Scarpa also advised that Rochelle Park will lose eight million dollars in ratables which equates to approximate tax increases of \$250,000-\$350,000 not including the partials which when taken could reach \$600,000.

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

John Pallouras – 63 Meakin Avenue & 194 Rt. 17 North – He asked that as a business owner and resident, what the cost will be if the Township to opposes this project. He asked if it will be a long legal battle. Mayor Valenzuela advised that the Township will fight this project no matter how long. He advised that letter has been written to the

Minutes of the Public Meeting held July 21, 2010 cont.

freeholders opposing this project. The Township needs the help of businesses, residents and possibly surrounding towns.

Comm. Scarpa – Asked why the County is supporting this project when it is a State highway.

Fred Jones – 72 Lincoln Dr. – Stated that residents should read the newspaper. As a resident for 40 years, he has served on many boards. He reviewed the project as stated in the newspaper and advised that regarding the thru streets which will become dead ends, where will the traffic go. He feels the County Planner has a vendetta against the residents of Rochelle Park. He is very upset that the project is being pushed forward due to the 2012 Super Bowl, which is held on a Sunday when there is no traffic on Rt. 17. Mr. Jones feels that if the residents of Rochelle Park do not get involved, the Township will cease to exist. He stated that we should unite as a community to fight this project.

Nancy Baker – 34 Brooks Avenue - Asked why the County was involved with the Rt. 17 project when it was a state highway. She also advised to obtain a valid traffic study. Ms. Baker informed the Township Committee that Maywood is not on Rochelle Park's side regarding this project.

Diane Davidson – 86 Lexington Avenue – Suggested having a petition available for signature at the Summerfest Concert in August. She also suggested providing a petition at the summer camp for parents and grandparents signatures.

Nancy Baker – 34 Brooks Avenue – Asked if PSE&G was planning on paving Rochelle Avenue upon completion of the road project. She was advised that after the road settled they would re pave.

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

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

Respectfully submitted,

Virginia De Maria
Municipal Clerk