



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

MINUTES – PUBLIC MEETING – May 21, 2008

Call to Order 8:35 PM

According to the Open Public Meetings Act, this meeting of May 21, 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 - absent
Comm. W. Lotz
Comm. P. Strohmeier
Comm. F. Valenzuela
Mayor J. Scarpa

Pledge of Allegiance was led by John Brown

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. Strohmeier to approve the agenda. Motion carried on a voice vote – all voting "Aye".

A motion was offered by Comm. Valenzuela and seconded by Comm. Strohmeier to approve the Minutes of the Public Meeting and Health Meeting of April 16, 2008. Motion carried on a voice vote – all voting "Aye".

Comm. Kovalcik entered the meeting

Presentation – Mary Ellen Pardo

Mayor Scarpa thanked this resident for her participation in a Channel 9 piece named "My Town" which included highlights of locations throughout the township for a promotional advertisement covering local municipalities in Bergen County. The commercial was viewed at the meeting for all residents who were present.

Mayor Scarpa and the Township Committee presented Mrs. Pardo with a Proclamation thanking her for her community spirit.

Proclamation – ALS Awareness Month

Older Americans Month

National Military Appreciation Month

National Police Week & Peace Officer's Memorial Day

Reports:

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

Discussion – DPW Garage

Mayor Scarpa advised that there has been a deficiency in the DPW garage in the past few years. After a recent incident Building Code Official Rich Bolan declared the building an unsafe structure. DPW Lead Laborer, Jim Schmunk advised that the garages had been emptied into borrowed C-Boxes and trailers. Comm. Lotz gave a brief synopsis of the events of May 15th.

Resolutions:

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

Resolution #2008 – 100

A Resolution – Payment of Bills – May 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 – 101

A Resolution – Authorizing Inclusion in the Bergen County Community Development Program

Whereas, certain Federal funds are potentially available to the County of Bergen under Title 1 of the Housing and Community Development Act of 1974, as amended and HOME Investment Partnership Act of 1990, as amended; and

Whereas, the current Interlocal Services Agreement contains an automatic renewal clause of expedite the notification of the inclusion process; and

Whereas, by May 23, 2008 each municipality must notify the Bergen County Division of Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above, and

Whereas, it is in the best interest of the Township Committee and the Township of Rochelle Park and its residents to participate in said programs.

Now, therefore, be it resolved by the Township Committee of the Township of Rochelle Park that it hereby notified the Bergen County Division of Community Development of its decision to be included as a participant municipality in the Urban County entitlement programs being the Community Development Block Grant Program and Home Investment Partnership Act Program for the Program Years 2009, 2010 and 2011 (July 1, 2009 – June 30, 2012); and

Be it further resolved, that a copy of this resolution be forwarded to the Bergen County Division of Community Development no later than May 23, 2008.

Attest: Virginia De Maria

Resolution #2008 – 102

A Resolution – Authorizing Interlocal Agreement with the Township of Saddle Brook for Purchase of Gasoline

Whereas, pursuant to the provisions of State Law, Interlocal Agreements between municipalities are favored in an effort to save costs; and

Whereas, the Township of Rochelle Park has previously entered into such an Interlocal Agreement for the purchase of gasoline at the Department of Public Works facilities in the Township of Rochelle Park; and

Whereas, said Agreement has been previously entered into with the Township of Saddle Brook for those gasoline purchases and a recent review of these Agreements has determined that the Agreement is mutually beneficial; and

Whereas, the Township of Rochelle Park shall be considered the “lead agency” in connection with this Interlocal Agreement; and

Whereas, the Township Committee has determined that such an Agreement, for a period of three (3) years, would be in the best interests of the residents and taxpayers of the Township.

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

1. A three (3) year Interlocal Agreement between the Township of Rochelle Park and the Township of Saddle Brook be and is hereby authorized.
2. This Agreement can be extended for an additional three (3) year period by an Extension Agreement.
3. The term of this Agreement shall be applied retroactively to January 1, 2008 and shall extend until December 31, 2011.
4. The Township of Saddle Brook agrees to be responsible for fifty percent (50%) of all repairs to the equipment and software used to dispense gasoline as well as in the calculation of gas usage.
5. The Township of Rochelle Park shall be compensated by the Township of Saddle Brook at the rate of twenty cents (\$.20) per gallon over the basic cost of the fuel paid by the Township of Rochelle Park. Said charges shall be used for administrative fees.

Now therefore be it further resolved that the Mayor and Township Clerk be and are hereby authorized and directed to execute any and all Agreements which may be necessary in order to facilitate this Agreement;

Resolution 2008 – 102 (cont.)

Now therefore be it further resolved, that the Township Clerk be and is hereby authorized and directed to forward certified copies of the within Resolution to the Township of Saddle Brook, Department of Public Works of the Township of Rochelle Park and the Township Administrator.

Attest: Virginia De Maria

Resolution #2008 – 103

A Resolution – Authorizing a Pledge to the New Jersey League of Municipalities in Connection with the Challenge to COAH Third Round Regulations

Whereas, the Council on Affordable Housing (COAH) as recently promulgated its Third Round Regulations; and

Whereas, these Regulations contain, in the opinion of the Township Committee numerous errors in projected growth at the municipal level as well as other problems and issues that are of a major concern to the Township; and

Whereas, these concerns have also been voiced by the New Jersey State League of Municipalities which is in the process of a fund raising effort in order to prepare for a possible legal challenge to set aside these Regulations after the anticipated June, 2008 adoption of the same; and

Whereas, the League Executive Board has approved such a possible legal challenge and the NJLM is now seeking commitments from municipalities for contributions of \$500.00 should they decide to challenge the COAH regulations; and

Whereas, the Township Committee believes that such a challenge, if it is made, would have possible benefits to the Township as well as other municipalities throughout the State and, therefore, the Township Committee has agreed to pledge the sum of \$500.00 towards such a legal challenge.

Now, therefore, be it resolved, by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey that the sum of \$500.00 be and is hereby pledged to the New Jersey State League of Municipalities in connection with the possible legal challenge to set aside the proposed COAH Third Round regulations; and

Now be it further resolved that the Township Administrator be and is hereby authorized and directed to take any and all steps which may be necessary to fund this pledge in the event that a specific request for funding is received; 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 New Jersey State League of Municipalities, Banish Associates, Attention: Charles T. McGroarty, Professional Planner, as well as all State Representatives.

Attest: Virginia De Maria

Resolution #2008 – 104

A Resolution – Authorizing Execution of Developers Agreement – H&M 60 Development, LLC – 60 Essex Street

Whereas, H&M 60 DEVELOPMENT, LLC filed a Site Plan Application before the Planning Board of the Township of Rochelle Park for the development of property located at 60 Essex Street known as Block 3, Lots 25 through 40 Rochelle Park, New Jersey for the construction of an office / retail building and related improvements; and

Whereas, on June 23, 2005 a Resolution was adopted by the by the Planning Board which provided the necessary approvals for said development; and

Whereas, in addition to the Planning Board approval there were several Township Engineer reviews of the application, the resolution and the plans submitted; and

Whereas, pursuant to the approvals granted by the Planning Board, a Developer's Agreement was to be prepared by the Attorney for the Planning Board, Brian Giblin, Esq., 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; 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. 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 H&M 60 DEVELOPMENT, LLC.
2. The Developer's Agreement shall include copies of all resolution and engineering review reports prior to its execution;

Resolution 2008 – 104 (cont.)

3. The approval shall be subject to appropriate escrow deposits and performance bonds in accordance with the directions of the Township Engineer.

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 Planning Board, Brian Giblin, Esq., the Township Attorney, Joseph J. Rotolo, Esq., and Sekas & Associates, LLC.

Attest: Virginia De Maria

Resolution #2008 – 105

A Resolution – Emergency to the Temporary Budget #5

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

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 \$5,321,563.86.

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 \$667,500.

Inside CAP

| | | |
|---------|------------------------------|------------------|
| 20-1302 | Financial Administration O/E | 1,000.00 |
| 20-1352 | Audit Services O/W | 5,000.00 |
| 20-1451 | Revenue Administration S/W | 5,000.00 |
| 20-1501 | Tax Assessment S/W | 5,000.00 |
| 25-1502 | Tax Assessment O/E | 10,000.00 |
| 20-1652 | Engineering Services O/E | 1,000.00 |
| 23-2252 | S.U.I. Insurance O/E | 5,000.00 |
| 26-3052 | Solid Waste Collection O/E | 75,000.00 |
| 26-3102 | Buildings & Grounds O/E | 10,000.00 |
| 26-3152 | Vehicle Maint. O/E | 5,000.00 |
| 30-4202 | Celebration/Public Events | 7,000.00 |
| 31-4352 | Utilities/Street Lights | 30,000.00 |
| 31-4402 | Utilities/Telephones | 5,000.00 |
| 31-4602 | Utilities/Gasoline | 10,000.00 |
| 43-4902 | Municipal Court O/E | 2,000.00 |
| 43-6902 | Municipal Library O/E | <u>15,000.00</u> |
| | Total Inside CAP | \$191,000.00 |

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 - 106

A Resolution – Introduction Ord.986-08 – Volunteer Background Checks

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, New Jersey, that an ordinance entitled “**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF ROCHELLE PARK AND, SPECIFICALLY, TO AMEND THE PROVISIONS TO REQUIRE CRIMINAL HISTORY RECORD BACKGROUND CHECKS FOR EMPLOYEES INVOLVED WITH TOWNSHIP PROGRAMS OR SERVICES FOR MINORS**” be and it is hereby introduced and passed on first reading May 21, 2008 and that said ordinance be further considered for final passage at a meeting to be held on June 18, 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 – 107

A Resolution – Authorizing Bus Shelter – Essex Street

Whereas, in conjunction with the Reconstruction of the Essex Street Bridge over Route 17, the New Jersey Department of Transportation will need to relocate an existing bus shelter currently located in the Borough of Maywood, and;

Whereas, the New Jersey Department of Transportation has requested permission to relocate said Essex Street Bus Shelter to within the Township of Rochelle Park, and;

Whereas, the proposed location of the bus shelter has been shown on a sketch prepared by the project's design engineer, said sketch being attached hereto and made a portion of this resolution;

Now, therefore, be it resolved, by the Township Committee of the Township of Rochelle Park that they hereby endorse locating a New Jersey Transit Bus Stop/Shelter at the location shown on the said sketch.

Attest: Virginia De Maria

Resolution #2008 – 108

A Resolution – Authorizing Redemption of Tax Title Lien #2008-0016 – 175 Rochelle Avenue – Unit #327

Whereas, the owner of 175 Rochelle Avenue Unit 327 has paid the Tax Title Lien Certificate #2008-0016.

Whereas, Robert Delvecchio, PO Box 196, Hawthorne, N.J. 07507 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 Treasurer is hereby authorized to issue a check payable to Robert Delveccio in the amount of \$17,583.18 for the redemption of Tax Title Lien #2008-0016.

Attest: Virginia De Maria

Resolution #2008-111

Authorizing Township Engineer to Prepare Bid Specifications – DPW Garage

Whereas, the Township Committee has been advised that the Department of Public Works building has been declared unsafe by the Construction Official; and

Whereas, as a result of having made that determination the Township Committee must now arrange for that building to be demolished and removed; and

Whereas, it is anticipated that cost of said removal will exceed the applicable bid threshold.

Now, therefore, be it resolved, by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey that the Township Engineer be and is hereby authorized to prepare bid specifications for the demolition and removal of the Department of Public Works building located on Lotz Lane in Rochelle Park, New Jersey.

Attest: Virginia De Maria

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

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

Resolution #2008 – 109

A Resolution – Hearing & Adoption 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 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

Minutes of Public Meeting held May 21, 2008 cont.

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

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

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

Resolution #2008 - 110

A Resolution – Hearing & Adoption 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 AMEND CHAPTER 14 OF THE CODE OF THE TOWNSHIP OF ROCHELLE PARK ENTITLED “FIRE DEPARTMENT”**” 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 present voting “Aye”.

No Comments

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 present voting “Aye”.

A motion was offered by Comm. Valenzuela and seconded by Comm. Strohmeier 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. Lotz and reads:

Resolution #2008 - 112

A Resolution – Authorizing Release of Closed Session Minutes of May 14, 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 May 14, 2008 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 – May 14, 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 represents the minutes of that closed session to the extent that those minutes may be released at this time.

Resolution 2008 – 112 (cont.)

1. Municipal Court - Interviews were conducted with applicants for the position of Violations Clerk in the Rochelle Park Municipal Court;
2. Litigation – the Township Attorney provided summaries as to the current status of litigation involving New York Prime II, Inc. and 375 West Associates, LLC as well as Northern Park litigation;
3. Personnel – Former Employees – the Township Attorney provided a summary of the status of the potential litigation against a prior employee who allegedly defrauded the municipality.

Attest: Virginia De Maria

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

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

Comm. Kovalcik – Thanked everyone for their participation in the 2008 Fourth Annual Welcome Committee Reception. Kovalcik thanked the DPW for their hard work completing a garden in memory of his late father, Committeeman Kenneth Kovalcik. He will be announcing the date of the dedication of this garden at future meeting.

Comm. Valenzuela - Fire Department Report April – 22 calls. He advised that the new Rescue Truck is in Rochelle Park, and thanked the members of the fire department for their hard work on this project. He thanked former Committeeman Kenneth Kovalcik for supporting the project initially, bringing this new rescue truck to Rochelle Park. Valenzuela reported on a press release from the Bergen County Executive Communications Office regarding Bergen County working to alleviate debris and flooding issues in nearby towns. They are considering installation of a debris deflector which will prevent garbage from building up on either side of the bridge located in Garfield. Hopefully this debris deflector will be successful and other ones will be placed along the Saddle River.

Comm. Strohmeier - Library April Report – Circulated 1987, Added 123, Loaned 511, Borrowed 1215, New Cards 22, Computer Usage 257

Strohmeier thanked Mrs. Pardo for the great job she did on her presentation of Rochelle Park. She also urged everyone to attend the Memorial Day Ceremony at the Veterans Monument at Midland School at 9:30 AM to understand the true meaning of Memorial Day.

Comm. Lotz - DPW February Report – Most time spent mulching beds, secondly lawn mowing and thirdly brush chipping

Municipal Court – Cases disposed 465. Quarterly Report – Money to Township 2007 - \$67,466.59 vs. 2008 \$85,758.88 – 21.33% increase

Mayor Scarpa – Announced that the Recreation was hosting the Annual Fishing Derby on Saturday, June 7th rain or shine. Summer Camp Registration forms will also be available. A Rochelle Park Preferred Senior Prescription Program is being utilized by 15 residents, realizing a savings per prescription of \$27.00. Scarpa advised that the Township Committee will continue work on the 2008 budget attempting to keep increases at a minimum. He wished everyone a happy Memorial Day and reminded residents to attend the memorial service at the Veteran’s Monument.

Administrator Mariniello – Advised that is was in receipt of a \$2,000 grant for the senior citizen, \$52,000 from an open space grant for updating Carlock Field playground and a check for \$2,583 from the N.J. State Criminal Justice regarding settlement of a suit regarding waste hauling. He reported on the sharing of the Stump Grinder with Maywood has been working out well, as Maywood has been tree trimming in Rochelle Park while Rochelle Park is grinding stumps. Mariniello met with the Administrator of Maywood and attended a presentation by a ground Biochemical Diesel Fuel Company. The Administrator agreed to have the presentation given to the Central Bergen Cooperative Consortium which consists of 10 administrators from local municipalities. He asked South Hackensack be allowed to join the group, there were no objections.

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

Minutes of Public Meeting held May 21, 2008 cont.

John Brown – 41 Stelling Avenue – Maywood – Complimented the Township Committee on running an efficient meeting. Mr. Brown made reference to an article published in the Our Town Newspaper on May 1st, where Mayor Scarpa was quoted on his feelings regarding Governor Corzine’s idea of merging smaller municipalities together. Mr. Brown urged the Township Committee to enter into shared service agreements to cut spending. Comm. Lotz advised Mr. Brown that Rochelle Park currently participates in shared services but does not see regionalization as a cost savings. Mayor Scarpa advised that he did not feel that regionalization was always a savings or efficient. Comm. Valenzuela stated that the Governor Corzine did not address the overall problems within Trenton and thereby was sacrificing small municipalities in an attempt to curtail spending. Comm. Strohmeier state that over the past 16 years many interlocal agreements have been presented to the Committee, after exploration of savings, some agreements would not have worked out. She does not feel that sharing police departments is the way to save money. Mr. Brown felt that Maywood and Rochelle Park should explore as many possibilities for shared services as possible. After a lengthy exchange the Committee thanked Mr. Brown for his input.

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

Respectfully submitted,

Virginia De Maria
Municipal Clerk