



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

MINUTES – PUBLIC MEETING – August 17, 2011

Call to Order 7:30 PM

According to the Open Public Meetings Act, this meeting of August 17, 2011 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 3, 2011 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
 Comm. F. Valenzuela - Absent
 Comm. J. Ouellette
 Mayor J. Scarpa

Pledge of Allegiance was led by Diane Davidson

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

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

A motion was offered by Comm. Ouellette and seconded by Comm. Kovalcik to approve the minutes of the Public Meeting held on July 20, 2011. Motion carried on a voice vote – all present voting “Ayes”

Presentations

 Rochelle Park EMS

Comm. Kovalcik – postponed this presentation to the meeting in September

Administrator De Maria discussed resolution #2011-165 regarding providing Rochelle Park Soccer Association insurance coverage through the JIF. Ms. De Maria spoke with the President of Soccer, Mr. Vic LaPira who expressed difficulty in obtaining a copy of their current insurance policy for review by the JIF. He asked that the Township Committee provide Soccer with \$750.00 towards their current insurance needs. After a discussion the Township Committee agreed to amend the below resolution to reflect the change.

Reports:

 Health Department - July 2011
 Municipal Court - July 2011
 Attendance Report - July 2011
 Building Department - July 2011

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

Resolution #2011 - 157

A Resolution – Payment of Bills – August 2011

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 #2011 –158

A Resolution – Recognizing and Expressing Support 10th Anniversary of 9/11 National Day of Service and Remembrance

On September 11, 2001, the peace and security of our nation was shattered by cowardly terrorist attacks that killed nearly 3,000 innocent and brave people at the World Trade Center towers in New York City, at the United States Pentagon, and in the pristine fields of Shanksville, Pennsylvania. Although the terrorists' goal was to strike a powerful blow to the hearts of all Americans and tear at the fabric of our nation, arising from the very ashes of that tragedy came a remarkable spirit of unity, compassion and determination that will never be forgotten, just as we will never forget those who were lost and injured on that day, and those who rose in service during the rescue and recovery effort and in defense of our nation both here and at home and abroad.

In observance of the 10th anniversary of the September 11, 2001 attacks on America, which killed citizens from 92 different countries, we hereby adopt the following Resolution in tribute to those lost and injured on 9/11, and the many who gave of themselves in service to their communities and to this country in the aftermath of the attacks:

Whereas people of all ages and walks of life, across America, and around the world, collectively witnessed an event of immense tragedy of September 11, 2001;

Whereas the events of that day instantly transformed nearly everyone's lives, some through personal loss, and many others through an unfamiliar sense of individual and national vulnerability; and

Whereas, an unprecedented, historic bonding of Americans arose from the collective shock, unifying the country in an outpouring of national spirit, pride, selflessness, generosity, courage and service; and

Whereas, many brave people heroically, tirelessly and courageously participated in an extraordinarily difficult and dangerous rescue and recovery effort, in some cases voluntarily putting their own well-being at risk; and

Whereas September 11 will never, and should never be just another day in the hearts and minds of all Americans; and

Whereas September 11, 2011 will be the 10th anniversary of the 9/11 attacks on America; and

Whereas many citizens may wish to memorialize September 11 by engaging in, or making a plan to engage in personal and individual acts of community service, or other giving activities, as part of a solemn day of remembrance and tribute; and

Whereas, on March 19, 2009, the United States congress passed bipartisan legislation authorizing the establishment of September 11 as a federally recognized National Day of Service and Remembrance, which President Barack Obama signed into law on April 21, 2009 and;

Whereas, the President of the United State, on September 11, 2009, issued the Patriot Day Proclamation officially and permanently designating September 11 as a National Day of Service and Remembrance, and called upon all interested Americans to participate in this observance through moments of silence, the flying of the flag of the United States at half-staff, as well as community service and charitable activities in tribute and remembrance; and

Now, therefore, be it resolved by the Township Committee of the township of Rochelle Park, in tribute to all of the victims of 9/11 and the many who rose in service in response to the 9/11 terrorist attacks, will observe September 11, 2011, the 10th Anniversary of 9/11, as a voluntary Day of Service and Remembrance, and furthermore calls upon all its citizens and organizations to consider joining in this observance and to engage in activities of tribute, solemn remembrance and charitable service.

Attest: Virginia De Maria

Resolution #2011 –159

A Resolution – Authorizing the Extension of the RX Contract for Prescription Benefit Management Services Administered Through the Third Party Administrator (TPA)

Whereas, the Township maintains a Prescription Benefit Program for eligible employees and dependents of the Township's workforce; and

Whereas, this self-funded program has been administered by Insurance Design Administrators, Inc, a UHY Advisors Company, and

Whereas, the Contract Renewal date has traditionally been July 1st and a mutually agreed upon extension to August 1, 2011 was previously granted; and

Whereas, the Township is desirous of extending the Contract Renewal date to coincide with the calendar year, thereby realizing budgetary efficiency and plan

Minutes of the Public Meeting held August 17, 2011 cont.

Resolution #2011 – 159 (cont.)

consistency with the medical benefits program that currently renews on a calendar year basis.

Now, therefore be it resolved, by the Mayor and Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey the existing contract extension for the Prescription Benefits Program approved previously, is hereby extended to December 31, 2011; and

Be it further resolved, an amendment to the contract is the addition of an imprest/transfer account, which will allow the TPA to expedite claim payments and thereby maximize prescription cost discounts available; and

Be it further resolved, that all other existing terms and conditions with the contract shall prevail for the balance of the 2011 calendar year; and

Be it further resolved, the Mayor and Township Administrator/Clerk are hereby authorized to execute any and all documentation necessary to effectuate the contract extension and for the creation of the imprest/transfer account; and

Be it further resolved, a certified copy of this Resolution shall be forwarded to the Township CFO, Township Auditor and PIA Security Programs, Inc. 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ 07072, Risk Management Consultant to the Township.

Adopted this day: *August 17, 2011*

Attest: Virginia De Maria

Resolution #2011 –160

A Resolution – Extending the Due Date for Payment 3rd Quarter Taxes

Whereas, the Tax Collector has certified that the Township Tax Bills will be mailed on or before Thursday, August 19th and;

Whereas, the official date of mailing is August 19th, and the law provides 25 days from the date of mailing for 3rd quarter 2010 Tax Quarter to end on September 13th, 2010 and;

Whereas, taxes received after September 13th, 2011 shall be deemed delinquent and subsequent tax laws concerning interest and penalties shall prevail; and

Now, therefore, be it resolved, by the Governing Body of the Township of Rochelle Park, County of Bergen, State of New Jersey that September 13th, 2011 shall be the last day in which 3rd Quarter Taxes shall be considered current.

Attest: Virginia De Maria

Resolution #2011 –162

A Resolution – Authorizing Lien Redemption #2008-0012 – Block 61.01 Lot 1.01 Unit 323

Whereas, Roy Riggitano, Tax Collector, has advised that payment was received in the amount of \$60,415.75 from attorney A&A Title Agency, LLC, to redeem TTL # 2008-0012 and

Whereas, US Bank Custodian For LienLogic Fund I, LLC, located at 50th South 16th Street, Suite 1950, Philadelphia, PA 19102-2513

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, that the following checks be issued to US Bank Custodian For Lien Logic Fund I, LLC, in the amount of \$60,415.75 from current and \$2,400 from trust premium account for a total redemption of \$62,815.75

Attest: Virginia De Maria

Resolution #2011 –163

A Resolution – Authorizing Lien Redemption #2008 – 0014 – Block 61.01 Lot 1.01 Unit 325

Whereas, Roy Riggitano, Tax Collector, has advised that payment was received in the amount of \$53,667.01 from attorney James A. Breslin, to redeem TTL # 2008-0014 and

Whereas, Plymouth Park Tax Services, LLC, located at P.O. Box 5822, New York, NY 10087-5822

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, that the following checks be issued to Plymouth Park Tax Services, LLC, in the amount of \$53,667.01 from current and \$2,000 from trust premium account for a total redemption of \$55,667.01.

Attest: Virginia De Maria

Resolution #2011 –164

A Resolution – Approval to Submit a Grant Application and Execute a Grant Contract with the NJDOT for the Improvement of Lincoln Avenue and Cedar Drive

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 #2011 –165

A Resolution – Sponsoring the Rochelle Park Soccer Association, Inc. for Insurance Coverage Through the South Bergen Municipal Joint Insurance Fund

Whereas, the Township of Rochelle Park, (hereinafter the Township) is a member of the South Bergen Municipal Joint Insurance Fund for all property and casualty coverage; and

Whereas, the South Bergen JIF provides for member municipalities to sponsor non-governmental civic and/or recreational organizations that provide invaluable benefit to the community for General Liability coverage as a designated Quasi Entity; and

Whereas, the Rochelle Park Soccer Association, Inc. provides an invaluable recreational opportunity to the youth of Rochelle Park and serves as an integral part of the fabric of this community; and

Whereas, the Rochelle Park Soccer Association, Inc. meets the underwriting criterion of a Quasi IV Athletic Organization under the rules promulgated by the South Bergen JIF.

Now, therefore be it resolved, the Mayor and Committee of the Township of Rochelle Park hereby recognize and acknowledge the inherent benefit of the Rochelle Park Soccer Association, Inc. as a valuable athletic organization in the Township and further, request the Executive Committee of the South Bergen Municipal Joint Insurance Fund provide Quasi IV – Athletic Organization status to the group, thus providing General Liability and Non-Owned and Hired insurance coverage to the Organization; and

Be it further resolved, the Township Risk Management Consultant is hereby instructed, in coordination with the organization's leaders and Township staff, to effectuate the necessary application and supporting documentation for a September 1, 2011 effective date with said documentation to be provided to the South Bergen JIF for approval as soon as administratively possible; and

Be it further resolved, a certified copy of this Resolution shall be forwarded to Professional Insurance Associates, 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ 07072, Risk Management Consultant to the Township.

Adopted this day: 17th day of August, 2011

Attest: Virginia De Maria

Resolution #2011 –167

A Resolution – Authorizing Release of Closed Session Minutes – August 10, 2011

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 August 10, 2011 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

Resolution #20112 – 167 (cont.)

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 – August 10th, 2011

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. **Litigation** – The Township Attorney provided an update regarding various litigation matters including Lotz, Vogel and Valencia.
2. **Property Violations** – The Township Attorney provided the Township committee with an update regarding the alleged violations at 8 Madison. The Township Attorney advised the Committee that all issues had been resolved, all violations had been abated and payments had been made.
3. **Library Personnel** - The Township Administrator and Township Attorney reported on recent personnel issues within the Library and a discussion was held regarding the manner in which future hirings will take place.
4. **Police Department Personnel** – A discussion was held regarding possible personnel changes in the Police Department including possible retirements and a discussion was also held regarding upcoming interviews for patrolmen.

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

Mayor Scarpa asked that Resolution #2011-161- Transferring Liquor License #0254-33-012-004 from Kim Peek to TNATA, LLC, be removed from the Consent Agenda. Attorney Rotolo explained this resolution stating that it was a liquor license transfer from the Mouse Trap to a company operating a restaurant at the Ramada Inn. Mr. Rotolo advised that the application filed was in order and the police checks were successful. He also stated that upon appearing before the Planning Board for a tenant review, certain conditions were imposed. Rotolo added these restrictions to the current resolution for adherence.

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

Resolution #2011 –161

A Resolution – Transferring Liquor License #0254-33-012-004 from Kim Peek to TNATA, LLC

Whereas, an application for a person-to-person transfer of a Plenary Retail Consumption License No. 0254-33-012-003 (inactive License)has, place-to-place been received from TNATA, LLC for the License previously owned by KIM PEEK ; and

Whereas, a consent to the transfer has been published twice in the newspaper "The Our Town" on July 8th and 15th, 2011; and

Whereas, no objections have been received respecting said transfer; and

Whereas, following an investigation by the Police Department of the Township of Rochelle Park, no objections have been raised respecting the qualifications of the applicant; and

Whereas, the applicant has paid the required transfer fees (\$358.20 – 10% for person-to-person and place-to-place) and have submitted the required affidavit with regards to the source of funds used to acquire the license.

Now, therefore, be it resolved by the Township Committee of the Township of Rochelle Park, Bergen County, New Jersey that the Plenary Retail Consumption License No. 0254-33-012-004 issued to KIM PEEK be transfer to TNATA, LLC located at 375 West Passaic Street, Rochelle Park, New Jersey 07662; and

Be it further resolved, that the Municipal Clerk is hereby authorized and directed to endorse the license certificate as follows: “This license, subject to all of its terms and conditions, is hereby transferred to TNATA, LLC located at 375 West Passaic Street, Rochelle Park, New Jersey 07662 and forward a certified copy of this resolution to the Director of the Division of Alcoholic Beverage Control.

Attest: Virginia De Maria

Minutes of the Public Meeting held August 17, 2011 cont.

A motion was offered by Comm. Ouellette and seconded by Comm. Kovalcik to adopt the above resolution. "Ayes" - Davidson, Kovalcik, Ouellette, "Nays" - Scarpa
Abstain – None, Absent – Valenzuela

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

Resolution #2011 - 166

A Resolution – Hearing & Adoption Ord. 1038 – 11 – Authorization to Separate the Planning and Zoning Boards

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, New Jersey, that an ordinance entitled "**AN ORDINANCE PURSUANT TO N.J.S.A. 40:55D-25c REESTABLISHING A ZONING BOARD OF ADJUSTMENT IN AND FOR THE TOWNSHIP OF ROCHELLE PARK AND PROVIDING FOR ITS MEMBERSHIP AND POWERS, AMENDING, SUPPLEMENTING AND REPEALING CERTAIN PROVISIONS OF THE CODE OF THE TOWNSHIP OF ROCHELLE PARK IN ACCORDANCE THEREWITH, AND REQUESTING THAT THE CLERK OF THE COUNTY OF BERGEN PLACE UPON THE BALLOT AT THE NEXT GENERAL ELECTION A MUNICIPAL PUBLIC QUESTION TO DETERMINE THE SENTIMENT OF THE VOTERS AS TO WHETHER THE RECONSTITUTION OF SUCH ZONING BOARD OF ADJUSTMENT SHALL BE PERMITTED**" 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. Ouellette and seconded by Comm. Davidson to open the hearing to the public. Motion carried on a voice vote – all present voting "Aye".

No comments from the public

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

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

Attorney Rotolo advised the Township Committee that he would like them to authorize the hiring Andy Del Vecchio of Beattie Padovano as special council regarding pending litigation. He would be paid an hourly rate of \$150.00, not to exceed \$5,000.00. Mayor Scarpa explained that the litigation was related to a former committee member, who through recent budget issues, lost his medical coverage along with the entire Township Committee. Former Committee Member Bill Lotz has sued the Township attempting to have his benefits reinstated.

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

Resolution #2011-168

Authorizing Professional Service Contract for Professional Services

Whereas, the Township of Rochelle Park is the Defendant in the following civil litigation:

Wilber J. Lotz and Ann Lotz – vs- Township of Rochelle Park

Docket No. BER L-6102-10; and

Whereas, it has been determined that the Township Attorney has a conflict of interest in this matter in view of the fact of his representation of the Plaintiff in a prior legal matter; and

Whereas, as a result of the foregoing, the Township Committee has determined that it would be in the best interest of the Municipality to retain special counsel to defend the interests of the Municipality; and

Whereas, Antimo A. Del Vecchio, Esq. of the law firm of Beattie Padovano, LLC, Montvale, New Jersey is an attorney with the qualifications and experience for handling such a matter.

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

Resolution #2100 – 168 (cont.)

1. Antimo A. Del Vecchio, Esq. of the law firm of Beattie Padovano, LLC, Montvale, New Jersey is hereby retained as special counsel for the Township of Rochelle Park in connection with the aforementioned litigation.
2. Mr. Del Vecchio will be compensated at the rate of \$150.00 per hour together with all out of pocket costs up to a maximum of \$5,000.00.
3. This resolution is contingent upon certification by the Chief Financial Officer that sufficient funds exist for this purpose.
4. The within Contract may be awarded without the necessary of competitive bidding since it is a contract for professional services.

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 Antimo A. Del Vecchio, Esq., the township Attorney and the Chief Financial Officer.

Attest: Virginia De Maria

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

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

Comm. Kovalcik – Reminded everyone that the 7th Annual Kenneth Kovalcik Summerfest Oldies Concert, sponsored by Park Ave/BMW will be held on Thursday, August 18th at 7:30 PM behind Midland School. Performers would be the Mahoney Brothers – Long Live The Beatles.

Kovalcik thanked the DPW and all the volunteers who help to make this event a success. The concert will be held rain or shine. On a separate note, Comm. Kovalcik advised that a fund raising table would be set up selling memorial blankets to raise funds for the 9/11 memorial monument. The proposed 911 monument will be constructed utilizing a piece of steel procured from the World Trade Center.

Comm. Kovalcik reported for absent Comm. Valenzuela that the Rochelle Park Fire Department had approved Joseph DeFalco as a regular member and Vincent Eckarat as a junior member. Kovalcik congratulated them and wished them good luck.

Comm. Davidson –Advised that Patrolman Stephen Zuretti would be retiring from the Police Department on October 1st. The Committee would be conducting interviews tonight fill the position. He also advised that Sergeant Donald Simon would be retiring January 1, 2012 and due to age restrictions, Chief Richard Zavinsky would be leaving in April, 2012. Davidson thanked the DPW for their hard work. They recently cleaned under Route 17 and spent the day cutting the Midland School lawn for the Summerfest Thursday evening. They are a busy department.

Comm. Ouellette – Advised that the library would be closed on Saturdays through Labor Day.

Mayor Scarpa – Asked Comm. Davidson to check into DWI grants. He then informed that he was in receipt of confirmation from the Kanka Foundation regarding the background checks of volunteers. The background checks will be at no cost to the residents of Rochelle Park.

Administrator De Maria – No report

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

Sirrano Baldeo - 101 W. Oldis Street – Informed the Township Committee that he was the president of the Paterson Falls Newspaper and provided copies of the paper to the Committee. He advised that Paterson had named September as Christian Heritage Month and provided copies of the memorialized resolution for the Township Committee’s consideration. Mayor Scarpa advised that the Committee would review the resolution at the September work session. Mr. Baldeo then complained about the lack of signage throughout the Township regarding overnight parking. He also advised that the sign on Railroad Avenue posting the overnight restriction was obscured by trees. Mayor Scarpa advised that while not every ordinance can be posted on signs, the code book is available on Rochelle Park’s web-site for review. Mr. Baldeo then complained about a previously removed Township tree which was removed and the roots paved over. This was at a request from the previous property owner to his satisfaction. Mr. Baldeo, however,

Minutes of the Public Meeting held August 17, 2011 cont.

expressed his displeasure with the paving job. After a discussion, Mayor Scarpa advised that he would personally check the property and invited any committee members to view the property as well. The resident will be contacted after the inspection of his property.

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

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

Closed Session

Interviews

8:15 – Michael Ambrose

8:30 – Ryan Norton

8:45 – Todd Starling

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

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

A motion was offered by Comm. Davidson and seconded by Comm. Ouellette to appoint Todd Starling of 72B Linn Drive, Verona, NJ 07662 as a police officer beginning on the first step, with a six month review and one year probation effective October 1, 2011, pending a background check. Motion carried on a roll call vote- all present voting “Aye”.

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

Respectfully submitted,

Virginia De Maria
Municipal Clerk