



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

MINUTES – PUBLIC MEETING – February 20, 2013

Call to Order 7:30 PM

According to the Open Public Meetings Act, this meeting of February 20, 2013 was advertised in the notice sent to the “Our Town” and “The Record” and posted on the bulletin board in the Municipal Building on January 8, 2013 and has remained continuously posted as the required notice under the Statute and is being taped. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

Roll Call: Comm. Ouellette
 Comm. Kazimir - Absent
 Comm. Kovalcik
 Comm. Valenzuela
 Mayor Scarpa

Pledge of Allegiance was led by Gary Paparozzi

Comm. Kazimir entered the meeting

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

2013 Annual Health Meeting – Liz Kroll, Secretary to the BOH

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

A motion was offered by Comm. Kovalcik and seconded by Mayor Scarpa to approve the Minutes of the January 16, 2013 and Budget Meeting held February 6, 2013. Motion carried on a voice vote – all voting “Aye”

At the Budget Meeting held on February 6, 2013 the following resolution was adopted - all voting “Aye”.

Resolution #2013 – 43

A Resolution Amending Resolution #2012 – 199 entitled “A Resolution Authorizing Contract with Entech Corp for lining of existing Sanitary Sewer”

Whereas, the Township Engineer and Department of Public Works have recommended the CCTV Inspection and lining of an existing sanitary sewer line in the easement from Hobart Court to the Sprout Brook Pump Station; and

Whereas, the Township Administrator has reviewed this request and agrees that this work must be completed; and

Whereas, the Township Engineer secured quotations for the performance of this project; and

Whereas, the Contract for this project may be awarded without the necessity of competitive bidding since the anticipated cost will not exceed the applicable bid threshold; and

Whereas, one of the quotations received was from Entech Corp., 91 Ruckman Road, Closter, New Jersey, a company which is qualified to perform these services and has been approved by the Township Engineer; and

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

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

1. A Contract be and is hereby awarded to Entech Corp for the inspection and relining of an existing sanitary sewer and easement from Hobart Court to the Sprout Brook Pump Station.

2. This Contract shall be in accordance with the proposal submitted by Entech Corp dated January 30, 2013.
3. The total Contract price shall not exceed \$26,000.00 in accordance with the proposal submitted by Entech Corp.
4. The Township Administrator is hereby authorized and directed to execute any and all vouchers, Contracts or invoices necessary in order to compete this project.

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 Department of Public Works, the Township Engineer and Entech Corp

Attest: Virginia De Maria

Reports:

Health Department - January 2013
Municipal Court - January 2013
Building Department - January 2013

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

Resolution #2013 – 44

A Resolution – Payment of Bills – February 2013

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, that the following bills be turned over to the Treasurer, and if found to be correct, be paid provided there is sufficient funds in the various accounts. (See Attached)

Attest: Virginia De Maria

Resolution #2013 – 45

Resolution – Issuing Raffle License – American Legion – Post 170

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, State of New Jersey, that the application for BINGO LICENSE #432-13 as presented by the AMERICAN LEGION POST #170 ID#427-07-00459 requesting permission to conduct BINGO on APRIL 12, 2013 be approved and the requested license be issued.

Attest: Virginia De Maria

Resolution #2013 – 46

A Resolution — Issuing Raffle License – Maywood Avenue School PTO

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, State of New Jersey, that the application for a 50/50 RAFFLE LICENSE -433-13 as presented by MAYWOOD AVENUE SCHOOL PTO ID# 294-5-30640 requesting permission to conduct a 50/50 RAFFLE on MARCH 23, 2013 be approved and the requested license be issued.

Attest: Virginia De Maria

Resolution #2013 – 47

A Resolution – Issuing Raffle License – River Dell Junior High Football Association

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, State of New Jersey, that the application for a CASINO NIGHT LICENSE -434-13 as presented by RIVER DELL JUNIOR FOOTBALL ASSOCIATION ID#423-5-37253 requesting permission to conduct a CASINO NIGHT RAFFLE LICENS on APRIL 19, 2013 be approved and the requested license be issued.

Attest: Virginia De Maria

Resolution #2013 – 48

A Resolution – Authorizing Imposition of Disciplinary Action – Fire Department

Whereas, pursuant to the provisions of the Township Code all disciplinary action imposed upon members of the Rochelle Park Volunteer Fire Department must be authorized by the Township Committee; and

Whereas, disciplinary action is ordinarily initiated by the Board of Fire Officers; and

Whereas, disciplinary action was commenced by the Board of Fire Officers against a member of the Fire Department, KEITH DANIS; and

Whereas, Board of Fire Officers as well as KEITH DANIS have reviewed the matter and have agreed upon discipline to be imposed as set forth in the attached letter dated February 7, 2013; and

Whereas, the Township believes that it would be in the best interest of Township and the Fire Department to ratify and confirm this discipline.

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 disciplinary action which is confirmed in the attached letter dated February 7, 2013 be and is hereby confirmed and ratified.
2. As a result of the imposition of this discipline and the within ratification, this matter is concluded.

Now, therefore, be it further resolved that the Township Clerk be and she is hereby authorized and directed to forward certified copies of the within Resolution to the Rochelle Park Volunteer Fire Department, Marcel Wurms, Esq. and to the Township Administrator.

Attest: Virginia De Maria

Resolution#2013 - 49

A Resolution – Introduction Ord. #1055-13 – Rules and Regulations – Police 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 28 OF THE CODE OF THE TOWNSHIP OF ROCHELLE PARK TO INCORPORATE THE “RULES AND REGULATIONS” OF THE DEPARTMENT**” be and it is hereby introduced and passed on first reading and that said ordinance be further considered for final passage at a meeting to be held on 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

Resolution #2013 – 50

A Resolution – Settlement of Litigation - Allied Developers

Whereas, ALLIED DEVELOPERS, LLC made an application to the Zoning Board of Adjustment of the Township of Rochelle Park seeking to erect two (2) billboards, one on the northbound side of Route 17 and the other in the area adjacent to Route 80 westbound; and

Whereas, after a hearing, a motion was made before the Zoning Board to approve the resolution, however, the motion failed since the roll call vote was three (3) in favor and three (3) against; and

Whereas, as a result of that vote, the application was denied; and

Whereas, ALLIED, thereafter, filed a lawsuit in the Superior Court of New Jersey seeking to reverse the action of the Board and also seeking approval of the application; and

Whereas, the Township of Rochelle Park was a named Defendant in that litigation and ALLIED, as part of their position in the litigation, alleged that the Township’s billboard ordinance was void and unconstitutional; and

Whereas, the Zoning Board of Adjustment has now considered and tentatively approved a settlement of the litigation based upon the terms, conditions and obligations set forth on the enclosed Settlement Agreement; and

Whereas, since the Township is also a Defendant to the litigation, the proposed settlement must be approved by the Township Committee; and

Whereas, in addition to the foregoing legal obligation, there are certain obligations on behalf of ALLIED that directly affect the Township and provides substantial benefits to the Township in terms of taxation and other payments to the Municipality; and

Whereas, the Township Committee has considered the terms of the settlement and believe that it is in the best interest of the Municipality to approve the same.

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

1. The settlement of the litigation entitled “*Allied Developers, LLC –vs- the Township of Rochelle Park*” BER-L-7874-12 be and is hereby authorized.
2. The settlement shall be on the terms, conditions and obligations set forth on the enclosed Settlement Agreement.
3. The Township Attorney is hereby authorized and directed to execute a Settlement Agreement in the form annexed hereto.
4. Allied Developers, LLC shall also execute a Developer’s Agreement to be prepared by the Zoning Board attorney and approved by the Township Attorney and Township Engineer which will incorporate the terms of the settlement as well as any other necessary and relevant terms and obligations.

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 Zoning Board Attorney, the Township of Rochelle Park Zoning Board, the Township Engineer, the Township Building Department and the Law Firm of Price, Meese, Shulman and D’Arminio, Attn: Louis L. D’Arminio, Esq.

Attest: Virginia De Maria

Resolution #2013 – 51

A Resolution — Authorizing Insurance Payment – Rochelle Park Baseball - \$750.00

Now, Therefore, be it resolved by the Township Committee of the Township of Rochelle Park, that through the Recreation Budget, a payment of \$750.00 be made payable to Bollinger Insurance to defray the insurance payment for 2013 for Rochelle Park Baseball.

Attest: Virginia De Maria

Resolution #2013 - 52

A Resolution – Appointing Public Defender for 2013 – Alan Peyrouton, Esq.

Whereas, the Township Committee of the Township of Rochelle Park has a need to acquire the legal services of a Public Defender; and

Whereas, the Township Committee has also determined, and has resolved, to make this, and other professional appointments, pursuant to the “Fair and Open Process” in accordance with the “New Jersey Local Unit Pay to Play” law, N.J.S.A. 19:44A-20.4 et seq; and

Whereas, requests for qualifications were published and provided in accordance with the aforementioned law; and

Whereas, Alan Payrouton, Esq., has submitted a proposal indicating that he will provide the legal services with compensation in accordance with the 2013 salary ordinance; and

Whereas, this contract may be awarded without the necessity of competitive bidding since it is a contract for professional services and, therefore, is exempt from competitive bidding process pursuant to the Local Public Contracts Law; and

Whereas, the Chief Financial Officer for the Township of Rochelle Park has certified that the funds necessary to facilitate this contract are available in the 2013 municipal budget; and

Now, therefore, be it resolved, by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey hereby appoints Alan Peyrouton, Esq as Public Defender for the Township of Rochelle Park for 2013; and

Now, therefore, be it further resolved, that a copy of this Resolution shall be published as required by law within ten (10) days of its passage.

Attest: Virginia De Maria

Resolution #2013 –53

A Resolution – Appointing Municipal Planner for 2013 – Banish Associates

Whereas, the Township Committee of the Township of Rochelle Park has a need to acquire the services of a municipal planner and COAH advisor; and

Whereas, the Township Committee has also determined, and has resolved, to make this, and other professional appointments, pursuant to the “Fair and Open Process”

in accordance with the “New Jersey Local Unit Pay to Play” law, N.J.S.A. 19:44A-20.4 et seq.; and

Whereas, requests for qualifications were published and provided in accordance with the aforementioned law; and

Whereas, Banisch Associates has submitted a proposal indicating that he will provide professional planning services.

Whereas, this contract may be awarded without the necessity of competitive bidding since it is a contract for professional services and, therefore, is exempt from competitive bidding process pursuant to the Local Public Contracts Law; and

Whereas, the Chief Financial Officer for the Township of Rochelle Park has certified that the funds necessary to facilitate this contract are available in the 2013 municipal budget; and

Now, therefore, be it resolved, by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey hereby appoints Banisch Associates for the Township of Rochelle Park for 2013; and

Now, therefore, be it further resolved, that a copy of this Resolution shall be published as required by law within ten (10) days of its passage.

Attest: Virginia De Maria

Resolution #2013 – 54

A Resolution – Authorizing an Agreement with Teamsters Local No. 97

Whereas, the Collective Bargaining Agreement between the Township of Rochelle Park and Teamsters Local 97 which represents employees in the Department of Public Works expired on December 31st, 2012; and

Whereas, Administrator Robert Davidson has been engaged in negotiations with Teamsters Local 97 for a successor agreement and has reported the status of these negotiations to the Township Committee; and

Whereas, Administrator Davidson has recommended a proposal to the Township Committee and, with the further recommendation of the Township Committee has agreed to accept this recommendation.

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 Mayor and the Township Clerk be and are hereby authorized to execute, on behalf of the Township of Rochelle Park, a collective bargaining agreement which shall confirm the Township’s proposal for the settlement of a successor collective bargaining agreement with Teamster’s Local 97.
2. The successor agreement shall be for a term of two years commencing on January 1, 2013 and ending on December 31st, 2015.
3. The Agreement shall provide for 2% increase in base salary for any member during the three year term of this successor agreement.

The Agreement shall further provide for a modification of the “standby time” provision of the Contract to provide for a payment of \$150.00 per week and \$175.00 per week when the following holidays fall within said week:

New Year’s Day
Thanksgiving
Memorial Day
Independence Day (4th of July)
Veteran’s Day
Labor Day
Christmas Day

Now therefore be it further resolved that, except as set forth herein, the successor collective bargaining agreement shall, in all respects, be identical to the previous agreement; and

Be it further resolved that the within resolution is subject to receipt, review and further approval and final approval of the actual contract form by the Township Committee and the Township Administrator;

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 and Teamsters Local No. 97.

Attest: Virginia De Maria

Resolution #2013 – 55

A Resolution – Introduction #1053 – 13 - Salary Ordinance DPW

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 2013, 2014 AND 2015**” be and it is hereby introduced and passed on first reading and that said ordinance be further considered for final passage at a meeting to be held on March 20, 2013 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

Resolution #2013 – 56

A Resolution – Authorizing Hiring of Deputy Municipal Court Administrator – Zoe Velez

Whereas, a vacancy exists in the position of Deputy Municipal Court Administrator for the Township of Rochelle Park; and

Whereas, in accordance with the policy of the Township of Rochelle Park, a vacancy in this position was advertised and interviews were conducted by the Township Administrator, the Municipal Court Judge and the Vicinage Personnel; and

Whereas, Zoe Velez did, in fact, submit a resume for the position of Deputy Municipal Court Administrator; and

Whereas, after a review of the various resumes submitted and at the conclusion of all interviews, the Interview Panel recommended that Zoe Velez be hired to fill this vacant position; and

Whereas, a review of Ms. Velez’s credentials confirms that she possesses the experience and other qualities necessary in order to fulfill the demands and obligations of this position.

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. Zoe Velez be and is hereby appointed to the position of Deputy Municipal Court Administrator for the Township of Rochelle Park.
2. The term of this appointment shall commence on March 4, 2013 or upon completions of background check and shall continue until December 31, 2015.
3. Probationary period shall be for six months and/or completion of Conditional Accreditation.
4. The salary for this position shall be \$16.00 per hour not to exceed 20 hours per week.
5. The Township Administrator be and is hereby authorized and directed to take such steps which may be necessary in order to facility and carry out the provisions of this Resolution.

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 Municipal Court Administrator, LYNDIA LASINI, Honorable ROY MCGEADY, J.M.C., ZOE VELEZ, and Ms. BRENDIS MONTIJO-WRIGLEY, C.M.C.A.

Attest: Virginia De Maria

Resolution #2013 – 57

A Resolution – Qualified Tax Exempt Obligations Pursuant to IRS Code 1986 As Amended

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 \$950,000 BOND ANTICIPATION NOTE AND A \$368,000 SPECIAL EMERGENCY NOTE, BOTH ISSUES DATED FEBRUARY 15, 2013, PAYABLE FEBRUARY 14, 2014, 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 \$950,000 bond anticipation note and a \$368,000 special emergency note, both issues dated February 15, 2013, payable February 14, 2014 (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 \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2013.

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 2013.

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 2013 dated as of the date of delivery of the Notes.

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

The foregoing resolution was adopted by the following roll call vote:

Attest: Virginia De Maria

Resolution #2013 – 58

Introduction COLA Ordinance - #1057-13 – Exceed Municipal Budget Appropriation Limits and to Establish A CAP Bank
See Attached

Resolution #2013 – 59

A Resolution – authorizing CY2013 Budget to be Ready By Title Only

Whereas, N.J.S.A. 40A:4-8 provides that the budget be read by title only at the time of the public hearing is a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved municipal budget as advertised has been posted in the municipal building and copies have been made available by the clerk to persons requiring them; and

Now, therefore, be it resolved, that the CY2013 municipal budget shall be read by title only.

Attest: Virginia De Maria

Resolution #2013 – 60

A Resolution – Authorizing a Tax Sale

Whereas, the Township Committee of the Township of Rochelle Park finds and declares that N.J.S.A. 54:5-19 requires that the Township of Rochelle Park conduct a public tax sale to enforce delinquent municipal liens by selling said liens in accordance with the Tax Sale Law; and

Whereas, “delinquency” means the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters or years per N.J.S.A. 54:4-67, and

Whereas, the Township Committee further finds and declares that the Municipal Tax Collector is qualified to hold said Tax Sale in the calendar year 2013 municipal delinquent charges; and

Whereas, the Township Committee further finds and declares that the annual Tax Sale may be at the discretion of the Municipal Tax Collector;

Now, therefore be it resolved, by the Township Committee of the Township of Rochelle Park that the Municipal Tax Collector, Roy Riggiano, be and is hereby authorized to conduct the Annual Tax Sale during the calendar year of 2013 in accordance with N.J.S.A. 54:5-19.

Be it further resolved, that the Municipal Clerk provide a certified copy of this resolution to the Tax Collector for his records.

Attest: Virginia De Maria

Resolution #2013 – 61

A Resolution – Authorizing An Accelerated Tax Sale

Whereas, the Township Committee of the Township of Rochelle Park finds and declares that N.J.S.A. 54:5-19 requires that the Township of Rochelle Park conduct a public tax sale to enforce delinquent municipal liens by selling said liens in accordance with the Tax Sale Law; and

Whereas, “delinquency” means the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters of years per N.J.S.A. 54:4-67, and

Whereas, the Township Committee further finds and declares that the Municipal Tax Collector is qualified to hold said Tax Sale in the calendar year 2012 municipal delinquent charges; and

Whereas, the Mayor and Township Committee further finds and declares that an Accelerated Tax Sale may be at the discretion of the Municipal Tax Collector;

Now, therefore be it resolved, by the Township Committee of the Township of Rochelle Park that the Municipal Tax Collector, Roy Riggiano, be and is hereby authorized to conduct an Accelerated Tax Sale during the calendar year of 2012 in accordance with N.J.S.A. 54:5-19.

Be it further resolved, that the Municipal Clerk provide a certified copy of this resolution to the Tax Collector for his records.

Attest: Virginia De Maria

Resolution #2013 – 62

A Resolution – Authorizing Participation in a Cooperative Pricing System

A RESOLUTION AUTHORIZING THE (THE BERGEN COUNTY HOUSING
AUTHORITY)

TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH THE BERGEN
COUNTY AGGREGATE ENERGY PROCUREMENT COOPERATIVE PRICING
SYSTEM (THE “BCPS”) NJ DCA CPS ID #: 206BCPS

RESOLUTION NUMBER #2013-59

Whereas, N.J.S.A. 40A:11-11(5) authorizes the County of Bergen, New Jersey to establish and act as lead agency for a Cooperative Pricing System for Electricity Generation Natural Gas Supply, and Energy Efficiency and Renewable Energy Services with voluntary participation available to all local government units (LGUs) within the Bergen County jurisdiction;

Whereas, on the 20 day of February, 2013, the governing body of Bergen County Housing Authority, duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

Now, therefore be it resolved as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Bergen Cooperative Pricing Resolution of the Bergen County Housing Authority

AUTHORITY

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Administrator is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey pursuant to the cooperative procurement of electricity generation and/or natural gas supply services for participating member communities.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage and remain in effect for a period of five (5) years. However, participating members may opt out of the BCPS at the end of any third party supply contract entered into by the lead agency.

CERTIFICATION

BY:

Robert Davidson - Administrator

ATTEST BY:

Virginia De Maria – Municipal Clerk

COOPERATIVE PRICING SYSTEM AGREEMENT

For The Bergen County Aggregate Energy Procurement Cooperative Pricing System (BCPS)

This Agreement made and entered into this 20 day of February, 2013, by and between the, County of Bergen, State of New Jersey and THE BOROUGH OF ROCHELLE PARK, who desire to participate in the Bergen County Aggregate Energy Procurement Cooperative Pricing System (herein the “BCPS”)

WITNESSETH

Whereas, N.J.S.A. 40A:11-11(5), specifically authorizes two or more contracting units to establish a Cooperative Pricing System for the provision and performance of goods and services and enter into a Cooperative Pricing Agreement for its administration; and

Whereas, the County of Bergen, State of New Jersey is acting as lead agency for a cooperative Pricing System for electricity generation and natural gas supply services; and

Whereas, this Cooperative Pricing System is to effect substantial economies in the provision and performance of goods and services; and

Whereas, all parties hereto have approved the within Agreement by Resolution in accordance with the aforesaid statute; and

Whereas, it is the desire of all parties to enter into such Agreement for said purposes;

Now, therefore, in consideration of the promises and of the covenants, terms and conditions hereinafter set forth, it is mutually agreed as follows:

1. The goods or services to be priced cooperatively shall include: *INITIAL NEXT TO SELECTED COMMODITIES*
 - (a) ELECTRIC GENERATION SERVICE _____
 - (b) NATURAL GAS SUPPLY SERVICE _____
2. The items and classes of items which may be designated by the participating contracting units hereto may be purchased cooperatively for the period commencing

with the execution of this Agreement and continuing until terminated as hereinafter provided.

3. The Lead Agency, on behalf of all participating contracting units, shall upon approval of the registration of the System and annually thereafter IN JANUARY OF EACH SUCCEEDING YEAR publish a legal ad in such format as required by *N.J.A.C. 5:34-7.9(a)* in its official newspaper normally used for such purposes by it to include such information as:
 - (A) The name of Lead Agency soliciting competitive bids or informal quotations.
 - (B) The address and telephone number of Lead Agency.
 - (C) The names of the participating contracting units.
 - (D) The State Identification Code assigned to the Cooperative Pricing System.
 - (C) The expiration date of the Cooperative Pricing System.
4. Each of the participating contracting units shall designate to the Lead Agency the items to be purchased by initialing next to the appropriate commodity on appendix A. If reasonably accurate information regarding delivery points and estimated volumes is available at the time this contract is executed, the contracting unit shall provide at that time. If any participant does not have sufficient data available, the BCPS shall assist with that task.
5. The specifications shall be prepared and approved by the Lead Agency and no changes shall be made thereafter except as permitted by law. Nothing herein shall be deemed to prevent changes in specifications for subsequent purchases.
6. A single advertisement for bids or the solicitation of informal quotations for the goods or services to be purchased shall be prepared by the Lead Agency on behalf of all of the participating contracting units desiring to purchase any item.
7. The Lead Agency, when advertising for bids or soliciting informal quotations, shall receive bids or quotations on behalf of all participating contracting units. Following the receipt of bids, the Lead Agency shall review said bids and on behalf of all participating contracting units, either reject all or certain parts of the bids, or make one award to the lowest responsible bidder or bidders for each separate item. This award shall result in the Lead Agency entering into a Master Contract with the successful bidder(s) providing for two categories of purchases:
 - (A) The quantities ordered for the Lead Agency's own needs, and
 - (B) The estimated aggregate quantities to be ordered by other participating contracting units by separate contracts, subject to the specifications and prices set forth in the Lead Agency's Master Contract.
8. The Lead Agency shall enter into a formal written contract(s) directly with the successful bidder(s) for its internal infrastructure, and as lead agency for participating members' infrastructure. only after it has certified the funds available for its own needs.
9. Each participating contracting unit shall also certify the funds available only for its own needs ordered; enter into a formal written contract, when required by law, directly with the successful bidder(s); issue purchase orders in its own name directly to successful vendor(s) against said contract; accept its own deliveries; be invoiced by and receive statements from the successful vendor(s); make payment directly to the successful vendor(s) and be responsible for any tax liability.
10. No participating contracting unit in the Cooperative Pricing System shall be responsible for payment for any items ordered or for performance generally, by any other participating contracting unit. Each participating contracting unit shall accordingly be liable only for its own performance and for items ordered and received by it and none assumes any additional responsibility or liability.
11. The provisions of Paragraphs 7, 8, 9, and 10 above shall be quoted or referred to and sufficiently described in all specifications so that each bidder shall be on notice as to the respective responsibilities and liabilities of the participating contracting units.
12. No participating contracting unit in the Cooperative Pricing System shall issue a purchase order or contract for a price which exceeds any other price available to it from any other such system in which it is authorized to participate or from bids or quotations which it has itself received for the same service received by other members.
13. The Lead Agency reserves the right to exclude from consideration any good or service if, in its opinion, the pooling of purchasing requirements or needs of the participating contracting units is either not beneficial or not workable.
14. The Lead Agency shall appropriate sufficient funds to enable it to perform the administrative responsibilities assumed pursuant to this Agreement.

- 15. It is agreed that no participating contracting unit shall pay the Lead Agency an annual fee. Instead, all administrative and consulting expenses shall be recuperated by the Lead Agency from the various providers and included in the costs of the various commodities provided through the BCPS.
- 16. This Agreement shall become effective immediately following execution on this contract subject to the review and approval of the Director of the Division of Local Government Services and shall continue in effect for a period not to exceed five (5) years from said date unless any party to this Agreement shall give written notice of its intention to terminate its participation at the end of any contract negotiated by the BCPS on its behalf.
- 17. Additional local contracting units may from time to time, execute this Agreement by means of a Rider annexed hereto, which addition shall not invalidate this Agreement with respect to other signatories, so long as an individual Appendix A is provided for each entity. The Lead Agency is authorized to execute the Rider on behalf of the members of the System.
- 18. All records and documents maintained or utilized pursuant to terms of this Agreement shall be identified by the System Identifier assigned by the Director, Division of Local Government Services, and such other numbers as are assigned by the Lead Agency for purposes of identifying each contract and item awarded.
- 19. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto.
- 20. Participants in the BCPS may opt-in or out of the BCPS' programs at the end of each contract negotiated by the lead agency on behalf of the participants. Participants must opt-out within 60 days before the beginning of a new supply contract

AUTHORIZATION ON PAGE 4 OF THIS DOCUMENT BELOW

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed and executed by their authorized corporate officers and their respective seals to be hereto affixed the day and year above written.

FOR THE LEAD AGENCY

LEAD AGENCY: The County of Bergen, NJ

BY:

(NAME AND TITLE)

DATE:

THE TOWNSHIP OF ROCHELLE PARK

BY:

PRINT Robert Davidson - Administrator

NAME/TITLE:

DATE: 2-20-2013

Resolution #2013 – 63

A Resolution – Introduction Ordinance #1058-13 – Fire Department Ordinance Amendment

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 OR THE CODE OF THE TOWNSHI OF ROCHELLE PARK ENTITLED “FIRE DEPARTMENT”** be and it is hereby introduced and passed on first reading February 20, 2013 and that said ordinance be further considered for final passage at a meeting to be held on March 20, 2013 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

Resolution #2013 – 64

A Resolution – A Resolution – Authorizing Release of Closed Session Minutes – February 6, 2013

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 February 6, 2013 to the extent that said information can be disclosed without adversely affecting the Township or the public interest.

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

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

Attest: Virginia De Maria

CLOSED SESSION MINUTES - February 6, 2013

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. Personnel/Potential Litigation - The Township Committee discussed, with the Township Clerk, a written complaint received by the Township Committee against a member of the Committee. The letter/complaint was filed by the Township Clerk. The Township Attorney was directed to forward a letter to the Township Clerk regarding the tentative resolution of the matter.

Attest: Virginia De Maria

Resolution #2013 – 65

A Resolution – A Resolution – Authorizing Release of Closed Session Minutes – February 13, 2013

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 February 13, 2013 to the extent that said information can be disclosed without adversely affecting the Township or the public interest.

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

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

Attest: Virginia De Maria

CLOSED SESSION MINUTES - February 13, 2013

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. Personnel/Litigation - The Township Committee conducted interviews with professional planners for appointment as Municipal Planner for the Township. Discussions involved pending COAH matters and potential litigation regarding numerous developments within the Municipality.
2. Negotiations – The Township Administrator provided an update in connection with his negotiations with the Department of Public Works Union and potential for settlement.
3. Fire Department Disciplinary Action - The Township Attorney and Township Administrator provided a summary of the status of pending disciplinary action against a member of the Rochelle Park Fire Department. That disciplinary action has now been resolved and has now been and will be ratified by the Township Committee.
4. Litigation – The Township Attorney discussed with the Township Committee the proposed settlement of litigation involving Allied Developers and the terms of that settlement which will result in the adoption of a resolution by the Township Committee.
5. Route 17 – The Township Engineer summarized the most recent reports which he received regarding the Route 17 bottleneck project and the potential for litigation with the County of Bergen and/or State of New Jersey concerning that proposed project.

Attest: Virginia De Maria

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

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

Comm. Kovalcik – No report

Comm. Valenzuela – Advised that Richard Bolan, Construction Code Official resigned. Mr. Bolan was replaced by interim building inspector Nick Melfi who comes highly recommended. The Township Committee is collecting resumes as the deadline is February 28th. Rochelle Park had entered into an inter-local agreement with Elmwood Park with Mr. Bolan spending half his time here and half in Elmwood Park. The Committee is investigating all avenues in the future. Comm. Valenzuela recognized the DPW for their clearing the streets during a recent snow storm. He also reminded residents that it is illegal to blow snow in the street after a storm. He congratulated Rochelle Park Cub Scout Troop 188 on their Pine Wood Derby. Valenzuela also advised that he was in the process of creating a committee of residents regarding the raising of their homes due to location. He will discuss this matter at the next work session.

Comm. Kazimir – No report

Comm. Ouellette – Ambulance January Report – 71 Calls

Mayor Scarpa – Advised that work on the 2013 budget was nearly completed with a zero increase on the local level, which does not include school or county.

Administrator Davidson – No report

Municipal Clerk De Maria – No report

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

Gail Artola – 110 Howard Avenue – Informed the Township Committee in great detail the problems she has had attempting to complete the raising of her home since Hurricane Irene. The is a long, complicated and often frustrating experience. She has attempted to contact many government offices with little success. Mayor Scarpa advised that he would get her in touch with Congressman Scott Garrett’s office for assistance. Comm. Valenzuela asked Ms. Artola if she would consider being part of his committee moving forward.

Sam Allos – 107 Parkway – Board of Education Liaison – Advised that the jungle gym and Midland school had been repaired at a favorable rate. A library liaison will be chosen in the future. Mr. Allos spoke of an anti-bullying class attended by parents, students and faculty. He asked if the Township Committee would have a representative at these meetings, possibly the Chief of Police.

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

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

Resolution #CS-3 2013

A Resolution – Authorizing Closed Session Pursuant to N.J.S.A. 10:4-12

Whereas, N.J.S.A. 10:4-12 allows for a public body to exclude the public from a public meeting in certain circumstances, and

Whereas, the Rochelle Park Township Committee is of the opinion that such circumstances now exist.

Now, therefore, be it resolved, by the Township Committee of the Township of Rochelle Park, County of Bergen, New Jersey that a Closed Session is hereby called at 8:00 PM on February 20, 2013 to discuss matters as permitted by law:

- _____ Matters, which by express provisions of Federal Law or state statute, shall be rendered confidential.
- _____ Matters in which the release of information would impair a right to receive funds from the Government of the United States.
- _____ Matters, which if disclosed, would constitute an unwarranted invasion of individual privacy.
- _____ Collective bargaining agreements or negotiations therefore with public employees and/or their representatives.
- _____ Matters involving the purchase, lease, or acquisition of real property with public funds, the setting of banking rates, or the investment of public funds where the disclosure could adversely affect the public interest.
- _____ Tactics or techniques utilized in protecting the safety and property of the public or any investigation of violations or possible violations of the law.
- _____ Pending or anticipated Litigation or contract negotiations in which the Township may become a party.
- _____ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as lawyer.
- X _____ Matters involving the employment, appointment, termination or employment, terms and conditions of employment, evaluation, promotions, or disciplinary action of any specific current or prospective public employee(s), unless all the individual(s)
- _____ Deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty or the suspension or loss of a license or permit of a party as a result of the actions of the party.

Be it further resolved that the matters so discussed will be disclosed to the public as soon as possible and to the extent that such disclosure can be made without adversely affecting the public interest or without violation of the confidentiality of personnel.

Attest: Virginia De Maria

Closed Session
Interview - Planner
Library
Building Department

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

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

A motion was offered by Comm. Kovalcik and seconded by Comm. Valenzuela to appoint Walter Eckardt as a regular member of the Fire Department. Motion carried on a voice vote – all voting “Aye”.

A motion was offered by Comm. Ouellette and seconded by Mayor Scarpa to appoint Heide Muller as the Mayor’s Appointment to he Planning Board – Mayor’s designee. Motion carried on a voice vote – all voting “Aye”.

Minutes of the Public Meeting held February 20, 2013 cont.

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

Respectfully submitted,

Virginia De Maria
Municipal Clerk