



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

**MINUTES – PUBLIC MEETING – March 25, 2009**

Call to Order 7:30 PM

According to the Open Public Meetings Act, this meeting of March 25, 2009 was advertised in the notice sent to the “Our Town” and “The Record” and posted on the bulletin board in the Municipal Building on March 12, 2009 and has remained continuously posted as the required notice under the Statute and is being taped. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

Roll Call

- Comm. K. J. Kovalcik
- Comm. W. Lotz
- Comm. J. Scarpa
- Comm. P. Strohmeyer
- Mayor F. Valenzuela

Pledge of Allegiance was led by Diane Davidson

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

A motion was offered by Comm. Lotz 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. Lotz and seconded by Comm. Kovalcik to approval the Minutes of the Budget Meeting held February 4, 2009, Public Meeting and Health Meeting held February 18, 2009. Motion carried on a voice vote – “Ayes” - Lotz, Kovalcik, Scarpa, Valenzuela, “Abstain” - Strohmeyer

Reports:

- Building Department - February 2009
- Health Department - February 2009
- Municipal Court - February 2009
- Attendance Report - February 2009

At the Work Session held on Wednesday, March 18, 2009 the following resolutions were adopted on a roll call vote – all present voting “Aye”.

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

Resolution #2009 – 66

A Resolution – Payment of Bills – March 2009

**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

The following Resolutions were offered by Comm. Lotz and seconded by Comm. Strohmeyer and was adopted on a roll call vote – all present voting “Aye”.

Resolution #2009 - 67

A Resolution – Hearing & Adoption Ord. 999-09 – Bond Ordinance – Chestnut Avenue/Lincoln Drive - \$225,000

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, New Jersey, that an ordinance entitled “**AN ORDINANCE TO AUTHORIZE THE IMPROVEMENT OF CHESTNUT AVENUE AND LINCOLN DRIVE IN, BY AND FOR THE TOWNSHIP OF ROCHELLE PARK, IN THE COUNTY OF BERGEN, NEW JERSEY, TO APPROPRIATE THE SUM OF \$225,000 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO AUTHORIZE THE ISSUANCE OF**

**BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS”** be and it is hereby passed upon second and final reading and that the Municipal Clerk be and she is hereby authorized and directed to advertise the same according to law.

Attest: Virginia De Maria

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

Hearing – Ordinance #998-09 – Bond Ordinance – Emergency - \$175,000  
Reval – Adoption scheduled for a future meeting

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

No comments from the public

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

The following Resolutions were offered by Comm. Lotz and seconded by Comm. Strohmeyer and was adopted on a roll call vote – all voting “Aye”.

Resolution #2009-68

Amendment to the Capital Budget

See Attached

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

Resolution #2009 – 69

A Resolution – Developers Agreement – MetroPCS New York

Whereas, METRO PCS NEW YORK, LLC filed a Site Plan and Variance Application before the Township of Rochelle Park for the development of property located at 218 Route 17 North, Rochelle Park, New Jersey for the installation of six (6) panel antennas, one (1) GPS antennas and related equipment; and

Whereas, on December 22, 2008 a Resolution was adopted by the by the Zoning Board of Adjustment which provided the necessary approvals for said development; and

Whereas, in addition to the Zoning Board of Adjustment 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 Zoning Board of Adjustment, a Developer’s Agreement was to be prepared by the Attorney for the Planning Board, Anthony N. Gallina, 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 and Variance Application of METRO PCS NEW YORK, LLC.
2. The Developer’s Agreement shall include copies of all resolution and engineering review reports prior to its execution;
3. The approval shall be subject to appropriate escrow deposits and performance bonds in accordance with the directions of the Township Engineer.

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 Zoning Board of Adjustment, Anthony N. Gallina, Esq., the Township Attorney, Joseph J. Rotolo, Esq.

Attest: Virginia De Maria

Resolution #2009 – 70

A Resolution - Raffle License – Salt Water Anglers of Bergen County

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, State of New Jersey, that the application for an off-premise Raffle License #389-08 as presented by the SALT WATER ANGLERS OF BERGEN COUNTY ID#427-8-37906 requesting permission to conduct a 50/50 Raffle on the following dates

April 21, 2009  
June 16, 2009  
July 12, 2009  
July 21, 2009  
August 18, 2009  
September 15, 2009  
October 20, 2009  
November 15, 2009  
December 15, 2009

be approved and the requested license be issued.

Attest: Virginia De Maria

Resolution #2009 – 71

A Resolution – Raffle License – Salt Water Anglers of Bergen County

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, State of New Jersey, that the application for an off-premise Raffle License #390-08 as presented by the SALT WATER ANGLERS OF BERGEN COUNTY ID#427-8-37906 requesting permission to conduct a On-Premise Raffle on the following dates

April 21, 2009  
June 16, 2009  
July 12, 2009  
July 21, 2009  
August 18, 2009  
September 15, 2009  
October 20, 2009  
November 15, 2009  
December 15, 2009

be approved and the requested license be issued.

Attest: Virginia De Maria

Resolution #2009 – 72

A Resolution – Raffle License – American Legion

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 #B391-09 as presented by the AMERICAN LEGION POST #170 ID#427-07-00459 requesting permission to conduct BINGO on APRIL 24, 2009 be approved and the requested license be issued.

Attest: Virginia De Maria

Resolution #2009 – 73

A Resolution – Liquor License Transfer – Kristin Carol Inc.

Whereas, an application for a person-to-person transfer of a Plenary Retail Consumption License No. 0254-33-009-004 has been received from MKT, LLC for the License previously owned by KRISTEN CAROL INC. ; and

Whereas, a consent to the transfer has been published twice in the newspaper "The Our Town" on December 4<sup>th</sup> and 11<sup>th</sup> ; 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 (\$149.20 – 10% for person-to-person) 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

Resolution #2009 – 73 (cont.)

No. 0254-33-009-004 issued to Kristen Carol Inc. be transfer to MKT, LLC located at 352 West Passaic Street, Rochelle Park, NJ 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 MKT, LLC located at 352 West Passaic Street, Rochelle Park, NJ 07662 and forward a certified copy of this resolution to the Director of the Division of Alcoholic Beverage Control.

Attest: Virginia De Maria

Resolution #2009 – 74

A Resolution – Reappointment Interim Court Administration Lynda Lasini

Whereas, a vacancy exists in the position of 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 Judge and the Township Committee; and

Whereas, LYNDA LASINI of Rochelle Park, New Jersey has served in the position of Deputy Municipal Court Administrator for several years and she did, in fact, submit a resume for the position; and

Whereas, after a review of the various resumes submitted and at the conclusion of all interviews, the Municipal Court Judge and Township Administrator recommended that LYNDA LASINI be hired to fill this vacant position; and

Whereas, although LYNDA LASINI is not currently certified as a Municipal Court Administrator, the law provides that a person is not required to possess a Municipal Court Administrator certificate to serve as an Interim Administrator and may be appointed to several one (1) year terms pending receipt of that certification; and

Whereas, upon a review of LYNDA LASINI’s credentials, it has been determined that she has been actively pursuing her certification; and

Whereas, a review of Ms. LASINI’s credentials further 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. LYNDA LASINI be and is hereby appointed to the position of Interim Municipal Court Administrator for the Township of Rochelle Park.
2. The term of this appointment shall commence upon the adoption of this Resolution and shall continue for a period of one (1) year. In accordance with the provisions of State Law, LYNDA LASINI may, in consultation with the Municipal Court Judge, be reappointed as an Interim Municipal Court Administrator for two (2) subsequent one (1) year terms and may be considered for further reappointment pending receipt of Municipal Court Administrator certification.
3. The salary for this position shall be established pursuant to the provisions of the applicable Salary Ordinance which currently establishes the salary for this position in accordance with the salary ordinance.
4. The Township Administrator be and is hereby authorized and directed to take steps which may be necessary in order to facilitate and carry 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 LYNDA LASINI, Honorable Roy McGeady, J.M.C. and Ms. BRENDIS MONTIJO-WRIGLEY, Municipal Division Manager.

Attest: Virginia De Maria

Resolution #2009 - 75

A Resolution – Approving Transfers Within The 2008 Budget Appropriations

Whereas, there are certain appropriations which unexpended balances and certain accounts on which commitments to be entered into which possibly exceed the amount of the original 2008 appropriations; and

Whereas, under Title 40A:4-58 Revised Statutes of New Jersey permission is given to transfer from one budget account into another during the last two months of the fiscal year.

Resolution #2009 – 75 (cont.)

Now, therefore, be it resolved, that the Finance Officer, Michael Mariniello of the Township of Rochelle Park be and is hereby authorized and directed to transfer as follows:

<u>Inside CAP</u>			
20-1452	TO:	Revenue Admin O/E	\$ 5,000.00
20-1502	TO:	Tax Assess. Admin O/E	2,000.00
20-1652	TO:	Engineering Services O/E	5,500.00
21-1852	TO:	Zoning Board O/E	200.00
25-2522	TO:	Emergency Mgmt. O/E	<u>2,800.00</u>
Total			\$15,500.00

<u>Inside CAP</u>			
26-3052	FROM:	Solid Waste Collection	<u>\$ 15,500.00</u>
Total			\$15,500.00

Attest: Virginia De Maria

Resolution #2009 - 76

A Resolution – Emergency to the Temporary Budget #2

Whereas an emergency condition has arisen with respect to VARIOUS LINE ITEMS (see attached) and no adequate provisions have been made in the 2009 temporary budget for the purpose above mentioned, and

Whereas, the total emergency temporary resolution adopted in the year 2009 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, O.L. 1951 as amended) including this resolution total \$3,713,457.96.

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 \$1,171,000.

Inside CAP

20-1001	General Administration S/W	\$30,000.00
20-1002	General Administration O/E	5,000.00
20-1201	Municipal Clerk S/W	25,000.00
20-1202	Municipal Clerk O/E	5,000.00
20-1451	Revenue Admin. S/W	15,000.00
20-1501	Tax Assess. Admin. S/W	4,000.00
21-1801	Planning Board S/W	2,000.00
25-2401	Police S/W	800,000.00
26-2901	Streets & Roads S/W	100,000.00
26-3102	Buildings & Grounds O/E	20,000.00
31-4462	Utilities/Fuel Gas	50,000.00
36-4722	Social Security Taxes	50,000.00
43-4901	Municipal Court S/W	30,000.00
43-6901	Municipal Library S/W	25,000.00
43-6902	Municipal Library O/E	<u>10,000.00</u>
Total		\$1,171,000.00

Grand Total            \$1,171,000.00

The Clerk is authorized and directed to send certified copies of this resolution to the Division of Government Services.

Attest: Virginia De Maria

Resolution#2009 – 77

A Resolution – Next Parole Date – Joseph McGowan

Whereas, on April 19, 1973, Joan Angela D'Alessandro, a resident of Hillsdale, Bergen County, then 7 years old, was brutally assaulted and murdered by her neighbor, Joseph McGowan while delivering Girl Scout cookies; and

Whereas, Joseph McGowan, a former high school chemistry teacher, is currently incarcerated for the killing of Joan Angela D'Alessandro; and

Resolution #2009 – 77 (cont.)

Whereas, Joan Angela D'Alessandro's mother, Rosemarie D'Alessandro has worked effortlessly for 15 years to persuade the New Jersey Parole Board to keep Joseph McGowan behind bars; and

Whereas, Joseph McGowan has gone before the Parole Board of East Jersey State Prison many times already; and

Whereas, his release was denied in 1993, 1998, 2002 and 2008 the parole hearing found that Joseph McGowan was unwilling to take responsibility for murdering his neighbor; and

Whereas, Joseph McGowan has never shown any remorse for his crime and has made no substantial progress in addressing the issues that led him to murder Joan Angela D'Alessandro and has demonstrated a substantial risk for recidivism. Joseph McGowan has even been characterized as having the personality of a mass murderer; and

Whereas, Joan's family should not be made to relive this horrible crime every few years when there is a parole hearing. They continue to suffer unnecessarily on Joseph McGowan's account; and

Whereas, in addition to the efforts of Rosemarie D'Alessandro, the Township of Rochelle Park hereby supports the position that Joseph McGowan should not be granted another parole hearing for a minimum of thirty-five years. The rape and murder of an innocent child is a serious crime that demands justice; and the family of Joan Angela D'Alessandro should be given the peace of mind of knowing that their child's murderer will remain behind bars for another thirty five years before he can be eligible for parole.

Be it resolved that the Township of Rochelle Park hereby abides by the conclusion that the next eligible parole date of Joseph McGowan should not be for a minimum 35 years from now, otherwise this creates a grave injustice to the family of Joan Angela D'Alessandro as well as to society.

Be it further resolved that a copy of this resolution shall be sent to the New Jersey State Assembly, All Bergen County municipalities, the Bergen County Police Chiefs Association, the New Jersey PBA, the New Jersey State Senate, the Office of the Bergen County Prosecutor, and to Chairman Peter J. Barnes Jr. of the New Jersey State Parole Board.

Attest: Virginia De Maria

Resolution #2009 – 78

A Resolution Encouraging Amending Binding Arbitration Laws

Whereas, personnel and personnel related costs make up approximately 70%+ of municipal budgets; and

Whereas, municipalities are faced with the rising costs of health care and the mandated budget CAP enforced by the state; and

Whereas, binding interest arbitration has been a principal reason for the increase in public safety salaries and therefore correlates to increased salaries for all public employees; and

Whereas, binding interest arbitration often, if not always, significantly exceeds the annual CPI, which was 2.8% for 2008; and

Whereas, there is a strong connection between current binding arbitration awards and the overwhelming property tax burden on the residents of New Jersey; and

Whereas, an amendment of binding interest arbitration laws to mandate greater emphasis on the Municipalities ability to pay and the impact on the taxpaying public would help to level the playing field and lessen the impact upon residents; and

Now, therefore, be it resolved, that the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey hereby encourages the Legislature and the Governor to amend the current binding interest arbitration laws to provide municipalities with a fairer and more appropriate process;

Be it further resolved that a copy of this resolution shall be sent to Governor Jon Corzine, the legislators to the 37<sup>th</sup> District, Municipalities of Bergen and Passaic Counties and the New Jersey League of Municipalities.

Attest: Virginia De Maria

Resolution #2009 – 79

A Resolution Authorizing Award of Contract – Metro PCS – Cell Tower

Whereas, the Township of Rochelle Park previously authorized the solicitation of bids for co-location of cellular communications carrier on an existing tower; and

Whereas, its specifications were prepared for this Contract by the Township Attorney; and

Resolution #2009 – 79 (cont.)

Whereas, bids were scheduled to be received on February 24, 2009 at 11:00 a.m. at the municipal building located at 151 West Passaic Street, Rochelle Park, New Jersey; and

Whereas, in response to said bid solicitation, one bid was received from METRO PCS New York LLC; and

Whereas, pursuant to the bid specifications a minimum bid was established in the amount of \$2,000.00 per month (\$24,000.00 per year) for the first year of this five (5) year agreement with an annual increase in rent by 4%; and

Whereas, the bid submitted by METRO PCS New York LLC satisfied that minimum bid requirement; and

Whereas, the Township Attorney have reviewed the bid submitted by this bidder and has determined that it complies, in all substantive respects, with the bid specifications; and the requirements of New Jersey Law.

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 Contract for co-location of cellular communications carrier on an existing tower is hereby awarded to METRO PCS New York, LLC;
2. This award is in accordance with the bid submitted by METRO PCS New York, LLC on February 24, 2009;
3. The amount of payment by this successful bidder shall be \$2,000.00 per month for the first year of this five (5) year agreement with annual increases after the first year in the amount of 4% over the preceding year;
4. The Township Attorney is hereby authorized to prepare any and all documents, leases or contracts which may be necessary in order to effectuate 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 Township Attorney, METRO PCS New York, LLC, the Township Administrator and the Department of Public Works of the Township of Rochelle Park.

Attest: Virginia De Maria

Resolution #2009 – 80

A Resolution – Tax Appeal – 14 Howard Avenue

Whereas, Grossbard Family LP is the owner of property located at 14 Howard Avenue in the Township of Rochelle Park (Block 107.01, Lot 4); and

Whereas, said partnership filed a real property tax appeal for the year 2008; and

Whereas, upon review of this tax appeal by the Township Attorney, Real Estate Appraiser, Robert McNeerney and the Tax Assessor, Jaime Tighe, it was determined that it would be in the best interests of the Township to propose a small settlement of this tax appeal in order to avoid the expense of further litigation; and

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 tax appeal settlement in the matter of Grossbard Family LP vs Township of Rochelle Park (Docket No. 9083-2008) is hereby authorized;
2. Settlement shall provide for an amended tax assessment as follows:

Land	\$123,700.00
Improvements	138,200.00
Total	\$261,900.00
3. The Township Attorney is hereby authorized to execute a Stipulation of Settlement confirming the within approval.

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 Sitar Law Offices, LLC, 1481 Oak Tree Road, Iselin, New Jersey 08830, and to the Township Attorney and Tax Assessor.

Attest: Virginia De Maria

Resolution #2009 – 81

A Resolution Awarding Contract – En-Tech – Lining the Inverted Siphon

Whereas, on Wednesday, February 18, 2009 a request for lump sum proposals to clean and install a Cured in Place Liner in the existing sanitary sewer interceptor at the New Department of Public Works Garage was provided to En-Tech Corp., All State Power Vac and New Hope Pipe Liners; and

Whereas two proposals En-Tech Corp. and All State Power Vac were received; and

Resolution #2009 – 81 (cont.)

Whereas, the low quote for this lump sum proposal was En-Tech Corp., 304 Harrington Avenue, Closter, New Jersey 07624 with the lump sum amount of \$16,000.00 for a 12" diameter line of \$17,000.00 for a 15" diameter line; and

Whereas, upon review of the proposals, the Township Engineer has recommended that the contract be awarded to En-Tech Corp., 304 Harrington Avenue, Closter, New Jersey 07624; and

Now, therefore, be it resolved, by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey, that the contract for the Township of Rochelle Park be awarded En-Tech Corp., 304 Harrington Avenue, Closter, New Jersey 07624 for the lump sum proposal amount of \$16,000.00 for a 12" diameter line or \$17,000.00 for a 15" diameter line; and

Be it further resolved that the Chief Financial Officer has certified that the funds are available from the General Capital Fund in the amount not to exceed \$17,000.00.

Attest: Virginia De Maria

Resolution #2009 – 82

A Resolution – Change Order #1 – Mullingar - \$21,050.14 – Installation Additional Sanitary Sewer Manhole

Whereas, a Contract has been previously awarded to Mullingar, LLC of Ridgewood, New Jersey for the construction of the Department of Works Garage; and

Whereas, during the course of construction on a project of this scale and scope, it is often required that Change Orders be reviewed and approved due to unforeseen aspects of the project; and

Whereas, the contractor has now submitted Change Order No. 1 for an additional sanitary sewer manhole which was not foreseen at the time that the bid was submitted; and

Whereas, The Bilow Group, the Township Construction Supervisor and Architect has reviewed the within Change Order and has recommended its approval; and

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

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

1. Change Order No. 1 in the amount of \$21,050.14 be and is hereby approved;
2. As a result of the within Change Order, the total Contract price including this Change Order will be \$1,347,725.14;
3. The within Change Order does not exceed the maximum percentage of Change Orders permitted pursuant to the Local Public Contracts Law;
4. The Township Administrator is hereby authorized and directed to execute any approvals, Change Orders, vouchers or invoices which may be required in order to effectuate 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 Mullingar, LLC, 555 Goffle Road, Ridgewood, New Jersey, 07450, The Bilow Group Architects, the Township Administrator and the Township Attorney.

Attest: Virginia De Maria

Resolution #2009 – 83

A Resolution – Change Order #2 – Mullingar - \$6,105.98 – Installation of Soil Erosion and Sediment Control

Whereas, a Contract has been previously awarded to Mullingar, LLC of Ridgewood, New Jersey for the construction of the Department of Works Garage; and

Whereas, during the course of construction on a project of this scale and scope, it is often required that Change Orders be reviewed and approved due to unforeseen aspects of the project; and

Whereas, the contractor has now submitted Change Order No. 2 for soil erosion control which was not foreseen at the time that the bid was submitted; and

Whereas, The Bilow Group, the Township Construction Supervisor and Architect has reviewed the within Change Order and has recommended its approval; and

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

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

1. Change Order No. 2 in the amount of \$6,105.98 be and is hereby approved;

Resolution #2009 – 83 (cont.)

2. As a result of the within Change Order, the total Contract price including this Change Order will be \$1,353,831.13
3. The within Change Order does not exceed the maximum percentage of Change Orders permitted pursuant to the Local Public Contracts Law;
4. The Township Administrator is hereby authorized and directed to execute any approvals, Change Orders, vouchers or invoices which may be required in order to effectuate 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 Mullingar, LLC, 555 Goffle Road, Ridgewood, New Jersey, 07450, The Bilow Group Architects, the Township Administrator and the Township Attorney.

Attest: Virginia De Maria

Resolution #2009 – 84

A Resolution Awarding Contract to Soil Mechanics – DPW Garage Project

Whereas, the construction of the new Department of Public Works Building has commenced; and

Whereas, during the course of that construction the “Clerk of the Works” and Architect for the project, The Bilow Group Architects, have determined that additional special inspection services are required in connection with soil testing; and

Whereas, Soil Mechanics Drilling Corporation of Seaford, Long Island, New York is a company which engages in this specialized service; and

Whereas, by letter dated February 19, 2009 that this company made a proposal for the provision of these services on behalf of the Township and such proposal has been reviewed and approved by the Township Administrator as well as The Bilow Group; and

Whereas, the services to be performed by this company shall be based upon the per diem rate set forth in the proposal which is attached to this Resolution in a total amount not to exceed \$10,000.00 for these services; and

Whereas, this Contract may be awarded without the necessity of competitive bidding as the amount does not 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 as follows:

1. A Contract be and is hereby awarded to Soil Mechanics Drilling Corporation, 3770 Merrick Road, Seaford, L.I., New York, 11783 in accordance with their proposal dated February 19, 2009;
2. This Contract shall be in an amount not to exceed \$10,000.00;
3. This Contract is contingent upon certification by the Chief Financial Officer that sufficient funds exist for this purpose;
4. The Township Administrator is hereby authorized and directed to execute any and all invoices, vouchers or contracts which may be necessary to carry out the provisions of this Resolution upon review and recommendation by The Bilow Group.

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 Soil Mechanics Drilling Corporation, The Bilow Group Architects, the Township Attorney and the Township Administrator.

Attest: Virginia De Maria

Resolution #2009 – 85

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

Whereas, the Township Committee previously awarded a Contract for the 2006 Municipal Improvement Program to John Garcia Construction Company, Inc., Clifton, New Jersey; and

Whereas, this project has been ongoing and, during the course of the project, various changes to the original Contract price have become necessary due to unforeseen circumstances; and

Whereas, as a result of the foregoing, John Garcia Construction Company has submitted a request for Change Order No. 1 which results in a net decrease in the Contract price; and

Whereas, this Change Order provides for various extras as well as certain reductions as set forth on the attached Change Order request; and

Whereas, the Township Administrator and Township Engineer have reviewed and approved this request for Change Order.

Resolution #2009 – 85 (cont.)

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

1. Change Order No. 1 in connection with the 2006 Municipal Improvement Program be and is hereby approved;
2. The original Contract price of \$295,492.00 will be amended in accordance with this Change Order to reflect an adjusted Contract amount of \$287,769.85.
3. The Township Administrator is hereby authorized and directed to execute any and all documents which may be necessary in order to effectuate 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 John Garcia Construction Company, Inc., 183 Friar Lane, Clifton, New Jersey, 07013, the Township Engineer, the Township Administrator and the Township Attorney.

Attest: Virginia De Maria

Resolution #2009 – 86

A Resolution to Read Budget by Title Only at Public Hearing

Whereas, N.J.S.A. 40A:408 provides that the budget be read by title only at the time of the public hearing if 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 budget as advertised has been posted in the municipal building and copies have been made available by the clerk to persons requiring them; and

Whereas, these two conditions have been met;

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

Attest: Virginia De Maria

Resolution #2009 - 87

A Resolution – Authorizing Self-Examination of the Budget

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

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

Whereas, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Rochelle Park has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2009 budget year.

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

1. That with reference to the following items, the amount have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of appropriation are properly set forth

- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

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

Attest: Virginia De Maria

Resolution #2009 – 88

A Resolution – Introduction Ord. #1000-09 – ORDINANCE TO EXCEED THE 2009 MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK(N.J.S.A. 40A: 4-45.14)

Whereas, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

Whereas, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

Whereas, the Township Committee of the Township of Rochelle Park in the County of Bergen finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

Whereas, the Township Committee hereby determines that a 1% increase in the budget for said year, amounting to \$73,189.24 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

Whereas the Township Committee of the Township of Rochelle Park hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget, shall be retained as an exception to final appropriation in either of the next two succeeding years.

Now therefore be it ordained, by the Township Committee of the Township of Rochelle Park, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2009 budget year, the final appropriations of the Township of Rochelle Park shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$256,162.34, and that the CY 2009 municipal budget for the Township of Rochelle Park be approved and adopted in accordance with this ordinance; and,

Be it further ordained, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

Be it further ordained, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

Be it further ordained, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Attest: Virginia De Maris

Resolution #2009 – 89

A Resolution –Introduction of the 2009 Municipal Budget  
See Attached

Resolution #2009 – 90

A Resolution – Change Order #1 – Architect's Contract – DWP Garage Project

Whereas, The Bilow Group was previously awarded a Professional Services Contract for architectural services to be rendered in connection with the construction of the Department of Public Works garage facility; and

Whereas, during the course of construction it was determined that additional architectural services were required; and

Whereas, as a result of having made that determination, The Bilow Group has submitted a request for Change Order No. 1 which has been reviewed and approved by the Township Administrator; and

Whereas, the Chief Financial Officer for the Township of Rochelle Park has certified that sufficient funds exist for this purpose; and

Whereas, the amount of said Change Order is \$8,000.00 which will be added to the original Professional Services Contract price.

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

1. Change Order No. 1 to the Professional Services Contract for architectural services with The Bilow Group be and is hereby approved;
2. The amount of this Change Order shall be \$8,000.00 which shall be added to the original Contract price;
3. The award of this Contract is contingent upon certification by the Chief Financial Officer that sufficient funds exist for this purpose.

Now therefore be it further resolved that the Township Clerk be and she is hereby authorized and directed to forward certified copies of the within Resolution to The Bilow Group, the Township Attorney and the Chief Financial Officer for the Township of Rochelle Park.

Attest: Virginia De Maria

Resolution #2009 – 91

A Resolution – Authorizing Retirement Benefits – Gloria Cottrell

Whereas, Gloria Cottrell has been a faithful and loyal employee of the Township of Rochelle Park for over 18 years; and

Whereas, Gloria Cottrell has now advised the Township that she intends to retire from her employment with the Township of Rochelle Park and the Township Committee has accepted said retirement notice, with regret; and

Whereas, this employee has requested payment or compensation for unused vacation time for the calendar year 2009; and

Whereas, the Township Personnel Policy Ordinance provides for annual vacation leave for all employees who are not covered by a Collective Bargaining Contract or other employment contract; and

Whereas, Gloria Cottrell is not covered by any contract; and

Whereas, the Personnel Policy Ordinance is currently under review by the Township Committee and the Township Committee has considered a modification to the Vacation Leave Policy as it relates to employees who retire during the course of a year without using their vacation benefits; and

Whereas, the Township Committee has determined that, in this particular case and in view of the long service to the municipality, that Gloria Cottrell should be entitled to either take her unused 2009 vacation time or be compensated for the unused time.

Now, therefore, be it resolved, by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey that Gloria Cottrell be and is hereby granted her 2009 vacation time, in full, which may be either taken or, alternatively, she may be paid her per diem rate of pay for the unused vacation days for 2009.

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 Gloria Cottrell, the Personnel Department, the Township Committee, the Township Administrator and the Township Attorney.

Attest: Virginia De Maria

Resolution #2009 – 92

A Resolution – New Hope Pipe Liners

Whereas, the Township Committee previously authorized an emergency sewer repair on South Drive in Resolution No. 2007-124; and

Whereas, the repair authorized pursuant to the aforementioned Resolution was performed by New Hope Pipe Liners, LLC of Hackettstown, New Jersey; and

Resolution #2009 – 92 (cont.)

Whereas, at the time of the award neither the identity of the ultimate contractor nor the total cost was available to the Township Committee; and

Whereas, the Township Committee has now determined that a Resolution is required in order to verify the amount paid for the work performed pursuant to the emergency authorization.

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 payment in the amount of \$29,375.00 is hereby approved and ratified.
2. This payment has been made to New Hope Pipe Liners, LLC, 859 Willow Grove Street, Hackettstown, New Jersey, 07840 for the services performed in connection with the South Drive sanitary sewer emergency as the same was approved by Resolution No. 2007-124.

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 Hope Pipe Liners, LLC, and the Chief Financial Officer for the Township of Rochelle Park.

Attest: Virginia De Maria

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

The following Resolution was offered by Comm. Lotz and seconded by Comm. Kovalcik and reads:

Resolution #2009 – 90

A Resolution - Authorizing Release of Closed Session Minutes of March 18, 2009

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 March 18, 2009 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 – March 18, 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:

1. Building Department Reorganization - A presentation was made by the Construction Official / Building Inspector regarding potential changes in personnel within the Building Department and possible consolidation of that Department with the Borough of Maywood.
2. Litigation Report - The Township Attorney provided a report regarding various items in litigation including the suit filed against a prior employee for potential insurance fraud, litigation surrounding the main sanitary sewer station and the New York Prime liquor license litigation. The Township Attorney also notified the Township Committee that a letter had been received from a former employee in the Municipal Court to which the Township Attorney responded.

Attest: Virginia De Maria

Minutes of Public Meeting held March 25, 2009 con't

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

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

**Comm. Kovalcik** – Advised that he was currently in the planning stages of the Annual Kenneth J. Kovalcik Summerfest. He is working with Park Ave./BMW/Acura who are again generously sponsoring this event. The tentative scheduled date is Thursday, August 27<sup>th</sup>. He will provide more information as is becomes available.

**Comm. Scarpa** – no report

**Comm. Lotz** – In progress –The Emergency Standby Generator should be installed shortly. A temporary generator has been installed and the site has been cleaned up nicely – good job

DPW January Report – Most time spent painting buildings, secondly general work, thirdly sewer flushing – Total Hours 712

Police Department February Report – Motor Vehicle Accidents 48, Total Police Calls 1043, Total Summons Issued 308, Total Patrol Mileage 12,580, Total Arrests 11

Municipal Court January Report – 336

**Comm. Strohmeier** – Advised that Frank Bassillo has become a new library board member.

**Mayor Valenzuela** – Advised that Michael Kasmir has been appointed to the Planning Board as an alternate. The Mayor advised of a meeting Mayor Tim Eustace of Maywood regarding further investigations of shared services of the Building Departments between Maywood and Rochelle Park. Valenzuela feels there are many opportunities for both towns if we join together. He spoke regarding his displeasure regarding economic stimulus funding that the Saddle River Basin study only received \$500,000. Mayor Valenzuela reported that Assemblyman Gordon Johnson has been lobbying hard with Senator Menendez, Lautenberg and Garrett regarding the flooding problem in Rochelle Park. Mayor Valenzuela has drafted a letter to be sent to the above senators. Lastly the Mayor spoke regarding Comm. Lotz's decision not to seek re-election to the Township Committee. Mayor Valenzuela thanked Comm. Lotz for his hard work, service and dedication to the residents of Rochelle Park. He advised that possibly in the future Comm. Lotz will serve as Township historian.

**Comm. Lotz** thanked the Township Committee. He has enjoyed working with them and has made many friends in Rochelle Park. He thanked everyone for putting him back in office for the last 50 years. He thanked the Mayor and the Township Committee for their recognition.

**Administrator Mariniello** – Gave an update on the 2009 budget. Due to the guidelines of the State of New Jersey, we could have increased appropriations, we actually reduced appropriations from the prior year by \$8,000. He advised that we are below the allowable 4% state allowable CAP calculation by \$8,000. 2008 commercial property tax appeals have cost the Township \$21,000,000 of net tax valuations. The tax rate will be approximately 7.4% or \$185.00 to the average homeowner with a property valuation of \$250,000. Mariniello advised that this was only the introduction phase, the Township Committee will continue to meet to try and reduce the tax rate.

**Comm. Strohmeier** simplified the above explanation for the residents.

**Virginia De Maria** – Municipal Clerk – Advised that adoption of the 2009 budget was scheduled for Wednesday, May 20<sup>th</sup> at 7:30 PM.

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

No Comments from the Public

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

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

Respectfully submitted,

Virginia De Maria  
Municipal Clerk