



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

MINUTES – PUBLIC MEETING – April 18, 2012

Call to Order 7:40 PM

According to the Open Public Meetings Act, this meeting of April 18, 2012 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 5, 2012 and has remained continuously posted as the required notice under the Statute and is being taped. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

Roll Call: Comm. R. Davidson
 Comm. J. Ouellette
 Comm. J. Scarpa
 Comm. F. Valenzuela
 Mayor K. J. Kovalcik - Absent
 Honorees: walk in

Pledge of Allegiance was led by Police Capt. Robert Flannelly

Deputy Mayor Ouellette asked that everyone remain standing for a moment of silence remembering those in the military stationed overseas and honoring fallen Marine Corp. Staff Sgt. Joseph D’Augustine.

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

A motion was offered by Comm. Davidson and seconded by Comm. Valenzuela to approve the Minutes of the Public Meeting held March 21, 2012 and Special Meeting held March 23, 2012. Motion carried on a voice vote – all voting “Aye”.

At the Special Meeting held on March 23, 2012 the following resolution was offered by Comm. Valenzuela and seconded by Comm. Davidson. This resolution was approved unanimously on a voice vote – all present voting “Aye”.

Resolution:

Resolution #2012 – 96

Adoption Bond Ordinance #1049 – 12 – Various Public Improvements -
\$1,000,000

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, New Jersey, that an ordinance entitled **“BOND ORDINANCE TO AUTHORIZE THE RESURFACING OF HIGH STREET IN, BY AND FOR THE TOWNSHIP OF ROCHELLE PARK, IN THE COUNTY OF BERGEN, NEW JERSEY, TO APPROPRIATE THE SUM OF \$150,000 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

At the Work Session held April 11, 2012 the following hearing was held and the resolutions were adopted unanimously on a roll call vote – all present voting “Aye”:

Hearing on 2012 Budget Amendment

Resolution #2012 – 97

A Resolution Authorizing Self Examination of Budget

Minutes of the Public Meeting held April 18, 2012 cont.

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 2012 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 #2012 - 98 - Adoption of the 2012 Municipal Budget

Reports:

Health Department - March 2012
Municipal Court - March 2012
Attendance Report - March 2012
Building Department - March 2012

Swearing In – Police Chief Robert Flannelly

Comm. Davidson swore in Police Chief Flannelly while his children held the bible. Chief Flannelly thanked everyone for attending his swearing in, he was overwhelmed by the amount of support from colleagues and friends.

Comm. Scarpa recognized recently retired Police Chief Richard Zavinsky. He thanked him for his 43 years of service to the community and thanked him for his military service. Scarpa stated that it was a pleasure working with him. He wished him a happy 65th birthday and retirement.

Retired Chief Zavinsky stated that it was an important day for Bob Flannelly, the Police Department and the Township of Rochelle Park. Zavinsky stated that the Police

Minutes of the Public Meeting held April 18, 2012 cont.

Department, Fire Department and Ambulance Corp. along with the Military protect the communities and the nation. These people make the ultimate sacrifices. Zavinsky informed the audience the history of the Flannelly's participation in one or more of these organizations. He thanked Mrs. Adele Flannelly, Bob's mother, for her family's support. He feels Bob will do an excellent job as Police Chief and wished him well.

Comm. Valenzuela thanked former police Chief Zavinsky, and stated he was grateful for his service and hard work. Valenzuela stated that he felt that Chief Zavinsky was still needed as a member of the Planning Board.

A motion was offered by Comm. Valenzuela and seconded by Comm. Davidson appointing Richard Zavinsky as Chief Emeritus of the Rochelle Park Police Department thereby allowing him to continue as a member of the Planning Board for the Annual Salary of \$1.00. Motion carried on a roll call vote – all present voting "Aye". Valenzuela than thanked him for his service and wished him a happy retirement.

Comm. Davidson introduced two members of PBA 102, Tony Wieners and Keith Dunn who presented Chief Flannelly with a plaque thanking him for his past hard work, mutual cooperation and communication. They wished him well.

Comm. Davidson recognized the many dignitaries in the audience in honor of Robert Flannelly's promotion to Police Chief.

Chief Flannelly introduced his family to the audience.

Mayor Kovalcik entered the meeting

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

Resolution #2012 – 99

A Resolution – Payment of Bills – April 2012

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

Attest: Virginia De Maria

Resolution #2012 - 100

A Resolution – Appointing Camp Director – Joseph Mocera

Whereas, the Township of Rochelle Park, through the Recreation Department, runs a summer program for the children of the Township of Rochelle Park; and

Whereas, the Recreation Committee and the Township Committee have recommended the hiring of two adult co-directors in order to supervise the program for the coming summer; and

Whereas, the following individuals have expressed an interest in acting as co-directors of the program:

1. Joseph A. Mocera of Lincoln Park, N.J.

And

Whereas, the Township Administrator has reviewed the resumes of this individual, has conducted interviews, and has determined, based upon his investigation, that they are qualified and competent for this position; and

Whereas, the Township Administrator has recommended the hiring of this individual at the rate to be determined by the Township's Salary Ordinance.

Whereas, the Township Committee have also reviewed these applicants and have determined that he would both be an asset to the Township and the summer program.

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

1. Joseph A. Mocera of Lincoln Park is hereby hired as Directors of the Summer Day Camp in the Township of Rochelle Park.
2. This individuals shall be compensated at a rate to be determined by the Township's Salary Ordinance.
3. This appointment is contingent upon certification by the Chief Financial Officer that sufficient funds are available for this purpose.
4. Camp starts on 2012 and runs through 2012; attendance is expected on all dates.
5. Director's camp day hours are 8:30 AM to 1:30 PM.
6. Directors are expected to attend monthly Recreation meetings April through September.

Minutes of the Public Meeting held April 18, 2012 cont.

7. Camp set-up time, including phone calls, are capped at 20 hours per annum.

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 Joseph A. Mocera, 80 Stonyridge Drive, Lincoln Park, NJ 07035, the Recreation Committee of the Township of Rochelle Park and the Township Administrator.

Attest: Virginia De Maria

Resolution #2012 – 101

A Resolution – Endorsing Submission of Recycling Tonnage Grant Application

Whereas, the Mandatory Source separation and Recycling Act, P.L. 1987, c102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

Whereas, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

Whereas, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

Whereas, the recycling regulations impose on municipalities certain requirements as a condition to applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

Whereas, a resolution authorizing this municipality to apply for such tonnage grants 2011 memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

Whereas, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

Now, therefore, be it resolved by the Township Committee of the Township of Rochelle Park the Township of Rochelle Park hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Roland Jacobson to ensure that the application is properly filed; and

Be it further resolved that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Attest: Virginia De Maria

Resolution #2012 – 102

A Resolution – Authorizing Refund of Development Fee – Ultimate Force

Whereas, Section 185-143 of the Code of the Township of Rochelle Park authorizes the collection of development fees for certain development projects within the Municipality; and

Whereas, the aforesaid ordinance specifically exempts a property owner who is expanding an existing structure from payment of the fee unless the property owner is determined to be a “developer” in accordance with the aforesaid ordinance; and

Whereas, in 2007, Ultimate Force, LLC, owner of property located at 124 Essex Street, proposed a renovation of their existing commercial property and, at that time, the property owner was charged a development fee of \$8,000.00; and

Whereas, the property owner has requested a refund of the development fee on the basis that it should have been exempt from payment of same; and

Whereas, after a review of this matter by the Building Department and the Township Attorney, it has been determined that the development fee paid by the aforesaid property owner should be returned.

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 refund of the development fee paid by Ultimate Force, LLC in connection with the renovation of 124 Essex Street, Rochelle Park, New Jersey be and is hereby authorized.
2. The refund described above shall be in the amount of \$8,000.00 and shall be refunded from the Township’s Affordable Housing Trust Fund.

Minutes of the Public Meeting held April 18, 2012 cont.

3. Payment from the Affordable Housing Trust Fund is contingent upon confirmation by the Municipal Planner that refund from that fund is appropriate. If not appropriate, this refund shall be paid from general revenue. .

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 Joseph R. Torre, Esq., the Township Attorney, the Municipal Planner and the Rochelle Park Building Department.

Attest: Virginia De Maria

Resolution #2012 - 103

A Resolution – Opposing Freeholders Resolution #27-2012 Regarding Bridge Culverts

Whereas, Bergen County Freeholder Resolution 27-2012, dated January 18, 2012, clarifies and defines the Bergen County policy on the ownership, maintenance and repairs of bridge culverts in Bergen County and;

Whereas, Bergen County Resolution #27-2012 states that Bergen County's culvert bridge maintenance responsibilities are limited to bridge culverts on Bergen County roads regardless of any past practice of providing assistance, and

Whereas, N.J.S.A. 39:5-41 et seq requires municipalities to pay one-half of all fines, penalties and forfeitures imposed and collected under the authority of law by the municipal police department for any violations of R.S. 39:4-63 and R.S. 39:4-64 to the proper financial officer of the county to be used by the county as a fund for the construction, reconstruction, maintenance and repair of road and bridges; and

Whereas, although Bergen County has limited their responsibility for culvert bridge construction, repair and maintenance via Resolution 27-2012, Bergen County has not given up the payments municipalities are required to pay counties via N.J.S.A. 39:5-41; and

Whereas, in compliance with N.J.S.A. 39:5-41, the Township of Rochelle Park has paid to Bergen County

	2010	2011
--	------	------

Now therefore be it resolved that the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey opposed Resolution 27-2012 and urges the Bergen County Freeholders to rescind said resolution to relieve the Township of Rochelle Park from its responsibility under N.J.S.A. 39:5-41 to pay Bergen County one half of all fines, penalties and forfeitures imposed by the Township of Rochelle Park municipal Count for violations of R.S. 39:4-63 and R.S. 39:4-64.

Be it further resolved that the Municipal Clerk forward a copy of this resolution to Bergen County's sixty nine other Municipal Clerks for distribution to their Mayor and governing bodies.

Attest: Virginia De Maria

Resolution #2012 – 104

A Resolution – Requesting Review and Approval of a Revised Municipal Affordable Housing Trust Fund Spending Plan

Whereas, the Township Committee of the Township of Rochelle Park, Bergen County petitioned the Council on Affordable Housing (COAH) for substantive certification on December 29, 2008 for an updated Housing Element and Fair Share Plan (HE/FSP) dated November 20, 2008 in accordance with N.J.A.C. 5:96 and 5:97; and

Whereas, the Township of Rochelle Park adopted a Development Fee Ordinance on September 21, 2005 and did submit a draft Development Fee Ordinance to COAH on August 15, 2006 as a supplement to its initial Third Round HE/FSP dated November 30, 2005; and

Whereas, the Township of Rochelle Park did establish a separate Housing Trust Fund account in January 2006 and did submit Resolution No. 2008-165 adopted by the Township Committee on August 13, 2008 entitled "Authorizing Escrow Agreement" and did forward same to Lucy Vanderberg, Executive Director of the New Jersey Council on Affordable Housing on August 19, 2008; and

Whereas, the majority of the Housing Trust Fund balance is attributable to a deposit of a \$400,000 contribution from the Town & Country residential development (Block 61.01, Lot 1.01; Block 62, Lot 1) for the purpose of entering into a Regional Contribution Agreement (RCA) with the City of Garfield which was not perfected; and

Whereas, pursuant to the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (C. 52:14C-1 et seq.), the Governor abolished COAH and transferred all functions,

powers, and duties to the Commissioner of the Department of Community Affairs, effective August 29, 2011; and

Minutes of the Public Meeting held April 18, 2012 cont.

Whereas, as a result of the Reorganization Plan, No. 001-2011, the review formerly to be conducted by COAH is now conducted by the Department of Community Affairs' ("DCA" or "the Department"), Local Planning Services unit; and

Whereas, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and the aforementioned contribution by Town & Country to fund a 16 unit RCA program with the City of Garfield which was not implemented; and

Whereas, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from the Department prior to spending any of the funds in its housing trust fund; and

Whereas, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds, provided that the trust fund balance as of July 17, 2008 is committed for expenditure within four years of that date and that all development fees and any payments in lieu of construction are committed for expenditure within four years from the date of collection;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
9. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

Whereas, the Township of Rochelle Park has prepared an amended spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46 and in particular N.J.A.C. 5:97-8.11 to assign funding for the NJDCA Special Needs Housing Initiative.

Now therefore be it resolved that the Township Committee of the Township of Rochelle Park requests that DCA's Local Planning Services review and approve the Township of Rochelle Park's revised spending plan.

Attest: Virginia De Maria

Resolution #2012 – 105

A Resolution – Authorizing Tax Court Judgment Refund – Block 88, Lot 1

RESOLVED, by the Mayor and Council of the Township of Rochelle Park that the Tax Collector is hereby authorized to issue a check in the amount of \$2,067.71, payable to "Ferrone Realty, LLC" as a result of a Tax Court Judgment covering year 2010 dated February 17,¹ 2012, on property known as Block 88, Lot 1, 455 Rochelle Avenue.

be it further resolved, that the Township Clerk is hereby authorized to furnish copies of this Resolution to the following:

1. Chief Financial Officer
2. Tax Collector

Attest: Virginia De Maria

Resolution #2012 – 106

Opposing Senate Bills S1451 and S1452 – Open Public Meetings Act and Open Public Records Act

Minutes of the Public Meeting held April 18, 2012 cont.

Whereas, legislation has been introduced to reform and modernize both the Open Public Meetings Act (S-1451) and the Open Public Records Act (S-1452); and

Whereas, the Township Committee of the Township of Rochelle Park agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process; and

Whereas, the changes, however, proposed in S-1451 will not only be a cost driver for local and State government but make government less effective; and

Whereas, S-1451 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process, including the following:

- A new definition of subcommittees that expands subcommittees to be overly inclusive so that, for example, even research projects assigned to one member of a public body could be covered; and
- A requirement that all subcommittees meetings include notice of their meeting and the preparation of minutes, which would, amongst other things, necessitate additional administrative support for all meetings of subcommittees as well as increased legal advertising cost; and
- A new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, which will delay the award of contracts and could lead to the loss of grant monies; and
- A new requirement that the governing body may discuss, but not act upon, an item brought up by a citizen at a public meeting if it was not published as an agenda item, that not only runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it but is impractical, ineffective and unnecessarily inhibits the operations of municipal government; and
- A new requirement for advance notification of estimated start times for the public portion of the meeting and the portion of the meeting from which the public is to be excluded that is unworkable and disruptive; and
- A new requirement that recording of meetings become a part of the minutes that renders the recordings a permanent municipal record and is not only counter to the already-established records retention schedule of Division of Archive and Records Management for such records but which will be costly to preserve the records to ensure that they are permanent; and
- A new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text message and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and
- A new requirement that public bodies be permitted to exclude the public from discussion of personnel matters only with the written consent of the employee and potentially affected employees which will inhibit the public bodies’ ability to take necessary actions on personnel matters and could lead to costly litigation; and
- A new requirement that comprehensive minutes that must include each member’s stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 45 days after the meeting that will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

Whereas, the Township Committee of the Township of Rochelle Park agrees that government records should be readily accessible and transparent but there must be an appropriate balance between the need for openness and transparency in government and citizens’ reasonable expectation of privacy; and

Whereas, among the costly unfunded mandates and impractical new requirements of S-1452 are the follows:

- The expansion of the definition of government record to include records that are required by law to be made, maintained or kept on file by any public agency that will lead to a records custodian to be in violation of OPRA for the non-existence of a government record created before their tenure with the public body; and

Minutes of the Public Meeting held April 18, 2012 cont.

- The creation of a definition for “advisory, consultative or deliberative” material that may be contrary to the well-established definition in case law leading to costly litigation; and
- The expanding of the definition of government record to include electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting that is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text message, the records custodian does not always have access to the electronic communications and certain cell phone carriers will not provide this information without a subpoena; and
- The inclusion of a subjective definition for “reasonable” that may be contrary to the well-established definition in case law leading to costly litigation; and
- A new requirement that any video or audio recordings or public meetings should be available in unedited form will be in direct violation of the Open Public Meetings Act requirement that requires the redacting of discussions in closed session until the matter can legally be released; and
- A new requirement on how to handle redactions and special service fees is time consuming and costly, especially considering that the Government Records Council has already addressed these procedures in their Custodians’ Toolkit, which should be codified; and
- A provision that permits the records custodian to advise a requestor that a government record is readily available on the public agency’s website: however, the bill requires the records custodian to directly provide the records to the requestor if they do not have access to a computer but does not define what is meant by “access to a computer”; and
- A new costly requirement that when there is a special service charge the requestor must be provided, at no cost, an index generally describing the responsive government record to be provided and to the greatest extent possible the index shall include the name of each record or brief description of the record or general categories of records, a detailed breakdown of how the special charges were assessed and if records are exempt or redacted, the records custodian must provide a description of those records; and
- A provision that prohibits the assessment of a special service charge for requires for budgets, bill, vouchers, contract and public employee salaries and overtime unless the request is deemed voluminous, which is undefined and subjective; and

Whereas, the provisions of S-1451 and S-1452 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

Whereas, the totality of the new requirements of S-1451 and S-1452 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

Whereas, while the Township Committee of the Township of Rochelle Park strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1451 and S-1452 will make government inefficient;

Now, therefore, be it resolved, that the Township Committee of the Township of Rochelle Park, County of Bergen, and State of New Jersey for reasons stated above, does hereby oppose S-1451 and S-1452, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

Be it further resolved that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, the Legislators of the 38th District Senator Robert Gordon, Assemblyman Timothy Eustace, Assemblywoman Connie Wagner, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerk’s Association of New Jersey.

Attest: Virginia De Maria

Resolution #2012 – 107

A Resolution – Authorizing Release of Closed Session Minutes – April 11, 2012

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

Minutes of the Public Meeting held April 18, 2012 cont.

Whereas, pursuant to statute, the purpose of this Resolution is to disclose the information which was discussed in closed session on April 11, 2012 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 - April 11, 2012

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. Route 17 Development Project – The Township Engineer provided the Township Committee with a summary of recent developments in connection with the Route 17 development or expansion project proposed by the County of Bergen. The discussion included discussions regarding potential property acquisitions in order to accommodate this road project.
2. DPW Personnel – A discussion was conducted regarding proposal to hire an employee within the Department of Public Works.
3. DPW Garage – The Township Attorney provided an update regarding the status of the DPW garage project and the status of potential litigation against the contractor and/or bonding company.

Attest: Virginia De Maria

Resolution #2012 – 108

A Resolution - Authorizing Compliance with IRS Regulations To Qualify as Tax Exempt - \$1,430,000

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

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ROCHELLE PARK, IN THE COUNTY OF BERGEN, NEW JERSEY, DESIGNATING A \$1,430,000 BOND ANTICIPATIO NOTE, DATED DECEMBER 1, 2011 AND PAYABLE FEBRUARY 15, 2012, AS A “QUALIFIED TAX-EXEMPT OBLIGATION” PURSUANT TO TSECTION 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”), intends to issue a \$1,430,000 Bond Anticipation Note, dated December 1, 2011 and payable February 15, 2012 (the “Note”); and

Whereas, the Township desires to designate the Note as a “qualified tax-exempt obligation” pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (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 Note is hereby designated as a “qualified tax-exempt obligation” for the purpose of Section 265(b)(3) of the Code.

SECTION 2. It is hereby determined and stated that (1) the Note is not a “private activity bond” 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 2011.

Resolution #2012 – 108 cont.

SECTION 3. It is further determined and stated that the Township has, as of the date hereof, issued the following tax-exempt obligations (other than the Note) during the calendar year 2011, viz

Amount

Dated – Due

Minutes of the Public Meeting held April 18, 2012 cont.

\$6,598,000 BAN	6/24/11 – 2/15/12
105,000 SEN	6/24/11 – 2/15/12
555,000 SEN	12/1/11 – 2/15/12
95,000 EN	12/1/11 – 2/15/12

SECTION 4. 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, the Township does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 5. The issuing officers of the township are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2011 dated as of the date of delivery of the Note.

SECTION 6. This resolution shall take effect immediately upon its adoption.
The foregoing resolution was adopted by the following roll call vote:

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 roll call vote – all t voting “Aye”.

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

Comm. Scarpa – Municipal Court March Report – 437 Tickets – Fines Received \$49,000

Comm. Valenzuela – Fire Department March Report – 14 Calls; he thanked them for their hard work.

A motion was offered by Comm. Valenzuela and seconded by Comm. Scarpa to hire Angelo Castonovo to the Fire Prevention Department at an hourly rate of \$12.00 per hour. Motion carried on a roll call vote – all voting “Aye”.

A motion was offered by Comm. Valenzuela and seconded by Comm. Scarpa to appoint Paul Wanco, Ryan Thompson and Anthony Alexander as Regular Members of the Fire Department. Motion carried on a roll call vote – all voting “Aye”.

Comm. Ouellette – Advised that the Recreation Committee held a successful Easter Egg Hunt on Saturday, April 7th which was attended by three members of the Township Committee. She also advised the success of baseball and softball opening day held Saturday, April 14th.

Building Department March Report – 156 Permits, 51 Housing Inspections

Comm. Davidson – Stated that it was a busy week for the Police Department. This past Friday he had attended the graduation of the Hackensack Police Youth Academy. This is a group effort between Hackensack, South Hackensack, Maywood and Rochelle Park. There were 23 students from Midland School in attendance. Davidson also attended the DARE graduation at Midland school this morning, with 41 students in attendance. He thanked Police Officer Doug Arendacs for his continued hard work and efforts. He feels this is a worthwhile program benefiting the community. Davidson began the DARE program over 20 years ago.

Mayor Kovalcik – Ambulance Corp. March Report – 70-80 calls

Administrator De Maria – Advised that the specifications were complete and bidding would begin shortly regarding purchase of a new rig for the Ambulance Corp. Regarding the lighting situation at 50 Essex Street, the Township Engineer Ken Job has been monitoring this problem and stated that no parking lot lights would be turned on until he had a new “as built” lighting survey. De Maria advised that at the end of Chestnut Street property was damaged during a relining program. This information has been forwarded to the Engineer who will be in touch with the Contractor.

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

No comments from the public

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

Minutes of the Public Meeting held April 18, 2012 cont.

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

Respectfully submitted,

Virginia De Maria
Municipal Clerk