



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

**MINUTES – PUBLIC MEETING – August 15, 2012**

Call to Order 7:30 PM

According to the Open Public Meetings Act, this meeting of August 15, 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

Pledge of Allegiance was led by the Township Committee

Comm. Scarpa began the moment of silence by recognizing long time resident Jacqueline Rontani on her passing. Ms. Rontani was a long time member of the Senior Citizen Club. He expressed his sympathies to her family and continued the moment of silence remembering those in the military stationed overseas.

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

A motion was offered by Comm. Valenzuela and seconded by Comm. Davidson to approve the Minutes of the Public Meeting held July 18, 2012. Motion carried on roll call vote – all voting “Aye”.

At the Work Session held August 8, 2012 the following resolution was adopted unanimously on a roll call vote – all voting “Aye”

Resolution #2012-149

A Resolution Authorizing Award of Contract – Covino & Sons Construction Company – Repairs to Pistol Range Wall - \$20, 500

Whereas, a block wall located at the Police Pistol Range in the Department of Public Works yard collapsed as a result of a storm which occurred approximately one year ago; and

Whereas, the Township Committee has not taken steps to rebuild that wall until this time as a result of the delay in receiving federal funds associated with that project; and

Whereas, the Township Committee recently authorized the solicitation of quotations for rebuilding the block wall; and

Whereas, the Township Administrator solicited quotations for this project and received three quotations as follows:

- A.     Covino & Sons Construction Company of Rochelle Park, NJ  
       \$20,500.00
- B.     Max Adamo Construction Inc., Ridgefield, NJ  
       \$23,750.00
- C.     Available Busy Bee  
       \$24,250.00; and

Whereas, this Contract may be awarded without the necessity of competitive bidding since the amount of the Contract is below the applicable bid threshold; and

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

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.     A Contract be and is hereby awarded to Covino and Sons Construction

Resolution #2012 – 149 (cont.)

Company, 33 North Drive, Rochelle Park, New Jersey.

2. This Contract shall be in the amount of \$20,500.00 and shall be in accordance with the quotation submitted by Covino and Sons Construction dated June 1, 2012.
3. This award of Contract is contingent upon certification by the Chief Financial Officer of the Township of Rochelle Park that sufficient funds exist for this purpose.
4. This Contract may be awarded without the necessity of competitive bidding since the amount of the Contract does not exceed the applicable bid threshold.

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 Covino and Sons Construction Company, the Rochelle Park Police Department and the Chief Financial Officer for the Township of Rochelle Park.

Attest: Virginia De Maria

Reports:

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

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

Resolution #2012 – 150

A Resolution – Payment of Bills – August 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.(see attached)

Attest: Virginia De Maria

Resolution #2012 – 151

A Resolution – Opposing PSE&G Rate Increase to Subsidize Solar Programs

Whereas, PSE&G has sent notification that it has filed a petition with the Board of Public Utilities (BPU) requesting an increase to the PSE&G Electric and Gas RGGI Recovery Charges;

Whereas, the reasons for this increase in part include the Solar Generation Investment Program (Solar 4 All) and Solar Loan II Program; and

Whereas, in 2011, without notice or opinion from the residents, solar panels were installed on main roads and neighborhood streets; and

Whereas, in certain areas there are a large number of solar panels in a row that they are quite unsightly and cumbersome; and

Whereas, these solar panels were installed throughout New Jersey by PSE&G without thought to the aesthetic or quality of life effects on residents; and

Whereas, on its website, PSE&G states in its Solar 4 All program description that “Every one of the panels placed in service generates value from the sale of its electricity and capacity into the wholesale electric grid, the solar renewable energy certificates (SRECs) that it generates and the federal investment tax credits PSE&G attracts. PSE&G monetizes this value *and the dollars are returned to customers by offsetting the overall cost of the program*”; and

Whereas, the Township of Rochelle Park finds it disingenuous that now PSE&G will raise the rates of its residents to subsidize the cost of installing those same solar panels that are supposed to, by their own admission, bring monetized value to their customers; and

Whereas, the Solar Loan program brochure states that “PSE&G will provide approximately \$247 million to finance the installation of solar power system” for commercial, industrial, not-for-profit and governmental customers as well as residential customers as well as residential customers; and

Whereas, the Township of Rochelle Park finds it abhorrent that PSE&G is expecting its residential customers to finance a loan program for its business customers;

Now, therefore be it resolved, that the Township Committee of the Township of Rochelle Park appeal to the Board of Public Utilities to not grant an increase to PSE&G that will be borne on the backs of our taxpayers who are already overburdened trying to make ends meet; and

Resolution #2012 – 151 (cont.)

Be it further resolved that the Borough Clerk is hereby directed to distribute copies of this resolution to the Board of Public Utilities; Senator Robert Gordon; Assemblyman Timothy Eustace; Assemblywoman Connie Wager; Governor Christie; the New Jersey League of Municipalities; and all municipalities in Bergen County.

Attest: Virginia De Maria

Resolution #2012 – 152

A Resolution – Appointing Community Development Representatives – July 2012 – June 2013

Be it resolved, by the Township Committee of the Township of Rochelle Park, County of Bergen, New Jersey, that Joseph Scarpa, Committee Member of the Township of Rochelle Park residing at 28 East Forest Place, Rochelle Park, is hereby appointed the Community Development Representative for the Township of Rochelle Park effective July 1, 2012 through June 30, 2013; and

Be it further resolved, that Virginia De Maria of 175 Rochelle Ave., Rochelle Park is appointed as Alternate Representative serving the same term.

Attest: Virginia De Maria

Resolution #2012 –153

A Resolution – Authorizing Lien Redemption #2009-07 – Block 107.03 Lot 7

Whereas, Roy Riggitano, Tax Collector, has advised that payment was received in the amount of \$11,472.01 from Financial Freedom Bank to redeem TTL # 2009-07 and

Whereas, Township of Rochelle Park, 151 W. Passaic St., Rochelle Park, New Jersey 07662

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, that the following Municipal Lien be hereby cancelled.

Attest: Virginia De Maria

Resolution #2012 - 154

A Resolution – Authorizing Professional Services Contract – Banisch Associates, Inc.

Whereas, the Township Engineer has recommended retaining a licensed professional planner in order to review the Zoning Maps for the Township and making any necessary corrections; and

Whereas, the Township Attorney has also recommended that Banisch Associates, Inc., the Township's Planner, be authorized to conduct such a review in an effort to correct any issues, mistakes or inconsistencies in the Zoning Map; and

Whereas, Chuck McGroarty is a licensed professional planner with Banisch Associates, Inc. who has performed services on behalf of the Township in the past and has provided a quotation for performing these services in an amount not to exceed \$1,200.00; and

Whereas, this Contract may be awarded without the necessity of competitive bidding since it provides for professional services and the amount of the Contract is also less than the applicable bid threshold:

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

1. A Contract with Chuck McGroarty of Banisch Associates, Inc. be and is hereby authorized.
2. This Contract shall be in an amount not to exceed \$1,200.00 and shall be in accordance with the quotation provided by Banisch Associates, Inc. dated August 8, 2012.
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 Banisch Associates, Inc., the Rochelle Park Township Engineer and the Township Attorney.

Attest: Virginia De Maria

Resolution #2012 –155

A Resolution – Introduction Ord. #1052-12 – Amended Salary Ordinance 2012

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, New Jersey, that an ordinance entitled “**TO AMEND ORDINANCE TO PROVIDE FOR AND DETERMINE THE SALARY OR RATE OF COMPENSATION OF VARIOUS MUNICIPAL EMPLOYEES OF THE TOWNSHIP OF ROCHELLE PARK AND TO ESTABLISH A METHOD OF PAYMENT OF SUCH COMPENSATION FOR THE YEAR 2012**” be and it is hereby introduced and passed on first reading August 15, 2012 and that said ordinance be further considered for final passage at a meeting to be held on September 19, 2012 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 #2012 – 156

A Resolution – Authorizing Heating and Air Conditioning Service Contract – Climate Plus

Whereas, it is necessary to maintain a service agreement for the heating and air conditioning systems located in the following municipal buildings:

- (a) Municipal Building located at 151 West Passaic Street;
- (b) Fire Department
- (c) Department of Public Works
- (d) Ambulance Corps
- (e) Recreation Center; and

Whereas, Climate Plus of Wyckoff, New Jersey has provided those services to the Township previously and the Township Administrator has recommended the award of a new agreement with that company for providing these services; and

Whereas, competitive bidding is not required since the amount of the Contract does not exceed the applicable bid threshold; and

Whereas, the Township Administrator has received a quotation from Climate Plus of Wyckoff, New Jersey for providing these services in the amount of \$3,300.00 as confirmed by the proposal attached to this Resolution; and

Whereas, the Chief Financial Officer of the Township of Rochelle Park has confirmed 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. A Contract with Climate Plus of Wyckoff, New Jersey be and is hereby authorized.
2. This Contract shall be in an amount not to exceed \$3,300.00 and shall be in accordance with the quotation attached to this Resolution.
3. The Township Administrator is hereby authorized and directed to execute any 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 Climate Plus and all applicable department heads and the Township Attorney.

Attest: Virginia De Maria

Resolution #2012 – 157

A Resolution – Authorizing Shared Services Agreement with the County of Bergen for ADA Cooperative Engineering Design Grant Program

Whereas, the Township of Rochelle Park is required to comply with Federal and State Right-of-Way Accessibility Guidelines which include, at a minimum, depressed curb cuts and other physical improvements; and

Whereas, the County of Bergen has implemented a program under which Bergen County will share in the cost of such improvements with local municipalities as such improvements relate to County roads; and

Whereas, the Township Committee has reviewed the program and has determined that it would be in the best interests of the municipality to enter into such a Cooperative Agreement with the County of Bergen in order to attempt to

Resolution #2012 – 157 (cont.)

reduce the cost to the municipality for compliance with the aforementioned Federal and State guidelines:

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 Shared Services Agreement with the County of Bergen in connection with the ADA Cooperative Engineering Design Grant Program be and is hereby authorized.
2. Township Administrator is authorized to execute, on behalf of the municipality, the agreements with Bergen County dated May 16, 2012 in order to implement the provisions of the program and this Resolution.

Now therefore be it further resolved by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey that the Township Clerk be and she is hereby authorized and directed to forward certified copies of the within Resolution to the Township Engineer, the Bergen County Board of Chosen Freeholders and the Township Attorney.

Attest: Virginia De Maria

Resolution #2012 – 158

A Resolution – Authorizing Shared Services Agreement with the County of Bergen for ADA Cooperative Curb Ramp Construction Grant Program

Whereas, the Township of Rochelle Park is required to comply with Federal and State Right-of-Way Accessibility Guidelines which include, at a minimum, depressed curb cuts and other physical improvements; and

Whereas, the County of Bergen has implemented a program under which Bergen County will share in the cost of such improvements with local municipalities as such improvements relate to County roads; and

Whereas, the Township Committee has reviewed the program and has determined that it would be in the best interests of the municipality to enter into such a Cooperative Agreement with the County of Bergen in order to attempt to reduce the cost to the municipality for compliance with the aforementioned Federal and State guidelines:

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 Shared Services Agreement with the County of Bergen in connection with the ADA Cooperative Curb Ramp Construction Grant Program be and is hereby authorized.
2. Township Administrator is authorized to execute, on behalf of the municipality, the agreements with Bergen County dated May 16, 2012 in order to implement the provisions of the program and this Resolution.

Now therefore be it further resolved by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey that the Township Clerk be and she is hereby authorized and directed to forward certified copies of the within Resolution to the Township Engineer, the Bergen County Board of Chosen Freeholders and the Township Attorney.

Attest: Virginia De Maria

Resolution #2012 – 159

A Resolution – Authorizing Release of Closed Session Minutes – August 8, 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

Whereas, pursuant to statute, the purpose of this Resolution is to disclose the information which was discussed in closed session on August 8, 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

Resolution #2012 – 159 (cont.)

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

Attest: Virginia De Maria

CLOSED SESSION MINUTES - August 8, 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. Shared Services – The Township Committee conducted a discussion with representatives from Maywood concerning possible shared services agreements which impact upon personnel and public safety.
2. Court Personnel – The Township Attorney received a presentation from the Municipal Court Judge and Municipal Court Administrator concerning personnel issues within their department.
3. Professional Salaries – A discussion was conducted regarding the salary structure for the Township Attorney in accordance with recent amendments to the law, he may no longer be provided with medical benefits and has been removed from the New Jersey Pension system.
4. Township Administrator Position - Discussions were continued regarding the position of Township Administrator and the three remaining candidates were discussed.
5. Litigation – The Township Attorney provided an update regarding pending litigation and potential litigation matters including the Dilullo-Vogel matter, Northern Park, LLC and the DPW garage construction project.

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

Committee/Administrator’s/Attorney Reports

Comm. Scarpa – No Report Given

Comm. Valenzuela – Advised that he had attempted to attend the Freeholder Flooding Advisory Commission meeting scheduled for August to find out it had been cancelled. Valenzuela noticed the Freeholders indicating the need to stay in contact with representatives of Rochelle Park regarding these meetings. He will attend next month’s meeting and advised resident Ms. Sandy Ross of same.

Comm. Ouellette - advised that Summer Camp had ended. It was a successful season. She also advised that Judy Sands, Library Director would be retiring as of December 31<sup>st</sup>, 2012.

Comm. Davidson – No Report Given

Administrator De Maria – Advised that a recent resolution was passed regarding a new phone system for the municipal building. Inadvertently the warranty price was not included in the previously adopted resolution.

A motion was offered by Comm. Scarpa and seconded by Comm. Davidson to amend resolution #2012-146 including the warranty price of \$3,922.10. Motion carried on a roll call vote – all voting “Aye”.

She then advised the Township Committee that two years ago JFA Productions (Ken Del Vecchio) had filmed a movie utilizing the court room. He has again requested use of the courtroom for filming. Comm. Valenzuela asked Ms. De Maria to obtain a copy of the first movie. The Township Committee had no objections to Mr. Del Vecchio’s request as long as fees were paid and the police closely monitored the situation.

Mayor Kovalcik – Reminded everyone that Tuesday, August 21<sup>st</sup> was the date for the Eighth Annual Summerfest Concert featuring the Inferno’s. The band will begin at 7:30. The concert is sponsored by Park Avenue Acura/BMW. Kovalcik wished for a good turn out and good weather.

Minutes of the Public Meeting held August 15, 2012 cont.

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

No comments were made

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

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

Closed Session:

Court Personnel

Resolution #CS-8 2012

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 on August 15, 2012 on 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, Municipal Clerk

Minutes of the Public Meeting held August 15, 2012 cont.

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

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