



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

MINUTES – PUBLIC MEETING – December 19, 2012

Call to Order 7:38 PM

According to the Open Public Meetings Act, this meeting of December 19, 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. M. Kazimir
 Comm. J. Ouellette
 Comm. J. Scarpa
 Comm. F. Valenzuela
 Mayor K. J. Kovalcik

Pledge of Allegiance was led by Peter Donatello

Mayor Kovalcik asked that everyone remain standing for a moment of silence remembering those in Newtown, CT.

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

A motion was offered by Comm. Ouellette and seconded by Comm. Scarpa to approve the Minutes of the Public Meeting held November 19, 2012. Motion carried on a voice vote – “Ayes” Ouellette, Kovalcik, Scarpa, Valenzuela Abstain - Kazimir

Reports:

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

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

Resolution #2012 –206

A Resolution – Payment of Bills – December 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 – 207

A Resolution – Cheerleading Program Refund - \$1,440.00

Whereas, funds were received from attached residents who were to enroll in the 2012 cheerleading program and;

Whereas, the Chief Financial Officer has deposited funds dedicated for the cheerleading program identified as Account 13-3400-0023 and;

Whereas, the Township did not have the cheerleading program for 2012 and a refund is due to attached participants and;

Now therefore be it resolved, that the Chief Financial Officer and Accounts Payable Clerk are hereby authorized to refund from Account 13-3400-0023 24 participants at \$60.00 for a total of \$1,440.00

Attest: Virginia De Maria

Resolution #2012 – 208

A Resolution – Supporting A2921/S1900 Restoring CMPTRA And ETR Aid

Whereas, in 2009, 2010 and 2011, municipalities experienced reductions in their Consolidated Municipal Property Tax Relief Aid (CMPTRA) and Energy Tax Receipts Property Tax Relief Aid (ETR); and

Whereas, A2921/S1900 would restore CMPTRA And ETR Aid over a five-year period beginning in Fiscal Year 2013 so that by Fiscal Year 2017 and each fiscal year thereafter the fully restored amount would be distributed to municipalities; and

Whereas, the total amount of aid to be restored would be in addition to the total amount of CMPTEA and ETR aid distributed to each municipality in Fiscal Year 2012; and

Whereas, the legislation also extends the existing ETR “poison pill” protection to ensure that each municipality received an aid amount not less than the combined payment of CPTEA and ETR aid to municipalities in Fiscal Year 2012 and the additional aid distributed under the bill; and

Whereas, CMPRA and ETR Aid are used to offset the amount of money a municipality needs to raise by taxes; and

Whereas, funding for CMPTRA and ETR Aid is diverted from municipalities to begin with an rightly belongs to the taxpayers of the State; and

Whereas, the Assembly and Senate passed the legislation in June 2012; and

Whereas, on July 30, 2012, Governor Christie vetoed A2921;S1900; and

Whereas, the Senate and Assembly have the opportunity to do the right thing and override the Governor’s veto of A2921/S1900;

Now, therefore, be it resolved, that the Township Committee of the Township of Rochelle Park hereby support A2921/S1900 to restore CMPTR and ETR Aid to municipalities, and request that the Assembly and Senate members who voted no or abstained on the original vote to reconsider their position; and

Be it further resolved that copies of this resolution be forwarded to the Clerks of the Senate and the Assembly for distribution to the members; Governor Christie; the New Jersey League of Municipalities; and the clerks of every municipality in New Jersey.

Attest: Virginia De Maria

Resolution #2012 – 209

A Resolution – Authorizing Contract for Groundwater Sampling – Rochelle Park DPW Garage – AccuTech

Whereas, an environmental remediation has been ongoing in connection with the Rochelle Park DPW garage property for several years; and

Whereas, as part of that remediation, a periodic groundwater sampling is required; and

Whereas, AccuTech Environmental Services, Inc. has provided that groundwater sampling in the past and the Township is now required to conduct an additional sampling of groundwater to determine if there has been any change since the last test; and

Whereas, Accu Tech Environmental Services, Inc. has provided a proposal dated December 7, 2012 for conducting these samples for a total cost of \$5,250.00

Now, therefore, be it resolved by the Township Committee of the Township of Rochelle Park, County of Bergen and State of New Jersey that a contract be and is hereby authorized with AccuTech Environmental Services, Inc. in accordance with their proposal dated December 7, 2012 for additional groundwater sampling in connection with the Rochelle Park DPW Garage; and

Be it further resolved that the cost authorized for this contract shall be in an amount not to exceed \$5,250.00; and

Be it further resolved that the Township Administrator be and he is hereby authorized and directed to execute any documents which may be necessary 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 AccuTech Environmental Services, Inc. and the Rochelle Park Department of Public Works.

Attest: Virginia De Maria

Resolution #2012 – 210

A Resolution – Amending Resolution No. 2012 – 24 entitled “Meeting Dates”
2012

Be it resolved by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey that Resolution No. 2012 – 24 entitled “Meeting Dates” is hereby amended as follows:

Reorganization Meeting was scheduled for Wednesday, January 2, 2013 – 7:30 PM.

Is rescheduled to:

Reorganization Meeting – Sunday, January 6, 2013 – 12:00 Noon

Formal action may or may not be taken at the rescheduled meetings.

The Clerk is directed to publish this resolution and post on the Municipal Bulletin Board.

Attest: Virginia De Maria

Resolution#2012 - 211

A Resolution – Authorizing Appointment of Temporary Interim Part-Time Library Director – Phyllis Palley

Whereas, JUDITH SANDS, director of the Rochelle Park Library will be retiring as of December 31st, 2012; and

Whereas, the Township Committee has reviewed the needs of the Rochelle Park Library and has determined that it is necessary to appoint an interim library director until such time as a determination is made regarding the personnel needs of the Rochelle Park Library; and

Whereas, PHYLLIS T. PALLEY, has served as library director in numerous municipalities and possesses extraordinary credentials and experience in the field; and

Whereas, the Township Committee has determined that it would be in the best interest of the Township to appoint Phyllis T. Palley as interim library director, on a part time basis.

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. Phyllis T. Palley of River Vale, New Jersey be and is hereby appointed interim Library Director for the Rochelle Park Library.
2. This appointment shall be on a part time basis and shall commence immediately upon adoption of this resolution.
3. Phyllis T. Palley will be compensated at the rate of \$50.00 per hour up to a maximum annual total of \$17,000.00.

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 Phyllis T. Palley of River Vale, New Jersey, the Personnel Department for the Township of Rochelle Park, the Rochelle Park Library Board and the Bergen County Cooperative Library System

Attest: Virginia De Maria

Resolution #2012 – 212

A Resolution – Authorizing Update of Tax Maps – Not To Exceed \$12,000 – Job & Job Engineering

WHEREAS, the Township of Rochelle Park must undertake a Revaluation of the municipality and;

WHEREAS, under current State of New Jersey Statutes, prior to proceeding with said Revaluation, the Township of Rochelle Park Tax Maps must be approved by the State Division of Taxation, and;

WHEREAS, prior to submittal to the Division of Taxation, the Tax Maps must be revised and updated to reflect “current” conditions in the Township and comply with the applicable provisions of the State’s “Tax Map Regulations and Standards”;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Rochelle Park that the Township Engineer be and is authorized to proceed with the updating/revising of the Township’s Tax Maps in accordance with their proposal dated January 3, 2008 for a cost not to exceed \$12,000.00 with all work to be invoiced by voucher at their current contract hourly rates with the municipality.

Attest: Virginia De Maria

Resolution #2012 – 213

A Resolution – Tax Court Judgment Refund – 241 W. Passaic Street

Resolved, by the Township Committee of the Township of Rochelle Park that the Tax Collector is hereby authorized to issue a check in the amount of \$5,908.99, payable to “Michael I. Schneck, Esq.” as a result of a Tax Court Judgment covering the year 2010, 2011 and 2012 dated September 28, 2012, on property known as Block 81.01 / Lots 1, 241 W. Passaic St., Rochelle Park, NJ 07662.

Be it further resolved, that the Borough 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 –214

A Resolution – Approving Transfers within the 2012 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 2012 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.

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

	Account #	Appropriation From:	Appropriation To:
Boro of Paramus Recycling	44-1012-089	\$ 30,000.00	
Boro of Paramus - Sanitation	44-1013-001	\$100,000.00	
Police S & W	25-2401-031	\$ 67,800.00	
Utilities Fuel Gas	31-4462	\$ 20,072.59	
Municipal Clerk O & E	20-1202-006		\$ 7,000.00
Financial Admin. O & E	20-1302-006		\$ 16,000.00
Revenue Admin. O & E	20-1452-006		\$ 4,000.00
Legal S & W	20-1551-069		\$ 6,500.00
Emergency Mgmt. S & W	25-2521-069		\$ 300.00
Emergency Mgmt. O & E	25-2522-048		\$ 3,000.00
Code Enforcement S & W	31-1951-069		\$ 2,500.00
Utilities Street Lights	31-4302-002		\$ 40,000.00
Utilities Gasoline	31-4602-001		\$ 10,000.00
Payment of Bonds	45-9202-079		\$108,500.00
Tax Assessment S & W	20-1501		\$ 85.50
Planning Board S & W	21-1801		\$ 80.01
Fire Prevention O & E	25-2652		\$ 5,000.00
Solid Waste Collection	26-3052		\$ 100.00
Code Enforcement S & W	31-1951		\$ 2,807.08
Reserve for Tax Appeals	43-5051		\$ 12,000.00
		\$217,872.59	\$217,872.59

Attest: Virginia De Maria

Resolution #2012 – 215

A Resolution – Authorizing Contract for Professional Services – Appraisal Systems, Inc.

Whereas, Appraisal Systems, Inc. has been authorized to prepare appraisal reports in order to assist in the defense of real property tax appeals; and

Whereas, the Township Attorney has recommended the preparation of an appraisal report in connection in connection with the following matter:

Rochelle Park, LLC -vs- Township of Rochelle Park

Block 33 Lot 1.01

Property Address: Route 17 & Woodland

Whereas, the Township Committee has determined that it will be necessary in order to authorize the preparation of such report in connection with this matter

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. Contract is hereby authorized with Appraisal Systems, Inc. of Glen Rock, New Jersey for the preparation of an appraisal report and assistance in connection with the defense of the above referenced real property tax appeal. .
2. The fee for the report shall be in an amount not to exceed \$4,000.00 together with \$100.00 per hour for attendance at conferences and Court appearances.
3. The award of this contract is contingent upon certification by the Chief Financial Officer of the Township of Rochelle Park 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 Appraisal Systems, Inc., the Township Attorney and the office of the Chief Financial Officer for the Township of Rochelle Park.

Attest: Virginia De Maria

Resolution #2012 – 216

A Resolution – A Resolution – Authorizing Release of Closed Session Minutes – December 12, 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 December 12, 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 - December 12, 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. **DPW Negotiations** – The Township Administrator provided the Township Committee with an status report in connection with the negotiations with the Department of Public Works employees and reported that Contract is close to resolution.
2. **Fire Department** – The Township Attorney provided a summary of the status of disciplinary charges against a member of the Fire Department. If the matter is not resolved internally, a hearing will be conducted before the Township Committee in accordance with the provisions of the township code.
3. **OPRA Litigation** – The Township Clerk and Township Attorney discussed the procedure for compliance with the Open Public Records Act. Recently, certain requests have been made pursuant to the provisions of the Open Public Records Act but one department within the Township has had difficulty complying with the requirements of the act.

4. **Litigation/Potential Litigation** - The Township Attorney provided a status report regarding the DPW garage as well as litigation commenced by Allied Outdoor Advertising which involves an appeal of the Zoning Board decision as well as a challenge to the Township's billboard ordinance.
5. **Library Personnel** - The Township Committee discussed the personnel needs in the Rochelle Park Library and conducted an interview with a consultant regarding those personnel needs. The Township Committee decided, at that time, to retain the services of the consultants as an interim part time library director.

Attest: Virginia De Maria

Resolution #2012 – 217

A Resolution – Authorizing Retirement Benefits – Judith Sands

Whereas, JUDITH SANDS has been a longtime employee of the Township of Rochelle Park; and

Whereas, JUDITH SANDS 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 years 2012; 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, JUDITH SANDS 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 JUDITH SANDS should be entitled to either take her unused 2012 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 and State of New Jersey that JUDITH SANDS be and is hereby granted her 2012 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 2012.

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 Judith Sands, the Personnel Department, the Township Committee, the Township Administrator and the Township Attorney.

Attest: Virginia De Maria

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

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

Resolution #2012 – 218

A Resolution – Hearing & Adoption - Ord. #1052 – 12 – Amending 2012 Salary Ordinance

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 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. Valenzuela and seconded by Comm. Scarpa to open the hearing to the public. Motion carried on a voice vote – all voting “Aye”.

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

A motion was offered by Comm. Scarpa and seconded by Comm. Ouellette to adopt the above resolution. Motion carried on a roll call – all voting “Aye”.

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

Comm. Scarpa – Wished everyone a Merry Christmas and Happy new Year. He reminded everyone to attend the Annual Reorganization Meeting being held on Sunday, January 6th, 2013.

Comm. Valenzuela – Presented a letter from the Fire Department regarding the collaboration of support helping other communities affected by Super Storm Sandy. He stated that Rochelle Park was fortunate as we only suffered downed tree and short power outages. He advised that Rochelle Park was able to assist local communities such as Hackensack, Moonachie and Carlstadt. He thanked the Fire Department for their hard work and stated that it was a pleasure serving as their commission the past seven years. Valenzuela spoke about the tragedy in Newtown, CT, as this was a heart wrenching event. He is proud that Rochelle Park Police Department and OEM continue to hold drills in connection with Midland School as a preventative measure. He would like to discuss a police presence near the school and possibly address this issue when budget talks commence in 2013. He wished everyone a Merry Christmas and Happy New Year. Comm. Kazimir – Advised that the Planning Board as recommendations for the Township Committee’s review regarding re-development. He also spoke regarding a dinner held for Responders from Hurricane Sandy hosted by County Executive Kathy Donovan. In attendance was Pete Donatello, OEM Coordinator; Sal Antista, Deputy OEM Coordinator and Patty Donatello – CERT Captain. Kazimir thanked them for their efforts. He wished everyone a Merry Christmas and Happy New Year.

Comm. Ouellette – Advised that the library would be closing for renovations beginning, Saturday, December 22nd through Monday, January 7th. She wished everyone Merry Christmas and Happy Holidays. Enjoy time with families. She also looks forward to serving the residents of Rochelle Park another three years.

Mayor Kovalcik – Wished everyone a Merry Christmas, Happy New Year and enjoy time spent with families. He asked that people remember those less fortunate.

Administrator Davidson – Stated that he appreciates serving the residents of Rochelle Park and wished everyone a Merry Christmas and Happy New Year.

Attorney Rotolo – Echoed the sentiments above, and wished everyone a Happy Holiday Season.

Municipal Clerk – De Maria – Wished everyone a Merry Christmas and asked that everyone keep the people from Newtown close during this Holiday season.

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

Diane Verhasselt - 40 Forest Place – Asked why the Fire Prevention vehicle is at an inspectors home 24-7. She also advised that the car is never ticketed for overnight parking. Comm. Valenzuela and Administrator Davidson will look into this issue for clarification. Ms. Verhasselt then addressed a previous comment made by Comm. Ouellette regarding Midland school being a separate entity from the Township. She suggested when the Township utilized the school building or it’s property, the Township pay a fee to the school. This fee could then cover snow plowing costs. Mayor Kovalcik stated that this issue would be discussed with Board of Education members in the future.

Comm. Scarpa stated that the Township Committee has a good working relationship with the Board of Education and administrative members of Midland School contrary to what Mrs. Verhasselt stated.

Lorraine Moran – 105 Parkway – She addressed the Township Committee regarding the issue of two hour parking on Parkway, put in place due to the nursing home staff. She was unhappy as visitors to her home received parking tickets in the amount of \$65.00

each. She suggested possibly parking stickers. Mayor Kovalcik stated that the Ordinance should be revisited and possibly changed to better serve the residents.

Pete Dontallo – OEM Coordinator – Thanked the Township Committee for recognizing himself, Deputy OEM Coordinator Sal Antista and CERT Captain Patty Donatello and sending them to the dinner hosted by Bergen County Executive Kathy Donovan. He thanked the administrator for his consideration and also Comm. Kazimir for attending the dinner last Thursday.

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

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

Closed Session

Professional Appointments

Resolution #CS-12B 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 December 19, 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 or 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

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

Minutes of the Public Meeting held December 19, 2012 cont.

Respectfully submitted,

Virginia De Maria
Municipal Clerk