



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

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

Call to Order 7:36 PM

According to the Open Public Meetings Act, this meeting of February 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 - Absent  
                  Comm. F. Valenzuela  
                  Mayor K. J. Kovalcik

Pledge of Allegiance was led by Captain Roland Jacobsen

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

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

A motion was offered by Comm. Valenzuela and seconded by Comm. Ouellette to approve the minutes of the Public Meeting held January 21, 2012 and Budget Meeting held February 1, 2012. Motion carried on a voice vote – all present voting “Aye”.

Presentation by Police Department:

Civilian Award – Christopher Maher

Police Chief Richard Zavinsky recognized Christopher Maher and young man who through his keen observations helped the Police apprehend two criminals in possession of stolen property. Chief Zavinsky along with Mayor Kovalcik, Police Commission Davidson and members of the Police Department applauded Mr. Maher for his assistance. Mr. Maher hopes to have a career in law enforcement in the future. Chief Zavinsky wished him luck in the future.

Reports:

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

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

Resolution #2012 – 54

A Resolution – Payment of Bills – February 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 - 55

A Resolution – Raffle License – Knights of Columbus Council #2842 – Casino Night

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, State of New Jersey, that the application for Raffle License #420-

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

12 as presented by the **K of C Council #2842 ID#427-6-35240** requesting permission to conduct a Casino Night on March 31, 2012 be approved and the requested license be issued.

Attest: Virginia De Maria

Resolution #2012 - 56

A Resolution – Raffle License – Knights of Columbus Council #2842 – Bingo

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, State of New Jersey, that the application for Bingo License #420-12 as presented by the **K of C Council #2842 SACRED HEART ID#427-6-35240** requesting permission to conduct Bingo on March 30, 2012 be approved and the requested license be issued.

Attest: Virginia De Maria

Resolution #2012 – 57

A Resolution – Authorizing Entering into Agreement Central Bergen Mutual Fire Aid Association

Be it resolved, that the Township Committee of the Township of Rochelle Park that an agreement be entered into with the Boroughs of Paramus, River Edge, Saddle Brook, Elmwood Park, Fair Lawn, Glen Rock and Maywood for the purpose of establishing a Mutual Aid Agreement to supply equipment and manpower to each other in case of any fire where outside assistance is needed; and

Be it further resolved that the Township Committee be and they are authorized to execute on behalf of the Borough of River Edge a Central Bergen Mutual Fire Aid Agreement between the Boroughs of Paramus, River Edge, Saddle Brook, Elmwood Park, Fair Lawn, Glen Rock and Maywood, effective January 1, 2012.

Attest: Virginia De Maria

Resolution #2012 – 58

A Resolution – Authorizing Professional Services – Appraisal Systems

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:

Mack Cali Realty, LP –vs- Township of Rochelle Park

Block 103.01 Lot 1.02

Property Address: 365 West Passaic Street; and

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 – 59

A Resolution – Authorizing Preparation of Bid Specifications – 2012 Road Program

Whereas, the Township Committee has determined that the need exists for various road improvements within the Township; and

Whereas, in order to proceed with those improvements, specifications must be prepared for the competitive bidding process; and

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

Whereas, the Township committee has determined that the Township Engineer should prepare those specifications.

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

1. The Township Engineer, Kenneth Job, be and is hereby authorized and directed to prepare specifications in connection with the 2012 Road Program for the Township of Rochelle Park.
2. This contract may be awarded without the necessity of competitive bidding since it provides for a contract for professional services.
3. The fees associated with this project shall not exceed \$20,550.00
4. 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 the Township Engineer, the Township Attorney and the office of the Chief Financial Officer for the Township of Rochelle Park.

Attest: Virginia De Maria

Resolution #2012 - 60

A Resolution – Introduction Ordinance #1046-12 - Police Promotion Standards

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, New Jersey, that an ordinance entitled “**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF ROCHELLE PARK AND, SPECIFICALLY, TO ADD A SECTION ENTITLED “PROMOTIONAL STANDARDS”**” be and it is hereby introduced and passed on first reading February 15, 2012 and that said ordinance be further considered for final passage at a meeting to be held on March 21, 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 - 61

A Resolution – Introduction Ordinance #1047-12 - Policies & Procedures

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, New Jersey, that an ordinance entitled “**AN ORDINANCE TO AMEND CHAPTER 27 OF THE CODE OF THE TOWNSHIP OF ROCHELLE PARK ENTITLED “PERSONNEL”**” be and it is hereby introduced and passed on first reading February 15, 2012 and that said ordinance be further considered for final passage at a meeting to be held on March 21, 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 – 62

A Resolution – Introduction Ordinance #1048-12 – Maximum Penalty

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, New Jersey, that an ordinance entitled “**AN ORDINANCE TO AMEND SECTION 1-15 OF THE CODE OF THE TOWNSHIP OF ROCHELLE PARK ENTITLED “MAXIMUM PENALTY”**” be and it is hereby introduced and passed on first reading February 15, 2012 and that said ordinance be further considered for final passage at a meeting to be held on March 21, 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

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

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 – 63

A Resolution – Authorizing Payment Pursuant to the Municipal Services Act – Reimbursement Windsor Court

Whereas, pursuant to the provisions of New Jersey State Law, all municipalities in the State of New Jersey are obligated to either provide solid waste collection and disposal services for condominium properties or to reimburse those properties for all or a portion of the costs associated with private services; and

Whereas, the Windsor Court Condominium is a condominium residence located at 175 Rochelle Avenue; and

Whereas, a request has been made by the management company of this condominium project for reimbursement of a portion of the cost of those services; and

Whereas, the Township has determined that it would be necessary and appropriate to apply the same formula for reimbursement as has been applied to other similar projects within the Township; and

Whereas, the calculation has now been completed for 2011

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

1. The total reimbursement pursuant to the Municipal Services Act for 2011 shall be \$5,164.00.
2. The same calculation shall be utilized for all subsequent years
3. Payment of this amount is contingent upon certification, by the Chief Financial Officer, that sufficient funds exist for this purpose.

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

Attest: Virginia De Maria

Resolution #2012 – 64

A Resolution – Authorizing Payment Pursuant to the Municipal Services Act – Reimbursement 241 Passaic Associates, LLC

Whereas, pursuant to Resolution No. 2008-39, a settlement was reached and a reimbursement agreement was entered into with 241 Passaic Associates, LLC which provided for reimbursement of certain expenses under the Municipal Services Act; and

Whereas, the settlement agreement provided, *inter alia*, for reimbursement based upon the Township's total annual dumping fees divided by the number of residential properties within the Municipality times the number of units at this property (40); and

Whereas, the Township Administrator and Township Attorney have now performed the necessary calculations for the calendar year 2011 reimbursements;

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 reimbursement for Municipal Services be and is hereby authorized to 241 Passaic Street Associates, LLC.
2. The amount of this payment, for 2011, shall be \$2,582.00 which has been calculated pursuant to the formula set forth in the aforementioned settlement resolution and reimbursement agreement
3. The Township Administrator is hereby authorized and directed to take any steps which may be necessary in order to disburse the above payment to the property owner in furtherance of the terms of this resolution.

Now therefore be it further resolved that the township clerk be and she is hereby authorized and directed to forward certified copies of the within Resolution to the Township Attorney, 241 Passaic Street, LLC and the Chief Financial Officer for the Township of Rochelle Park

Attest: Virginia De Maria

Resolution #2012 –65

A Resolution – Authorizing Retirement Payments – Chief Richard Zavinsky

Whereas, CHIEF RICHARD ZAVINSKY has been employed in the Police Department of the Township of Rochelle Park since April 1, 1969; and

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

Whereas, CHIEF ZAVINSKY has advised the Township that he intends to retire effective April 1, 2012; and

Whereas, as a result of his retirement, CHIEF ZAVINSKY is entitled to certain payments and benefits pursuant to his contract with the Municipality, the collective bargaining agreement between the police union and the Township as well as past practice; and

Whereas, the Township Committee desires to formalize and approve the payments to Chief Zavinsky to which he is entitled.

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

1. The Township acknowledges certain financial obligations to Chief Zavinsky upon his retirement.
2. The payments to which Chief Zavinsky is entitled are as set forth in the attached agreement which is specifically incorporated herein and made a part of this resolution..
3. The Mayor and Township Clerk be and are hereby authorized and directed to execute the attached agreement on behalf of the Township.
4. This Agreement is contingent upon confirmation, 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 Chief Richard Zavinsky, the Chief Financial Officer , the Township Attorney and the Personnel Department of the Township of Rochelle Park.

Attest: Virginia De Maria

Resolution #2012 – 66

A Resolution – Introducing Ordinance #1045-12 – Background Checks – Zoning & Planning Boards

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, New Jersey, that an ordinance entitled **“AN ORDINANCE TO AMEND CHAPTER 185 OF THE CODE OF THE TOWNSHIP OF ROCHELLE PARK AND, SPECIFICALLY, TO ADD SECTION 185-4 ENTITLED “CRIMINAL BACKGROUND CHECKS FOR MEMBERS OF ZONING BOARD OF ADJUSTMENT AND PLANNING BOARD”** be and it is hereby introduced and passed on first reading February 15, 2012 and that said ordinance be further considered for final passage at a meeting to be held on March 21, 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 – 67

A Resolution – Authorizing Refund – GJA Enterprises – 163 C Central Avenue

Whereas, escrow and current fund application fees were received and Deposited on behalf of GJA Enterprises and;

Whereas, Block 24.02 Lot 34 known as 163 C Central Avenue has paid an Escrow fee in the amount of \$450.00 and;

Whereas, GJA Enterprises has withdrawn said application and;

Now therefore be it resolved, that a check in the amount of \$200.00 from Current Account “Refund” and \$250.00 from Escrow Fund to total \$450.00 “GJA Enterprises, located at 163 C Central Avenue, Rochelle Park, NJ 07662.

Attest: Virginia De Maria

Resolution #2012 – 68

A Resolution – Authorizing Refund – 160 Howard Avenue

Whereas, Block 107.10 Lot 21 known as 160 Howard Avenue has overpaid its Taxes and;

Whereas, The Township of Rochelle Park Tax Collector, Roy Riggitano, has authorized a check in the amount of \$3,395.08;

Now therefore be it resolved, that a check in the amount of \$3,395.08 payable to “Wells Fargo Real Estate Tax Services, LLC” from the Rochelle Park Current Account.

Attest: Virginia De Maria

Resolution #2012 – 69

A Resolution – Authorizing Lien Redemption #2008-0002 170 Central Avenue

Whereas, Roy Riggitano, Tax Collector, has advised that payment was received in the amount of \$37,231.87 from attorney William R. Postman to redeem TTL # 2008-0002 and

Whereas, US Bank Custodian For LienLogic Fund I, LLC, located at 50<sup>th</sup> South 16<sup>th</sup> Street ,Suite 1950, Philadelphia, PA 19102-2513

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, that the following checks be issued to US Bank Custodian For LienLogic Fund I, LLC, in the amount of \$37,231.87 from current and \$1,200.00 from trust premium account for a total redemption of \$38,431.87.

Attest: Virginia De Maria

Resolution #2012 – 70

A Resolution – Raffle License – River Dell Junior Football Association

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, State of New Jersey, that the application for Raffle **License #422-12** as presented by the **RIVER DELL JUNIOR FOOTBALL ASSOCIATION ID#423-5-37253** requesting permission to conduct **TEXAS HOLD’EM TOURNAMENT** on **APRIL 20, 2012** be approved and the requested license be issued.

Attest: Virginia De Maria

Resolution #2012 – 72

A Resolution – Authorizing Release of Closed Session Minutes – February 8, 2012

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, New Jersey, that an ordinance entitled **“ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)”** 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. Davidson and seconded by Comm. Valenzuela to adopt the Consent Agenda. Motion carried on a roll call vote – all present voting “Aye”.

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

Resolution #2012 - 71

A Resolution – Introduction 2012 Budget

See attached

Chief Financial Officer Roy Riggitano explained that as the budget currently stands, it is at a 3 point increase which translates to approximately \$105 per household for homes assessed at \$330,000. The township employees will not see lay offs or furloughs. Mr. Riggitano thanked the Township Committee on their hard work preparing this budget.

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

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

Resolution #2012 - 72

A Resolution – Hearing & Adoption COLA Ordinance - #1044-12 – Exceed Municipal Budget Appropriation Limits and to Establish A CAP Bank

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, New Jersey, that an ordinance entitled **“ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)”** 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. Davidson to open the hearing to the public. Motion carried on a voice vote – all present voting “Aye”.

No comments from the public

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

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

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

Comm. Davidson – Thanked the Police Department for their continued efforts. He advised that this past month several arrests were made for car and home burglaries. They are doing an outstanding job keeping the community safe. He also thanked the Ambulance Corp. for taking care of the residents of the Township.

#### Comm. Ouellette – No Report

#### Comm. Valenzuela – Fire Department January Report – 12 Calls

Valenzuela thanked the Fire Department for their continued volunteerism. He then informed the resident of a meeting with himself, Administrator De Maria, Comm. Davidson and Administrator/Clerk Lo Dico and Mayor Chamberlain of Saddle Brook to discuss possible shared services. He will continue to look for ways to save the Township money utilizing shared service agreements between local municipalities.

#### Mayor Kovalcik – Ambulance Department January Report – 70 Calls

Kovalcik thanked Capt. Roland Jacobsen, Ben Varghese and Steven Cassiello for an excellent job. The Ambulance Corp. continues to work well with neighboring communities. The Mayor read a letter from Fire Chief Al Carroll thanked Capt. Jacobsen for accommodating the Fire Department in their CPR recertification efforts. Kovalcik advised the results of the Township’s recent bond sale, he advised that they had received an interest rate of 2% which coincides with the Township A credit rating. This reinforces that financially the Township is fiscally responsible and conservative.

Administration De Maria – Reminded everyone that the municipal offices would be closed on Monday, Presidents Day. She advised that the Township had received \$9,000 from FEMA and was looking forward to another payment of \$224,000 which is still under review. She asked the Committee to call a special meeting to introduce the Bond Ordinance. The Township Committee agreed to a special meeting to determine the date shortly.

Comm. Valenzuela – advised that the School Board had decided to move the School Board Election to November.

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

No members of the public spoke

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

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

Respectfully submitted,

Virginia De Maria  
Municipal Clerk