



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

MINUTES- PUBLIC MEETING – December 17, 2014

Call to Order at 7:37 PM

According to the Open Public Meetings Act, this meeting of December 17, 2014 was advertised in the notice sent to the “Our Town”, posted on the bulletin board in the Municipal Building on January 8, 2014 and on the Township’s web-site 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. Kazimir
 Comm. Kovalcik
 Comm. Ouellette
 Comm. Scarpa
 Mayor Valenzuela

Pledge of Allegiance was led by all attending past Township Mayors in attendance

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

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

A motion was offered by Comm. Ouellette and seconded by Comm. Kovalcik to approve the minutes of the Public Meeting November 12, 2014. Motion carried on a voice vote – all voting “Aye”.

Reports:
 Health Department - November 2014
 Building Department - November 2014
 Municipal Court - October 2014

Presentations were made to the following:
Robert Cannici, Jay Kovalcik, Richard LoCasio, Wilbur Lotz, Carl Oliveri, James Pallouras, Robert Salvini, Joseph Scarpa, Phyllis Strohmeyer.

Mayor Valenzuela stated this was the year of the volunteer in Rochelle Park. He advised that tonight the Township Committee would be honoring past Township Mayors. He commented that being a Mayor is not an easy job, elected officials want to do what is best for their community. Mayor Valenzuela commented that it was an honor and a privilege to have these past Mayors in attendance. He presented each Mayor with a Certificate of Appreciation and a pin from the New Jersey League of Municipalities.

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

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Resolution #2014 – 205

A Resolution – Payment of Bills – December 2014

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: Elizabeth Kroll

Resolution #2014 – 206

A Resolution - Authorizing Raffle License #448 - 14 Knights of C
Columbus – Bingo

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 #448-14 as presented by the K of C COUNCIL #2842 Sacred Heart #170 ID#427-06-35240 requesting permission to conduct Bingo Games on 1/23/2015 and 3/6/15 be approved and the requested license be issued.

Attest: Elizabeth Kroll

Resolution #2014 – 207

A Resolution - Authorizing Transfers - 2014 Budget

Whereas, N.J.S.A.40A:4-19 provides that where contracts, commitments or payments are to be made prior to the adoption of the 2015 Budget, temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided, and

Whereas, said total temporary appropriations are limited to 26.25% of the total appropriations in the 2014 Budget exclusive of any appropriations made for debt service, capital improvement fund in the said 2013 Budget.

Now therefore, be it resolved, by the Township Committee of the Township of Rochelle Park, that the following appropriations be effective January 1, 2015, be made and a certified copy of this resolution be transmitted to the Borough Chief Financial Officer for his records.

Attest: Elizabeth Kroll

Resolution #2014 – 208

A Resolution - Endorsement of Community Development Project - Senior
Citizen Activities

Whereas, a Bergen County Community Development grant of \$5,000.00 has been proposed by the Township Committee for Senior Citizens Activities in the Township of Rochelle Park, and

Whereas, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

Whereas, the aforesaid project is in the best interest of the people of the Township of Rochelle Park, and

Whereas, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

Now, therefore be it resolved that the Governing Body of the Township of Rochelle Park hereby confirms endorsement of the aforesaid project, and

Be it further resolved, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

Attest: Elizabeth Kroll

Resolution #2014 – 209

A Resolution - Authorizing Appointing a Community Development
Representative

Be it resolved, by the Township Committee of the Township of Rochelle Park, County of Bergen, New Jersey, that Robert Davidson, Administrator of the Township of Rochelle Park residing at 86 Lexington Avenue, Rochelle Park, is hereby appointed the Community Development Representative for the Township of Rochelle Park effective July 1, 2014 through June 30, 2015; and

Be it further resolved, that Elizabeth Kroll, 2 E. Forest Place, Rochelle Park is appointed as Alternate Representative serving the same term.

Attest: Elizabeth Kroll

Resolution #2014 – 210

A Resolution - Authorizing Settlement of Real Property Tax Appeal-Ratan Park, LLC.

Whereas, Real Property Tax Appeals have been filed as follows:

Property Owner:	Ratan R. Park, LLC
Address:	385 W. Passaic Street
Lot:	1.01 Block 103.01
Address:	375 W. Passaic Street
Lot:	2 Block 103.01
Docket Nos:	005483-2009, 005723-2010, 006430-2011, 006457-2012, 002231-2013, 004031-2014

and

Whereas, these Tax Appeals have been reviewed with the Tax Assessor, Township Attorney and Appraisal Expert who have concurred that a fair settlement, as detailed on the attached Stipulation of Settlement, has been reached; and

Whereas, the proposed settlement reflects consideration of all factors, including, without being limited to, the cost and expense of defending these appeals and securing Appraisal Reports; and

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

1. The settlement of the Real Property Tax Appeals described in the preamble of this resolution is hereby authorized.
2. The terms of the settlement are as set forth on the attached Stipulation of Settlement which is specifically incorporated herein.
3. The Township Attorney is authorized to execute the attached Stipulation of Settlement on behalf of the Township of Rochelle Park.
4. Any refunds due and owing as a result of the settlement of the Tax Appeal shall be forwarded to Counsel for the Plaintiff and made payable to the attorney trust account of the Plaintiff's attorney.

Now therefore be it further resolved that the Township Clerk be and he is hereby authorized and directed to forward certified copies of the within Resolution to the Township Attorney, the Tax Assessor of the Township of Rochelle Park and Robert McNerney of McNerney & Associates.

Attest: Elizabeth Kroll

Resolution #2014 – 211

A Resolution - Authorizing Settlement of Real Property Tax Appeal-Ani Holdings

Whereas, Ani Holdings, inc, is the owner of property located at 178 Rt. 17 North in the Township of Rochelle Park (Block 43.02 Lot 1.01); and

Whereas, the aforesaid property owner has filed real property tax appeals for the tax years 2010, 2011, 2012, 2013 and 2014; and

Whereas, the Township attorney in consultation with the Tax Assessor and the expert Real Estate Appraiser retained by the Township have entered into extensive negotiations with regard to these tax appeals; and

Whereas, in addition, the Township's expert, Robert McNerney has prepared a full trial ready appraisal report in connection with these appeals; and

Whereas, after a review of the reports, documents and after numerous court appearances and settlement conferences, the Township Attorney, Tax Assessor and expert real estate appraiser have recommended a settlement of the within tax appeals; and

Whereas, the Township Committee has determined that it would be in the best interest of the Municipality to settle the Tax Appeals on the following 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. A settlement of the 2010 real property tax appeal (docket 009248-2010) is hereby approved on the following basis:

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land:	\$1,620,000.00	\$ 1,620,000.00
Improvements:	<u>310,600.00</u>	<u>310,600.00</u>
Total:	\$1,930,600.00	\$ 1,930,600.00

2. A settlement of the 2011 real property tax appeal (docket no.009328-2011) is hereby approved on the following basis:

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land:	\$1,620,000.00	\$1,620,000.00
Improvements:	<u>310,600.00</u>	<u>310,600.00</u>
Total:	\$1,930,600.00	\$ 1,930,600.00

3. A settlement of the 2012 real property tax appeal (docket no. 007458-2012) is hereby approved on the following basis:

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land:	\$1,620,000.00	\$ 1,450,000.00
Improvements:	<u>310,600.00</u>	<u>150,000.00</u>
Total:	\$1,930,600.00	\$ 1,600,000.00

4. A settlement of the 2013 real property tax appeal (docket no. 007178-2013) is hereby approved on the following basis:

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land:	\$1,620,000.00	\$ 1,450,000.00
Improvements:	<u>310,600.00</u>	<u>150,000.00</u>
Total:	\$1,930,600.00	\$ 1,600,000.00

5. A settlement of the 2014 real property tax appeal (docket no. 005000-2014) is hereby approved on the following basis:

	<u>Original Assessment</u>	<u>Requested Tax Court Judgment</u>
Land:	\$1,620,000.00	\$ 1,450,000.00
Improvements:	<u>310,600.00</u>	<u>150,000.00</u>
Total:	\$1,930,600.00	\$ 1,600,000.00

Whereas, be it further resolved that statutory interest due on any refund shall be waived provided that the refund is paid within 60 days of date of judgment; and

Whereas, be it further resolved that all refunds due as a result of the settlement set forth in this resolution shall be made payable to: WINNE, BANTA, HETHERINGTON, BASRALIAN & KAHN, PC, attorneys for ANI HOLDINGS, INC.

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

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the Township Attorney, Township Tax Assessor and the Law Firm of Winne, Banta, Hetherington, Basralian & Kahn, PC.

Attest: Elizabeth Kroll

Resolution #2014 – 213

A Resolution - Authorizing Release of Closed Session Minutes - December 10, 2014

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 10, 2014 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.

CLOSED SESSION MINUTES - December 10, 2014

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. Police Negotiations – The Township Administrator, Township Attorney and Township Auditor discussed the current status of negotiations with the Rochelle Park Police Union and recommendations were received from the Township Auditor regarding the Contract.
2. Northern Park - The Township Attorney provided a brief summary of the status of finalizing the litigation with Northern Park.
3. Potential/Pending Litigation – The Township Attorney provided a report regarding Westfield Garden State Plaza, the Zoning Board of Adjustment and Buonanno litigation which includes Elmwood Park.

Attest: Elizabeth Kroll

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

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

Resolution #2014 – 212

A Resolution - Hearing & Adoption Ord. #1080 - 14 - Bond Ordinance - Handicapped Accessible Municipal Building

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 UNDERTAKING OF HANDICAPPED ACCESSIBLE IMPROVEMENT TO THE MUNICIPAL BUILDING IN, BY AND FOR THE TOWNSHIP OF ROCHELLE PARK, IN THE COUNTY OF BERGEN, NEW JERSEY, TO APPROPRIATE THE SUM OF \$90,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO APPROPRIATE A FEDERAL 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: Elizabeth Kroll

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

No members of the public spoke

A motion was offered by Comm. Scarpa and seconded by Comm. Ouellette 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. Kovalcik to adopt the above resolution. Motion carried on a roll call vote – Motion carried on a roll call vote – all “Ayes” Kazimir, Kovalcik, Ouellette, Scarpa, Valenzuela

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

Comm. Kovalcik - Thanked Mayor Valenzuela for honoring past Mayors. He wished everyone Happy Holidays.

Comm. Scarpa - He commended Mayor Valenzuela for tonight’s presentation and stated the last time all of the Mayors were together was for the Townships 125th Anniversary. He commented that he served with all of the former Mayors except past Mayor Pallouras. He stated that being an elected official takes time and dedication to the Township and without such volunteers communities couldn’t thrive. He wished everyone a Merry Christmas, Happy Hanukkah and a Happy New Year.

Comm. Ouellette - Wished everyone a Happy Holiday season.

Comm. Kazimir - Stated that the Summer Camp Program was a huge success and the Recreation Committee is looking forward to a successful 2015 season. This past summer approximately 163 children were registered for summer camp. He thanked Administrator Davidson for his efforts in making sure the improvement project at Carlock Field was completed in a timely manner. He advised that the Rochelle Park Fire Department currently has 40 adult members and 2 junior members, they have responded to 196 calls in 2014. He advised that there was a meeting held, prior to tonight’s Committee meeting, for residents in the proposed redevelopment area. The Township is hoping to attract new development in the downtown area, located on Rochelle Avenue between Central Avenue and Railroad Avenue. Addressing the library issue, he advised that he had attended the BCCLS meeting on December 15th and a new deadline of January 15th has been given to the Township allowing them to come up with a new proposal or to comply with BCCLS bylaws. Comm. Kazimir stated it was great to see all the familiar faces of past Mayors. He wished everyone a Happy Holiday season.

Mayor Valenzuela - Thanked Comm. Kazimir for his efforts in spear heading the re-development plan and for his dedication to keeping the library open. He also thanked the Township Committee for their support as it not always easy being in the Mayors chair. He stated he believes the Township of Rochelle Park is the best town in Bergen County and that it is because of the residents and many volunteers whom help make it such a success. He wished everyone a Merry Christmas, Happy Hanukkah and a Happy New Year.

Attorney Rotolo - No Report

Administrator Davidson - Stated it was wonderful to see all of the past Mayors of the Township and that it was an honor to be in their presence. He thanked Municipal Clerk Kroll and Deputy Clerk Baragona for their assistance in reviewing the Township calendar that will be mailed to all residents between Christmas and New Year's, this calendar will replace the flyer that has been distributed in previous years. He wished everyone a Merry Christmas and a Happy New Year.

Municipal Clerk Kroll - Reminded everyone that the Township Reorganization meeting will be held, Sunday, January 4th at noon in the Court Room. She wished everyone a Merry Christmas and a Happy New Year.

Mayor Valenzuela complimented Mrs. Kroll on a job well done in her new position.

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

Henry Fenix - 90 Forest Place – Stated he has an on-going problem with his neighbor whom he believes is operating a business out of his home. He believes that his neighbor runs a car repair shop and has cars delivered by tow truck constantly. He commented this is disturbing the peace at his residence. He believes his neighbor to be in violation of Township Ordinances and is asking the Township Committee to please address the situation. Administrator Davidson stated he is aware of the situation and that Mr. Melfi, Construction Code/Zoning Officer Official has spoken with Mr. Fenix and has visited his home on several occasions. Mayor Valenzuela stated that Mr. Reiner, Building Inspector was in attendance and asked if he would speak on his matter.

Al Reiner - Building Inspector –Stated the Building Department is aware of his situation and is doing the best that they can to resolve this problem for Mr. Fenix. He stated on several occasions they have visited this neighbor's home and issued violations. Mayor Valenzuela advised Mr. Fenix that he is not being ignored and asked that he please be patient and allow the Building Department to conduct its investigation.

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

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

Respectfully submitted,

Elizabeth Kroll
Municipal Clerk