



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

MINUTES – PUBLIC MEETING – April 15, 2009

Call to Order 7:32 PM

According to the Open Public Meetings Act, this meeting of April 15, 2009 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 7, 2009 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. K. J. Kovalcik
Comm. W. Lotz - Absent
Comm. J. Scarpa
Comm. P. Strohmeyer
Mayor F. Valenzuela

Pledge of Allegiance was led by former Mayor Robert Salvini

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

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

A motion was offered by Comm. Scarpa and seconded by Comm. Strohmeyer to approve the minutes of the Budget Meeting held March 4th, 2009 and the Public Meeting held March 25th, 2009. Motion carried on a voice vote – all present voting "Aye".

Proclamation

Silver Star Banner Day 2009

Mayor Valenzuela recognized former Mayor and American Legion Commander Bob Salvini while reading this proclamation honoring wounded servicemen. The Mayor thanked the American Legion for their work in Rochelle Park, citing the Memorial Day Parade and Veterans Day. Mr. Salvini stated that the Silver Star Banner Day would now join Memorial Day and Veterans Day in honoring those that served their country. He thanked the Township Committee for this Proclamation.

Reports:

Building Department - March 2009
Health Department - March 2009
Municipal Court - March 2009
Attendance Report - March 2009

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

Resolution #2009 - 94

A Resolution – Payment of Bills – April 2009

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 #2009 – 95

A Resolution – Issuing License #B392-09 – Knights of Columbus #2842

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 #B392-09 as presented by the KNIGHTS OF COLUMBUS #2842 ID#427-6 35240 requesting permission to conduct BINGO on May 5, 2009 be approved and the requested license be issued.

Attest: Virginia De Maria

Resolution #2009 – 96

A Resolution – Court Officer - Patrick Bolan

Be it resolved, by the Township Committee of the Township of Rochelle Park that the following be and are hereby appointed as a Court Officers an shall serve at the pleasure of the Township Committee effective February 1, 2009. Salary shall be in accordance with the Salary Ordinance.

Patrick Bolan
360 Concord Drive
Maywood, New Jersey 07607

Attest: Virginia De Maria

Resolution #2009 – 97

A Resolution – Court Officer - Alexandros Seretis

Be it resolved, by the Township Committee of the Township of Rochelle Park that the following be and are hereby appointed as a Court Officers an shall serve at the pleasure of the Township Committee effective March 15, 2009. Salary shall be in accordance with the Salary Ordinance.

Alexandros Seretis
100 Madison Avenue
Rochelle Park, New Jersey 07662

Attest: Virginia De Maria

Resolution #2009 – 98

A Resolution – Endorsing Submission of Recycling Tonnage Grant Application

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

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

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

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

Whereas, a resolution authorizing this municipality to apply for such tonnage grants 2007 memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

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

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

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

Attest: Virginia De Maria

Resolution #2009 – 99

A Resolution – Emergency to the Temporary Budget #3

Whereas an emergency condition has arisen with respect to VARIOUS LINE ITEMS (see attached) and no adequate provisions have been made in the 2009 temporary budget for the purpose above mentioned, and

Whereas, the total emergency temporary resolution adopted in the year 2009 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, O.L. 1951 as amended) including this resolution total \$4,784,784.77.

Now, therefore, be it resolved, by the Township Committee of the Township of Rochelle Park (not less than two thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A: 4-20,

1. An emergency temporary appropriations be and the same is hereby made for the account listed in the amount of \$1,071,326.81.

Inside CAP

20-1101	Mayor & Council S/W	\$ 7,000.00
20-1352	Audit Services O/E	7,000.00
20-1551	Legal Services S/W	14,000.00
21-1852	Zoning Board O/E	800.00
23-2202	Health Ins. O/E	281,000.00
25-2651	Fire Prevention S/W	6,000.00
25-2601	Aid to Ambulance S/W	20,000.00
31-1951	Code Enforcement S/W	50,000.00
31-4402	Utilities/Telephones S/W	<u>10,200.00</u>

Total Inside CAP \$396,000.00

Outside CAP

36-4710	PERS Pension	\$ 79,321.50
36-4752	PFRS Pension	381,005.31
43-5060	Sewage Processing O/E	150,000.00
44-1012	Boro of Paramus	40,000.00
44-4022	Township of Saddle Brook	<u>25,000.00</u>

Total Outside Cap 675,326.81

Grand Total \$1,071,325.81

The Clerk is authorized and directed to send certified copies of this resolution to the Division of Government Services.

Attest: Virginia De Maria

Resolution #2009 – 100

A Resolution – Lien Redemption – Crusader Lien Services – \$11,337.66

Whereas, Roy Riggiano, Tax Collection, has advised that payment was received in the amount of \$11,337.66 to redeem TTL (s) #2008-0018, and

Whereas, Crusader Lien Services is the holder of Certificate(s) TTL 2008-0018 and is therefore entitled to payment of \$11,337.66 and;

Now therefore, be it resolved by the Governing Authority of the Township of Rochelle Park, County of Bergen, State of New Jersey that approval to issue a check in the amount of \$11,337.66 payable to the above named lien holder, representing the redemption amount of said Certificate is authorized on April 15, 2009 upon receipt of certified funds.

Attest: Virginia De Maria

Resolution #2009 - 101

A Resolution – Total Disabled Veteran – Carmine Licursi

Whereas, Roy Riggiano, Tax Collector, has received from The Department of Veterans Affairs, a letter acknowledging Carmine A. Licursi, 31 Powell Avenue, Rochelle Park, N.J. 07662, as a total disabled veteran and;

Whereas, the Tax Assessor has acknowledged and has notified the Bergen County Board of Taxation that the above property is exempt from local property taxes under N.J.S.A. 54:4-3.30 et. seq.;L. 1948, c. 259 and;

Whereas, taxes were paid in full on this property and the effective date of the disability is October 7, 2008 and;

Resolution #2009 – 101 (cont.)

Now, therefore, be it resolved, by the Governing Board of the Township of Rochelle Park, County of Bergen, State of New Jersey that approval be granted to issue a refund check in the amount of \$3,038.97 payable to Mr. Carmine A. Licursi, for Block 105.03 Lot 23, known as 31 Powell Avenue for tax refund dated October 7, 2008.

Attest: Virginia De Maria

Resolution #2009 - 102

A Resolution – Authorizing Exemption From Minor Site Plan and Tenant Review

Whereas, pursuant to Local Ordinance, specifically Section 185-104 of the Code of the Township of Rochelle Park, all changes in occupancy of non-residential premises require Minor Site Plan Tenant Review; and

Whereas, this Minor Site Plan Tenant Review is presented to the Planning Board for review and approval; and

Whereas, notwithstanding the requirements of the aforementioned Ordinance the Township Committee has the authority to exempt a particular application from formal Minor Site Plan Tenant Review if, in the opinion of the Township Committee, the proposed new occupancy is the same as the prior occupancy and would create no additional demand upon services, traffic or parking; and

Whereas, an application has now been made in connection with an approximately 800 square office located at 5 West Passaic Street; and

Whereas, the proposed new occupant is Elco Software Corporation, a computer software and consulting company; and

Whereas, based upon a review of this application the Township Committee has determined that all work is done remotely, via computer link or at the customer's premises and, therefore, no customers will come to the premises; and

Whereas, as a result of a review of this application the Township Committee has determined that formal review by the Planning Board would not be necessary in this particular case.

Now, therefore, be it resolved, by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey that the application of Elco Software Corporation in connection with the lease of approximately 800 square feet of office space at 5 West Passaic Street, Rochelle Park be and is hereby exempted from formal Minor Site Plan Tenant Review pursuant to Section 185-104 of the Township Code.

Now therefore be it further resolved that the Building Department is hereby authorized to issue the appropriate approval and / or Certificate of Occupancy without the necessity of such formal review.

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 Joseph L. Mecca, Jr., Esq., the Building Department of the Township of Rochelle Park, the Township Attorney and the Planning Board of the Township of Rochelle Park.

Attest: Virginia De Maria

Resolution #2009 –103

A Resolution – Authorizing Execution of Developer's Agreement – ADPP

Whereas, ADPP ENTERPRISES, INC. filed a Site Plan and Variance Application before the Township of Rochelle Park for the development of property located at the intersection of High and Essex Streets, Rochelle Park, known as Block 2, Lots 40 through 48, Rochelle Park, New Jersey to develop property located at the aforementioned intersection and to replace an existing automobile service station and retail/convenience store and erect a new 1,875 square foot retail/convenience store together with a new automobile service station and canopy.

Whereas, on February 23, 2009 a Resolution was adopted by the by the Zoning Board of Adjustment which provided the necessary approvals for said development; and

Whereas, in addition to the Zoning Board of Adjustment approval there were several Township Engineer reviews of the application, the resolution and the plans submitted; and

Whereas, pursuant to the approvals granted by the Zoning Board of Adjustment, a Developer's Agreement was to be prepared by the Attorney for the Planning Board, Anthony N. Gallina, Esq., prior to commencement of construction; and

Whereas, the aforesaid Developer's Agreement was prepared by the Attorney for the Planning Board and reviewed by the Township Attorney who has approved the content and form of the same; and

Resolution #2009 – 103 (cont.)

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 Mayor be and he is hereby authorized and directed to execute, on behalf of the Township of Rochelle Park, a Developer's Agreement in the matter of the Site Plan and Variance Application of ADPP ENTERPRISES, INC.
2. The Developer's Agreement shall include copies of all resolution and engineering review reports prior to its execution;
3. The approval shall be subject to appropriate escrow deposits and performance bonds in accordance with the directions of the Township Engineer.

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 Zoning Board of Adjustment, Anthony N. Gallina, Esq., the Township Attorney, Joseph J. Rotolo, Esq.

Attest: Virginia De Maria

Resolution #2009 – 104

A Resolution – Amending Resolution No. 2009 – 24 Entitled “Meeting Dates” 2009

Be it resolved by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey that Resolution No. 2009 – 24 entitled “Meeting Dates” is hereby amended as follows:

Budget Meeting – April 22, 2009 – Meeting begins at 7:30 PM.

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 #2009 - 105

A Resolution – Introduction Fee Schedule – Ord. 1001 – 09 – To Amend Section 80-3 Entitled “Fee Schedule”

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 80 OF THE CODE OF THE TOWNSHIP OF ROCHELLE PARK AND, SPECIFICALLY, TO AMEND SECTION 80-3 ENTITLED “FEE SCHEDULE”**” be and it is hereby introduced and passed on first reading and that said ordinance be further considered for final passage at a meeting to be held on **May 20, 2009** 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 #2009 -106

A Resolution – Rejecting All Bids – 151 W. Passaic Street

Whereas, the Township Committee previously authorized the solicitation of bids for the leasing of municipal property which is not needed for public purposes; and

Whereas, the initial bid solicitation provided that sealed bids for such a rental agreement were to be submitted no later than December 20, 2008; and

Whereas, pursuant to Resolution No. 2009-43 all bids were rejected since the only bid received was in an amount which did not meet the minimum bid established pursuant to the bid solicitation; and

Whereas, in accordance with the requirements of law a second bid solicitation was prepared with bids to be received on Friday, April 10, 2009; and

Whereas, at that time, one bid was received, however, that bid failed to satisfy the minimum bid requirements set forth in the bid notice; and

Whereas, as a result of the failure to satisfy the minimum bid established in the notice, this bid must also be rejected; and

Whereas, the Township Committee may not negotiate directly for the lease of the portion of the municipal building set forth in the bid solicitation.

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

Resolution #2009 – 106 (cont.)

1. The bid received from EORP, LLC on April 10, 2009 be and is hereby rejected;
2. The Township Administrator together with the Township Attorney are hereby authorized to negotiate directly with prospective tenants of the second floor of the municipal building and to make recommendations for a lease agreement to the Township Committee;
3. The Township Administrator is further authorized to enter into discussions with real estate firms for the listing of this rental space and to make a recommendation to the Township Committee for entering into a listing and commission agreement in order to solicit the best possible rental arrangement on behalf of the Township;
4. The Township Administrator and township Attorney will make recommendations to the Township Committee for a listing and commission agreement and the Township Committee will make the ultimate determination as to the terms, conditions and obligations of such a listing agreement.

Now, therefore be it further resolved, that the township Clerk be and she is hereby authorized and directed for forward certified copies of the within Resolution to the Township Attorney, Township Administrator and well as to EORP, LLC, 345 State Route 17, Upper Saddle River, New Jersey 07458.

Attest: Virginia De Maria

Resolution #2009 - 107

A Resolution – Reimbursement Windsor Court – Jason Wiswesser

Whereas, Windsor Court Condominium Association, Inc. recently paid, to the Township of Rochelle Park, a certain amount for the provision of a Fire Watch at Windsor Court Condominiums due to an emergency situation; and

Whereas, the provision of this Fire Watch and the establishment of the amount of payment for the Fire Watch was the result of the direct discussions and agreement between Windsor Court and the Rochelle Park Fire Official; and

Whereas, subsequent to this payment one of the individuals who provided services for this Fire Watch indicated that he did not intend to receive payment for this service but planned to perform the service as a volunteer; and

Whereas, this individual, Jason Wiswesser, was to be paid the sum of \$717.50 for his services and that amount was paid to the Township of Rochelle Park.

Now, therefore, be it resolved, by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey that the sum of \$717.50 which was to be paid to Jason Wiswesser for Fire Watch services at Windsor Court Condominiums shall be returned to Windsor Court Condominium Association as a result of Jason Wiswesser's volunteer service.

Now therefore be it further resolved that the Township Clerk be and she is hereby authorized and directed to forward a certified copy of the within Resolution to Jason Wiswesser, the Fire Official for the Township of Rochelle Park and the Windsor Court Condominium Association.

Attest: Virginia De Maria

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

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

Resolution #2009 – 108 –

A Resolution – Hearing & Adoption. #1000-09 – COLA Ordinance

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 2009 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 Mayor Valenzuela and seconded by Comm. Strohmeier to open the hearing to the public. Motion carried on a voice vote – all present voting “Aye”.

Minutes of the Public Meeting held April 15, 2009 cont.
No comments from the public

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

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

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

Resolution #2009 – 109

A Resolution - Authorizing Release of Closed Session Minutes of April 8, 2009

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 April 8, 2009 to the extent that said information can be disclosed without adversely affecting the Township or the public interest.

Now, therefore, be it resolved, by the Township Committee of the Township of Rochelle Park, County of Bergen and State of New Jersey that the attached closed session minutes may be released to the public in accordance with the requirements of New Jersey State Law; and

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

Attest: Virginia De Maria

CLOSED SESSION MINUTES – April 8, 2009

A motion was made by Comm. Lotz and seconded by Comm. Kovalcik for the Township Committee to go into closed or executive session at 7:05 PM on April 8th, 2009 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. Building Department – Reorganization** - A discussion was held with the Construction Official / Building Inspector regarding potential changes in personnel within the Building Department and possible consolidation of that Department with the Borough of Maywood. The Township Administrator also reported on the financial considerations associated with such a merger.
- 2. 151 West Passaic Street** - The Township Attorney reported on the situation regarding the occupancy of the second floor of the municipal building and also reported on the commencement of litigation against the occupant of the second floor, Completed Executive Offices, Inc. The Township Attorney also reported on the status of bid receipt for the leasing of the second floor of the municipal building.

A motion was offered by Mayor Valenzuela and seconded by Comm. Strohmeier to adopt the above resolution. Motion carried on a voice vote -

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

Comm. Kovalcik – Advised that at next month’s meeting he would formally announce the band for the Annual Summerfest Concert.

Comm. Scarpa – The Recreation Committee organized and held their Annual Easter Egg Hunt, despite inclement weather there was still a good turn out. He thanked the Recreation Committee for their continuous hard work. Scarpa advised that work was progressing on the renovation of Houghton Hall. The Recreation Committee is in the process of interviewing directors and camp counselors for the summer camp program, registrations for summer camp will be held at the Fishing Derby to be held in June.

Comm. Strohmeier – Banisch Associates, Municipal Planners, have submitted the COAH monitoring certificate on time with the required back up documents.

Minutes of the Public Meeting held April 15, 2009 cont.

Building Department - Mr. Bolan, Construction Code Official, asked residents to report illegal multi family conversions and report illegal occupancies. Strohmeier reminded everyone of the Relay for Life sponsored by the American Cancer Society. It will be held at Midland School on May 30th and 31st, all proceeds to go to the American Cancer Society. She also informed everyone that this Friday, a fund raiser is being held at the Knights of Columbus, there will be entertainment, food and a 50/50, the proceeds will go towards the Relay for Life.

Mayor Valenzuela – Fire Department March Monthly Report – 15 calls
The Mayor advised of a meeting held with Administrator Mariniello, Mayor Eustace and Administrator Richards, of Maywood, regarding interlocal agreements between the two communities saving both municipalities tax payer dollars. These are extremely productive meetings. Mayor Valenzuela addressed everyone regarding a recent Opinion Editorial piece regarding his opposition towards tuition benefits for illegal immigrants. He advised that these were his personal feelings, not representative of the feelings of the Township Committee.

Administrator Mariniello – Advised of meetings held between local Mayors and Administrators of the Central Bergen Group regarding the use of biofuel. This project is moving forward utilizing Stephan Chemical Company located in Maywood. Private and public funding for this concept will be utilized. The Administrator feels this venture will be successful for all communities involved.

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

American Legion Commander Bob Salvini – Advised that the American Legion will be donating the proceeds from the next two pancake breakfasts to Relay for Life.

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

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

Respectfully submitted,

Virginia De Maria
Municipal Clerk