



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

MINUTES – PUBLIC MEETING – October 15, 2008

Call to Order 8:00 PM

According to the Open Public Meetings Act, this meeting of October 15, 2008 was advertised in the notice sent to the “Our Town” and “The Record” and posted on the bulletin board in the Municipal Building on July 16, 2008 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 - Absent
Comm. W. Lotz
Comm. P. Strohmeyer
Comm. F. Valenzuela
Mayor J. Scarpa - Absent

Deputy Mayor Valenzuela chaired the meeting due to Mayor Scarpa absence.

Pledge of Allegiance was led by Geof Wolfer. Comm. Valenzuela asked that everyone remain standing for a moment of silence remembering those in the military stationed overseas.

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

Swearing in Fire Department

Comm. Valenzuela swore in the Robert Passarella while his wife and child held the bible.

Presentation:

Comm. Valenzuela presented Mr. Geof Wolfer, a Project Engineer for the Sanzari Companies a plaque in appreciation for the paving of a walkway at Matthew’s Field at no cost to the taxpayers of Rochelle Park.

Reports:

Building Department - September 2008
Health Department - September 2008
Municipal Court - September 2008
Attendance Report - September 2008

The Consent Agenda was offered by Comm. Lotz seconded by Comm. Strohmeyer and reads:

Resolution #2008 – 201

A Resolution – Payment of Bills – October 2008

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 #2008 – 202

A Resolution – A Contract W/County of Bergen - Flu Vaccine Program

Whereas, there exists a need for the Township of Rochelle Park Health Department to provide services of a technical and professional nature for the distribution of Flu Vaccines; and

Whereas, the Bergen County Department of Health Services can supply the required vaccines; and

Whereas, the fee is to be set at not more than \$20.00 per vaccination and funds will be available for this purpose; and

Minutes of the Public Meeting held October 15, 2008 cont.

Resolution #2008 – 202 (cont.)

Whereas, it has been certified that this meets the statues and regulations concerning the award of said contract:

Now, therefore, be it resolved by the Township Committee of the Township of Rochelle Park as follows:

1. That Michael Mariniello, Administrator is hereby authorized to execute an agreement with the Bergen County Department of Health Services to supply the Flu Vaccine at a cost not to exceed \$20.00 per vaccination; and
2. This contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5(2)L and

Be it further resolved that the Chief Financial Office has certified, in accordance with N.J.S.A. 5:30 14.5 that sufficient legally appropriated funds will be available for this purpose subject to appropriation of fund in the 2008 temporary and/or adopted budget.

Attest: Virginia De Maria

Resolution #2008 – 203

A Resolution – 2008 Road Program

Be it resolved that the Township Engineer be and is authorized to prepare quantity/cost estimates for the Township of Rochelle Park 2008 Road Program.

Hahn Avenue
Meakin Avenue
St. Ann Place
Parker Avenue
Terrace Avenue
Hoffman Avenue

Attest: Virginia De Maria

Resolution #2008 – 204

A Resolution – Issuing Raffle License #384-08 To American Legion Post #170

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 #384-08 as presented by the ROTARY CLUB OF ROCHELLE PARK #427-8-25545 requesting permission to conduct Raffle on December 7, 2008 be approved and the requested license be issued.

Attest: Virginia De Maria

Resolution #2008 – 205

A Resolution – Awarding Bid and Authorizing Contract – C. Royce, LLC – \$14,900

Whereas, on Thursday, September 25, 2008 were received for the Department of Public Works Garage Building Demolition; and

Whereas, eleven (11) bids were received, opened and read; and

Whereas the low bidder was C. Royce, LLC, 466 Cambridge Drive, Butler, New Jersey 07405 with the bid amount of \$14,900.00; and

Whereas upon review of the bid's submitted, the Borough Engineer has recommended that the bid be awarded to C. Royce, LLC 466 Cambridge Drive, Butler, New Jersey 07405; and

Now, therefore, be it resolved, by the Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey, that the contract for the Township of Rochelle Park be awarded C. Royce, LLC, 466 Cambridge Drive, Butler, New Jersey 07405 for the bid amount of \$14,900.00; and

Be it further resolved, that the Chief Financial Officer has certified that the funds are available from the General Capital Account fund in the amount not to exceed \$14,900.00.

Attest: Virginia De Maria

Resolution #2008 – 206

A Resolution – Authorizing Contract for Asbestos Abatement – DPW Garage – C. Royce - \$1,750

Whereas, an inspection of the Township of Rochelle Park, Department of Public Works Garage found that there was approximately 508 square feet of asbestos containing materials, and

Resolution #2008-206 (cont.)

Whereas, the Township of Rochelle Park has solicited proposals for the removal and disposal of these asbestos containing materials and providing certifications that the removal and disposal was performed in accordance with all applicable federal, state and local criteria; and

Whereas, the lowest proposal in the amount of \$1,750.00 was submitted by C. Royce LLC., 466 Cambridge Drive, Butler, N.J. 07405; and

Whereas, C. Royce LLC will be undertaking the demolition of the Department of Public Works Garage proper; and

Now, therefore, be it resolved, by the Township Committee of the Township of Rochelle Park that a contract for the Removal, Disposal & Certification for the Asbestos containing material at the Department of Public Works Garage be and is hereby awarded to C. Royce LLC, the lowest quoter for the quoted amount of \$1,750.00; and

Be it further resolved, that the Township Attorney be and is authorized to prepare a Contract for same, and

Be it further resolved that the Chief Financial Officer has certified that funds are available from the General Capital Account fund in the amount not to exceed \$1,750.

Attest: Virginia De Maria

Resolution #2008 - 207

A Resolution – Developer’s Agreement – Exxon Mobil

Whereas, Exxon Mobil Corporation filed an application before the Zoning Board of Adjustment in connection with premises located at 178 Route 17 (Block 43.02, Lot 1.01); and

Whereas, the application was for approval to reconstruct an existing automobile service station and convenience store together with a single car wash; and

Whereas, the Board considered the application as well as the testimony and exhibits submitted on behalf of the Applicant and adopted a Resolution approving said application which Resolution was memorialized on June 23, 2008; and

Whereas, a condition of the approval Resolution as well as a requirement of Local Ordinance is that a Developer’s Agreement be executed prior to commencement of construction; and

Whereas, a Developer’s Agreement has been prepared by the attorney for the Zoning Board of Adjustment and approved by the Township Attorney.

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 Mayor and Township Clerk be and are hereby authorized to execute, on behalf of the Township, a Developer’s Agreement in the form prepared by the attorney for the Zoning Board of Adjustment and approved by the Township Attorney;
2. This approval is also contingent upon the Developer posting all necessary escrows, bonds and making other financial payments and making other payments to the Township in accordance with the requirements of local law;
3. Developer’s fees, if any, must be paid by the Developer immediately upon execution of the Developer’s Agreement.

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, Township Building Department, attorney for the Zoning Board of Adjustment and the Applicant’s attorney, Gregory D. Meese, Esq.

Attest: Virginia De Maria

Resolution #2008 - 208

A Resolution – Authorizing Contract w/Banish Association – Housing Element Amendment (COAH)

Whereas the Council on Affordable Housing (COAH) adopted revised Resolutions effective as of June 2, 2008 that require the submission of a Housing Element and Fair Share Plan by December 31, 2008; and

Whereas, the Township of Rochelle Park must, therefore, retain the services of a professional planning consultant in order to complete the work necessary to comply with these new regulations; and

Whereas, Banisch Associates, Inc. of Flemington, New Jersey was previously retained as the Township’s planning consultant in connection with other matters and the Township Committee has been satisfied with the services rendered to the municipality by Banisch Associates, Inc.; and

Resolution #2008-208 (cont.)

Whereas, as a result of the foregoing, the Township Committee has determined that it would be in the best interest of the residents and taxpayers of the Township of Rochelle Park to retain the services of Banisch Associates, Inc. for the purpose of completing the Housing Element and Fair Share Plan in compliance with the aforementioned regulations; and

Whereas, this contract may be awarded without the necessity of competitive bidding since it provides for professional services which contract is exempt from competitive bidding requirements under the Local Public Contracts Law; and

Whereas, Banisch Associates, Inc. has submitted a proposal dated September 5, 2008 for these services which has been reviewed and approved by the Township Attorney and Township Administrator.

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

1. A contract be and is hereby awarded to Banisch Associates, Inc., 111 Main Street, Flemington, New Jersey;
2. This contract shall be in accordance with the proposal submitted by Banisch Associates, Inc. dated September 5, 2008 and shall be for the preparation of a Housing Element and Fair Share Plan as required by newly adopted COAH regulations;
3. The total cost for this contract shall be in an amount not to exceed \$25,000.00 and shall be based upon the fee schedule and hourly rate set forth in the aforementioned proposal;
4. The term of this professional services contract shall be one (1) year commencing on the date of the adoption of this Resolution.
5. The award of this contract is contingent upon certification, by the Chief Financial Officer that sufficient funds exist for this purpose.

Now therefore be it further resolved that the Township Clerk be and she is hereby authorized and directed to forward certified copies of the within Resolution to the Banisch Associates, Inc., 111 Main Street, Flemington, New Jersey, the Township Attorney and the Planning Board for the Township of Rochelle Park.

Attest: Virginia De Maria

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

The following resolution was offered by Comm. Lotz and seconded by Comm. Strohmeyer and reads:

Resolution #2008 - 209

A Resolution – Hearing & Adoption Ord. 992-08 – Amend Ord. #980-08 - 2008 Salary Ordinance – Non Contractual Employees

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 ORDINANCE #989-08 ENTITLED “AN 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 2008”**” 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. Lotz and seconded by Comm. Strohmeyer 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. Strohmeyer and seconded by Comm. Lotz to close the hearing to the public. Motion carried on a voice vote – all present voting “Aye”.

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

Minutes of the Public Meeting held October 15, 2008 cont.

The following resolution was offered by Comm. Lotz and seconded by Comm.

Strohmeyer and reads:

Resolution #2008 - 210

A Resolution – Hearing & Adoption Ord.993-08 - Amending ABC Hours - New Years Eve

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 58 OF THE CODE OF THE TOWNSHIP OF ROCHELLE PARK ENTITLED “ALCOHOLIC BEVERAGES”**” 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. Lotz and seconded by Comm. Strohmeyer 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. Strohmeyer and seconded by Comm. Lotz to close the hearing to the public. Motion carried on a voice vote – all present voting “Aye”.

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

The following resolution was offered by Comm. Strohmeyer and seconded by Comm. Lotz and reads:

Resolution #2008 - 211

A Resolution – Hearing & Adoption Ord. 994-08 – Bond Ordinance – \$600,000

Be it resolved, by the Township Committee of the Township of Rochelle Park, Bergen County, New Jersey, that an ordinance entitled “**BOND ORDINANCE TO AMEND SECTIONS 4, 5, 6, 7, 8, 10 AND 11 OF THE BOND ORDINANCE (ORD. NO. 991-08) ENTITLED: ‘BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF ROCHELLE PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,600,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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,’ ADOPTION AUGUST 13, 2008**” 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. Lotz and seconded by Comm. Strohmeyer 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. Strohmeyer and seconded by Comm. Lotz to close the hearing to the public. Motion carried on a voice vote – all present voting “Aye”.

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

The following resolution was offered by Comm. Lotz and seconded by Comm. Strohmeyer and reads:

Resolution #2008 – 212

A Resolution – Authorizing Release of Closed Session Minutes of September 24, 2008

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 September 24, 2008 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 – September 24, 2008

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. Personnel – The Township Administrator reported on various personnel issues in the Department of Public Works and, in addition, reported to the Township Committee, concerning various personnel issues within that Department.
2. Litigation – The Township Committee received a comprehensive report regarding potential litigation associated with compliance the Township’s Mount Laurel housing obligations. This report was provided by the Township Attorney as well as by the Township Planner, Chuck McGroarty of Banisch Associates.

Attest: Virginia De Maria

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

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

Resolution #2008 – 213

A Resolution - Authorizing Release of Closed Session Minutes of October 8, 2008

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 October 8, 2008 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

Minutes of the Public Meeting held October 15, 2008 cont.

Resolution #2008 – 213 (cont.)

CLOSED SESSION MINUTES – October 8, 2008

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. Township Administrator / CFO - The Township Committee discussed, with the Township Administrator / CFO, his plans for retirement and a determination was made regarding an extension of the Administrator's current contract which ends on November 20, 2008.
2. DPW / Fire Department - A discussion was held concerning the personnel needs within the Department of Public Works and the effect upon volunteer service by members of the Department of Public Works. This discussion centered upon the effect on the needs of the municipality if and when fire calls are received during the course of the work day.
3. Litigation - The Township Attorney reported on the status of litigation matters including litigation against a former employee and litigation in connection with the main pump station.

Attest: Virginia De Maria

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

Committee's/Administrator's/Attorney's Reports

Comm. Lotz - Police Department September Report – Motor Vehicle Accidents 42, Total Police Calls 1133, Total Summons Issued 242, Total Patrol Mileage 10,300, Total Arrests 15

Municipal Court September Report – Cases Disposed 349

Comm. Strohmeyer - Library Report September - Circulated 1861 items, Added 176 New Items, Loaned 381 Items, Borrowed 1044 Items, New Cards Issued 28, Computer Usage 326

Deputy Mayor Valenzuela - Fire Department September Report – 18 Calls

Valenzuela gave Mayor Scarpa's report advising that Rochelle Park Day will be held on Saturday, October 26th. The Rag-A-Muffin Parade will begin at 11:30 AM on the corner of Becker Avenue and Rochelle Avenue ending up at Matthews Field where Rochelle Park Day be begin at 12:00 PM.

Administrator Mariniello – Advised that the 2008 tax bills were mailed out today, the deadline is November 1st with a ten day grace period.

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

Dave Brown – Fire Chief – 260 Howard Avenue – Thanked the Township Committee for their appointment of Fire Fighter Robert Passarella.

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

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

Respectfully submitted,

Virginia De Maria
Municipal Clerk