

Work Session –Wednesday, 1/16/13

Present: Commissioners Frias, Rodriguez, Wiley and Mayor Roque
Absent: Commissioner Vargas
Also Present: Town Attorney Gil Garcia, Town Clerk Carmela Riccio, Town Engineer Darren Mazzei (CME Associates), CFO Margaret Cherone and Town Administrator Joseph DeMarco

The meeting commenced at 6:07 p.m. (Comm. Wiley arrived at 6:17 p.m.)

Town Clerk Carmela Riccio made the following announcement:

As presiding officer of this regularly scheduled meeting of the Board of Commissioners of the Town of West New York, held on **January 16, 2013 at 7:00 p.m. (6:00 p.m. Work Session in the Mayor's Conference Room)**, I do hereby publicly announce, and I direct that this announcement shall be placed in the minutes of this meeting, and that the Notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given by the Board of Commissioners in the Resolution dated and adopted on December 17, 2012. Said Resolution was transmitted by the Town Clerk to the Jersey Journal and the Bergen Record and publicly posted on the Municipal Bulletin Board, Town Hall, and filed with the Town Clerk.

Copies are available to the public in accordance with the law.

Note: Town Attorney Gilberto Garcia advised that all Resolutions (R-1 thru R-31) will be placed on the Consent Agenda and that there will be no individual votes on any Resolution. He further recommended that Resolution #R-30 (Re: Creation of Investigative Committee to investigate matters of WNY Board of Education) be pulled from the agenda as Comm. Vargas is absent and law requires action by full membership of the governing body.

Item No. 1: Approval of Minutes: Regular Meeting: 12/17/12
(Regular and Work Sessions):

Item No. 2: Payment of Claims dated 1/16/13:
CFO Cherone verbally added a bill for Cine Novelas in the amount of \$7,700 to the Claims list and advised that she would provide an updated list of Claims tomorrow.

Item No. 3: Receipt of Financial Reports for month of December 2012:

Item No. 4: Communications:
4A. RFQ results rec'd 1/10/13 Re: Bond Counsel (2nd occasion)
4B. RFQ results rec'd 1/10/13 Re: Third Party Payroll Processing Services
4C. RFQ results rec'd 1/10/13 Re: Legal Services – Legal Representation of Recall Election Officials
4D. Memorandum from CFO Re: Sale of \$1,918,000 General Obligation Notes
4E. Town Engineer's Monthly Status Report dated 1/11/13
4F. Presentation by CFO to address preliminary 2013 Budget, Capital Budget and General Obligation Bond Sale

Item No. R-1: Resolution – Re: Agreement between Town of West New York and Peter Soriero for Insurance Fund Administrator Services
(Term: One year):

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Item No. R-2: **Resolution – Re: Rescinding a portion of Resolution adopted on May 18, 1994 which established a bus stop located on Southeast Corner of Bergenline avenue at 61st Street:**

Item No. R-3: **Resolution – Re: Establishing a “Right Turn Lane” at the Southeast corner of Bergenline Avenue at 61st Street:**

Item No. R-4: **Resolution - Re: Elimination of the position of Chief of Staff:**
Comm. Wiley inquired as to what duties Mr. Acosta is currently performing. Town Attorney Garcia advised that he is a confidential aide to the Mayor and advises the Mayor and goes to DPW to supervise and assist as needed. Comm. Wiley replied “Isn’t he doing more than one job title?” Mr. Garcia responded “Legally, if requested by any Commissioner, he will provide his expertise but no direct contact. He can aid the Director of the Department if need be. Discussion ensued between Town Attorney and Comm. Wiley as to who is the Director of each department. Comm. Wiley inquired “What are his qualifications to supervise?” Town Attorney responded “Not supervise but just aid the Director”. Comm. Wiley disagreed and commented “He is giving orders to the employees”. Town Attorney commented that a complaint has been filed with Civil Service regarding Comm. Wiley’s allegation. Comm. Wiley inquired about drug testing policy. Town Attorney advised that it will be included in the updated employee handbook. Comm. Wiley inquired about Mr. Acosta’s salary. Town Administrator DeMarco responded “I am not sure. I think it is \$80,000 but I can find out for you.” Comm. Wiley complained that Mr. Acosta is running the DPW department.

Item No. R-5: **Resolution – Re: Increasing Bid Threshold:**

Item No. R-6: **Resolution – Re: Authorizing the Town of West New York to seek fair and open process in compliance with the Pay to Play Statutes for the retention of Auditing Services (2nd occasion):**

Item No. R-7: **Resolution – Re: Appointment of Gennarose Pope as Confidential Secretary to Mayor Felix E. Roque:**
Town Clerk Riccie advised that the original R-7 was pulled from the agenda and replaced with this Resolution. Comm. Wiley inquired as to the reason the original R-7 (hiring Pablo Fonseca as Special Services Consultant) was pulled to which Town Attorney Garcia advised that it will be placed on next month’s meeting agenda. CFO Cherone advised that the original R-7 was for “extraordinary unspecifiable services” but that it did not meet with criteria of the statute to be classified as an extraordinary unspecifiable service as it is a professional service. Comm. Wiley commented that “services should not be political but governmental”. Town Attorney advised that his duties will be clearly defined. Comm. Wiley inquired as to whether Mr. Fonseca was being paid for “personal reasons” related to the Mayor’s indictment. Mayor Roque replied “I am very amazed at your comment. You are calling me unethical. He has being doing the media for Hurricane Sandy, etc.” Comm. Wiley commented about what he did for town residents during the hurricane. Comm. Frias commented “We all did it, not just you.” Pablo Fonseca commented to Comm. Wiley “I don’t know you that well. I would never do that or accept that. It is unethical, unmoral and I would never do that. I am here to help the residents. Comm. Wiley replied “I know you are here for other reasons. I know your past.” He commented about legal issues while Mr. Fonseca was employed by Mayor Booker. Town Attorney Garcia advised that personnel issues should be discussed in closed session. Mr. Fonseca stated “He made a statement that I was let go under the Booker Administration. That is totally false. I worked for three (3) years and

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Item No. R-7 (Cont.):

submitted my resignation after I did a leave of absence as Director for Barack Obama. Mr. Fonseca wanted the minutes to be noted accordingly. Comm. Wiley responded “You can put on the record whatever you want. I am a Commissioner and I have a right to know whoever is hired.” Discussion ensued between Comm. Wiley and Town Attorney Garcia about removal of employees from his current department and that Civil Service was never consulted about same.

Item No. R-8:

Resolution – Re: Authorizing the transfer of the Street Sweeper and its driver to the West New York Parking Authority:

CFO Cherone commented about the language contained in the Resolution and that the Statute is very specific as to what is considered donated property. She was also concerned about transferring an employee from the Town to the Parking Authority. Town Attorney Garcia advised that an Interlocal agreement may be necessary and that he contacted Civil Service regarding the employee transfer. He suggested that Resolution be reworded to exclude the transfer of employee at this time and he handed Town Clerk a marked up version of Resolution. Comm. Wiley inquired as to who placed this resolution on the agenda. Mayor Roque advised that it was Comm. Vargas’s request. Comm. Frias commented that she had questioned the cost of repairing the sweeper and that by transferring the sweeper to the Parking Authority; they would absorb the cost of repairs. Comm. Wiley did not agree and commented that the Budget for Dept. of Public Works has sufficient funds for those purposes and that the Parking Authority is an autonomous body. Town Attorney explained that the statute permits this transfer for more efficiency. Comm. Wiley inquired as to how this would be more efficient as the sweeper should be part of DPW, not the Parking Authority. Mayor Roque asked Comm. Wiley if he had an opportunity to review his meeting folder on Monday when he received it because had he done so, he could have asked these questions then. Comm. Wiley commented that he should have been consulted on this issue inasmuch as he has past experience and knowledge of being in charge of the DPW Dept. The Mayor commented that he does not get involved in each Commissioner’s department. Comm. Wiley disagreed and commented that when he was removed from DPW, it was in violation of the law. He also commented that Comm. Frias is running the Mayor’s department i.e. Public Affairs. Comm. Frias denied that and stated that her only concern is the cost of repairs to the sweeper. Discussion ensued between the Mayor and Comm. Wiley about overtime expenses when Comm. Wiley was the Director of DPW. Comm. Frias asked Comm. Wiley “What do you feel is inappropriate about transferring the sweeper?” to which Comm. Wiley responded “It makes no sense.” Comm. Rodriguez commented “It will be removed from our budget.” Discussion ensued between the Mayor and Comm. Wiley regarding the budget, taxes, etc. Comm. Wiley commented that the budget was “improper”. The Mayor replied “We lowered the taxes irresponsibly?” Town Attorney Garcia commented that the transfer of sweeper is “in order for more effective Parking enforcement”. Comm. Wiley disagreed.

Item No. R-9:

Resolution – Re: Refund of Overpayment of Taxes (\$14,289.46):

Item No. R-10:

Resolution – Re: Refund of Tax Lien Premiums (\$238,000.00):

Item No. R-11:

Resolution – Re: Refund of Tax Lien Redemptions (\$641,472.09):

Item No. R-12:

Resolution – Re: State Court Tax Appeals (\$19,467.45):

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- Item No. R-13:** **Resolution – Re: Hudson County Tax Appeals (\$18,957.91):**
- Item No. R-14:** **Resolution – Re: Authorizing the Town Clerk to advertise to receive bids for “General Contracting Services” on Friday, February 15, 2013 at 10:00 a.m. in Town Clerk’s Office:**
- Item No. R-15:** **Resolution – Re: Dedicating the corner of 63rd & Bergenline Avenue to Michael R. Parkes:**
- Item No. R-16:** **Resolution – Re: Appointment of Irene Asbury, Esq. s Municipal Prosecutor (Term: 1/1/12-5/31/13):**
- Item No. R-17:** **Resolution – Re: Authorizing an Interlocal Agreement between the Township of North Bergen and the Town of West New York for the position of Health Officer:**
- Item No. R-18:** **Resolution – Re: Authorizing an Interlocal Agreement between the Town of Harrison and the Town of West New York for the position of Health Officer:**
- Item No. R-19:** **Resolution - Re: Authorizing the Town Clerk to advertise to receive bids for “67th Street Road Improvements from Kennedy Blvd. to Palisades Avenue”:**
Comm. Frias inquired as to the purpose of this resolution. Darren Mazzei (CME Associates) advised that this is part of the 2012 Road Program and that the streets will be paved and ADA ramps will be installed.
- Item No. R-20:** **Resolution – Re: Authorizing an Agreement between the Town of West New York and Immigration and Customs Enforcement for reimbursement of Joint Operations Expenses:**
Comm. Frias inquired as to the purpose of this agreement. Town Administrator DeMarco and Police Director Indri explained that one of our police officers will be on loan to the above agency and we will now have a voice and a better trained officer. Mayor Roque advised that the Town will receive a percentage of forfeitures. Mayor Roque thanked the Town Clerk for distributing the meeting folders to the Board of Commissioners in advance of the meeting.
- Item No. R-21:** **Resolution – Re: Approval of resolution of the West New York Parking Authority authorizing the extension of Residential Permit Parking Zone:**
- Item No. R-22:** **Resolution – Re: Re-Appointment of Armando Alvarez as Member of the Zoning Board of Adjustment of the Town of WNY (Term: 1/1/13-12/31/15):**
- Item No. R-23:** **Resolution – Re: Re-appointment of Melissa Rodriguez as a Member of the Zoning Board of Adjustment of the Town of WNY (Term: 1/1/13-12/31/15):**
- Item No. R-24:** **Resolution – Re: Re-appointment of Laritza Marrero as a Member of the Planning Board of the Town of WNY (Term: 1/1/13-12/31/16):**
- Item No. R-25:** **Resolution – Re: Re-appointment of Nelly Vasquez as a Member of the Zoning Board of Adjustment of the Town of WNY (Term: 1/1/13-12/31/15):**

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- Item No. R-26:** **Resolution – Re: Appointment Maria Hernandez as a Member of the WNY Planning Board (Term: 1/16/13-1/15/17):**
- Item No. R-27:** **Resolution – Re: Re-appointment of Margarita Guzman as a Member of the WNY Housing Authority (Term: 10/20/12-10/19/17):**
- Item No. R-28:** **Resolution – Re: Re-appointment of Armando Alvarez as a Member of the Parking Authority of the Town of WNY (Term: 1/16/13-1/15/18):**
- Item No. R-29:** **Resolution – Re: Authorizing the Town to enter into a Contract with Horizon Blue Cross Blue Shield Medicare Advantage Plan:**
- Item No. R-30:** **Resolution – Re: Creation of a Civil Investigative Committee in the Town of WNY to investigate matters of the Town of WNY Board of Education pursuant to NJSA 40:48-25:**
Upon the recommendation of Town Attorney Garcia, this Resolution was pulled from the agenda.
- Item No. R-31:** **Resolution – Re: Appointment of Alternate Members to the Handicapped Parking Review Committee (Term: 1/17/13-1/16/14):**
Comm. Frias inquired as to the purpose of this Resolution. Town Clerk Riccio explained that the current members have been unavailable to meet and therefore, alternate members are being appointed so that meetings can be held.
- Item No. O-1:** **Introduction of Ordinance #1/13 An Ordinance amending Chapter 56 of the Code of the Town of West New York (Law Department):**
- Item No. O-2:** **Introduction of Ordinance #2/13 An Ordinance amending Chapter 338 of the Code of the Town of West New York (Signs):**
Comm. Wiley inquired about purpose of this amendment. Town Attorney Garcia explained that the amendment is for moving (mobile) vehicles with high images. Comm. Wiley commented that allegedly two (2) noise summonses had been issued to “Frank” who owns the advertising truck, which the Mayor had rented in the past, and wanted to know if that was true. Police Director Indri, who was present, advised that no summonses were issue. Mayor commented that he wants to “bring back culture to this Town, not a circus.” Comm. Wiley commented that the amendment is “politically motivated”. Mayor Roque and Town Attorney Garcia denied the allegation. Comm. Wiley commented to the Mayor “You have no ethics”. Mayor Roque instructed Town Clerk to place that comment on the record.

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Public Portion:

1. CFO Cherone gave everyone a typed presentation, which is attached to end of these Minutes. She advised that the Town is facing a balloon payment on June 15, 2013 in the amount of \$7.5 million and that there is no way that we can raise enough revenue to pay for same. She further advised that a General Obligation Bond Sale must be conducted. She outlined the several steps which must take place over the next few months. She further advised that our rating was suspended in the fall of 2011, that we have no credit score at the present time, and that we need a score in order to have a bond sale. CFO advised that we ended 2012 with no over expenditures and that will help us with rating. The over expenditures were cured by emergency transfers. She recommended that Capital Ordinance be introduced to generate more capital monies for projects to be done this year. She wants to include an additional \$2 million in capital monies for DPW department. A bond anticipation note sale will take place in August 2013. She advised as follows: in 2014 there will be a \$900,000 debt payment due; that the debt service was down by \$800,000 in 2012 but wages and salaries are up by \$2 million due to police contracts which have increased by \$1 million. Comm. Wiley inquired as to whether this was caused by the police promotions made by former Vega Administration. CFO advised that it is not the cause as the salary increases as a result of the promotions made during that Administration were waived for an 18 month period which became effective 1/1/13. The new police promotions made in December 2012 will not affect the Town for 24 months as they waived salary increases. CFO explained contents of handout and commented that there is a \$3.8 million increase overall. She advised that the change in benefits for retirees have a significant reduction of \$1 million in costs. She used \$5 million to balance budget in 2012 and 90% of surplus was replenished. Comm. Wiley inquired about the FEMA reimbursement but CFO was now aware of current status. Town Administrator DeMarco explained the FEMA application process, etc. Comm. Wiley inquired about the bond sale at the last Commission Meeting. She advised that it was an old bond ordinance. Comm. Wiley inquired “Are we bonding for FEMA?” Town Administrator replied “No, emergency expenditures. New bond is for restructuring and we can put additional things into it.” Mayor Roque commented that “we have tightened our belt, thanks to Comm. Rodriguez and Comm. Frias. We are one of a few towns in the State that lowered or maintained taxes and still give outstanding services. The Town was in a hole and that is why we have a poor rating but we are bringing this Town back. It is for real; it is not a show.”

Meeting ended at 7:01 p.m.

Commissioner FiorD’Aliza Frias

Commissioner Caridad Rodriguez

ABSENT

Commissioner Ruben Vargas

Commissioner Count J. Wiley

Mayor Felix E. Roque
Board of Commissioners

Attest: _____
Carmela Riccio, RMC
Town Clerk