

February 1, 2013
Special Meeting

PLEASE TAKE NOTICE that a Special Meeting will be held by the Board of Commissioners of the Town of West New York, New Jersey, on **Friday, February 1, 2013** at 11:00 a.m. (10:00 a.m. Work Session) in the Court Chambers, Municipal Building, 428 – 60th Street, West New York, New Jersey, for the purpose of considering the following business:

1. Presentation by Chief Financial Officer regarding the Preliminary 2013 Budget Process
2. Awarding Resolution - Re: Approving a Professional Services agreement for services of Bond Counsel
3. Awarding Resolution- Re: Approving a Professional Services agreement for Auditing Services
4. Re-Introduction of Ordinance 2/13 An Ordinance amending Chapter 338 of the Code of the Town of West New York (Signs)

AND ANY OTHER MATTERS THAT MAY COME UP BEFORE THE BOARD OF COMMISSIONERS.

"ACTION MAY OR MAY NOT BE TAKEN ON THE FOREGOING"

Receipt is hereby acknowledged of due notice of the above special meeting and other or further notice thereof is hereby waived as unnecessary.

Commissioner FiorD'Aliza Frias
Commissioner Caridad Rodriguez
Commissioner Ruben Vargas
Commissioner Count J. Wiley
Mayor Felix E. Roque
Board of Commissioners

Attest: Carmela Riccie, RMC
Town Clerk

Present: Commissioners Frias, Wiley, Vargas and Mayor Roque
Absent: Commissioner Rodriguez
Also Present: Town Attorney Gilberto Garcia, Town Clerk Carmela Riccie, Town Administrator Joseph DeMarco

Meeting commenced at 11:00 a.m.

Town Clerk Carmela Riccie made the following announcement:

As presiding officer of this meeting I do hereby certify that the requirements of the Open Public Meetings Act pertaining to this meeting scheduled to be held this: Friday, February 1, 2013 at 11:00 a.m. (10:00 a.m. Work Session) in the Court Chambers, Municipal Building have been satisfied by the delivery of the 48 hour notice to each of the newspapers circulating in the Town of West New York (The Jersey Journal and the Bergen Record); by posting in the Municipal Building on the Municipal Bulletin Board; and by filing with the Clerk of the Municipality with copies to all persons desiring the same.

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

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ORDINANCE #2/13

**AN ORDINANCE AMENDING CHAPTER 338 OF
THE CODE OF THE TOWN OF WEST NEW YORK (SIGNS)**

Note: Town Clerk Carmela Riccio read the title of the foregoing Ordinance aloud.

It was regularly moved by Mayor Roque, seconded by Commissioner Vargas to adopt the **Re-introduction** of the foregoing Ordinance was carried by the following vote:

YEAS - Commissioners Frias, Vargas and Mayor Roque
NAYS - Commissioner Wiley
ABSENT - Commissioner Rodriguez

Note: Commissioner Wiley commented that an Ordinance cannot be introduced at a Special Meeting. Town Clerk Riccio advised that statement is incorrect. Town Administrator DeMarco commented that as long as proper notification is given to the newspaper within the legally required time period, it can be. Discussion ensued between Comm. Wiley, Town Clerk Riccio and Town Administrator DeMarco as to time required in between introduction and hearing/final adoption of an Ordinance.

Notice
Ordinance #2/13

**AN ORDINANCE AMENDING CHAPTER 338 OF
THE CODE OF THE TOWN OF WEST NEW YORK (SIGNS)**

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on January 16, 2013 and ordered published. Said Ordinance was re-introduced on February 1, 2013 and ordered published, and will be further considered before final passage at a public hearing on February 20, 2013 at 7:00 p.m. at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Note: Town Clerk Carmela Riccio read the foregoing Notice aloud

Mayor Roque opened the Public Portion.

Public Portion:

1. Wayne Cook, 6131 Jackson Street, WNY:

Mr. Cook inquired why they are doing this Ordinance when there is an Ordinance already in place. Town Attorney Garcia explained that this Ordinance is to create larger fines, prohibit certain signs and to allow more freedom for residential signs. He further explained that a permit is not required for residential signs as the Supreme Court ruled it violates First Amendment Rights. Mr. Cook inquired as to whether an existing business is grandfathered and would not be subject to new rules. Discussion ensued between Mr. Cook and Mr. Garcia about removal of existing signs, etc. Mayor Roque commented that there are people using "scare tactics" and telling business owners things which are untrue. He

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Public Portion (Cont):

referred to these people as “cowards”. Town Attorney Garcia read from one of the passages that this Ordinance is “to promote and protect health and safety by regulating existing outdoor advertising”. Mr. Cook inquired about whether additional police officers will be hired in addition to the recent police promotions, and whether new patrol cars will be purchased. He inquired whether there were any funds in the proposed budget for those items. Mayor Roque commented that Police Director Indri is “doing more with less” in that he has re-positioned the officers in the right places to be more effective. Mr. Cook commented that the Town needs more police officers due to pending retirements. Mayor agreed but stated it is a taxpayer’s burden as well. Mr. Cook recommended hiring more police and buying less snow plows. Town Attorney Garcia commented that there is an increase of \$1 million in the budget “to take care of your own first”. Mr. Cook disagreed and commented that he has been living in West New York for a long time, cares about its people and the community and that the Town must get better by working together.

2. Carlos Betancourt, 327 – 51st Street, WNY:

Mayor inquired about whether Mr. Betancourt actually lives at that address. Mr. Betancourt confirmed that he does reside at the above address. He inquired as to how Ordinance #2/13 affects Frank Ferreiro’s mobile advertising truck. Mayor Roque commented “You are a retired officer. Vehicles with lights and noise might cause accidents.” Mr. Betancourt replied “That is far reaching.” Mayor Roque responded “Does your prior town, Ridgefield, allow those vehicles?” Discussion ensued between Mayor and Mr. Betancourt about residency, etc. Town Attorney Garcia replied “What is your question?” Mr. Betancourt responded “How does this Ordinance affect his truck?” Mr. Garcia explained that moving vehicles were mentioned in the former Ordinance as well and status remains the same. Mr. Ferreiro came up to front of court chambers to speak on this subject at the same time Mr. Betancourt was speaking.

3. Frank Ferreiro, 23 Henry Street, Sayreville, NJ:

Mayor Roque inquired as to whether Mr. Ferreiro is a registered voter. He replied “Not in Sayreville but I am at 5206 Bergenline Avenue.” He further advised that he has lived at 5206 Bergenline Avenue since 1980 and that his Mom and Dad still reside there. Mr. Betancourt replied “Isn’t this a guise to stop Frank?” Town Attorney responded “That is your opinion and we respect your opinion but don’t agree with it.” Mr. Garcia explained that the Constitution and the Supreme Court states the Town is entitled to pass Ordinances of this type and that it deals with public safety and traffic issues. He further advised that it is Mr. Ferreiro’s First Amendment Right to take the proper action. Discussion ensued between Mr. Ferreiro and Mr. Garcia about whether “flags” were prohibited by this Ordinance. Mr. Garcia thanked Mr. Ferreiro for raising the issue as the re-introduced version of this Ordinance is “bulletproof”. Mr. Ferreiro inquired about Ileana Hernandez, who he claims is homeless and needs more working hours at her employ with the WNY Parking Authority. Mayor Roque commented that West New York lacks housing facilities. Discussion ensued between the Mayor, Mr. Ferreiro and Mr. Betancourt regarding Ms. Hernandez’s employment and housing. Mayor Roque commented that Mr. Betancourt requested employment with the Town. Mr. Betancourt replied “You are out of order. That is a malicious lie.” Mr. Betancourt indicated that he had agreed to be an “ombudsman” to represent the community and advise the Mayor of issues but did not ask for a job. (At this point, several people were talking at same time and Town Attorney Garcia advised Mr. Ferreiro that his five (5) minutes had expired. Mr. Ferreiro loudly disagreed.)

4. Ramon Morejon, 158 – 61st Street, WNY:

Mr. Morejon referred to the Mayor’s comments about Mr. Betancourt’s residency and inquired as to where the Mayor had resided prior to initiating the recall. Discussion ensued between Mr. Morejon and the Mayor about the Mayor’s prior residency. (Angel Barquin, who was seated in the audience, yelled out “You must answer his question.” Mr. Morejon advised that he is not a “coward” and that he was the one who went to the business owners regarding Ordinance 2/13. Mayor Roque responded that he was generalizing when he used that term, but if Mr. Morejon thinks he is a coward then so be it. Mr. Morejon referred to the recently approved “Meridia project” insofar as the proposed sign which will be

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Public Portion (Cont):

displayed on the top floor and on the ground level. He inquired as to whether the developer would need another permit pursuant to Ordinance 2/13 to display these signs. Mayor Roque responded "The Zoning Board will decide and I am not getting involved." Town Attorney Garcia agreed that it is a zoning issue. Mr. Morejon inquired "Do they need another variance for the signs?" Mr. Garcia replied "I don't know. In due time, you will get your answer." (At this point, Frank Ferreiro came to the front of the court chambers shouting. Mayor Roque advised "I will have you removed from these chambers." Mr. Ferreiro replied "It is getting closer to Cuba around here every day.")

5. Linda Kellerman, 6600 Blvd. East, WNY:

She referred to the Zoning Board hearing regarding Meridia project and advised that she had attended all of the hearings except for one. She advised that at the 1/24/13 meeting, Chairman Ken Blane outlined numerous reasons why project should be denied. She further commented that Mr. Blane is a retired attorney and inquired as to whether the other members of the board are experienced in land use law. Mayor Roque responded "I can't get involved with their decision. They can vote as they wish. I recommend you speak to Ken Blane." She commented "I don't know anything about the other members." Mayor replied "I look at their credentials and their interests, etc. You can volunteer." She referred to parking issues, proposed driveways and commented that they are "a threat to public safety". She complained that fire trucks and ambulances traveling down 67th Street have difficulty now and if a loading zone is approved, it will be more hazardous. She also referred to the proposed waterfall in front of the project which would be a hazard if the water freezes, and commented "You have the authority to address those safety issues."

6. Comm. Wiley:

Commissioner Wiley commented that he is very disappointed in the Town Attorney and this Administration for disrespecting the community. He referred to the Mayor's comment about "cowards" and commented that it is a person's right to advise the business owners as to what is happening as it pertains to Ordinance 2/13. He further commented that it does not matter where a person resides. He complained that he had not received a copy of the re-introduced Ordinance until this morning. Town Clerk Riccie advised that his commission meeting folder had been delivered to his office yesterday. The Commissioner commented that he feels it is not enough time to review the material and that Ordinance 2/13 is infringes on First Amendment rights. He commented that the Mayor "rubber stamps" everything he does. Mayor advised him that his comment is disrespectful to the other Commissioners. Comm. Wiley complained that after reading the re-introduced version of Ord. 2/13, he feels it has been changed tremendously but one thing that hasn't changed is the prohibition of mobile truck advertising. He further stated "This is politically motivated." The Mayor disagreed. Discussion ensued between the Mayor and Comm. Wiley. Mayor Roque stated "Comm. Wiley is accusing me of sending business to a friend I have not seen in 5 yrs. I will get an attorney to sue you."

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It was regularly moved by Mayor Roque, seconded by Commissioner Vargas, **to close public portion and adjourn** the meeting at 11:31 a.m., was carried by the following vote:

YEAS - Commissioners Frias, Vargas, and Mayor Roque
NAYS - None
ABSENT - Commissioner Rodriguez

Note: Commissioner Wiley did not cast a vote.

Commissioner FiorD'Aliza Frias

ABSENT

Commissioner Caridad Rodriguez

Commissioner Ruben Vargas

Commissioner Count J. Wiley

Mayor Felix E. Roque
Board of Commissioners

Attest: _____
Carmela Riccie, RMC
Town Clerk