

**January 19, 2011**  
***Regular Meeting***

Minutes of a regular stated meeting of the Board of Commissioners of the Town of West New York, in the County of Hudson, State of New Jersey, held in the Court Chambers, Municipal Building on Wednesday, January 19, 2011 at 7:00 p.m. (6:00 p.m. Work Session).

Present: Commissioners Lange, Lopez, Riccardi, Rodriguez and Mayor Vega  
Absent: None  
Also Present: Town Attorney Daniel Horgan, Town Administrator Joseph McConnell, and Town Clerk Carmela Riccie

Meeting commenced at 7:01 p.m.

At the request of Mayor Vega, Town Clerk Carmela Riccie 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 19, 2011 at 7:00 p.m.**, 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 November 22, 2010. 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:** At the request of Mayor Vega, Town Clerk Carmela Riccie read aloud the titles of all items on the agenda.

**Minutes of Previous Meeting:**

It was regularly moved by Commissioner Rodriguez seconded by Commissioner Riccardi, that the Minutes of Regular Meeting: 12/20/10 (Regular Session) and Special Meeting: 12/30/10 (Regular Session) be approved as recorded, was carried by the following vote:

YEAS - Commissioners Lange, Lopez, Riccardi, Rodriguez, and Mayor Vega  
NAYS - None  
ABSENT - None

**Claims: Dated 1/19/11 (Claims are available for public inspection in the Town Clerk's Office):**

It was regularly moved by Commissioner Lange, seconded by Commissioner Riccardi that the claims be approved, was carried by the following vote:

YEAS - Commissioners Lange, Lopez, Riccardi, Rodriguez, and Mayor Vega  
NAYS - None  
ABSENT - None

**January 19, 2011**  
***Regular Meeting***

**Receipt of Financial Reports:**

**FINANCIAL REPORTS - MONTH OF DECEMBER 2010**

1. From Construction Code Official Office, reporting the sum of \$46,043.00 collected for the month of December, 2010.
2. From Deputy Director Albert L. Bringa (Police Dept.) reporting the sum of \$6,280.00 collected for the month of December, 2010.
3. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$700.00 Special Licenses collected for the month of December, 2010.
4. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$373.00 for Marriage/death certificates collected for the month of December, 2010.
5. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$24.20 for Dogs Licenses Issued for the month of December, 2010.
6. From Frederick J. Tomkins, Acting CFO (Revenue and Finance Department) reporting the sum of \$799,289.90 collected for the month December, 2010.
7. From Carmela Riccie, RMC, Town Clerk, reporting the sum of \$50.00 collected for the month of December, 2010.

It was regularly moved by Commissioner Lange, seconded by Commissioner Riccardi that the financial reports be approved, was carried by the following vote:

YEAS	- Commissioners Lange, Lopez, Riccardi, Rodriguez, and Mayor Vega
NAYS	- None
ABSENT	- None

January 19, 2011  
Regular Meeting

Communication

Re: Letter of appointment of Sara Gastanadui as a Member of the  
WNY Board of Education



SILVERIO A. VEGA  
Mayor

OFFICE OF THE MAYOR

4A

RECEIVED  
2011 JAN 18 A 8:57  
TOWN CLERK'S OFFICE  
WEST NEW YORK, N.J.

January 14, 2011

JAN 19 2011

SARA GASTANADUI  
399 Kingston Court  
West New York, NJ 07093

DESIGNATION OF SARA GASTANADUI AS BOARD MEMBER OF THE  
WEST NEW YORK BOARD OF EDUCATION

Dear Mrs. Gastanadui,

It is with pleasure that I appoint you to a position on the West New York Board of Education, effective January 14, 2011 to finish the term vacated by Ms. Vanessa Flores. Your term will expire on May 14, 2014. The Board of Education performs an important function for the Town and its public school students, and I am sure that you will continue to provide a significant contribution to the improvement of West New York through your service.

You will be required to take an oath of office before commencing your duties.

Thank you for your services to West New York,

Very truly yours,

A handwritten signature in black ink, appearing to read "Silverio A. Vega".

Silverio A. Vega  
Mayor

Cc.: Town Clerk  
Board of Education Secretary  
Municipal Administrator  
Town Attorney

**January 19, 2011**  
***Regular Meeting***

**RFQ Results**  
**Re: Municipal Court Public Defender**

**RFQ PROPOSAL FORMATION**

Proposal Receipt Date: January 18, 2011  
Proposal Time: 10:00 a.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Municipal Court Public Defender  
Personnel at Opening: Deputy Town Clerk Cosmo A. Cirillo  
Remarks: Time to receive RFQS was closed at 10:05 a.m.  
Reserved decision pending review by review committee.  
RESPONDER #1 (Name) Dario, Yacker, Suarez & Albert, LLC  
(Address) 1590 Anderson Avenue  
Fort Lee, NJ 07024

**RFQ Results**  
**Re: Municipal Court Prosecutor**

**RFQ PROPOSAL FORMATION**

Proposal Receipt Date: January 18, 2011  
Proposal Time: 10:30 a.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Municipal Court Prosecutor  
Personnel at Opening: Deputy Town Clerk Cosmo A. Cirillo and Jennie DelRio  
Remarks: Time to receive RFQs was closed at 10:35 a.m.  
RESPONDER #1 (Name) Giro, Attorneys at Law, LLP  
(Address) 120 Sharman Ave, Apt. 2E  
Jersey City, NJ 07307

January 19, 2011  
Regular Meeting

Communication  
Re: Letter of Re-appointment of Iliana Morfi as  
Deputy Registrar of Vital Statistics from Registrar Maria Alvarez



West New York Health Department  
428 - 60th Street, Room 30  
West New York, N.J. 07093  
(201) 295-5070 Fax (201) 295-0769

Mayor, Silverio A. Vega  
Director

Vincent R. Rivelli, M.S.  
Health Officer

Maria Alvarez  
Registrar of Vital Statistics

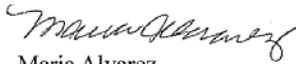
January 19, 2011

Silverio A. Vega  
Mayor & Commissioner of the Dept. of Public Affairs  
Municipal Building  
428 - 60<sup>th</sup> Street  
West New York, NJ 07093

Dear Mayor Vega

I, Maria Del C. Alvarez, Registrar of Vital Statistics of the Town of West New York appoints **Iliana Morfi**, as the Deputy Registrar of Vital Statistics

Sincerely,

  
Maria Alvarez  
Registrar of Vital Statistics

Cc: Town Clerk office

RECEIVED  
2011 JAN 19 A 10:43  
TOWN CLERK'S OFFICE  
WEST NEW YORK, N.J.

January 19, 2011  
Regular Meeting

Communication

Re: Memorandum from Town Administrator Joseph McConnell  
Re: Amendment to the Emergency Procurement Report



Silverio A. Vega  
Mayor

Town of West New York  
Department of Public Affairs  
Office of the Municipal Administrator

Joseph McConnell  
Municipal Administrator

MEMORANDUM

To: Mayor and Board of Commissioners  
From: Joseph McConnell, Municipal Administrator  
Date: January 19, 2011  
Re: Amendment to the Emergency Procurement Report

Please be advised that I must amend the N.J. Division of Local Government Services, Emergency Procurement Report dated November 15, 2010 for Hudson Hall.

The reason for the amendment is that costs were increased for the following reasons:

1. Additional equipment was required to be replaced at the job site that was thought to be in good working order but subsequently was determined to be unsalvageable and thus an additional cost of \$13,872. Powerpoint Electric Company is required. These costs have been reviewed and approved by the Town Engineer.
2. For the reasons of public safety the Bureau of Fire Safety determined that based on conditions that were not foreseen at the time of the original declaration of emergency and approval of same, that the extended use of the services of a fire watch in order to protect the building occupants and surrounding neighborhood was required. The additional cost for Cambridge Security is \$15,574.70.

Respectfully,

Joseph McConnell  
Municipal Administrator

RECEIVED  
2011 JAN 19 P 6:23  
TOWN CLERK'S OFFICE  
WEST NEW YORK, N.J.

**January 19, 2011**  
**Regular Meeting**

**Consent Agenda**

It was regularly moved by Commissioner Lange, seconded by Commissioner Riccardi that the following Consent Agenda Item Nos. R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-9, R-10, R-11, R-12, R-13, R-14, R-15, R-16, R-17, R-18, R-19, R-20, R-21, R-22, R-23, R-24, R-25, R-26, R-27, R-28, R-29, R-30, R-31, R-32, R-33, R-34, R-35, R-36, R-37, R-38, R-39, R-40, R-41, R-42 and R-43 be adopted, was carried by the following vote:

YEAS                   - Commissioners Lange, Lopez, Riccardi, Rodriguez, and Mayor Vega  
NAYS                   - None  
ABSENT               - None

**Note:**       **At the request of Mayor Vega, Town Clerk Carmela Riccie read the titles and item numbers included on the Consent Agenda.**

**Mayor Vega abstained on vote for Resolution #R-36 (Re: Re-appointment of Silverio Vega as member of the Management Committee of the north Hudson Regional Fire & Rescue).**

**Resolution**

**Re: Authorizing the Town Clerk to advertise  
to receive bids for "2011 Road Program"**

**on Thursday, February 10, 2011 at 10:00 a.m. in Town Clerk's Office**

NOW, THEREFORE, BE IT RESOLVED that the Town Clerk be and she is hereby authorized and directed to advertise for the receiving of bids on Thursday, February 10, 2011 at 10:00 a.m. in the Town Clerk's Office for: "2011 Road Program" for the Town of West New York in accordance with specifications on file in the Town Clerk's Office.

**RESOLUTION**

**RE: MAKING APPLICATION TO THE LOCAL  
FINANCE BOARD PURSUANT TO N.J.S.A. 40A:3-4**

WHEREAS, THE TOWN OF WEST NEW YORK, IN THE COUNTY OF HUDSON, NEW JERSEY (the "Town"), desires to make application to the Local Finance Board (the "Board") for the Board's approval of a Bond Ordinance pursuant to N.J.S.A. 40A:3-4 in the Municipal Qualified Bond Act, said approval to be sought in accordance with the provisions of a Resolution adopted by the Board on May 14, 2008, to fund various capital improvements; and

WHEREAS, the Town believes:

- (a) it is in the public interest to accomplish such purposes;
- (b) said purposes or improvements are for the health, wealth, convenience or betterment of the inhabitants of the Town;
- (c) the amounts to be expended for said purposes or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Town and will not create an undue financial burden to be placed upon the Town.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of West New York in the County of Hudson, New Jersey as follows:

**January 19, 2011**  
**Regular Meeting**

**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

Section 1. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer and Bond Counsel and the Town's Auditor, along with other representatives of the Town, are hereby authorized to prepare such application and to represent the Town in matters pertaining thereto.

Section 2. The Clerk of the Town of West New York is hereby directed to file a copy of this Resolution with the Local Finance Board for its consent as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

**Resolution**  
**Re: Calendar Year 2011 Temporary Budget**

Whereas, according to NJSA 40A:4-20 the Town may introduce emergency temporary appropriations for its Calendar Year 2011 Current Fund Operating Budget; and

Whereas, it is necessary to appropriate Budget Funds for the first 3 Months of 2011.

Now, therefore, be it resolved that in accordance with the provisions of NJSA 40A:4-20, emergency temporary appropriations for the Town of West New York Calendar Year 2011 Current Fund Operating Budget be established for the following:

**Department of Public Affairs**

	<b><u>Temporary Budget</u></b>
Director's Office	
Salary & Wages	\$ 105,900.
Other Expenses	\$ 22,100.
Town Clerk's Office	
Salaries & Wages	\$ 55,000.
Other Expenses	\$ 4,000.
Legal Advertising & Publications	\$ 5,000.
Codification of Ordinances	\$ 1,500.
Poormasters Fund	
Other Expenses	\$ 500.
Elections	
Other Expenses	\$ 18,000.
Community Development	
Salaries and Wages	\$ 25,000.
Board of Health	
Salaries & Wages	\$ 111,000.
Other Expenses	\$ 9,000.
Prosecutor	
Salary and Wages	\$ 9,200.
Other Expenses	\$ 16,800.



**January 19, 2011**  
**Regular Meeting**

**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

Public Relations	
Other Expenses	\$ 14,700.
Rent Control	
Salaries & Wages	\$ 21,700.
Other Expenses	\$ 4,700.
Town Funding Program	
Other Expenses	\$ 11,550.
Housing Inspection	
Salaries & Wages	\$ 39,900.
Other Expenses	\$ 500.
Tenant Relations	
Salaries & Wages	\$ -0-
Other Expenses	\$ 250.
Law Department	
Salaries & Wages	\$ 4,000.
Other Expenses	\$ 184,000.
Supervised Play Activity	
Salaries & Wages	\$ 207,000.
Other Expenses	\$ 63,000.
Senior Citizens Coordinator of Events	
Salaries & Wages	\$ 17,500.
Other Expenses	\$ 13,100.
Administrators Office	
Salary & Wages	\$ 48,200.
Other Expenses	\$ 1,500.
Personnel Department	
Salaries & Wages	\$ 22,000.
Other Expenses	\$ 250.
Zoning Board	
Salaries and Wages	\$ -0-
Other Expenses	\$ 6,600.
Planning Board	
Salaries & Wages	\$ 10,800
Other Expenses	\$ 6,600.
North Hudson Regional Council of Mayors	
Town Share	\$ 10,300.
North Hudson Community Action Program	
Town Share	\$ 2,900.
UEZ	
Salaries & Wages	\$ 21,500.
Other Expenses	\$ 8,200.
Total	\$ 1,103,750.

**Department of Revenue and Finance**

Director's Office	
Salaries & Wages	\$ 37,900.
Other Expenses	\$ 4,200.

**January 19, 2011**  
**Regular Meeting**

**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

Treasurer's Office	
Salaries & Wages	\$ 115,700.
Other Expenses:	
Miscellaneous Other Expenses	\$ 116,300.
Annual F/S and Annual Audit	\$ 52,500.
Payroll Service Fees	28,000.
Assessment of Taxes	
Salaries & Wages	\$ 41,500.
Other Expense	\$ 23,000.
Collection of Taxes	
Salaries & Wages	\$ 61,500.
Other Expenses	\$ 9,200.
Insurance	
Group Insurance – Employees	\$ 3,000,000.
Other Insurance – Unemployment	\$ 131,000.
Other Insurance – Worker's Compensation	\$ 158,000.
Other Insurance – Liability	\$ 155,000.
Purchasing Agent	
Salaries & Wages	\$ 37,000.
Others Expenses	\$ 1,100.
Total	\$ 3,971,900.

**Department of Public Safety**

Director's Office	
Salaries & Wages	\$ 66,200.
Other Expenses	\$ 2,400.
Police	
Salaries & Wages	\$ 2,800,000.
Other Expenses	\$ 130,000.
Juvenile Aid	
Other Expenses	\$ 1,000.
North Hudson Communication Authority	
Town Share	\$ -0-
Ambulance Squad	
Salaries & Wages	\$ 79,000.
Other Expenses	\$ 19,700.
Office of Emergency Management	
Salaries & Wages	\$ 4,400.
Other Expenses	\$ 500.
Uniform Fire Safety S/W (Local Share)	\$ 29,000.
Contribution to North Hudson Fire & Rescue	\$ 3,400,000.
Total	\$ 6,532,200.

**January 19, 2011**  
***Regular Meeting***

**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

Department of Public Works

Director's Office	
Salaries & Wages	\$ 66,000.
Other Expenses	\$ 2,500.
Street & Sewers	
Salaries & Wages	\$ 432,000.
Other Expenses	\$ 152,000.
Street Lighting	
Other Expenses	\$ 162,750.
Fire Hydrant Rental	
Other Expenses	\$ 36,750.
Recycling	
Other Expenses	\$ 78,750.
Garbage & Trash	
Salaries & Wages	\$ 62,900.
Other Expenses	\$ 3,000.
Contractual	
Miscellaneous Other Expenses	\$ 695,700.
Snow Removal	
Other Expenses	\$ 150,000.
Engineering Services and Costs	
Other Expenses	\$ 40,000.
Total	\$ 1,882,350.

Department of Parks and Public Property

Director's Office	
Salaries & Wages	\$ 4,700.
Other Expenses	\$ 1,300.
Division of Parks	
Salaries & Wages	\$ 23,400.
Other Expenses	\$ 27,500.
Celebration of Public Events	
Other Expenses	\$ 11,000.
Building Department	
Salaries & Wages	\$ 105,000.
Other Expenses	\$ 42,000.
Light and Power	
Other Expenses	\$ 124,000.
Centralized Postage	
Other Expenses	\$ 28,000.
Fuel	
Other Expenses	\$ 37,000.

**January 19, 2011**  
***Regular Meeting***

**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

Telephone and Telegraph Other Expenses	\$ 53,000.
Water Other Expenses	\$ 15,750.
Sewer Other Expenses	\$ 19,700.
Signal Bureau Other Expenses	\$ 5,200.
Total	\$ 497,550.

**State Uniform Construction Code**

Construction Code Official Salaries & Wages	\$ 97,000.
Other Expenses	\$ 6,300.
Total	\$ 103,300.

Unclassified Retirement Benefits	\$ 60,000.
Prior Year Bills	\$ 10,000.
Total	\$ 70,000.

**Statutory Expenditures**

Contribution To: Social Security System (O.A.S.I.)	\$ 220,500.
Consolidated Police & Firemen's Pension Fund Police and Fire Retirement System of NJ	
Total	\$ 220,500.

Municipal Court Salaries & Wages	\$ 195,000.
Other Expenses	\$ 14,500.

Public Defender Other Expenses	\$ 6,600.
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Interlocal Agreements Reimbursements for Health Services-Contractual Board of Health – Weehawken Salaries & Wages Board of Health – Guttenberg Salaries & Wages Board of Health – Chapter 226 Nursing Services Salaries & Wages	
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Maintenance of Free Public Library	\$ 256,000.
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**January 19, 2011**  
**Regular Meeting**

**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

Blood Borne Pathogens Board of Health – Other Expenses	\$ -0-
Total	\$ 472,100.

<u>Capital Improvement Fund</u>	\$ 100,000.
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Municipal Debt Service  
(As Needed Until Budget is Adopted)

Payment of Bond Principal	\$ -0-
Interest on Bonds	\$ -0-
Payment of B.A.N's Principal	\$ -0-
Interest on Notes	\$ -0-
Casino Redevelopment Authority	\$ -0-
Green Trust Loan Program	\$ -0-
Loan Repayments of Principal & Interest	\$ -0-

Type I District School Debt Service	
Payment of Bond Principal	\$ -0-
Interest on Bonds	\$ -0-
Total	\$ -0-

Public and Private Program Offset by Revenues

Clean Communities Program- Other Expenses	\$
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County of Hudson Municipal Alliance Committee County Share	
Local Share	\$

Public Health Priority Funding Act Program Year 2011	
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State of New Jersey Summer Food Program	\$
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State of N.J Drunk Driving Enforcement Fund	\$
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Alcohol Education & Rehabilitation Fund	\$
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Department of Transportation: 2009 Municipal Aid for Various Streets	\$
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Domestic Violence Training	\$
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Body Armor Replacement Fund	\$
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Community Partnership	\$
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Recycling Tonnage Grant	\$
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**January 19, 2011**  
***Regular Meeting***

**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

Urban Enterprise Zone UEZ: Administration FY 2011	\$
Total	
Grand Total	<u>\$ 14,953,650.</u>

**Consent Agenda (Cont.):**

**TOWN OF WEST NEW YORK  
TEMPORARY CAPITAL BUDGET**

Whereas, the local capital budget for the 2011 has not been adopted, and  
Whereas, it is desired to introduce a capital ordinance,

Now, Therefore Be It Resolved, by the Town Council of the Town of West New York, County of Hudson,  
that the following temporary capital budget for the 2011 be made:

RECORDED VOTE	(	ABSTAIN (
(Insert last names)	AYES (	
	(	NAYS (
	(	(
	(	ABSENT (
	(	(

**CAPITAL BUDGET (Current Year Action)  
2011**

1 PROJECT	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 AMOUNTS RESERVED IN PRIOR YEARS	5 PLANNED FUNDING SERVICES FOR CURRENT YEAR 2011					6 TO BE FUNDED IN FUTURE YEARS
				5a 2011 Budget Appropriations	5b Improvement Fund	5c Capital Surplus	5d Grants in Aid and Other Funds	5e Debt Authorized	
Various Capital Improvements		\$ 1,680,000		\$ 84,000				\$ 1,596,000	
TOTAL ALL PROJECTS		\$ 1,680,000		\$ 84,000				\$ 1,596,000	

**6 YEAR CAPITAL PROGRAM 2011-2016  
Anticipated PROJECT Schedule and Funding Requirement**

1 PROJECT	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 ESTIMATED COMPLETION TIME	5 FUNDING AMOUNTS PER YEAR						
				Budget Year 2011	2012	2013	2014	2015	2016	
Various Capital Improvements		\$ 1,680,000		\$ 1,680,000						
TOTALS ALL PROJECTS		\$ 1,680,000		\$ 1,680,000						

6 YEAR CAPITAL PROGRAM 2011- 2016

SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 PROJECT	2 Estimated TOTAL COST	3 Budget Appropriations		4 Capital Improvement Fund	5 Capital Surplus	6 Grants in Aid And Other Funds	7 BONDS AND NOTES			
		Current Year 2011	Future Years				General	Self Liquidating	Assessment	School
Various Capital Improvements	\$ 1,680,000			\$ 84,000			\$ 1,596,000			
<b>TOTAL ALL PROJECTS</b>	<b>\$ 1,680,000</b>			<b>\$ 84,000</b>			<b>\$ 1,596,000</b>			

January 19, 2011  
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**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

Be It further Resolved that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution creating the temporary capital budget section adopted by the governing body on the 19th day of January, 2011

Certified by me

\_\_\_\_\_

\_\_\_\_\_ MUNICIPAL CLERK

TRENTON, NEW JERSEY  
APPROVED \_\_\_\_\_, 2011

\_\_\_\_\_ DIRECTOR OF LOCAL GOVERNMENT SERVICES



**January 19, 2011**  
***Regular Meeting***

**Consent Agenda (Cont.):**

**RESOLUTION –**  
**Re: Award of 2011 Road Program Engineering Design and Grants/Construction Administration to Maser Consulting**

WHEREAS, Maser Consulting, P.A. submitted a proposal to serve as Town Engineer, in response to a May 2010 Request for Proposals for professional engineering services as may be required by the Town and was qualified to provide such services by the Board of Commissioners, pursuant to resolution dated June 16, 2010, in response to an advertisement for such responses to the Request for Qualifications Statement-Proposals;

WHEREAS, the Commissioner of the Department of Public Works has duly appointed Maser Consulting, P.A., as Town Engineer; and

WHEREAS, the Board of Commissioners, by way of resolution of June 16, 2010, did approve the award of a Contract to Maser Consulting, P.A. to serve as Town Engineer for the period July 1, 2010 through June 30, 2011; and

WHEREAS, the Town is in need of engineering services related to the following projects:

2011 Road Program Engineering Design and Grants/Construction Administration

WHEREAS, Maser Consulting, P.A., as Town Engineer, has proposed to provide professional services for Design, Grants/Construction Administration, required, in the lump sum not to exceed amounts, in accordance with their proposal memo dated January 18, 2011 in the following lump sum amounts:

Design \$42,000 (Lump Sum)  
Grants/Construction Administration \$1,000,000 (Lump Sum)

WHEREAS Maser Consulting, as the Town Engineer is qualified to perform the work as set forth in the Proposal, and

WHEREAS, it is necessary for the efficient operation of the Town of West New York that the work as set out in the Proposal be accomplished; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional engineering services may be awarded without competitive bidding as a “professional service”; and

WHEREAS, N.J.S.A. 40A:9-140 permits a municipality to provide for the compensation of services provided by a municipal engineer at an hourly rate, based upon actual time and expenses for services rendered; and

WHEREAS, this award is made pursuant to a fair and open process, adopted by the Board of Commissioners pursuant to N.J.S.A. 19:44A-20.5 et seq.;

WHEREAS, the Certificate of Available Funds, maintained on file at the Town, sets forth that sufficient funds for the subject procurement have been allotted in the Town's budget

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York as follows:

1. The above recitals are incorporated herein.

**January 19, 2011**  
**Regular Meeting**

**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

2. The Mayor and/or the Director of the Department of Public Works or his or their designee be and they are hereby authorized to execute any document that may be necessary to enter into an agreement(s) with Maser Consulting, P.A. as Town Engineer to perform Engineering Support as detailed herein, to be rendered in accordance with the terms and conditions of the June 16, 2010, appointing resolution and the contract with Maser Consulting ("Contract") thereby resulting, to the extent he/they may deem the provision of such services by Maser Consulting, P.A., necessary, in a form satisfactory to the Town as evidenced by the Mayor and/or the Director of the Department of Public Works or his or their designee's signature thereon at the following amounts:

2011 Road Program Engineering Design and Grants/Construction Administration  
Design \$42,000 (Lump Sum)  
Grants/Construction Administration \$1,000,000 (Lump Sum)

3. Notice of this award shall be published as may be required by law.
4. A copy of this resolution and agreement(s) permitted under this Resolution once executed between the Town and the Town Engineer for the Project shall be kept and maintained on file with the office of the Municipal Clerk and available for public inspection.
5. All work to be done by Maser Consulting for the Town henceforth, until further action by the Governing Body shall be done under the supervision of Joseph R. Venezia, P.E., P.P., C.M.E.
6. The Chief Financial Officer's Certification that funds are available shall be on file at the Authority and made a part hereof.

**Resolution**

**Re: Authorizing Town Clerk to advertise to receive bids for  
2009 Safe Routes to School Project (subject to NJ DOT approval)**

NOW, THEREFORE, BE IT RESOLVED that the Town Clerk be and she is hereby authorized and directed to advertise for the receiving of bids at such time as may be set by the Town Clerk in the Town Clerk's Office, for: "2009 NJDOT Safe Routes to Schools Improvements" for the Town of West New York subject to NJDOT approval in accordance with specifications on file in the Town Clerk's Office.

**RESOLUTION**

**Authorizing the Waiver of Fees For Building and Construction Permits  
for Affordable Units Only for Jaclyn 55, LLC**

WHEREAS, Jaclyn 55, LLC (the "Developer"), is responsible for the construction and management of a condominium project in the Town at [address] Jefferson Street (the "Project"); and

WHEREAS, the Project is CHOICE program housing development; and

WHEREAS, affordable and emergent market housing provides a benefit to the community as a whole; and

WHEREAS, the furtherance of redevelopment of the Project site provides a benefit to the community as a whole; and

WHEREAS, the Board of Commissioners is of the opinion that a waiver of the permit fees for the project that have restrictions on affordability, is in furtherance of the Project, and

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**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

WHEREAS, the Town has a substantial interest in the commencement and financial success of the project as such project provides a benefit to the Town and the community as a whole because this redevelopment project is providing for 100% of its 55 units to be income restricted, 18 being non-market rate and the remainder being financially assisted units to provide essential low and moderate housing, with the remainder being NJ HMFA assisted workforce housing;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York, County of Hudson as follows:

1. A waiver of eighteen percent (18%) of the fees for the Project (except for mandatory Division of Community Affairs Fees) for building and construction permits for Jaelyn 55, LLC, be and is hereby authorized and approved, such fees being hereby waived. Appropriate Town officials shall determine how best to effectuate this directive.
2. A copy of this resolution shall be kept on file in the office of the Municipal Clerk for public inspection.

**RESOLUTION**

**Authorizing The Temporary Use Of Public Rights Of Way By Meridia Park Avenue, LLC  
For Purposes Of Environmental Remediation And Construction Activities**

WHEREAS, Meridia Park Avenue, LLC has secured necessary permits and approvals for the environmental remediation of property located at block 43, lots 4, 5, 6, 16 and 17 and wishes to commence such remediation forthwith; and

WHEREAS, Meridia is proposing the construction of market rate residential housing at such location upon the completion of its remediation work; and

WHEREAS, Meridia is obligated comply with all environmental, health and safety laws, rules and regulations of Federal, State, and local governments in the aforesaid work and has proposed a plan to ensure the safety of the public through compliance with its permit conditions and the implementation of a pedestrian safety bypass plan for the general public in the vicinity of the work; and

WHEREAS, such plan has been submitted to and reviewed by the Town Engineer and requires the use of limited portions of Park Avenue and Buchanan place for the duration of the work; and

WHEREAS, Meridia's investment in the work will provide a substantial improvement to the health, safety and welfare of the community;

NOW THEREFORE be it resolved by the Board of Commissioners of the Town of West New York as follows:

1. The pedestrian safety bypass plan of Meridia Park Avenue, LLC, a copy of which is attached to this resolution, is approved subject to the terms and conditions of this resolution and Meridia may implement such plan in accordance with the provisions hereof.
2. Prior to the use of any portion of the public right-of-way by Meridia or its contractors, Meridia shall give written notice to both the Town Engineer and the Police Director setting forth its intended start date, and shall, at their request, meet with them to coordinate all restrictions necessary to be imposed upon the public rights-of-way for the implementation of its pedestrian bypass plan.

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**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

3. Prior to the use of any portion of the public right-of-way by Meridia or its contractors, Meridia shall give written notice to both the Town Engineer and the Police Director setting forth its intended start date, and shall, at their request, meet with them to coordinate all restrictions necessary to be imposed upon the public rights-of-way for the implementation of its pedestrian bypass plan.
  
4. Meridia shall follow the direction and comply with the orders of the Town Engineer and West New York Police Department concerning all matters implicated by its pedestrian safety bypass plan.
  
5. Upon the completion of its work, and as soon as practicable after the completion of its work, or any extended interruption thereof, Meridia shall remove all installations it has made in public rights-of-way and restore such rights-of-way by compliance with the terms, conditions and specifications of its site plan approval, and with respect to the road bed of any street, to a condition satisfactory to the Town Engineer.
  
6. A specific condition of this approval for the use of public rights-of-way shall be a requirement that Meridian indemnify, save and hold harmless the Town of West New York from all costs, damages and expenses in connection with any damages, loss, claims, suits or proceedings arising from or in connection with its pedestrian safety bypass or any activity conducted within the public rights-of-way. Meridian shall acknowledge this obligation in writing prior to its commencement of any use of the public rights-of-way.

**Resolution**  
**Re: Establishing restricted parking in front of one**  
**(1) residence for use by handicapped resident as follows:**  
**6015 Park Avenue, WNY (Ruth Mory)**

WHEREAS, the Town of West New York wishes to establish a restrictive parking space in front of one (1) residence of a handicapped person who has been issued vehicle identification card by the Division of Motor Vehicles; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York pursuant to N.J.S.A. 39:4-205 and N.J.S.A. 39:4-107.5 as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Ruth Mory 6015 Park Avenue West New York, NJ 07093	West	Begin at a point along the West side of Park Avenue, 23 feet South from the South west corner of Westover Place and Park Avenue, then 20 feet therefrom.

No other person shall be permitted to park in this space; any person violating this Resolution shall be subject to the following penalties for violation of parking in a restrictive handicapped-parking zone.

1. First Offense- \$253.00
2. For each subsequent offense \$253.00 and up to 90 days of community service on such terms and in form as the court shall deem appropriate for any combination thereof (Ch 200L, 1989 effective November 29, 1989) and
3. In addition the violator shall bear full cost of towing, removal and storage of violator's vehicle (Ch 200L, 1989 effective November 29, 1989).

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**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

This resolution shall take effect immediately and the Director of Public Safety shall post the appropriate marking and/or sign at said place.

**Resolution**  
**Re: Establishing restricted parking in front of one**  
**(1) residence for use by handicapped resident as follows:**  
**142 – 67<sup>th</sup> Street (Maria D. Ebeid)**

WHEREAS, the Town of West New York wishes to establish a restrictive parking space in front of one (1) residence of a handicapped person who has been issued vehicle identification card by the Division of Motor Vehicles; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York pursuant to N.J.S.A. 39:4-205 and N.J.S.A. 39:4-107.5 as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Maria D. Ebeid 142 – 67 <sup>th</sup> Street West New York, NJ 07093	North	Begin at a point along the North side 67 <sup>th</sup> Street, 71 feet east from the Northeast corner of 67 <sup>th</sup> Street & Broadway, then 22 feet South therefrom.

No other person shall be permitted to park in this space; any person violating this Resolution shall be subject to the following penalties for violation of parking in a restrictive handicapped-parking zone.

1. First Offense- \$253.00
2. For each subsequent offense \$253.00 and up to 90 days of community service on such terms and in form as the court shall deem appropriate for any combination thereof (Ch 200L, 1989 effective November 29, 1989) and
3. In addition the violator shall bear full cost of towing, removal and storage of violator's vehicle (Ch 200L, 1989 effective November 29, 1989).

This resolution shall take effect immediately and the Director of Public Safety shall post the appropriate marking and/or sign at said place.

**Resolution**  
**Re: Establishing restricted parking in front of one**  
**(1) residence for use by handicapped resident as follows:**  
**6117 Jackson Street (Maria Stallone)**

WHEREAS, the Town of West New York wishes to establish a restrictive parking space in front of one (1) residence of a handicapped person who has been issued vehicle identification card by the Division of Motor Vehicles; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York pursuant to N.J.S.A. 39:4-205 and N.J.S.A. 39:4-107.5 as follows:

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**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Maria Stallone 6117 Jackson Street West New York, NJ 07093	West	Begin at a point along the West side of Jackson Street, 200 feet North from the Northwest corner of 61 <sup>st</sup> Street & Jackson Street, then 22 Feet therefrom

No other person shall be permitted to park in this space; any person violating this Resolution shall be subject to the following penalties for violation of parking in a restrictive handicapped-parking zone.

1. First Offense- \$253.00
2. For each subsequent offense \$253.00 and up to 90 days of community service on such terms and in form as the court shall deem appropriate for any combination thereof (Ch 200L, 1989 effective November 29, 1989) and
3. In addition the violator shall bear full cost of towing, removal and storage of violator's vehicle (Ch 200L, 1989 effective November 29, 1989).

This resolution shall take effect immediately and the Director of Public Safety shall post the appropriate marking and/or sign at said place.

**Resolution**  
**Re: Establishing No Parking Loading Zone**  
**for Robert Tussell- T/A Final Touch Collision**  
**6116 Broadway, West New York, NJ**

WHEREAS, there exists in the vicinity of 6116 Broadway a condition relating to traffic congestion and difficulty of receiving, loading and discharging merchandise and supplies caused by the location of establishment in the building located at 6116 Broadway; and

WHEREAS, the congestion in this area not only prevents the loading and unloading of necessary merchandise and supplies from trailer trucks and vehicles during business hours, but, in addition present hazards to safety and traffic by the impeding of the safe and regular flow of traffic through the said street areas during the loading and unloading operation and good cause appearing.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York, N.J., pursuant to N.J.S.A. 39:4-197 (3) (b) that a "No Parking-Loading Zone" be and same is hereby authorized and established, at the said location, more particularly described hereafter, during business hours from Monday - Friday 8:00 a.m. to 6:00 p.m. Saturday 8:00 a.m. to 1:00 p.m. said area or zone to be used as a "No Parking-Loading Zone": during said hours so as to promote traffic and passage of vehicular traffic in the area, and to allow the prompt and safe loading and unloading of merchandise and supplies as aforesaid, and:

BE IT FURTHER RESOLVED that the said "No Parking-Loading Zone" shall be located and is hereby established and approved as follows:

BEGIN AT A POINT ALONG THE EAST SIDE OF  
BROADWAY, 152 FEET NORTH FROM THE NORTH EAST  
CORNER OF 61<sup>ST</sup> STREET AND BROADWAY,  
THEN 23 FEET NORTH THEREFROM.

BE IT FURTHER RESOLVED that appropriate markings and sign shall be located at said "No Parking-Loading Zone" area according to law.

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**Consent Agenda (Cont.):**

**Resolution**  
**Re: Establishing No Parking Loading Zone**  
**for Josmo Shoes**  
**6028 Buchanan Place, West New York, NJ**

WHEREAS, there exists in the vicinity of 6028 Buchanan Place a condition relating to traffic congestion and difficulty of receiving, loading and discharging merchandise and supplies caused by the location of establishment in the building located at 6028 Buchanan Place; and

WHEREAS, the congestion in this area not only prevents the loading and unloading of necessary merchandise and supplies from trailer trucks and vehicles during business hours, but, in addition present hazards to safety and traffic by the impeding of the safe and regular flow of traffic through the said street areas during the loading and unloading operation and good cause appearing.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York, N.J., pursuant to N.J.S.A. 39:4-197 (3) (b) that a "No Parking-Loading Zone" be and same is hereby authorized and established, at the said location, more particularly described hereafter, during business hours from Monday - Friday 6:00 a.m. to 6:00 p.m. said area or zone to be used as a "No Parking-Loading Zone": during said hours so as to promote traffic and passage of vehicular traffic in the area, and to allow the prompt and safe loading and unloading of merchandise and supplies as aforesaid, and:

BE IT FURTHER RESOLVED that the said "No Parking-Loading Zone" shall be located and is hereby established and approved as follows:

BEGIN AT A POINT ALONG THE EAST SIDE OF BUCHANAN PLACE, 95 FEET SOUTH FROM THE SOUTHEAST CORNER OF 61<sup>ST</sup> & BUCHANAN PLACE, THEN GO 25 FEET SOUTH THEREFROM

BE IT FURTHER RESOLVED that appropriate markings and sign shall be located at said "No Parking-Loading Zone" area according to law.

**Resolution**  
**Re: Establishing No Parking Loading Zone**  
**For Carniceria Latina, Inc.**  
**401-52<sup>nd</sup> Street, West New York, NJ**

WHEREAS, there exists in the vicinity of 401-52<sup>nd</sup> Street, a condition relating to traffic congestion and difficulty of receiving, loading and discharging merchandise and supplies caused by the location of establishment in the building located at 401-52<sup>nd</sup> Street; and

WHEREAS, the congestion in this area not only prevents the loading and unloading of necessary merchandise and supplies from trailer trucks and vehicles during business hours, but, in addition present hazards to safety and traffic by the impeding of the safe and regular flow of traffic through the said street areas during the loading and unloading operation and good cause appearing.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York, N.J., pursuant to N.J.S.A. 39:4-197 (3) (b) that a "No Parking-Loading Zone" be and same is hereby authorized and established, at the said location, more particularly described hereafter, during business hours from Monday - Saturday 8:00 a.m. to 5:00 p.m. said area or zone to be used as a "No Parking-Loading Zone": during said hours so as to promote traffic and passage of vehicular traffic in the area, and to allow the prompt and safe loading and unloading of merchandise and supplies as aforesaid, and:

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**Regular Meeting**

**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

BE IT FURTHER RESOLVED that the said "No Parking-Loading Zone" shall be located and is hereby established and approved as follows:

BEGIN AT A POINT ALONG THE SOUTHWEST CORNER OF 52<sup>ND</sup>  
STREET & PALISADE AVE, THEN GO WEST 60 FEET ALONG THE  
SOUTH SIDE OF 52<sup>ND</sup> STREET

BE IT FURTHER RESOLVED that appropriate markings and sign shall be located at said "No Parking-Loading Zone" area according to law.

**Resolution**  
**Re: Establishing No Parking Loading Zone**  
**for El Vesuvio Restaurant**  
**442-62<sup>nd</sup> Street, West New York, NJ**

WHEREAS, there exists in the vicinity of 442-62<sup>nd</sup> Street a condition relating to traffic congestion and difficulty of receiving, loading and discharging merchandise and supplies caused by the location of establishment in the building located at 442-62<sup>nd</sup> Street; and

WHEREAS, the congestion in this area not only prevents the loading and unloading of necessary merchandise and supplies from trailer trucks and vehicles during business hours, but, in addition present hazards to safety and traffic by the impeding of the safe and regular flow of traffic through the said street areas during the loading and unloading operation and good cause appearing.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York, N.J., pursuant to N.J.S.A. 39:4-197 (3) (b) that a "No Parking-Loading Zone" be and same is hereby authorized and established, at the said location, more particularly described hereafter, during business hours from Monday - Friday 9:00 a.m. to 5:00 p.m. said area or zone to be used as a "No Parking-Loading Zone": during said hours so as to promote traffic and passage of vehicular traffic in the area, and to allow the prompt and safe loading and unloading of merchandise and supplies as aforesaid, and:

BE IT FURTHER RESOLVED that the said "No Parking-Loading Zone" shall be located and is hereby established and approved as follows:

BEGIN AT A POINT ALONG THE NORTHEAST CORNER  
OF 62<sup>ND</sup> STREET AND BERGENLINE AVENUE, GO EAST 126  
FEET ALONG THE NORTH SIDE OF 62<sup>ND</sup> STREET, THEN 23 FEET  
EAST THEREFROM

BE IT FURTHER RESOLVED that appropriate markings and sign shall be located at said "No Parking-Loading Zone" area according to law.



**January 19, 2011**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**Resolution**  
**Re: Establishing No Parking-Drop off Zone**  
**for Pretty Faces Learning Center**  
**(532-62nd Street, WNY, NJ)**

WHEREAS, based upon the recommendation of the Traffic Division of the West New York Police Department in letter dated December 9, 2010, and in accordance with N.J.S.A. 39:4-197(3) (b), it is in the best interest of the Town of West New York to establish a “No Parking-Drop Off Zone” at the Pretty Faces Learning Center located at 532 – 62nd Street, West New York, NJ; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Board of Commissioners of the Town of West New York, N.J. that a “No Parking-Drop off Zone” be and the same is hereby authorized and established, as follows:

1. No person shall stop or stand a vehicle between the hours specified on any day (except Saturdays, Sundays and public holidays) other than for the loading and unloading of students upon the following street or part of street described below.

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
532-62nd Street West New York, NJ (Pretty Faces Learning Center)	North side of 62nd Street	6:30 a.m. to 6:30 p.m. (Monday- Friday)	Begin at a point, along the North side of 62 <sup>nd</sup> Street, 69 feet East from the N.E. corner of 62nd Street & Polk Street, then 27 feet East therefrom.

2. Appropriate markings and sign shall be located at said "No Parking-Drop off Zone" area according to law.

**RESOLUTION**  
**Re: Authorizing Settlement of Alan Bigdelle v. Town of WNY**  
**(Block 85 Lot 37 Tax Court Docket #012049-2009)**

WHEREAS, Alan Bigdelle, is the owner/taxpayer of property located at 5101 Blvd. East, identified as Block 85, Lot 37, on the Tax Assessment Map for the Town of West New York, who filed appeals against the Town of West New York, with the Tax Court of New Jersey, for tax year 2009, under Docket Number 012049-2009; and

WHEREAS, the Town has completed full discovery and conducted extensive negotiations with plaintiff's attorney; and

WHEREAS, the Town Tax Assessor, Sal Bonaccorsi, and its real estate consultant, Michael Jaeger, have reviewed the above settlement proposals and have agreed to same and have joined in with the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, in recommending to the governing body that the settlements are fair and equitable.

NOW, THEREFORE, BE IT RESOLVED that the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, be and is hereby authorized to enter into Stipulations of Settlement (attached hereto) agreeing to settle the tax appeal filed by Alan Bigdelle, pertaining to the above-captioned matters; and

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**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

BE IT FURTHER RESOLVED by the by the Mayor and Board of Commissioners of the Town of West New York that a true copy of this Resolution be forwarded to the Tax Assessor, to Chasan Leyner & Lamparello, PC, Town Assistant Counsel, and the Town Tax Collector.

**RESOLUTION**

**Re: Authorizing Settlement of S & D Affuso v. Town of WNY**  
**(Block 2 Lot 9 Tax Court Docket Nos. 016320-2009 and 012718-2010)**

WHEREAS, S&D Affuso, is the owner/taxpayer of property located at 9 67<sup>th</sup> Street, identified as Block 2, Lot 9, on the Tax Assessment Map for the Town of West New York, who filed appeals against the Town of West New York, with the Tax Court of New Jersey, for tax years 2009 and 2010, under Docket Numbers 016320-2009 and 012718-2010; and

WHEREAS, the Town has completed full discovery and conducted extensive negotiations with plaintiff's attorney; and

WHEREAS, the Town Tax Assessor, Sal Bonaccorsi, and its real estate consultant, Michael Jaeger, have reviewed the above settlement proposals and have agreed to same and have joined in with the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, in recommending to the governing body that the settlements are fair and equitable.

NOW, THEREFORE, BE IT RESOLVED by the by the Mayor and Board of Commissioners of the Town of West New York that the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, be and is hereby authorized to enter into Stipulations of Settlement (attached hereto) agreeing to settle the tax appeals filed by S&D Affuso, pertaining to the above-captioned matters; and

BE IT FURTHER RESOLVED that a true copy of this Resolution be forwarded to the Tax Assessor, to Chasan Leyner & Lamparello, PC, Town Assistant Counsel, and the Town Tax Collector

**RESOLUTION**

**Re: Authorizing Settlement of S & D Affuso v. Town of WNY**  
**(Block 2 Lot 10 Tax Court Docket Nos. 016716-2009 and 018865-2010)**

WHEREAS, S&D Affuso, is the owner/taxpayer of property located at 6615-09 Blvd. East, identified as Block 2, Lot 10, on the Tax Assessment Map for the Town of West New York, who filed appeals against the Town of West New York, with the Tax Court of New Jersey, for tax years 2009 and 2010, under Docket Numbers 016716-2009 and 018865-2010; and

WHEREAS, the Town has completed full discovery and conducted extensive negotiations with plaintiff's attorney; and

WHEREAS, the Town Tax Assessor, Sal Bonaccorsi, and its real estate consultant, Michael Jaeger, have reviewed the above settlement proposals and have agreed to same and have joined in with the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, in recommending to the governing body that the settlements are fair and equitable.

NOW, THEREFORE, BE IT RESOLVED by the by the Mayor and Board of Commissioners of the Town of West New York that the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, be and is hereby authorized to enter into Stipulations of Settlement (attached hereto) agreeing to settle the tax appeals filed by S&D Affuso, pertaining to the above-captioned matters; and

**January 19, 2011**  
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**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

BE IT FURTHER RESOLVED that a true copy of this Resolution be forwarded to the Tax Assessor, to Chasan Leyner & Lamparello, PC, Town Assistant Counsel, and the Town Tax Collector.

**RESOLUTION**

**Re: Amendment of resolution approving Emergency Contracts – Hudson Hall**

WHEREAS, on or about October 5, 2010, an imminent emergency occurred requiring the repair and installation of fire detection equipment and sprinkler systems/electronic smoke detection system at Hudson Hall (“Emergency Services”); and

WHEREAS, the Business Administrator determined that the required Emergency Services could be considered an emergency service as per the Local Public Contract Law Regulations; and

WHEREAS, whereas the emergency commenced on or about October 5, 2010 and though the maximum amount of reimbursement was not yet been established, Powerpoint Electric Company submitted as proposal for required electrical work required to effectuate the Emergency Services, in the amount of \$85,585.00; and

WHEREAS, whereas the emergency commenced on or about October 5, 2010 and though the maximum amount of reimbursement was not yet been established, Cambridge Security Services Corp. submitted as proposal for required fire watch work required to effectuate the Emergency Services, in the amount not to exceed \$19.95/hr between October 15, 2010 and October 18, 2010, and \$19.95/hr commencing on October 18, 2010; and

WHEREAS, the Business Administrator executed a Certificate of Emergency and;

WHEREAS, the Board of Commissioners did ratify and approve an emergency contract to Powerpoint Electric Company for \$85,585 and Cambridge Security Services Corp., for \$6,415.00; and

WHEREAS, on January 19, 2011, the Municipal Administrator did issue an amendment to the Certificate of Emergency indicating that an additional \$13,872 should be paid to Powerpoint Electric Company and additional \$15,574 should be paid to Cambridge Security for emergency work performed, for the reasons set out in the Municipal Administrator’s January 19, 2011 amendment to the Certificate of Emergency; and

WHEREAS, subject to N.J.S.A. 40A:11-6, emergency contracts may be negotiated or awarded without competitive bidding, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, emergency contracts are exempted from compliance with the fair and open process under N.J.S.A. 19:44A-20.4 et seq. so long as an Emergency Procurement Form is sent to the Division of Local Government Services within 30 days; and

WHEREAS, the Certificate of Available Funds, maintained on file at the Town, sets forth that sufficient funds for the subject procurement have been allotted in the Town's budget and that such funds have been appropriated;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York, County of Hudson as follows:

**January 19, 2011**  
**Regular Meeting**

**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

1. The Board of Commissioners hereby confirms, ratifies and approves the amendment to the declaration of emergency by the Town's Business Administrator regarding the emergency necessitating Emergency Services from October 5, 2010 through October 31, 2010, of January 19, 2011.

2. The Board of Commissioners hereby accepts the January 19, 2011, amendment to the Certificate of Emergency dated October 15, 2010, of the Business Administrator and same is to be placed on file in the office of the Municipal Clerk and available for public inspection.

3. The Board of Commissioners hereby confirms, ratifies and approves an agreement between the Town and Powerpoint Electric Company for Emergency Services in a form satisfactory to the Town as evidenced by the Mayor or Business Administrator's signature thereon and same is to be placed on file in the office of the Municipal Clerk and available for public inspection, in an amount not to exceed \$13,872 plus such amount previously approved.

4. The Board of Commissioners hereby confirms, ratifies and approves an agreement between the Town and Cambridge Security Services Corp. for Emergency Services in a form satisfactory to the Town as evidenced by the Mayor or Business Administrator's signature thereon and same is to be placed on file in the office of the Municipal Clerk and available for public inspection, in an amount not to exceed \$15,574.00 plus such amount previously approved.

5. The Chief Financial Officer's Certification that funds are available shall be maintained on file.

6. A copy of this resolution shall be kept on file in the office of the municipal clerk and published as may be required by law. A supplemental report shall be provided to the Division of Local Government Services.

**RESOLUTION**

**Re: Qualification of Various Legal Professionals for Various Legal Services**

WHEREAS, the Town of West New York has followed the fair and open process under the New Jersey Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.5 *et seq.* for receiving Requests for Qualifications; and

WHEREAS, the Town of West New York issued a Request for Qualifications for the following professional legal services through advertisement on the Town's website:

Municipal Court Public Defender  
Municipal Court Prosecutor

in accordance with the requirements of N.J.S.A. 19:44A-20.4, *et. seq.*, on or before December 6, 2010, and on or before January 6, 2011, for the provision of such legal services; and

WHEREAS, the Town of West New York received and opened Statements of Qualifications for those positions from December 16, 2010 and January 18, 2011; and

WHEREAS, pursuant to the Request for Qualifications, the Town's received Statements of Qualifications from the following for such services as follows:

**January 19, 2011**  
**Regular Meeting**

**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

Municipal Court Public Defender  
Carl M. Losito, Esq.  
Dario, Yacker, Suarez & Albert, LLC/Wilfredo Ortiz, Esq.

Municipal Court Prosecutor  
Giro, Attorneys at Law/Maurice Giro, Esq.

WHEREAS, pursuant to the Request for Qualifications, the Town's staff and consultants have conducted a review of the responses received and recommends that the firms listed below be deemed qualified to provide legal services based on the Statements of Qualifications received, as follows:

Municipal Court Public Defender  
Carl M. Losito, Esq.  
Dario, Yacker, Suarez & Albert, LLC/Wilfredo Ortiz, Esq.

Municipal Court Prosecutor  
Giro, Attorneys at Law/Maurice Giro, Esq.

NOW, THEREFORE, BE IT RESOLVED, Mayor and Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey, that the following firms be and are hereby qualified to render professional legal services on behalf of the Town of West New York for the next year as herein described:

Municipal Court Public Defender  
Carl M. Losito, Esq.  
Dario, Yacker, Suarez & Albert, LLC/Wilfredo Ortiz, Esq.

Municipal Court Prosecutor  
Giro, Attorneys at Law/Maurice Giro, Esq.

BE IT FURTHER RESOLVED that the Mayor and his designee are hereby authorized to transmit formal or informal requests for proposals to any of the above qualified firms, as necessary, for the performance of professional legal services, as qualified, that may be required by the Town, up through January 18, 2012.

**RESOLUTION**

**Re: Approval of Professional Services Agreement for the Provision of Legal Services –**  
**Municipal Prosecutor, with Giro Attorneys at Law, LLP**  
**(January 19, 2011 – December 31, 2011)**

WHEREAS, N.J.S.A. 2B:25-4 requires that “[e]ach municipal court in this State shall have at least one Municipal Prosecutor appointed by the governing body of the municipality”; and

WHEREAS, the firm of Maurice Giro, Esq., has been serving as Municipal Prosecutor since pursuant to a contract issued pursuant to a fair and open process N.J.S.A. 19:44A-20.5 et seq. in April 2011; and

WHEREAS, the firm of Maurice Giro, Esq., has sufficient experience in the provision of Professional Legal Services – Municipal Prosecutor; and

WHEREAS, Maurice Giro, Esq., as member of the firm of Giro Attorneys at Law, LLP, has provided a statement of qualification in response to a Request for Qualification issued on or before January 6, 2011 on or before January 18, 2011; and

WHEREAS, the Mayor and Town Attorney do recommend to this board that Maurice Giro, Esq., be re-appointed as Municipal Court Prosecutor on the basis that Maurice Giro, Esq., has

**January 19, 2011**  
***Regular Meeting***

**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

sufficient experience in the manner and method of municipal prosecutions in the Municipal Court of the Town of West New York having served in this position since April, 2010; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to retain the services of Maurice Giro, Esq., to serve as Municipal Prosecutor and enter into a contract with Giro Attorneys at Law, LLP, to provide for the compensation for the services of Maurice Giro, Esq. commencing on January 19, 2011; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional legal services may be awarded without competitive bidding as a “professional service”; and

WHEREAS, the award of a contract to Giro Attorneys at Law, LLP for the services of Maurice Giro, Esq., for the provision of Professional Legal Services – Municipal Court Prosecutor, is a result of a fair and open process, adopted by the Board of Commissioners pursuant to N.J.S.A. 19:44A-20.5 et seq. through a publicly advertised Request for Qualifications in December 2010 and January 2011; and

WHEREAS, the Certificate of Available Funds, maintained on file at the Town, sets forth that sufficient funds for the subject procurement have been allotted in the Town's budget

NOW THEREFORE, BE IT RESOLVED by the Commissioners of The Town of West New York, County of Hudson as follows:

1. The above recitals are incorporated herein.
2. All services provided by Maurice Giro, Esq. as Municipal Prosecutor from January 1, 2011, through the date of this resolution are hereby ratified and approved.
3. A contract between the Town of West New York and Giro Attorneys at Law, LLP for services provided from January 1, 2011 through December 31, 2011, is hereby ratified and approved.
4. Maurice Giro, Esq., of the firm of Giro Attorneys at Law, LLP, be and is hereby reappointed and authorized to serve as Municipal Prosecutor for the Town of West New York.
5. The Mayor shall be and is hereby authorized to execute an agreement, by and between the Town and the firm of Giro Attorneys at Law, LLP, for the services of Maurice Giro, Esq., as Municipal Prosecutor, in a form satisfactory to the Town as evidenced by the Mayor's signature thereon, in essentially the form advertised in the Request for Qualifications, at an hourly rate not to exceed \$150.00 and in total amount not to exceed \$72,199.00.
6. The initial authorization of this contract shall not exceed \$72,199.00, inclusive costs of work performed from January 1, 2011 for the period January 19, 2011 through December 31, 2011.
7. A notice of this award shall be published as may be required by law.
8. A copy of this resolution, and a copy of the contract for upon execution by the Town, shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.
9. The Chief Financial Officer's Certification that funds are available shall be on file at the Authority and made a part hereof.

January 19, 2011  
Regular Meeting

**Consent Agenda (Cont.):**

**RESOLUTION**  
**Professional Services Contract with Dario, Yacker, Suarez & Albert, LLC for the**  
**Provision of Professional Services – Municipal Court**  
**Public Defender (Term: 1/1/11-12/31/11)**

WHEREAS, N.J.S.A. 40A:11-1 et seq. (Local Public Contracts Law) provides that contracts for professional services may be entered by the governing body without advertising for bids; and

WHEREAS, Dario, Yacker, Suarez & Albert, LLC has submitted a Statement of Qualifications to serve as Municipal Court Public Defender, in response a publicly advertised Request for Qualifications for the provision of legal services – Municipal Court Public Defender, on or before January 18, 2011 for the services of public defender under the direction of Wilfredo Ortiz; and

WHEREAS, Wilfredo Ortiz, is the current Municipal Court Public Defender; and

WHEREAS, Wilfredo Ortiz has sufficient experience in the provision of Professional Legal Services – Municipal Court Public Defender; and

WHEREAS, on the basis of the review of the Statement of Qualifications submitted by Dario, Yacker, Suarez & Albert, LLC, the Board of Commissioners deemed the firm qualified to provide legal services to the Town as Municipal Court Public Defender in January 2011; and

WHEREAS, the Board of Commissioners of the Town of West New York are desirous of awarding a contract for the compensation of Wilfredo Ortiz, as Municipal Court Public Defender; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to retain Wilfredo Ortiz, to provide Professional Legal Services – Municipal Court Public Defender, pursuant to the terms of the draft form of agreement attached hereto; and

WHEREAS, this award was made without competitive bids; and

WHEREAS, the award of a contract to Dario, Yacker, Suarez & Albert, LLC, for the provision of Professional Legal Services – Municipal Court Public Defender is a result of a fair and open process, adopted by the Board of Commissioners pursuant to N.J.S.A. 19:44A-20.5 et seq. through a publicly advertised Request for Qualifications in December 2010 and January 2011; and

WHEREAS, the Certificate of Available Funds, maintained on file at the Town, sets forth that sufficient funds for the subject procurement have been allotted in the Town's budget

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York, County of Hudson as follows:

1. A contract between the Town of West New York and Dario, Yacker, Suarez & Albert, LLC for services provided from 1/19/2011 through 12/31/2011 is hereby ratified and approved.
2. The Mayor shall be and is hereby authorized to execute an agreement in substantially the same form as the current contract with the Municipal Court Public Defender, by and between the Town and Dario, Yacker, Suarez & Albert, LLC, for the services of Wilfredo Ortiz, as Municipal Court Public Defender, in a form satisfactory to the Town as evidenced by his signature thereon.
3. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.

**January 19, 2011**  
**Regular Meeting**

**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

4. The initial hourly rate for services under this contract shall not exceed \$150.00 per hour and the initial authorization of this contract shall not exceed \$24,999.99 for the period 1/19/2011-12/31/2011

5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.

6. Notice of this award shall be published as may be required by law.

7. Copy of this Resolution, and a copy of the contract for upon execution by the Town, shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

8. The Chief Financial Officer's Certification that funds are available shall be on file at the Town and made a part hereof.

**RESOLUTION**  
**RE: REFUNDS OF TAX LIEN REDEMPTIONS**

WHEREAS, the investor named below has previously purchased a Tax Sale Certificate from the Town of West New York; and

WHEREAS, the Collector of Taxes for the said Tax Sale Certificates has received the full amount for redemption pursuant to N.J.S.A. 54:5-60.

WHEREAS, the certificate has now been redeemed and the investor is entitled to a refund of said redemption amounts pursuant to N.J.S.A. 54:5-58.

NOW, THEREFORE, BE IT RESOLVED that said redemption amounts be paid to the investors in the following amounts, and the Collector of Taxes is hereby authorized to issue said refunds.

Name	Block/lot	Cert#	Amount
PLYM. PK. TAX SRVS.	53/15.01	09-077	\$5,445.48
	133/4	09-179	\$5,523.14
U.S. BANK,CUS FOR EMPIRE TAX FD.	25/39	10-051	\$21,309.42
FIDELITY TAX LLC	5/35 C0002	08-004	\$3,482.92
PAM INVESTORS	80/10	09-110	\$2,340.91
TOWER LIEN, LLC	5/32 C07-J	10-016	\$5,576.90
		GRAND TOTAL	\$43,678.77



**January 19, 2011**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**RESOLUTION**  
**RE: REFUNDS OF TAX LIEN PREMIUMS**

WHEREAS, the investor named below has previously purchased a Tax Sale Certificate from the Town of West New York; and

WHEREAS, the investor paid a premium to the Collector of Taxes for said Tax Sale Certificate at the time of the sale; and

WHEREAS, the certificate has now been redeemed and the investor is entitled to a refund of said premium pursuant to N.J.S.A. 54:5-33.

NOW, THEREFORE, BE IT RESOLVED that said premium be paid to the investors in the following amounts, and the Department of Revenue and Finance is hereby, authorized to issue said refund.

NAME	BLOCK/LOT	CERT.#	AMOUNT
PLYM. PK. TAX SRVS.	53/15.01	09-077	\$2,500.00
	133/4	09-179	\$500.00
U.S. BANK.CUS. FOR	25/39	10-051	\$2,000.00
TOWER LIEN, LLC	5/32 C07-J	10-016	\$300.00
		GRAND TOTAL	\$5,300.00

**RESOLUTION**  
**RE: REFUNDS OF OVERPAYMENT OF TAXES**

WHEREAS, taxes with respect to the following properties have been inadvertently overpaid in the amounts hereafter stated, and;

WHEREAS, it is necessary to make appropriate refunds for such overpayments;

NOW, THEREFORE BE IT RESOLVED, that the following refunds be made with respect to the designated properties and the Collector of Taxes be and she is hereby authorized to adjust her records accordingly.

NAME	BLOCK/LOT	AMOUNT	YEAR
ROBERT ROTHMAN	98/25	\$2.00	2010
SIMIN SYED	168.01/7.05 C0110	\$1771.17 (SVC)	2006
		\$2283.22	2007
		\$2585.85	2008
		\$2585.88	2009
		\$2489.13	2010
HUDSON CITY SAVINGS BANK	122/8 C003D	\$4,555.53	2011
ELITE TITLE GROUP, LLC	168.01/8.01 C0427	\$2,066.35 (SVC.)	2010
SUNTRUST MORTGAGE	152/31	\$412.25 *	2007
	152/31	\$9,885.26*	2010
	GRAND TOTAL	\$28,636.64	

**January 19, 2011**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**RESOLUTION**  
**RE: HUDSON COUNTY BOARD OF TAXATION TAX APPEALS**

WHEREAS, the following property owners have appealed to the Hudson County Board of Taxation for a reduction in Tax Assessment levied upon their respective properties;

WHEREAS, the Hudson County Board of Taxation by their judgment has reduced the said assessments levied upon the said properties; and;

WHEREAS, said judgment of reduction in the Tax Assessment has caused an overpayment of taxes collected by the Town of West New York, relating to said respective properties.

NOW, THEREFORE BE IT RESOLVED that said overpayments of taxes be and the same are hereby to be paid and refunded to the said property owners in the following amounts:

NAME	BLOCK-LOT	AMOUNT	YEAR
NASHEL & NASHEL ATTY FOR ESPINAL, GUILLERMO	120/37	\$1923.90	2010
5806 HUDSON, LLC C/O JAKE FELDMA	63/1	\$192.39	2010
BWS 406,LLC C/O BASAD RLTY	9/3	\$422.74	2010
JOHN GOLDEN	25/28 C000A	\$3274.35	2010
CELTA REALTY, LLC	12/15	\$1715.48	2010
BASAD WAISS REALTY	112/4	\$314.24	2010
CUELLAR HOLDING COMPANY, LLC	120/46	\$160.33	2010
RODRIGUEZ, WILLIAM HUMBERTO	149/35	\$751.92	2010
HUDSON MAGELLAN DEVELOP, LLC	154/2.01	\$1206.41	2010
GUERRA, ALFREDO	94/16.02	\$3,847.80	2010
GARY GORDEN ATTY FOR 6002 REALTY, LLC	45/31	4489.10	2010
VENINO & VENINO ATTYFOR FOR ZAINO,GERARDO & FILOMENA	151/14	\$2,244.55	2010
VENINO & VENINO ATTY.FOR FIRST JERSEY EQUITIES CORP.	74/5 C001C	\$692.60	2010
VENINO & VENINO ATTY. FOR FIRST JERSEY EQUITIES CORP.	74/5 COO1E	\$666.95	2010

**January 19, 2011**  
**Regular Meeting**

**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

VENINO & VENINO ATTY FOR FIRST JERSEY EQUITIES CORP.	74/1 C0003	\$949.12	2010
VENINO & VENINO ATTY FOR FIRST JERSEY EQUITIES CORP.	74/1 C0015	\$282.17	2010
VENINO & VENINO ATTY FOR FIRST JERSEY EQUITIES CORP.	74/1 C0017	\$275.76	2010
VENINO & VENINO ATTY FOR HERNANDEZ CARMEN	84/2	\$1923.90	2010
VENINO & VENINO ATTY FOR HECTOR, MIGUEL A	66/21	\$3847.80	2010
VENINO & VENINO ATTY FOR HECTOR, MIGUEL A	107/50	\$2565.20	2010
VENINO & VENINO ATTY FOR HECTOR, MIGUEL A	56/16	\$2757.59	2010
VENINO & VENINO ATTY FOR HECTOR, MIGUEL A	27/4	\$4809.75	2010
VENINO & VENINO ATTY FOR HECTOR JUAN & ENEIDA	71/19	\$2020.10	2010
VENINO & VENINO ATTY FOR GFDR REALTY LLC	139/7	\$3,847.80	2010
VENINO & VENINO ATTY FOR MARI-MAR, LLC	126/48	\$1923.90	2010
VENINO & VENINO ATTY FOR EZY CORP.	134/7 C0007	\$590.00	2010
VENINO & VENINO ATTY FOR EZY CORP.	134/7 C0008	\$602.82	2010
VENINO & VENINO ATTY FOR EZY CORP.	134/7 C0009	\$538.69	2010
VENINO & VENINO ATTY FOR EZY CORP.	34/7 C0010	\$602.82	2010
VENINO & VENINO ATTY FOR EZY CORP.	134/7 C0011	\$532.28	2010
	GRAND TOTAL	\$49,972.46	

January 19, 2011  
Regular Meeting

**Consent Agenda (Cont.):**

**RESOLUTION**  
**RE: STATE TAX APPEALS**

WHEREAS, the following property owners have appealed to the Tax Court of New Jersey for a reduction in the Tax Assessment levied upon their properties:

WHEREAS, the Tax Court of New Jersey by their judgment has reduced the said assessments levied upon the said properties; and;

WHEREAS, said judgment of reduction in the Tax Assessment has caused an overpayment of taxes collected by the Town of West New York, relating to said properties, and whereas the Municipality has paid the below amounts:

NOW, THEREFORE, BE IT RESOLVED that said payment of taxes be and the same are hereby affirmed to the property owners in the following amounts for the years noted pursuant to N.J.S.A. 54:3-21 & 54:3-27.2.

NAME	BLOCK-LOT	AMOUNT	YEAR
BRUCE J. STAVITSKY ESQ. FOR THE BENEFIT OF FLEET BANK	57/12	\$9652.00	2006
	GRAND TOTAL	\$9652.00	

**RESOLUTION –**  
**Re: Award for Professional Auditing Contract to Lerch, Vinci & Higgins**  
**(Audit of Fiscal Year Ending December 31, 2010)**

WHEREAS, Lerch, Vinci & Higgins submitted a proposal provide auditing services, in response to a May 2010 Request for Proposals for professional auditing services as may be required by the Town and was qualified to provide such services by the Board of Commissioners, pursuant to resolution dated June 16, 2010, in response to an advertisement for such responses to the Request for Qualifications Statement-Proposals;

WHEREAS, the Board of Commissioners, by way of resolution of June 16, 2010, did approve the award of a Contract to Lerch, Vinci & Higgins to provide auditing services for the period July 1, 2010 through June 30, 2011; and

WHEREAS, the Town is in need of auditing services related to the following projects:

Audit for the fiscal year ending on December 31, 2010

WHEREAS, Lerch, Vinci & Higgins, as has proposed to provide professional auditing services, in accordance with their proposal memo (Proposal) dated January 14, 2011 in the following amount: \$98,000.00 for

Audit for the fiscal year ending on December 31, 2010

WHEREAS Lerch, Vinci & Higgins, as the Town Auditor is qualified to perform the work as set forth in the Proposal, and

WHEREAS, it is necessary for the efficient operation of the Town of West New York that the work as set out in the Proposal be accomplished; and

**January 19, 2011**  
***Regular Meeting***

**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional auditing services may be awarded without competitive bidding as a “professional service”; and

WHEREAS, N.J.S.A. 40A:9-140 permits a municipality to provide for the compensation of services provided by a municipal engineer at an hourly rate, based upon actual time and expenses for services rendered; and

WHEREAS, this award is made pursuant to a fair and open process, adopted by the Board of Commissioners pursuant to N.J.S.A. 19:44A-20.5 et seq.;

WHEREAS, the Certificate of Available Funds, maintained on file at the Town, sets forth that sufficient funds for the subject procurement have been allotted in the Town's budget

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York as follows:

1. The above recitals are incorporated herein.
2. A contract between the Town of West New York and Lerch, Vinci & Higgins for services related to the audit of the fiscal year ending on December 31, 2011 is hereby ratified and approved.
3. The Mayor shall be and is hereby authorized to execute an agreement, by and between the Town and Lerch, Vinci & Higgins, CPAs for the provisions of Professional Auditing Services and related financial advisory services in a form acceptable to the Town as evidenced by the Mayor’s signature thereon, in line with the terms of the Proposal.
4. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
5. The Auditor’s fee for the fiscal year ended December 31, 2010 will be **\$98,000.00**, as set out in the attached form of agreement, as set out in the proposal of January 14, 2011.
6. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
7. The Chief Financial Officer’s Certification that funds are available shall be on file at the Town and made a part hereof.
8. A notice of this award shall be published as may be required by law.
9. A copy of this Resolution, and a copy of the contract for upon execution by the Town, shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

January 19, 2011  
Regular Meeting

**Consent Agenda (Cont.):**

**RESOLUTION**

**Authorizing The Tax Collector To Accept Payment For The Discharge Of A Tax Sale Certificate On Block 33, Lot 34/C 002 in The Amount Of \$4932.44 And Providing For The Payment Of Any Additional Amounts Due To The Holder Of Said Certificate**

WHEREAS, a certificate of sale Number 10-058 was issued on June 30, 2010 and recorded in the office of the Hudson County Register at book 17562, page 410 ½; and

WHEREAS, on or about December 7, 2010 a lien redemption calculation statement was issued by the Town of West New York confirming that the total amount due by December 27, 2010 to redeem the property from the lien of such certificate was \$4932.44; and

WHEREAS, such amount was presented in payment to the Tax Collector's office on or after December 10, 2010 but before December 17, 2010, but was erroneously rejected and returned to the payor as being paid out of time;

NOW THEREFORE be it resolved by the Board of Commissioners of the Town of West New York, Hudson County, as follows:

1. The Tax Collector is authorized to accept payment in the amount of \$4932.44 toward the redemption of tax sale certificate number 10-058 for a period of 30 days from the date of the adoption of this resolution.
2. Upon receipt of the aforesaid amount within such period of time as herein provided, the Tax Collector is authorized to proceed with the redemption of the aforesaid tax sale certificate utilizing such additional funds to be provided by the municipality as may be necessary to provide the holder of such certificate full payment in accordance with law.
3. The acting Chief Financial Officer is authorized to disburse the balance of funds necessary for the redemption of the certificate from the General Fund of the Town of West New York.
4. A certified copy of this resolution shall be provided to the Tax Collector, acting Chief Financial Officer and Christopher S. Martone, Esquire upon its adoption by the Board of Commissioners, and a copy shall be kept on file in the office of the Town Clerk.

**RESOLUTION**

**RE: RE-APPOINTMENT OF KENNETH R. BLANE AS MEMBER OF THE ZONING BOARD OF ADJUSTMENT OF THE TOWN OF WEST NEW YORK**  
**(Term: January 1, 2011 – December 31, 2014)**

WHEREAS, a vacancy exists on the Zoning Board of Adjustment of the Town of West New York, due to the expiration of the term of Kenneth R. Blane, as member of the Zoning Board of Adjustment, such term expiring on December 31, 2010; and

WHEREAS, Kenneth R. Blane is a resident of the Town of West New York; and

WHEREAS, Kenneth R. Blane is available to complete the required term as member of the Zoning Board of Adjustment;

NOW, THEREFORE, be it resolved by the Mayor and Board of Commissioners of the Town of West New York as follows:

1. Kenneth R. Blane is hereby re-appointed to serve as Member of the Zoning Board of Adjustment of the Town of West New York, to serve for a term commencing as of January 1, 2011 and expiring on December 31, 2014, as per §231-19(A) of the Code of the Town of West New York.
2. A copy of this resolution shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

January 19, 2011  
Regular Meeting

**Consent Agenda (Cont.):**

**RESOLUTION**  
**RE: RE-APPOINTMENT OF JOSE DELGADO AS MEMBER OF THE RENT**  
**CONTROL BOARD OF THE TOWN OF WEST NEW YORK**  
**(TERM: APRIL 1, 2010 – MARCH 31, 2011)**

WHEREAS, the term of Jose Delgado as Member of the Rent Control Board of the Town of West New York expired on April 1, 2010; and

WHEREAS, Jose Delgado has continued to holdover such position since that date; and

WHEREAS, Jose Delgado is a resident of the Town of West New York; and

WHEREAS, Jose Delgado is available to complete the required term as member of the Rent Control Board of the Town of West New York;

NOW, THEREFORE, be it resolved by the Mayor and Board of Commissioners of the Town of West New York as follows:

1. Jose Delgado is reappointed to serve as Member of the Rent Control Board of the Town of West New York, to serve for the term of one year commencing on April 1, 2010 and expiring on March 31, 2011.
2. A copy of this resolution shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

**RESOLUTION**  
**RE: RE-APPOINTMENT OF ENRIQUE PEREZ AS MEMBER OF THE RENT**  
**CONTROL BOARD OF THE TOWN OF WEST NEW YORK**  
**(Term: March 18, 2010 – March 17, 2011)**

WHEREAS, the term of Enrique Perez as Member of the Rent Control Board of the Town of West New York expired on March 18, 2010; and

WHEREAS, Enrique Perez has continued to holdover such position since that date; and

WHEREAS, Enrique Perez is a resident of the Town of West New York; and

WHEREAS, Enrique Perez is available to complete the required term as member of the Rent Control Board of the Town of West New York;

NOW, THEREFORE, be it resolved by the Mayor and Board of Commissioners of the Town of West New York as follows:

1. Enrique Perez is reappointed to serve as Member of the Rent Control Board of the Town of West New York, to serve for the term of one year commencing on March 18, 2010 and expiring on March 17, 2011.
2. A copy of this resolution shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

**RESOLUTION**  
**RE: RE-APPOINTMENT OF WAYNE COOK AS MEMBER OF THE RENT**  
**CONTROL BOARD OF THE TOWN OF WEST NEW YORK**  
**(Term: July 18, 2010 – July 17, 2011)**

WHEREAS, the term of Wayne Cook as Member of the Rent Control Board of the Town of West New York expired on July 17, 2010; and

WHEREAS, Wayne Cook has continued to holdover such position since that date; and

WHEREAS, Wayne Cook is a resident of the Town of West New York; and

**January 19, 2011**  
**Regular Meeting**

**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

WHEREAS, Wayne Cook is available to complete the required term as member of the Rent Control Board of the Town of West New York;

NOW, THEREFORE, be it resolved by the Mayor and Board of Commissioners of the Town of West New York as follows:

1. Wayne Cook is reappointed to serve as Member of the Rent Control Board of the Town of West New York, to serve for the term of one year commencing on July 18, 2010 and expiring on July 17, 2011.
2. A copy of this resolution shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

**RESOLUTION**

**RE: RE-APPOINTMENT OF JOHN FAUTA AS COMMISSIONER OF THE TOWN OF WEST NEW YORK PARKING AUTHORITY**  
**(January 18, 2011 – January 16, 2016)**

WHEREAS, the term of John Fauta as Commissioner of the Town of West New York Parking Authority expired on January 16, 2011; and

WHEREAS, John Fauta is qualified and available to serve as Commissioner of the Town of West New York Parking Authority;

NOW, THEREFORE, be it resolved by the Mayor and Board of Commissioners of the Town of West New York as follows:

1. John Fauta is re-appointed to serve as a Member of Board of Commissioners of the Town of West New York Parking Authority, for a term to expiring on January 16, 2011.
2. A copy of this resolution shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

**RESOLUTION**

**Re: REAPPOINTMENT OF SILVERIO VEGA AS MEMBER OF THE MANAGEMENT COMMITTEE OF THE NORTH HUDSON REGIONAL FIRE & RESCUE**  
**(January 1, 2011 – December 31, 2011)**

WHEREAS, the term of Silverio Vega as the Town of West New York's Member on the Management Committee of the North Hudson Regional Fire & Rescue expires as of December 31, 2010; and

WHEREAS, Silverio Vega is a resident of the Town of West New York; and

WHEREAS, Silverio Vega is qualified and available to complete the required term;

NOW, THEREFORE, be it resolved by the Mayor and Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey as follows:

1. Silverio Vega is reappointed to serve as Member of the Management Committee of the North Hudson Regional Fire & Rescue, for a term commencing on January 1, 2011 and expiring on December 31, 2011.



**January 19, 2011**  
**Regular Meeting**

**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

2. A copy of this resolution shall be kept on file in the office of the Municipal Clerk.

**Note:** Mayor Vega **abstained** from voting for the above Resolution.

**RESOLUTION**  
**RE: RE-APPOINTMENT OF TARA MANTINEO AS A MEMBER AND**  
**COMMISSIONER OF THE WEST NEW YORK HOUSING AUTHORITY**  
**(Term: June 18, 2008 – June 17, 2013)**

WHEREAS, a vacancy exists on the Board of the Housing Authority due to the expiration of the term of Tara Mantineo, the term of such position extending to June 17, 2008;

WHEREAS, Tara Mantineo is a resident of the Town of West New York;

WHEREAS, Tara Mantineo has been serving as a member and commissioner of the West New York Housing Authority since the expiration of her term;

NOW, THEREFORE, be it resolved by the Mayor and Board of Commissioners of the Town of West New York as follows:

1. Tara Mantineo is appointed to serve for a term which will expire on June 17, 2013, commencing as of June 18, 2008.

**RESOLUTION**  
**Re-appointment of Michal D'Amico as Member of the Zoning Board of Adjustment**  
**(term: 1/1/10-12/31/14)**

WHEREAS, a vacancy exists on the Zoning Board of Adjustment of the Town of West New York, due to the expiration of the term of Michael D'Amico, as member of the Zoning Board of Adjustment, such term expiring on 10/15/2010; and

WHEREAS, Michael D'Amico has been serving as a holdover member; and

WHEREAS, Michael D'Amico is a resident of the Town of West New York; and

WHEREAS, Michael D'Amico is available to complete the required term as member of the Zoning Board of Adjustment;

NOW, THEREFORE, be it resolved by the Mayor and Board of Commissioners of the Town of West New York as follows:

1. Michael D'Amico is hereby re-appointed to serve as Member of the Zoning Board of Adjustment of the Town of West New York, to serve for a term commencing as of January 1, 2011 and expiring on December 31, 2014, as per §231-19(A) of the Code of the Town of West New York.
2. A copy of this resolution shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

January 19, 2011  
Regular Meeting

**Consent Agenda (Cont.):**

**RESOLUTION**

**Re-appointment of Ernesto Munoz as Alternate Member of the Zoning Board of Adjustment (Term: 8/13/09-8/12/11)**

WHEREAS, a vacancy exists on the Zoning Board of Adjustment of the Town of West New York, due to the expiration of the term of Ernesto Munoz as alternate member of the Zoning Board of Adjustment; and

WHEREAS, Ernesto Munoz is a resident of the Town of West New York; and

WHEREAS, Ernesto Munoz is available to complete the required term;

NOW, THEREFORE, be it resolved by the Mayor and Board of Commissioners of the Town of West New York as follows:

1. Ernesto Munoz is re-appointed to serve as Alternate Member of the Zoning Board of Adjustment of the Town of West New York, to serve for the term of 8/13/09-8/12/11.
2. A copy of this resolution shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

**RESOLUTION**

**Re: Appointment of Mayra Real as Alternate Member of the Zoning Board of Adjustment (Term: 11/26/09-11/25/11)**

WHEREAS, a vacancy exists on the Zoning Board of Adjustment of the Town of West New York, due to the expiration of the term of Mayra Real as alternate member of the Zoning Board of Adjustment; and

WHEREAS, Mayra Real is a resident of the Town of West New York; and

WHEREAS, Mayra Real is available to complete the required term;

NOW, THEREFORE, be it resolved by the Mayor and Board of Commissioners of the Town of West New York as follows:

1. Mayra Real is re-appointed to serve as Alternate Member of the Zoning Board of Adjustment of the Town of West New York, to serve for the term of 11/26/2009-11/25/2011.
2. A copy of this resolution shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

**RESOLUTION**

**Re-appointment of Irene Fernandez as Member of the Housing Authority (term: 10/21/09-10/20/14)**

WHEREAS, a vacancy exists on the Board of the West New York Housing Authority due to the expiration of the term of Irene Fernandez, the term of such position extending to June 17, 2008; and

WHEREAS, Irene Fernandez is a resident of the Town of West New York; and

**January 19, 2011**  
**Regular Meeting**

**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

WHEREAS, Irene Fernandez has been serving as a member and commissioner of the West New York Housing Authority since the expiration of her term;

NOW, THEREFORE, be it resolved by the Mayor and Board of Commissioners of the Town of West New York as follows:

1. Irene Fernandez, is appointed to serve for a term of 10/21/09-10/20/14, as Member of the West New York Housing Authority.

**RESOLUTION**  
**Re: Approval of State/GSA Contract for leasing of copiers with**  
**Interrex d/b/a Penguin Imaging**

WHEREAS, the Town of West New York, as a contracting unit, may, without advertising for bids, purchase materials, supplies or equipment under any Contract or Contracts for such materials, supplies or equipment entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury, and contracting unit may also use, without advertising for bids, or having rejected all bids obtained pursuant to advertising, the Federal Supply Schedules of the General Services Administration or schedules from other federal procurement programs promulgated by the Director of the Division of Purchase and Property in the Department of the Treasury pursuant to the provisions of N.J.S.A. 40A:11-12 ("State Contract"); and,

WHEREAS, such purchases comply with the provisions of the local unit pay-to-play law, N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Board of Commissioners of the Town of West New York wishes to ratify and authorize the Purchasing Department's purchase of certain items under State Contract and GSA contract as described below;

WHEREAS, the Certificate of Available Funds, maintained on file at the Town, sets forth that sufficient funds for the subject procurement have been allotted in the Town's budget and that such funds have been appropriated;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of West New York as follows:

1. The Board of Commissioners hereby ratifies and approves the purchase of Sharp copier services pursuant to the terms of State Contract A-51143 and GS-25-037M in the consideration of \$4,100/month for up to 60 months, inclusive of service, maintenance and toner, subject to annual appropriation from Interrex Management d/b/a Penguin Imaging, 196 Princeton Hightstown Road West Windsor, New Jersey, subject to the approval of the Town Attorney.
2. Failure of the Town Attorney to approve the contract, or failure of the Town to be able to buy-out any existing copier commitments, shall not subject the Town to any liability, Interrex Management d/b/a Penguin Imaging, having no claim therefor.
3. The Mayor is authorized to execute an agreement for the purchase as authorized herein.
4. Purchases under State Contract and GSA contracts are compliant with the local unit pay to play law, N.J.S.A. 19:44A-20.4.
5. A copy of this resolution, and the CFO's certification of funds, shall be kept on file in the office of the Municipal Clerk for Public Inspection, and published as may be required by law.

**January 19, 2011**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**Resolution**  
**Endorsing An Application By Jaclyn 55, LLC Under New Jersey Housing**  
**And Mortgage Finance Agency's Choices In Home Ownership Incentives**  
**Created For Everyone ("CHOICE") Program**

WHEREAS, the Town of West New York desires to approve the development of 55 units of housing as outlined in Exhibit A for the development known as Jaclyn Heights to be funded under New Jersey Housing and Mortgage Finance Agency's ("the Agency") Choices in Home Ownership Incentives Created for Everyone ("CHOICE") program; and

WHEREAS, the Town of West New York acknowledges and recognizes that an affordable housing grant from the Agency for an amount not to exceed the maximum amount allowed in accordance with the CHOICE Subsidy is for the purpose of subsidizing the construction of home ownership, respectively; and

WHEREAS, the CHOICE Subsidy will, when applicable, benefit home buyers of the affordable units that will be restricted by the Agency using Uniform Housing Affordability Controls (UHAC) type restrictions with funds to be repaid solely to the Agency at the first unrestricted sale; and

WHEREAS, the CHOICE Subsidy will, when applicable, benefit home buyers of the market units that will be restricted by the Agency using the CHOICE program and Subsidy restrictions, with funds to be repaid solely to the Agency at the first sale; and

WHEREAS, the Town of West New York recognizes Jaclyn 55, LLC as the developer/sponsor for the development;

NOW THEREFORE, BE IT RESOLVED, that the Town of West New York does hereby support the developer/sponsor's application for such grants from the Agency and acknowledges that the processing and expenditure of funds shall be in accordance with the terms of the CHOICE program and the Subsidy.

BE IT FURTHER RESOLVED that the Town of West New York does hereby commit to this project tax abatement and reduced building permit fees.

BE IT FURTHER RESOLVED that the persons whose names, titles and signatures appear below are authorized by the Town of West New York to implement this Resolution and that they or their successors in said titles are authorized to sign any documents necessary in connection therewith:

Silverio A. Vega \_\_\_\_\_, Mayor

EXHIBIT A

Unit Type	Homeowner	Total
<u>Low Income*</u>	3	3
Moderate Income*	6	6
Middle Income		
Emerging Market Unit	46	46
Unsubsidized/Unrestricted Market		
Total	55	55

\*These units will be designated as affordable units and will carry UHAC type income and resale restrictions.

**January 19, 2011**  
***Regular Meeting***

**Ordinance #28/10**

**An Ordinance repealing Ordinance #40/95 entitled:  
“An Ordinance establishing restricted parking in front of one (1)  
residence for use by handicapped resident”  
(412 – 62<sup>nd</sup> Street – Jose Herrera)**

**Note: At the request of Mayor Vega, Town Clerk Carmela Riccie read the title of the foregoing Ordinance aloud.**

The foregoing Ordinance having been presented according to law, Mayor Vega called for a hearing thereon.

**No one wished to be heard.**

Since no one wished to be heard, it was regularly moved by Commissioner Riccardi, seconded by Commissioner Lopez, to adopt the foregoing Ordinance, was carried by the following vote:

YEAS - Commissioners Lange, Lopez, Riccardi, Rodriguez, and Mayor Vega  
NAYS - None  
ABSENT - None

**Ordinance #29/10**

**An Ordinance approving a Lease between West New York and  
440 60<sup>th</sup> Street LLC for use by the West New York Urban Enterprise Zone  
or other Town Offices**

**Note: At the request of Mayor Vega, Town Clerk Carmela Riccie read the title of the foregoing Ordinance aloud.**

The foregoing Ordinance having been presented according to law, Mayor Vega called for a hearing thereon.

**No one wished to be heard.**

Since no one wished to be heard, it was regularly moved by Commissioner Riccardi, seconded by Commissioner Lopez, to adopt the foregoing Ordinance, was carried by the following vote:

YEAS - Commissioners Lange, Lopez, Riccardi, Rodriguez, and Mayor Vega  
NAYS - None  
ABSENT - None

**January 19, 2011**  
***Regular Meeting***

**Ordinance #30/10**

**An Ordinance amending Chapter 296-5 of the Code of the  
Town of West New York concerning Precious Metals Transactions**

**Note:** At the request of Mayor Vega, Town Clerk Carmela Riccie read the title of the foregoing Ordinance aloud.

The foregoing Ordinance having been presented according to law, Mayor Vega called for a hearing thereon.

**No one wished to be heard.**

Since no one wished to be heard, it was regularly moved by Commissioner Riccardi, seconded by Commissioner Lopez, to adopt the foregoing Ordinance, was carried by the following vote:

YEAS - Commissioners Lange, Lopez, Riccardi, Rodriguez, and Mayor Vega  
NAYS - None  
ABSENT - None

**Ordinance #31/10**

**An Ordinance approving a Lease of Real Property by the Town with Riviera Towers,  
6040 JFK Boulevard East for the primary use of the West New York Police Department  
for purposes of storage of vehicles and other equipment**

**Note:** At the request of Mayor Vega, Town Clerk Carmela Riccie read the title of the foregoing Ordinance aloud.

The foregoing Ordinance having been presented according to law, Mayor Vega called for a hearing thereon.

**No one wished to be heard.**

Since no one wished to be heard, it was regularly moved by Commissioner Riccardi, seconded by Commissioner Rodriguez, to adopt the foregoing Ordinance, was carried by the following vote:

YEAS - Commissioners Lange, Lopez, Riccardi, Rodriguez, and Mayor Vega  
NAYS - None  
ABSENT - None

**January 19, 2011**  
***Regular Meeting***

**Bond Ordinance #1/11**

**An Ordinance of the Town of West New York, in the County of Hudson, New Jersey providing for various Capital Improvements of the Town of West New York and appropriating \$1,680,000 therefor, and providing for the issuance of \$1,596,000 in General Improvement Bonds or Notes of the Town of West New York to finance the same**

**Note: At the request of Mayor Vega, Town Clerk Carmela Riccie read the title of the foregoing Bond Ordinance aloud.**

It was regularly moved by Commissioner Riccardi seconded by Commissioner Lopez to adopt the introduction of the foregoing Bond Ordinance was carried by the following vote:

YEAS - Commissioners Lange, Lopez, Riccardi, Rodriguez and Mayor Vega  
NAYS - None  
ABSENT - None

**Notice**  
**Bond Ordinance #1/11**

**An Ordinance of the Town of West New York, in the County of Hudson, New Jersey providing for various Capital Improvements of the Town of West New York and appropriating \$1,680,000 therefor, and providing for the issuance of \$1,596,000 in General Improvement Bonds or Notes of the Town of West New York to finance the same**

The foregoing Ordinance was adopted on first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey on January 19, 2011 and ordered published, and will be further considered before final passage at a public hearing on February 10, 2011 at 7:00 p.m. at the Court Chambers, Municipal Building, West New York, New Jersey. 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, New Jersey.

**Note: Town Clerk Carmela Riccie read the foregoing Notice aloud.**

**Note: Mayor Vega inquired as to whether there is any other business. Town Clerk Riccie responded, "Not to my knowledge."**

**Mayor Vega announced that there is a five (5) minutes limit for each speaker, and that no one be allowed to speak more than once. In addition, he requested that everyone be courteous to fellow audience members.**

**Mayor opened the Public Portion.**

**January 19, 2011**  
**Regular Meeting**

**Public Portion:**

**1. Dr. Count Wiley, 6010 Monroe Place, WNY:**

Dr. Wiley inquired as to the purpose of Bond Ordinance #1/11. Town Administrator McConnell advised that it relates to paving of streets, park improvements, etc. and that most of the funds will be reimbursed to the Town at the State level. Dr. Wiley commented that he was under the impression that the Town was ceasing from bonding any more funds. Mayor Vega explained that when grant monies are received from the State Dept. of Transportation, we must perform the work first and when work is completed the Town receives reimbursement. Dr. Wiley inquired as to how much reimbursement will be received, to which the Mayor responded "80%". Dr. Wiley stated that money should be expended on hiring additional police officers and not on repaving more streets. Dr. Wiley commented about the school system and students' grades in West New York are not as high as in surrounding communities such as North Bergen. He advised that North Bergen's school system had been recently nominated for the Blue Ribbon Award. He inquired as to why the West New York school system is not at the same level as North Bergen. Comm. Lopez disagreed and defended the West New York Board of Education. Mayor Vega commented that he is proud of our school system and that the teachers work very hard. Dr. Wiley commented about the sale of the D.P.W. Garage for \$8 million to the County. Mayor Vega explained that said sale occurred as a result of the financial situation which existed at that time, but that we have a much better financial standing now than we had four years ago.

**2. Dr. Felix Roque, 5711 Jefferson Street, WNY:**

Dr. Roque commented that if the Town is attempting to save money, each Commissioner should relinquish his or her vehicle. He complained that Comm. Riccardi uses his vehicle to travel to his summerhouse, that Comm. Lange uses his vehicle for personal reasons and that the Mayor uses his vehicle to go to restaurants. He recommended that use of vehicles should be curtailed and/or a \$50.00 gas stipend should be implemented. Mayor Vega explained that under this form of government, Commissioners are on call 24 hours per day 7 days per week. The Mayor further advised that each Commissioner forfeited his or her right to health insurance coverage through the Town thereby saving the Town money. Dr. Roque inquired as to how many auto accidents the Mayor has had with his Town vehicle to which the Mayor responded "I don't remember". Dr. Roque commented that he would bring a copy of all the police accident reports with him to the next Commission meeting. Dr. Roque commented about Comm. Lange's recent auto accident. Mayor Vega advised that inasmuch as Comm. Lange is entitled to his day in court, he would not comment. Dr. Roque suggested that Comm. Lange should relinquish his vehicle and that if the same circumstances had occurred involving someone else, that person would have been arrested for leaving the scene. Dr. Roque complained about the amount of time it took to remove the snow especially on 60<sup>th</sup> Street. Mayor Vega commented that he personally received numerous compliments for handling of snow removal. Comm. Rodriguez joined conversation and advised that snow was hauled away on 60<sup>th</sup> Street and that he was proud of the outcome. Dr. Roque indicated that he had received several letters from people complaining about the snow removal. Mayor advised him to present said letters to the Town Clerk. Dr. Roque commented about the Mayor's salary of \$146,000 as Director of Athletics.

**3. Alina Waxman, 20 Avenue at Port Imperial, WNY:**

Mrs. Waxman indicated that there are many residents from Port Imperial present at tonight's meeting and inquired as to how the Town could grant a "restaurant/night club" a permit to open in residential building. She complained that the music emanating from Son Cubano at 2:30 a.m. is keeping people awake. She inquired "Did you grant a cabaret license or club license?" Mayor Vega explained that when the waterfront development began 15 years ago, the vision of the developer was to create residential and commercial space and that the space in question was for the purpose of attracting a restaurant. Mrs. Waxman responded "It is a Night club, not a restaurant". She advised that there have been altercations outside the establishment and that on Sunday she witnessed "a man beating a



**January 19, 2011**  
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**Public Portion (Cont.):**

3. **Alina Waxman (Cont.):**

half naked girl". She also advised that she had contacted the developer, Roseland, to add a kid friendly location but was told that they do not think this is correct community for kid friendly environment. She commented about the Mayor frequenting Son Cubano Restaurant. Mayor Vega advised that he attended the Grand Opening on December 16<sup>th</sup> and had dinner there last Saturday but left at 11:00 p.m. She claimed she had video footage of Mayor's appearances at Son Cubano, which she intended to post. Mayor Vega advised that the Town Attorney has met with interested parties regarding noise complaints in an effort to negotiate a resolution. Mrs. Waxman commented that there is no room for negotiations to permit a nightclub. She complained about snow removal and noise from shovels removing snow in her development. Mayor Vega advised her inasmuch as her development is private property, that snow removal is done by a private firm, not by Town employees. Mrs. Waxman inquired "Do you want the residents to leave?" Mayor responded "We want more to come". She replied "Then stop the nightclub".

4. **Warren Wilhide, 20 Avenue at Port Imperial, WNY:**

Mr. Wilhide complimented the area in which he resides as it relates to business establishments which have opened i.e. Starbucks, etc. He indicated that he frequented the sister restaurant of Son Cubano in New York, which he enjoyed very much, however, he complained that such a restaurant should not be operating in a residential area on the waterfront. He further indicated that eight (8) months prior to Son Cubano opening, he wrote a letter to the Mayor outlining his concerns. He complained that the Mayor "ignored" his letter, and expressed his concerns about this establishment becoming a nightclub. Mayor Vega advised that he did not ignore his letter, but that he directed the Town Attorney to address the issues. Mr. Wilhide advised that Roseland assured him in writing that this restaurant would not be a nightclub. Mr. Wilhide referred to the establishment as a "Trojan horse", and that the vibration from music is unacceptable in a residential area. He commented that the lease should be re-negotiated to prohibit live music. Mr. Wilhide inquired "Should we secede from the Town of West New York and become our own Town?" Mayor Vega commented that a compromise is warranted. Mr. Wilhide advised that every month the residents will be present at Commission Meetings until this problem is resolved. He alleged that inasmuch as the Mayor is a personal friend of the owner of Son Cubano, that preferential treatment was given. Mayor vehemently denied same explaining that he grew up with a member of the family but that had no bearing on the matter. Mayor Vega stated "They don't need me. They have done very well without me". Mr. Wilhide complimented the efforts of Town Attorney Horgan but stated "A compromise will not do". Mayor Vega thanked him for bringing this matter to his attention.

**January 19, 2011**  
***Regular Meeting***

At 7:40 p.m. a motion was made by Commissioner Riccardi, seconded by Commissioner Lopez to close the public portion and adjourn the meeting was carried by the following vote:

YEAS               - Commissioners Lange, Lopez, Riccardi, Rodriguez, and Mayor Vega  
NAYS               - None  
ABSENT           - None

\_\_\_\_\_  
Commissioner Gerald A. Lange, Jr.

\_\_\_\_\_  
Commissioner Michelle Fernandez Lopez

\_\_\_\_\_  
Commissioner Lawrence Riccardi

\_\_\_\_\_  
Commissioner Alberto Rodriguez

\_\_\_\_\_  
Mayor Silverio A. Vega  
Board of Commissioners

Attest: \_\_\_\_\_  
Carmela Riccie, RMC  
Town Clerk