

March 7, 2012
Special Meeting

PLEASE TAKE NOTICE that a Special Meeting will be held by the Board of Commissioners of the Town of West New York, New Jersey, on Wednesday, March 7, 2012 at 5:00 p.m. (No Work Session) in Court Chambers, Municipal Building, 428 – 60th Street, West New York, New Jersey, for the purpose of considering the following business:

1. Public Hearing – Re: Green Acres Grant for relocation of swimming pool and installation of a new spray park in Miller Park
2. Resolution – Re: Authorizing application for Green Acres Grant for relocation of swimming pool and installation of a new spray park in Miller Park
3. Resolution - Re: Transferring Senior Citizens and Nutritional Programs from the Department of Revenue & Finance to the Department of Public Affairs

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

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

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

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

Attest: Carmela Riccie, RMC
Town Clerk

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

Meeting commenced at 5:13 p.m.

At the request of Commissioner Rodriguez, Town Clerk Carmela Riccie made the following announcement:

As presiding officer of this meeting I do hereby certify that the requirements of the Open Public Meetings Act pertaining to this meeting scheduled to be held this: Wednesday, March 7, 2012 at 5:00 p.m. (No Work Session) in the Court Chambers, Municipal Building have been satisfied by the delivery of the 48 hour notice to each of the newspapers circulating in the Town of West New York (The Jersey Journal and the Bergen Record); by posting in the Municipal Building on the Municipal Bulletin Board; and by filing with the Clerk of the Municipality with copies to all persons desiring the same.

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

March 7, 2012
Special Meeting

Note: Town Clerk Carmela Riccie read the following Public Notice aloud.

PUBLIC NOTICE

The Town of West New York has submitted a Green Acres Application for the project, Improvements to the Swim Club and Miller Park to the Green Acres Program, P.O. Box 402, Trenton, NJ 08625-0402. The application will be available for inspection at Green Acres for review and comment. This project is for an upgrade to the pool and its amenities and improvements to the public walkway, located on Anthony DeFino Way in the Town of West New York. Additionally, a new spray park will be installed in Miller Park at Jackson Avenue between 57th Street and 59th Street. This project serves to provide all these improvements in order to provide quality outdoor recreational facilities well into the future.

A resolution of the Commission supporting the Town's application will be considered following the hearing.

There will be a public hearing conducted by the Board of Commissioners for the purpose of discussing the proposed project that will take place on Wednesday, March 7, 2012 at 5:00 p.m. at the following location: West New York Municipal Building, (Court Chambers), 428 – 60th Street, West New York, NJ.

Note: The above public notice was published in the Jersey Journal on March 5, 2012 as per Green Acres Program Regulations.

A motion was made by Commissioner Vargas, seconded by Commissioner Frias to open the hearing regarding Green Acres Grant application, was carried by the following vote:

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

Note: Town Clerk Riccie requested Grant Writer, Ed Benoit, to make a brief presentation regarding the Green Acres Application. Mr. Benoit advised that the Town has requested funding from the State and County of Hudson. He explained that the current swimming pool is over 40 years old and is in need of upgrades to mechanical system, etc. He further explained that the application includes a proposed spray park for children and adults to be located at Miller Park, which would thereby give water facilities at both sides of Town. Town Engineer Tom Lemanowicz (Remington, Vernick & Arango) advised that the current pool's blue surface would be removed and new filters installed; fencing placed around underside, upgrade to bathroom facilities, and installation of a new ventilation system. There would be repairs performed to address the water, which forms on the sidewalk, by installing underground drains. They also intend to deal with erosion problem by installing new plants. He further advised that the Concession Stand would be renovated to offer non-food items i.e. package goods, etc. He explained that the spray park would be located in Miller Park next to the existing playground, is wheelchair accessible and would service 150 people. The following would be installed: restrooms, lighting for security. He commented that the new spray park would reduce the volume of people currently using the swimming pool. Comm. Rodriguez inquired as to when the project would commence. Mr. Benoit explained that certain work has been pre-approved and will commence now but that renovations to pool, etc. would be completed in time for Memorial Day opening in 2013.

March 7, 2012
Special Meeting

Town Clerk Riccie opened the hearing to the public and the following persons wished to be heard.

1. Angel Barquin, 432 – 58th Street, WNY:

Mr. Barquin inquired as to whether the Town considered stairway lighting leading to football field, to which Mr. Lemanowicz responded “No, lighting was not included.” Mr. Lemanowicz explained that there is power in the area and that lighting should be considered in the future. Discussion ensued between Mr. Barquin and Mr. Lemanowicz about potential safety issue regarding current lighting conditions and Mr. Lemanowicz recommended mounting floodlights to solve the problem, which would be less expensive.

Inasmuch no one else wished to be heard regarding the Green Acres application, a motion was made by Commissioner Rodriguez, seconded by Commissioner Vargas to close the hearing, was carried by the following vote:

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

RESOLUTION

RE: AUTHORIZING APPLICATION FOR GREEN ACRES GRANT FOR RELOCATION OF SWIMMING POOL AND INSTALLATION OF A NEW SPRAY PARK IN MILLER PARK

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program New Jersey, provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Town of West New York desires to further the public interest by obtaining funding in the amount of \$1,519,248.00 from the State to fund the following project(s): Renovations to the Town Swim Club and Installation of a New Spray Park in Miller Park at a cost of \$2,025,664.00;

NOW, THEREFORE, the Mayor and Board of Commissioners resolve that Mayor Felix E. Roque or the Town Administrator is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE TOWN OF WEST NEW YORK:

1. That the Mayor or Town Administrator of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Improvements to Swim Club and New Spray Park;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$506,146.00;

March 7, 2012
Special Meeting

Resolution (Cont.):

3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

It was regularly moved by Commissioner Frias seconded by Commissioner Wiley, that the foregoing Resolution be adopted, was carried by the following vote:

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

Resolution
Re: Transferring Senior Citizens and Nutritional Programs from the
Department of Revenue & Finance
to the Department of Public Affairs

Whereas, by Resolution dated 6/15/11, Senior Citizens and Nutritional Programs was transferred from the Department of Public Affairs to the Department of Revenue & Finance; and

Whereas, it is in the best interest of the Town of West New York that Senior Citizens and Nutritional Programs be transferred back to the Department of Public Affairs;

Now, therefore, be it resolved by the Mayor and Board of Commissioners of the Town of West New York that Senior Citizens and Nutritional Programs be transferred from the Department of Revenue & Finance to the Department of Public Affairs to be effective immediately upon adoption of this Resolution.

It was regularly moved by Commissioner Vargas seconded by Commissioner Wiley, that the foregoing Resolution be adopted, was carried by the following vote:

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

Commissioner Rodriguez opened the Public Portion.

Public Portion:

1. Angel Barquin, 432 – 58th Street, WNY:

Mr. Barquin addressed his inquiry to Comm. Rodriguez. He commented that the amount quoted in letter dated 2/26/12, which he received with tax bill on 3/6/12, indicates a tax decrease of 1.25% but that according to his calculations, he arrived at 1.02%. He further commented that said letter stipulates that there is a 21-day grace period to make payment i.e. March 27, but if payment is not made, penalty is calculated from 2/21/12, and he does not feel that is fair. He inquired whether the penalty date could coincide with date letter was received, not back to 2/21/12. Comm. Rodriguez requested a response from Town Attorney Gilberto Garcia. Mr. Garcia agreed with Mr. Barquin's interpretation of the date on which penalty begins in theory but he advised that in reality, it is not calculated in

March 7, 2012
Special Meeting

Public Portion (Cont.):

1. Angel Barquin (Cont.):

that manner. Discussion ensued between Comm. Wiley, Town Attorney, Mr. Barquin and Comm. Rodriguez about date from which penalty should be calculated. Mr. Garcia inquired as to whether Mr. Barquin is happy with the tax reduction to which he responded "Yes, it is a positive sign." Mr. Garcia advised that the actual decrease would not be seen until the 3rd and 4th quarters. Comm. Rodriguez advised that the Board of Education or the County of Hudson does not anticipate any increase in tax rate as far as she knows at this time. She further commented that this Administration promised to reduce taxes and did so in this, their first proposed budget, and that they also intend to do so in the upcoming years. Comm. Rodriguez advised that the hearing on the budget is scheduled for 3/21/12. Mr. Barquin commented that government should be run like a business.

2. Joshua Breakstone, 6701 Boulevard East, WNY:

Mr. Breakstone commented that "This is how government should be" and expressed his delight with meeting the governing body members. He advised that he represents a group of people called "Concerned Citizens for the Preservation of Quality of Life along the Palisades". He discussed the proposed development at 67th Street & Boulevard East, which he referred to as the "Exxon project" and that the developer was seeking approval of more than 20 variances for said project. He further advised that 6-7 days prior to Zoning Board hearing, he gathered 50 people to attend the meeting to voice their disapproval. He is concerned with the following issues: overstressing the current transportation system and current parking problem in that area. He advised that he moved to WNY in 1988 and even though there was always a traffic issue, it was never this bad. Comm. Rodriguez inquired as to whether he had expressed his concerns to the Zoning Board members to which he commented that "only expert testimony was allowed". Town Attorney Garcia explained that the next phase of hearings before Zoning Board would permit more input from residents by affording them the opportunity to express their concerns. Mr. Breakstone remarked that Union City is the most densely populated town in America and that West New York is #2. Comm. Frias advised that parking is available in municipal parking lots at a monthly rate. Discussion ensued about price of parking and parking summonses he has received which he referred to as "Parking tickets are a way of life". Comm. Wiley inquired as to whether he has a permit-parking sticker. Town Attorney Garcia remarked "Parking tickets are a way of life is a matter of speech" and that your real concern is density, etc. Mr. Breakstone advised that the developer is proposing 123 rental units, mostly 1 bedroom, which is estimated to add 150 more cars on the street and 200 new commuters to public transportation. It will also increase pollution and noise. He advised that there are different types of variances for which the developer is applying and that this project is zoned identically to a project which he referred to as the "DeFino project" which had been rejected by the Zoning Board due to "insufficient space and negative impact on the community". Comm. Wiley advised that he and others like Chris LoPinto were opponents of that project and he is fully aware of those details. He assured Mr. Breakstone that the current proposed project would be properly reviewed, etc. by the Zoning Board and that he should continue through the process as the hearing was the initial stage. Comm. Rodriguez inquired as to when the next hearing is scheduled to which Mr. Breakstone responded "March 22". He also discussed the Park Terrace project, which was also defeated. Town Attorney Garcia commented that it was resolved by the Appellate Division. Mr. Breakstone commented that he hopes the Zoning Board does not approve another project which will be appealed as it costs money. Mr. Breakstone presented each governing body member with a copy of a blank petition he is circulating (which is attached to the end of these Minutes).

March 7, 2012
Special Meeting

It was regularly moved by Commissioner Wiley, seconded by Commissioner Vargas, **to close public portion and adjourn** the meeting at 5:58 p.m., was carried by the following vote:

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

Commissioner FiorD'Aliza Frias

Commissioner Caridad Rodriguez

Commissioner Ruben Vargas

Commissioner Count J. Wiley

ABSENT

Mayor Felix E. Roque
Board of Commissioners

Attest: _____
Carmela Riccio, RMC
Town Clerk