

Work Session –Wednesday, 12/18/13

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

The meeting commenced at 6:09 p.m.

Town Clerk Carmela Riccio made the following announcement:

As presiding officer of this regularly scheduled meeting of the Board of Commissioners of the Town of West New York, held on **December 18, 2013 at 7:00 p.m. (6:00 p.m. Work Session in the Mayor's Conference Room)**, I do hereby publicly announce, and I direct that this announcement shall be placed in the minutes of this meeting, and that the Notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given by the Board of Commissioners in the Resolution dated and adopted on December 17, 2012. Said Resolution was transmitted by the Town Clerk to the Jersey Journal and the Bergen Record and publicly posted on the Municipal Bulletin Board, Town Hall, and filed with the Town Clerk.

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

Item No. 1: Approval of Minutes: Regular Meeting: 11/18/13 (Regular and Work Sessions):

Item No. 2: Payment of Claims: Dated 12/16/13

Item No. 3: Receipt of Financial Reports for month of November 2013:

Item No. 4: Communications:

- 4A. Town Engineer's Monthly Status report dated 12/13/13
- 4B. RFQ results rec'd 12/11/13 re: 2013 Type III Ambulance
- 4C. RFQ results rec'd 12/12/13 re: Assistant Town Attorney
- 4D. RFQ results rec'd 12/12/13 re: Staff Attorney
- 4E. Memorandum of Results of Town of West New York Bond Anticipation Note and Special Emergency Note Sale
- 4F. Letter of Re-Appointment of Iliana Morfi as Deputy Registrar of Vital Statistics from Registrar Maria Alvarez

Item No. 5: Proclamations: None

Item No. R-1: Resolution – Re: 2014 Commission Meeting Dates:

Item No. R-2: Resolution – Re: Refund of Deposit pursuant to Ordinance #4/96 (Filming Permit – Univision Management Company):
Comm. Frias inquired as to the reason for the refund. Town Clerk Carmela Riccio explained the fee requirements for filming and that if applicant complies with all requirements, the \$1,000 deposit is returned to applicant. Comm. Frias inquired if the Police Officers used for this event were paid to which Town Clerk responded that it is a separate issue. Discussion ensued between Comm. Frias and CFO Cherone.

Item No. R-3: Resolution – Re: To approve the FY 2014 Hudson County Community Development Block Grant (CDBG) Program:

Item No. R-4: Resolution – Re: Approval of Professional Services Agreement between Town of West New York and Glazer & Kamel for Workmen's Compensation Attorney (Term: 1/1/14 – 12/31/14):

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- Item No. R-5:** **Resolution – Re: Approval of Professional Services Agreement between Town of West New York and DeCotiis, Fitzpatrick & Cole, LLP for Bond Counsel (Term: 1/1/14 – 12/31/14):**
- Item No. R-6:** **Resolution – Re: Approval of Professional Services Agreement between Town of West New York and Peter Soriero for Insurance Fund Administrator (Term: 1/1/14 – 12/31/14):**
- Item No. R-7:** **Resolution – Re: Approval of Professional Services Agreement between Town of West New York and Glazer & Kamel for ABC Prosecutor (Term: 1/1/14 – 12/31/14):**
- Item No. R-8:** **Resolution – Re: Approval of Professional Services Agreement between Town of West New York and Douglas M. Standriff, Esq. for Legal Liability Counsel (Term: 1/1/14 – 12/31/14):**
Comm. Wiley inquired as to how many attorneys are being hired for the same position. Town Attorney Garcia responded that it depends on the lawsuit as different law firms are used due to conflict of interest issues but it doesn't guarantee work/money to each firm. He further advised that work must be performed first and invoices submitted prior to payments being made and that it is not a guarantee...."no work no payment".
Comm. Wiley inquired as to what type of conflict of interest he is referring. Town Attorney replied that he doesn't foresee a conflict as we don't know ahead of time and provided an example of a case where there had been a conflict in the past. Comm. Wiley inquired as to whether this applied to lawsuits against the Town to which Town attorney responded "yes" and that the Town must be on a retainer if needed. Comm. Wiley commented that a lot of legitimate lawsuits have been filed against the Town, which will have an enormous cost affect, and there could be more filed. Town Attorney explained that the amount allocated for law department this year was less than last year and that there is a \$199,000 surplus which results in a 26% reduction in legal fees. Mayor Roque agreed that costs have been reduced. Discussion ensued between the Mayor, Comm. Wiley and Town Attorney regarding actual decrease in legal fees and fees being paid to Town Attorney. Comm. Wiley disagreed and commented that Mayor speaks with "forked tongue". Town Attorney commented that he puts in a lot of time. Comm. Wiley disagreed and commented that it would be more cost effective to hire a full time town attorney as opposed to all of the individuals. Comm. Wiley commented that they keep making the same mistake and commented that Azzarello & Rodgers don't work for \$36,000.00 and that it doesn't save money and it's not helping the town. Mayor Roque commented to Comm. Wiley that they are both businessmen and that he (the Mayor) has a successful practice. The Mayor further stated that law dept. costs are lower now than during the prior Administration and that hiring specialists is better than one huge firm. He commented "look at the results...a \$200,000 surplus can be used for other things". CFO Cherone confirmed the surplus amount. Comm. Wiley replied that it is not about the previous Administration and that it is about this Administration. Comm. Wiley questioned Town Attorney on whether the attorneys that are being considered will be hired to be full time. Town Attorney commented that he gave up his salary. Comm. Wiley commented that he sees a "train wreck coming" as to all the lawsuits being filed and that the settlements can't be delayed indefinitely. Mayor inquired of CFO as to the projection for next year. CFO Marge Cherone explained the process to qualify firms and that the firms are not paid if they are not needed. CFO Marge Cherone explained that in 2013 one or two of the firms didn't receive any work at all and that the law dept. fees budgeted for 2014 were based on last year's incurrence. She briefly explained the budget process as it relates to this issue. She further explained that the Transfer Resolution

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(item R-45 on agenda) reduces amounts in certain areas and transfers funds to Health Benefits. She referred to Resolution R-47 (Emergency Appropriations) and commented that \$415,000 was needed to cover shortage in health benefits line item which is greater than had been originally budgeted. Comm. Wiley commented that he had met with CFO Marge Cherone last year and he still hadn't received any of the information requested i.e. bonding, grants, etc. He inquired as to whether grant monies can be used for any purpose. CFO Marge Cherone responded that the grant monies must be used for specific purposes and were reserved for vests for the Police. Discussion ensued about Police vests. Comm. Wiley commented that he is confused about how the grant monies are used and referred to the \$250,000 that was bonded for sweepers. He commented that he feels it's not being used properly and that he doesn't want to see the police department being underfunded as they need equipment. CFO commented that she works hard to secure grant monies. Comm. Frias suggested that Comm. Wiley give her all of his questions and that she would meet with him and explain. (At this point, Mayor Roque instructed Town Clerk Riccie to advise everyone that meeting would proceed with other business.)

- Item No. R-9:** **Resolution – Re: Approval of Professional Services Agreement between Town of West New York and Fausto Simoes, Esq. for Planning Board Attorney (Term: 1/1/14 – 12/31/14):**
- Item No. R-10:** **Resolution – Re: Approval of Professional Services Agreement between Town of West New York and Marc A. Raso, Esq. for Tax Appeals Attorney (Term: 1/1/14 – 12/31/14):**
- Item No. R-11:** **Resolution – Re: Approval of Professional Services Agreement between Town of West New York and Lazaro Carvajal, LLC for Tenant's Advocacy Attorney (Term: 1/1/14 – 12/31/14):**
- Item No. R-12:** **Resolution – Re: Approval of Professional Services Agreement between Town of West New York and Giblin & Giblin for Labor Counsel (Term: 1/1/14 – 12/31/14):**
- Item No. R-13:** **Resolution – Re: Approval of Professional Services Agreement between Town of West New York and Scarinci Hollenbeck for Labor Counsel (Term: 1/1/14 – 12/31/14):**
- Item No. R-14:** **Resolution – Re: Approval of Professional Services Agreement between Town of West New York and Whipple Azzarello LLC for Assistant Town Attorney (Term: 1/1/14 – 12/31/14):**
- Item No. R-15:** **Resolution – Re: Approval of Professional Services Agreement between Town of West New York and McDonald & Rogers, LLC for Staff Attorney (Term: 1/1/14 – 12/31/14):**
- Item No. R-16:** **Resolution – Re: Approval of Professional Services Agreement between Town of West New York and Scarinci Hollenbeck for Legal Liability Special Counsel (Term: 1/1/14 – 12/31/14):**
- Item No. R-17:** **Resolution – Re: Approval of Professional Services Agreement between Town of West New York and Florio & Kenny for Legal Liability Special Counsel (Term: 1/1/14 – 12/31/14)**
- Item No. R-18:** **Resolution – Re: Approval of Professional Services Agreement between Town of West New York and Schwartz, Simon, Edelstein & Celso, LLC for Legal Liability Special Counsel (Term: 1/1/14 – 12/31/14):**

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- Item No. R-19:** **Resolution – Re: Authorizing the Town of West New York to seek Fair and Open Process in compliance with the Pay to Play Statutes for the retention of Various Legal/Professional Services:**
- Item No. R-20:** **Resolution – Re: Authorizing the Award of a “Non-Fair and Open Contract” for “Substance Abuse Prevention and Education Program Services”:**
- Item No. R-21:** **Resolution – Re: Authorizing the Town Clerk to advertise to receive bids for “Improvements to 66th Street & 2013 Road Improvements”:**
- Item No. R-22:** **Resolution – Re: Appointment of FiorD’Aliza Frias as a member and Commissioner of the West New York Planning Board (Term expired 5/17/2013):**
- Item No. R-23:** **Resolution – Re: Authorizing application for the Continuation of funding and accepting the SFY 2012 Safe & Secure Communities Program Grant of \$60,000.00:**
Comm. Wiley questioned as to the purpose of this Resolution to which CFO Marge Cherone responded that this resolution was authorizing the Town to make application to be able to continue to receive grant monies as the town received monies for 2010 and 2011. Comm. Wiley inquired as to whether the funds are guaranteed. CFO Marge Cherone advised that as long as the Town satisfies the requirements and maintains the level of police, the Town can continue to make application for funding.
- Item No. R-24:** **Resolution – Re: Authorizing application for the Continuation of funding and accepting the SFY 2013 Safe & Secure Communities Program Grant of \$60,000.00:**
- Item No. R-25:** **Resolution – Re: Appointing Marileidys Baldeo as a member of the Rent Control Board to fill the unexpired term of Julian Porras (Term expires on 3/31/2014):**
- Item No. R-26:** **Resolution – Re: Re-Appointment of Jennifer Rodriguez as a member of the West New York Library Board of Trustees:**
- Item No. R-27:** **Resolution – Re: Re-Appointment of Tania Fuentes as a member of the West New York Housing Authority:**
- Item No. R-28:** **Resolution – Re: Re-Appointment of Commissioner Ruben Vargas as member of the Management Committee of the North Hudson Regional Fire & Rescue (January 1, 2014 – December 31, 2014):**
- Item No. R-29:** **Resolution – Re: Authorizing contract between the Town of West New York and Atlantic for Copier Services:**
Comm. Wiley commented that he has a problem with the RFQ process and the Committee and inquired as to why the Town does not bid for copier services in that State contracts are not always the best price. Town Attorney Garcia recommended that Comm. Wiley meet with him to discuss his concerns.
- Item No. R-30:** **Resolution – Re: Authorizing the insertion in Budget of Special Item of Revenue and Appropriation Chapter 159 FY 2013 State Body Armor Replacement Fund Program:**
- Item No. R-31:** **Resolution – Re: Authorizing the insertion in Budget of Special Item of Revenue and Appropriation Chapter 159 FY Hudson County Community Block Grant (CDBG) Program:**

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- Item No. R-32:** **Resolution – Re: Hudson County Board Tax Appeal (\$5,411.78):**
- Item No. R-33:** **Resolution – Re: Overpayment of Taxes (\$29,375.35):**
- Item No. R-34:** **Resolution – Re: Tax Lien Premiums (\$6,300.00):**
- Item No. R-35:** **Resolution – Re: Refund of Redemptions (\$136,109.51):**
- Item No. R-36:** **Resolution – Re: Tax Correction (6208 Jackson Street):**
- Item No. R-37:** **Resolution – Re: Refund State Court Tax Appeals (\$4,873.50):**
- Item No. R-38:** **Resolution – Re: Appointment of Sior Mirabal as a Member of the West New York Planning Board (Term: 12/18/13 – 12/17/14):**
- Item No. R-39:** **Resolution – Re: Approving the Corrective Action Plan for the Year 2012 Audit Report:**
- Item No. R-40:** **Resolution – Re: Approving the Closure of a Trust Fund Bank Account with Oritani Bank:**
- Item No. R-41:** **Resolution – Re: Requesting permission for the Dedication by Rider for Accumulated Absences Liability Trust Fund:**
Comm. Wiley inquired as to the purpose of this Resolution. CFO Cherone explained the process and the use of funds which are used for “payouts” and that it is set aside for specific purposes. Comm. Wiley inquired as to how much money will be used this year to which CFO advised that the Town must maintain a balance of \$100,000-150,000.
- Item No. R-42:** **Resolution – Re: Approval of Professional Services Agreement between Town of West New York and Remington and Vernick Engineering for Town Engineer:**
Town Attorney Garcia recommended that this Resolution be pulled and placed on agenda for Special Commission Meeting of 12/31/13.
- Item No. R-43:** **Resolution – Re: Rejection of Contract for Environmental Remediation Project and Authorizing the Town Clerk to advertise to rebid the Project:**
Comm. Wiley inquired as to why this contract was rejected to which CFO Cherone explained that the bid received exceeded the budgeted amount. Comm. Wiley inquired if this contract was for the remediation of the Town Garage and DPW to which CFO responded “Yes”. Comm. Wiley inquired about the results of the bids and about the specific details of the project. CFO Cherone commented that she didn’t know the specifics. Town Attorney Garcia advised that he would provide the information to Comm. Wiley next week.
- Item No. R-44:** **Resolution – Re: Re-Appointment of Geoffrey M. Santini as Constable for the Town of West New York:**
- Item No. R-45:** **Resolution – Re: Transfer of Funds for 2013:**
- Item No. R-46:** **Resolution – Re: Approval of Release of Performance Guarantees for K. Hovnanian Port Imperial Urban Renewal, Inc.:**
- Item No. R-47:** **Resolution – Re: Authorizing an Emergency Appropriation:**
- Item No. R-48:** **Resolution – Re: Appointing Jose Rodas as a Member of the Zoning Board to fill the unexpired term of Juan Luna:**

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Note: Consent Agenda was established to include the following Resolutions: R-1 thru R-48 excluding R-42 which was pulled from agenda.

Item No. O-1: Hearing & Final Adoption of Ordinance #27/13 An Ordinance repealing Ordinance #11/97 entitled: “An Ordinance establishing restricted parking in front of one (1) residence for use by handicapped resident” (6506 Park Avenue):

Item No. O-2: Hearing & Final Adoption of Ordinance #28/13 An Ordinance repealing Ordinance #2/97 entitled: “An Ordinance establishing restricted parking in front of one (1) residence for use by handicapped resident” (437-59th Street):

Item No. O-3: Introduction of Ordinance #29/13 An Ordinance repealing a portion of Ordinance #13/97 entitled: “An Ordinance establishing restricted parking in front of one (1) residence for use by a handicapped resident (422-56th Street):

Item No. O-4: Introduction of Ordinance #30/13 An Ordinance amending Chapter 377 of the Municipal Code and Ordinance Nos. 42/96 and 22/09 entitled: ”An Ordinance establishing towing fees, policies and procedures for the Town of West New York:

Public Portion:

Mayor Roque and Town Attorney Gilberto Garcia agreed that the public portion would be moved to the Regular meeting in order to move the meeting along due to the shootings that took place in Town.

Work Session ended at 6:42 p.m.

Commissioner FiorD’Aliza Frias

Commissioner Caridad Rodriguez

Commissioner Ruben Vargas

Commissioner Count J. Wiley

Mayor Felix E. Roque
Board of Commissioners

Attest: _____
Carmela Riccio,
Town Clerk