

**December 31, 2013**  
***Special Meeting***

PLEASE TAKE NOTICE that a Special Meeting will be held by the Board of Commissioners of the Town of West New York, New Jersey, on Tuesday, December 31, 2013 at 10:00 a.m. (No Work Session) in the Mayor's Conference Room, Municipal Building, 428 – 60<sup>th</sup> Street, West New York, New Jersey, for the purpose of considering the following business:

1. Resolution – Re: Authorizing Adoption of the 2014 Temporary Budget
2. Resolution – Re: Authorizing Adoption of the 2014 Debt Service Requirements
3. Resolution – Re: Authorizing purchase of three (3) 2014 Police Interceptor SUV's for Police under State Contract
4. Resolution – Re: Public Entity Joint Insurance Fund Joint Trust Agreement and Resolution to join
5. Resolution – Re: Payment of Claims

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, Wiley, Vargas and Mayor Roque  
Absent: None  
Also Present: Maria T. Barrios (representative of Town Clerk's Office) and  
Town Administrator Joseph De Marco

Meeting commenced at 10:00 a.m.

Maria T. Barrios made the following announcement and recorded the minutes of this meeting:

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: Tuesday, December 31, 2013 at 10:00 a.m. (No Work Session) in the Mayor's Conference Room, Municipal Building have been satisfied by the delivery of the 48 hour notice to each of the newspapers circulating in the Town of West New York (The Jersey Journal and the Bergen Record); by posting in the Municipal Building on the Municipal Bulletin Board; and by filing with the Clerk of the Municipality with copies to all persons desiring the same.

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

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**Special Meeting**

**Consent Agenda**

It was regularly moved by Mayor Roque, seconded by Commissioner Vargas that the following Consent Agenda Items Nos. R-1 through R-6 be adopted, was carried by the following vote:

YEAS - Commissioners Frias, Rodriguez, Vargas, Wiley and Mayor Roque  
NAYS - **See below notes**  
ABSENT - None  
ABSTAIN - **See below notes**

**Note:** Comm. Wiley voted “No” on the following resolution: R-6 and “abstained” on Resolution #R-1.

**Note:** Discussion was had between Commissioner Wiley and CFO Cherone regarding a prior request for a meeting to review budget items. CFO advised that meeting was held with various departments and the Commissioner’s aide did attend the meeting on his behalf. Regarding the leasing of vehicles, Commissioner Wiley questioned the pricing and structure of the vehicles. Capt. Cabrera responded that he did conduct a review from various vendors and that this was the best competitive price for the vehicles. Commissioner Wiley also requested that the vendors listed on the stale checks be notified regarding payment. CFO advised the Board of the process regarding notification.

**RESOLUTION**

**RE: Authorizing Adoption of the 2014 Temporary Budget**

Whereas, NJS 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2014 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

WHEREAS, the date of this resolution is within the first 30 days of the fiscal year, and

WHEREAS, the total appropriations in the 2013 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance, is the sum of \$66,078,845.25, and

WHEREAS, 26.25% of the total appropriations in the 2013 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement and public assistance, in said budget is the sum of \$17,345,696.94.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of West New York, that the following appropriations be made and a certified copy of this resolution be transmitted to the Chief Financial Officer for his records:

ACCOUNT	TEMPORARY BUDGET
Dir. of Public Affairs - S&W	\$63,764.93
Dir. of Public Affairs - O.E.	\$12,862.50
Town Clerk's Office S/W	\$80,883.60
Town Clerk's Office	\$5,250.00
Legal Advertising & Publicatio	\$3,937.50
Town Clerk Off – Codification	\$1,575.00
Elections	\$6,562.50
Elections	\$14,175.00

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

Board of Health S/W	\$124,946.06
Board of Health - O.E.	\$13,350.75
Prosecutor S/W	\$10,500.00
Prosecutor	\$2,151.19
Public Relations	\$17,062.50
Rent Control Board S/W	\$33,867.23
Rent Control Board	\$2,126.25
Town Funding Program	\$15,369.38
Housing Inspection S/W	\$51,847.69
Housing Inspection	\$262.50
Tenant Relations	\$8,904.00
Law Department S/W	\$63,315.00
Law Department	\$183,750.00
Supervised Play Activity S/W	\$200,322.68
Supervised Play Activity	\$64,312.50
Senior Citizens S/W	\$42,885.94
Senior Citizens	\$13,125.00
Administrative Office S/W	\$39,993.71
Administrative Office	\$2,100.00
Personnel Department S/W	\$12,463.76
Personnel Department	\$131.25
Zoning Board	\$2,625.00
Planning Board S/W	\$11,800.69
Planning Board	\$5,906.25
North Hudson Regional Council	\$10,263.75
North Huds Council of Mayors	\$2,938.16
Urban Enterprise Zone	\$2,100.00
Comm Development - S & W	\$28,602.00
Community Development O.E.	\$26.25
Director of R & F - S/W	\$15,855.00
Director's Office	\$9,187.50
Treasurer's Office S/W	\$131,754.53
Treasurer's Office	\$97,084.31
Treasurer's Office - Annual F	\$31,500.00
Treasurer's Office -Payroll Se	\$9,187.50
Assessment of Taxes S/W	\$70,909.65
Assessment of Taxes	\$6,825.00
Collection of Taxes S/W	\$64,205.66
Collection of Taxes	\$7,612.50
Group Insurance- Employees	\$2,779,113.75
Health Waiver	\$2,625.00
Other Insur Unemployment	\$68,312.21
Other Insur Workers Comp	\$202,125.00
Other Insurance – Liability	\$253,312.50
Purchasing Agent S/W	\$39,571.35
Purchasing Agent	\$1,040.81
Director of Public Safety -S/W	\$97,920.38
Director's Office	\$36,001.88
NHRFR	\$3,462,852.49
Police Department S/W	\$3,261,962.03
Police Department - O.E.	\$111,562.50
Juvenile Aid	\$1,050.00
Uniform Fire Safety Act S/W	\$49,543.73
Ambulance Squad S/W	\$190,312.50
Ambulance Squad	\$21,262.50
Office of Emergency Mgmt	\$3,412.50
Automotive Maint & Repair	\$45,953.25

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

Director of Public Works - S/W	\$24,107.74
Director's Office DPW - O.E.	\$4,906.13
Streets & Sewers S/W	\$533,734.95
Streets & Sewers	\$73,500.00
Snow Removal	\$10,500.00
Street Lighting	\$171,937.50
Fire Hydrant Rental	\$59,193.75
Recycling	\$78,750.00
Garbage & Trash S/W	\$17,367.79
Garbage & Trash - O.E.	\$47,250.00
Garbage & Trash – Contractual	\$756,000.00
Engineering Serv. & Costs -O.E	\$131,250.00
Director Pks & Pub. Prop. -S/W	\$27,277.16
Director's Office	\$2,362.50
Division of Parks S/W	\$26,995.50
Division of Parks	\$26,250.00
Celebration of Public Events	\$12,206.25
Building Department S/W	\$46,352.78
Building Department	\$42,000.00
Light & Power	\$116,812.50
Centralized Postage	\$14,437.50
Fuel	\$86,835.00
Telephone & Telegraph	\$55,125.00
Water	\$35,398.13
Sewerage	\$38,050.69
Signal Bureau	\$5,171.25
Uniform Construct Code S/W	\$77,006.21
Uniform Construction Code	\$13,125.00
Prior Years Bills	\$10,497.64
Contingent	\$13,125.00
Emergency Authorizations	\$443,152.50
Special Emergency Authorizatio	\$26,512.50
Contrib to Public Employee Ret	\$211,939.61
Contribution to Social Securit	\$250,687.50
Contrib to Police & Firemen Pe	\$680,363.25
Municipal Court S/W	\$225,620.06
Municipal Court - O.E.	\$21,525.00
Public Defender	\$7,246.31
Reserve for Appeals	\$13,125.00
Maint. of Free Public Library	\$199,507.35
Blood Borne Pathogens	\$1,312.50
Reimb for Hlth Svc Weehawken	\$3,937.50
Reimb for Hlth Svcs –Secaucus	\$5,250.00
Reimb for Hlth Svcs-Guttenberg	\$3,937.50
North Bergen	\$2,187.41
North Bergen	\$7,000.09
Reimb for Hlth Svcs-Ch 226 Non	\$3,189.38
Board of Health – Bayonne	\$2,187.41
Board of Health – Bayonne	\$7,000.09
Board of Health – Harrison	\$2,187.41
Board of Health – Harrison	\$7,000.09
LOCAL MATCH	
GRANT RECEIVABLES	\$95,685.98
Overexpenditure of Appropriati	\$15,386.96
Interest on School Bonds	\$29,465.63
RES FOR UNCOLLECTED TAXES	\$294,647.39
TOTAL	 \$17,345,696.94

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**Consent Agenda (Cont.):**

**Note:**      **Comm. Wiley “abstained” on this vote.**

**RESOLUTION**

**RE: AUTHORIZING ADOPTION OF THE 2014 DEBT SERVICE REQUIREMENTS**

WHEREAS, N.J.S. 40A:19 provides authority for appropriating in a temporary resolution the permanent debt service requirements for the coming fiscal year providing that such resolution is not made earlier than the last ten days of the preceding fiscal year; and

WHEREAS, the date of this resolution is subsequent to that date; and

WHEREAS, principal and interest will be due on various dates from January 1, 2014 to December 31, 2014, inclusive, on sundry bonds issued and outstanding.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey that the following appropriations be made to cover the period from January 1, 2014 to December 31, 2014 inclusive:

**DEBT SERVICE – TOWN OF WEST NEW YORK:**

Payment of Bonds	\$4,894,441
Interest on Bonds	\$1,733,936
Payment of Bond Anticipation Notes	\$ 46,000
Interest on Notes	\$ 50,120
 Total	 <u>\$6,628,377</u>

**DEBT SERVICE – BOARD OF EDUCATION:**

Payment of Bonds	\$ 110,000
Interest on Bonds	\$ 132,500
 Total	 <u>\$ 242,500</u>

**RESOLUTION**

**RE: AUTHORIZING PURCHASE OF THREE (3) 2014 POLICE INTERCEPTOR SUVs FOR POLICE UNDER STATE CONTRACT**

WHEREAS, the Town of West New York, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Town of West New York has the need to purchase three (3) 2013 Police Interceptor SUVs for the Police utilizing a State Contract #A78762 awarded to Beyer Fleet in the amount of \$113,510.25; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are available as evidenced by Certification, attached hereto.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Town of West New York authorize the purchase of three (3) 2013 Police Interceptor SUVs, NJ 07005 in the amount of \$113,510.25, from Beyer Fleet, 175 Route 10, East Hanover, NJ 07936.

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**Consent Agenda (Cont.):**

**RESOLUTION**  
**RE: PUBLIC ENTITY JOINT INSURANCE FUND**  
**JOINT TRUST AGREEMENT AND RESOLUTION TO JOIN**

WHEREAS, a number of local governmental units in the State of New Jersey have joined together to form a Joint Insurance Fund as permitted by the Chapter 372 Laws of 1983 (40A:10-36); and

WHEREAS, the statutes and regulations governing the creation and operation of a Joint Insurance Fund contain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a Fund; and

WHEREAS, the Governing Body of the Town of West New York, has determined that membership in the Public Entity Joint Insurance Fund (hereinafter referred to as the "Fund") is in the best interests of itself and its citizens; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Town of West New York (hereinafter referred to as the "Municipality") does hereby resolve and agree to become a member of the Fund for a period not to exceed one (1) year beginning January 1, 2014 for the purpose of establishing the following types of coverage:

- Workers' Compensation and Employer's Liability;
- General Liability including law enforcement and public officials liability;
- Motor vehicle liability;
- Property damage (buildings, contents);
- Public Official Position Bonds

BE IT FURTHER RESOLVED, that the Municipality has never defaulted on claims and has not been canceled for nonpayment of insurance premiums for a period of at least two years prior to the adoption of this Resolution; and

BE IT FURTHER RESOLVED, that the Mayor and the Municipal Clerk are authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the Fund and to deliver same to the Executive Director of the Fund with the express reservation that said document shall become effective only upon approval by the New Jersey Department of Insurance and the Department of Community Affairs.

**PUBLIC ENTITY JOINT INSURANCE FUND**

**INDEMNITY AND TRUST AGREEMENT**

THIS AGREEMENT, made this day of \_\_\_\_\_ in the County of Hudson, State of New Jersey, By and Between the Public Entity Joint Insurance Fund, hereinafter referred to as "FUND", and the Governing Body of the Town of West New York, a duly constituted local unit of government hereinafter referred to as "MUNICIPALITY";

WITNESSETH:

WHEREAS, several local governmental units have collectively formed or are in the process of forming a Joint Insurance Fund as such an entity is authorized and described in NJSA 40A:10-36 et seq. and the administrative regulations promulgated pursuant thereto and:

WHEREAS, the MUNICIPALITY has agreed to become a member of the FUND in accordance with and to the extent provided for in the bylaws of the FUND and in consideration of such obligations and benefits to be shared by the membership of the FUND;

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

NOW THEREFORE, it is agreed as follows:

1. The MUNICIPALITY accepts the FUND'S bylaws as approved and adopted and agrees to be bound by and to comply with each and every provision of the said bylaws and the pertinent statutes and Administrative Regulations pertaining to same and as set forth in the Risk Management Plan.
2. The MUNICIPALITY agrees to participate in the FUND with respect to the types of insurance listed in the Town of West New York's Resolution.
3. The MUNICIPALITY agrees to become a member of the FUND for an initial period not to exceed three (3) years, the commencement of which shall coincide with the effective date of the FUND'S operation and coverage, or the effective date of membership, whichever occurs later.
4. The MUNICIPALITY certifies that it has never defaulted on any claims if self insured and has not been canceled for non-payment of insurance premiums for a period of at least two years prior to the date thereof.
5. In consideration of membership in the FUND the MUNICIPALITY agrees that it shall jointly and severally assume and discharge the liability of each and every member of the FUND, all of whom as a condition of membership in the FUND shall execute a verbatim counterpart of this Agreement and by execution hereof the full faith and credit of the MUNICIPALITY is pledged to the punctual payment of any sums which shall become due to the FUND in accordance with the bylaws thereof, this Agreement, the Fund's Risk Management Plan or any applicable Statute.
6. If the FUND in the enforcement of any part of this Agreement shall incur necessary expense or become obligated to pay attorney's fees and/or Court costs the MUNICIPALITY agrees to reimburse the FUND for all such reasonable expenses, fees and costs on demand.
7. The MUNICIPALITY and the FUND agree that the FUND shall hold all monies paid by the MUNICIPALITY to the FUND as fiduciaries for the benefit of FUND claimants all in accordance with NJAC 11:15 2.1 et seq.
8. The FUND shall establish a Trust Account for the following categories of risk and liability:
  - Workers' Compensation and Employers' Liability
  - Liability, other than motor vehicle
  - Property Damage, other than motor vehicle
  - Property
  - Motor Vehicle liability and physical damage

The FUND shall maintain a Trust Account aforementioned in accordance with NJSA 40A: 10-36, NJAC 11:15.2 et seq., NJSA 40A: 5-1 and such other statutes as may be applicable. More specifically, the Trust Account shall be utilized solely for the payment of claims, allocated claim expense and excess insurance or reinsurance premiums for each such risk or liability or as "surplus" as such term is defined by NJAC 11:15-2.2.

9. Each MUNICIPALITY who shall become a member of the FUND shall be obligated to execute this Agreement.

TOWN OF WEST NEW YORK

BY: \_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

DATE: \_\_\_\_\_

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**Consent Agenda (Cont.):**

**RESOLUTION**  
**Re: Cancellation of Tax Overpayments**

WHEREAS, during the period 2011 through 2012, there have been overpayment of taxes on various properties, a complete list of which may be examined in the Tax Collector's Office, and which cancellations approximate the following amounts for each of the respective years:

YEAR	AMOUNT
2011	\$ 4,873.70
2012	\$159,731.12

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF WEST NEW YORK that the above outstanding tax overpayment balances be cancelled.

**RESOLUTION**  
**Re: Cancellation of Stale Dated Checks**

WHEREAS, the Chief Financial Officer of the Town of West New York has identified the following checks to be stale; and

WHEREAS, the Chief Financial Officer has deemed it to be necessary to cancel of records these Current Fund checks, totaling \$39,119.66, which are dated prior to June 30, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF WEST NEW YORK that all amounts as per the attached list shall be treated as Miscellaneous Revenue Not Anticipated, as to the bank statement reconciliation in the Department of Revenue and Finance.

**Note:**      **Comm. Wiley voted "No" on this Resolution.**

**Mayor Roque opened the Public Portion.**

**Public Portion:**

- 1. Patrick Cullen Jr., 72-67<sup>th</sup> Street, West New York:**  
Mr. Cullen commented that the meeting could have been held upstairs in court chambers. He then handed Mayor Roque a copy of a flyer regarding the Commission Form of Government Law and the Duties of Board pursuant to the Walsh Act N.J.S.A. 40A:9-22-5. He commented about the two (2) attorneys recently hired by the Town, which were the same attorneys who had represented the Mayor and his son.
  
- 2. Wayne Cook, 6131 Jackson Street, West New York:**  
Mr. Cook stated that streets should be cleaned; they are filthy. Mr. Cook also indicated the Theobald family feels the same. The Mayor advised Mr. Cook to have them call him. Mr. Cook also stated that it is a good thing we have more cops; more cops are better for the community. He also congratulated Police Director Robert Antolos on a great job done. Mr. Cook also states that at 6131 Jackson Street the sidewalk was broken to remove an oil tank and was never fixed.



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**Public Portion (Cont.):**

**3. Jose Munoz, 6131 Harrison Place, West New York:**

Mr. Munoz is inquiring as to why the Town Attorney is not present. He is asking how much is his salary. Mr. Munoz commented that since he became Town Attorney, Mr. Garcia has been allowed to bill for professional work, and inquired "Isn't that included in what he already makes?" Town Administrator De Marco advised that the information requested is listed on claims list. Mr. Munoz says if you were following the rules you would do things legally and responsibly. Mr. Munoz says I don't think it's been reviewed properly. Mr. Munoz questioned Mayor Roque about Town Administrator De Marco taking the generator home during Hurricane Sandy for four days. Mr. Munoz asked Mr. De Marco if he reimbursed the Town for the use of the generator. Mr. De Marco responded it was a personal matter that was taken care of. Mr. Munoz asked if the Office of Emergency Management and taxpayer dollars paid for the generator. Mayor Roque replied "no" and also stated that Mr. Munoz is a coward and has his own agenda. Then a member of the press asked Mayor Roque if he had any knowledge of the FBI visiting Town Hall. Mayor Roque then replied I have nothing to hide and that his son is going for a misdemeanor. Jose Munoz interrupted the Mayor and Mayor asked him if he is wired and if he recorded everyone in the Freeholder's meeting.

**4. Cesar Aguirre, 6218 Madison Street, West New York:**

Mr. Aguirre commented that with regard to David Rivera's questions to Commissioner Frias about her personal life during a prior Commission Meeting, that it is her private life and no one should get involved.

**5. Commissioner Wiley:**

Comm. Wiley commented to the Mayor Roque that they haven't talked in close to two years regarding the political retribution that was done to him and that he (the Mayor) took away his secretary and had his (the Mayor) Deputy harass his staff. He stated "I'm very disappointed in you Mayor and also Commissioner Vargas when he was in charge of Parks Department everything was neglected. This year the Parks and Public Property Department is improving. My responsibility is serious stuff. I lost respect for you Mayor and every word out of your mouth is a lie." Mayor Roque commented that the Town is looking good.

It was regularly moved by Mayor Roque, seconded by Commissioner Vargas, **to close public portion and adjourn** the meeting at 10:40 a.m., was carried by the following vote:

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

\_\_\_\_\_  
Commissioner FiorD'Aliza Frias

\_\_\_\_\_  
Commissioner Caridad Rodriguez

\_\_\_\_\_  
Commissioner Ruben Vargas

\_\_\_\_\_  
Commissioner Count J. Wiley

\_\_\_\_\_  
Mayor Felix E. Roque  
Board of Commissioners

Attest: \_\_\_\_\_

Maria Barrios,  
Town Clerk's Office