

**August 15, 2012**  
**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, August 15, 2012 at 12:00 p.m. (No Work Session):

Present: Commissioners Frias, Rodriguez, Wiley, Vargas and Mayor Roque  
Absent: None  
Also Present: Town Attorney Gil Garcia, Asst. Town Attorney Joseph DeMarco and Town Clerk Carmela Riccie

Meeting commenced at 12:05 p.m.

At the request of Mayor Roque, 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 August 15, 2012 at 12:00 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 December 20, 2011. 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.

**Claims: Dated 8/15/12 (Claims are available for public inspection in the Town Clerk's Office):**

It was regularly moved by Mayor Roque, seconded by Commissioner Rodriguez that the claims be approved, was carried by the following vote:

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

**Receipt of Financial Reports:**

**FINANCIAL REPORTS - MONTH OF JULY 2012**

1. **From Construction Code Official Office, reporting the sum of \$ 104,702.00 Collected for the month of July, 2012.**
2. **From Director Michael Indri (Police Dept.) reporting the sum of \$ 8,628.30 Collected for the month of July, 2012**
3. **From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$ 7,225.00 for Special Licenses collected for the month of July, 2012**
4. **From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$ 790.00 for Marriage/death certificates collected for the month of July, 2012**
5. **From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$ 61.20 for Dogs Licenses collected for the month of July, 2012,**
6. **From (Revenue and Finance Department) reporting the sum of \$ 2,725,308.10 collected for the month of July, 2012.**
7. **From Carmela Riccie, RMC, Town Clerk, reporting the sum of \$ 685.40 collected for the month of July, 2012**

**August 15, 2012**  
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It was regularly moved by Commissioner Frias, seconded by Commissioner Rodriguez, that the financial reports be approved, was carried by the following vote:

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

**Bid Results**  
**Re: General Contracting Services**

**BID PROPOSAL FORMATION**

Proposal Receipt Date: August 9, 2012 Budgeted Amount: \$

Proposal Time: 10:00 AM Estimated Amount: \$

Location for proposal: Town Clerk's Office

Proposal for: General Contracting Services

Department of:

Personnel at Opening: Town Clerk Carmela Riccie, Maria Barrios and Lisa Walsh

Remarks: Time to receive bids was closed at 10:05 a.m.  
Reserved decision pending review by law department.

BIDDER #1 (Name) Coyoty Builders and Developers, LLC  
(Address) 644 – 61<sup>st</sup> Street, WNY, NJ 07093  
Cost: \$38.00 p. hr. (contractor)  
\$25.00 p. hr. (apprentice)  
Total: \$63.00  
(see bid proposal attached)  
Bid Bond: N/a Check: N/a

BIDDER #2 (Name) A & P Landscape & Construction, LLC  
(Address) 214 Desoto Place, Cliffside Park, NJ 07010  
Cost: \$42.00 p. hr. (contractor)  
\$32.00 p. hr. (apprentice)  
Total: \$74.00  
(see bid proposal attached)  
Bid Bond: N/a Check: N/a

BIDDER #3 (Name) Diamond HVAC-R Inc.  
(Address) 4316 Liberty Avenue, North Bergen, NJ 07047  
Cost: \$68.00 p. hr. (contractor)  
\$55.00 p. hr. (apprentice)  
Total: \$123.00  
(see bid proposal attached)  
Bid Bond: X Check: N/a

**August 15, 2012**  
**Regular Meeting**

**RFQ results**  
**Re: Microloan Lender and Administrator**

**RFQ PROPOSAL FORMATION**

Proposal Receipt Date: August 10, 2012  
Proposal Time: 10:00 a.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Micro Loan Lender & Administrator  
Personnel at Opening: Town Clerk Carmela Riccie & Maria T. Barrios  
Remarks: Time to receive RFQS was closed at 10:05 a.m.  
Reserved decision pending review by review committee.

NO RFQ'S RECEIVED

**RFQ Results**  
**Re: Rent Control Board Attorney Legal Services**

**RFQ PROPOSAL FORMATION**

Proposal Receipt Date: August 10, 2012  
Proposal Time: 10:30 a.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Rent Control Attorney Legal Services  
Personnel at Opening: Town Clerk Carmela Riccie & Maria T. Barrios  
Remarks: Time to receive RFQS was closed at 10:35 a.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Florio & Kenny, LLP  
(Address) 5 Marine View Plaza, Hoboken, NJ 07030

RESPONDER #2 (Name) Maurice Giro, Esq.  
(Address) 6050 Blvd. East, Suite LC, WNY, NJ 07093

August 15, 2012  
Regular Meeting

Communication

Re: Memorandum of results of Town of West New York Bond Anticipation Note Sale on 8/7/12

Closing Item No. 11  
AUG 15 2012

4D

MEMORANDUM

TO: Board of Commissioners of the Town of West New York, New Jersey  
FROM: Margaret S. Cherone, Chief Financial Officer  
RE: Sale of \$3,810,450 Town of West New York Bond Anticipation Notes

In accordance with N.J.S.A. 40A:2-28, the undersigned financial officer of the Town of West New York hereby reports to the governing body of the Town of West New York the principal amount, interest rate and maturity of the Notes sold, the price obtained and the name of the Purchaser:

PRINCIPAL AMOUNT:	\$3,810,450
INTEREST RATE:	1.50%
MATURITY DATE:	August 7, 2013
PRICE OBTAINED:	\$3,823,072.59
NAME OF PURCHASER:	Hudson County Improvement Authority

The undersigned sold the referenced Notes at a private sale pursuant to authority granted in Ordinance Nos. 5/09, 6/09, 16/09 and 1/11 of the Issuer. This report is being made to the governing body at the next meeting thereof after such sale in accordance with N.J.S.A. 40A:2-28.

  
Margaret S. Cherone, Chief Financial Officer

DATED: August 7, 2012

RECEIVED  
2012 AUG - 1 P 12:52  
TOWN OF WEST NEW YORK, NJ

August 15, 2012  
Regular Meeting

**Communication**  
**Re: Town Engineer's Status Report dated 8/13/12**

AUG 15 2012

4E



JOHN H. ALLGAIER, 1983-01  
DAVID J. SAMUEL, P.E., P.P.  
JOHN J. STEFANI, P.E., L.S., P.P.  
JAY D. CORNELL, P.E., P.P.  
MICHAEL J. McCLELLAND, P.E., P.P.  
GREGORY R. VALES, P.E., P.P.

TIMOTHY W. GILLEN, P.E., P.P.  
BRUCE M. KOCH, P.E., P.P.  
LOUIS J. PLOSKONKA, P.E.  
TREVOR J. TAYLOR, P.E., P.P.  
BEHRAM TURAN, P.E.

**MEMO TO:** Mayor and Board of Commissioners  
Town of West New York

**FROM:** Robert J. Russo, P.E., P.P., C.M.E.  
Town Engineer's Office

**DATE:** August 13, 2012

**RE:** General Engineering and Capital Project Status Report  
West New York, New Jersey

□ **Improvements to Fillmore Place and Dewey Avenue Parks**

- CME Associates had prepared a proposal for providing engineering services associated with preparing site plans for the improvements to the two (2) parks. We were authorized on January 31, 2012 to proceed with the project.
- The scope of work for the improvements to Fillmore Place Park include repairing/replacing any damaged park equipment, fencing and play surfaces and the installation of security cameras, possible water feature and new benches and tables. The scope of work for the improvements to Dewey Avenue Park includes a complete reconstruction of the park.
- It is our understanding that Community Development Block Grant funds are now in place for both parks.
- The project was advertised for the receipt of bids on June 28 with the bid opening on July 12. The apparent low bid was submitted by Rich Picerno Builders of Kenilworth, NJ, with a bid of \$750,458.00. We have issued a letter with regard to same.

□ **2012 Municipal Aid Grant and Road Program**

- The Town received a grant in the amount of \$280,800.00.
- The Town had submitted a grant application requesting \$1,026,415.60 for the following roads:
  - 56<sup>th</sup> St. from Hudson Ave to Dead End
  - 52<sup>nd</sup> St. from Broadway to Park Ave.
  - 67<sup>th</sup> St. from Bergenline to JFK Blvd West
  - Palisade Ave from 50<sup>th</sup> to 67<sup>th</sup>.
- The following roads are under consideration for the 2012 Road Program:
  - 56<sup>th</sup> St. from Hudson Ave to Dead End (65'): \$30,000.00.
  - 67<sup>th</sup> St. from Bergenline to JFK Blvd West: (1210'): \$172,000.00.
  - 67<sup>th</sup> St. from Bergenline to Palisade Avenue : (580'): \$105,000.00
  - 60<sup>th</sup> from Buchanan Place to Bergenline Avenue (Half Width): \$270,000.00.
  - 65<sup>th</sup> St. from Broadway Avenue to Park Avenue (675'): \$110,000.00.
  - 51<sup>st</sup> St, from JFK West to Bergenline Avenue (615'): \$110,000.00.
- Total Estimated Construction cost for above roads: \$797,000.00.
- The above noted costs do not include soft costs such as engineering, bonding and legal.

□ **Recreation and Open Space Inventory (ROSI) Update**

- We had been authorized to update the Town ROSI which was required by the NJDEP – Green Acres Program.
- We have prepared the updated ROSI and have forwarded same to the Town Grant Coordinator so that he may respond to the NJDEP request for the update.
- The ROSI has been sent to the NJDEP and we recently received comments pertaining to same which we will address.



August 15, 2012  
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JOHN H. ALLGAIR, 1963-01  
DAVID J. SAMUEL, P.E., P.P.  
JOHN J. STEFANI, P.E., L.S., P.P.  
JAY B. CORNELL, P.E., P.P.  
MICHAEL J. McCLELLAND, P.E., P.P.  
GREGORY R. VALES, P.E., P.P.

TIMOTHY W. GILLEN, P.E., P.P.  
BRUCE M. KOCH, P.E., P.P.  
LOUIS J. PLOSKONKA, P.E.  
TREVOR J. TAYLOR, P.E., P.P.  
BEHRAM TURAN, P.E.

Memo to: Mayor and Board of Commissioners  
Town of West New York  
August 13, 2012  
Page 2 of 2

□ **Veterans Park Slope Remediation and Park Improvements**

- As you are aware, there are currently slope erosion issues at the park which have caused the concrete pavers and fencing in various areas to settle and collapse. We have been asked to review slope remediation alternatives at the park.
- We have reviewed various alternatives for remediating the slope in addition to reviewing options for overall park improvements.
- We have prepared a preliminary two phase conceptual design for the park improvements which we have reviewed with the Mayor.
- We issued a proposal for preparing detailed conceptual plans and construction cost estimates followed by the preparation of design documents for the first phase of the project.

□ **Miscellaneous Engineering**

- General Parks Site Review: We have been reviewing each of the Town parks with Commissioner Wiley and the Parks Department to determine general maintenance and/or improvements required at each. We will be working with the Parks Department to assist in addressing any issues that required engineering services.
- Tax Map Revisions: With regard to our proposal for updating the Town Tax Maps, we have reached out to Mr. Jaeger to discuss same. There are three levels of updates to the tax maps that can be performed. A general update, a revaluation and a recertification. Mr. Jaeger has stated that the tax maps will require updating for a revaluation process. Mr. Jaeger has submitted the current tax maps to the State for review and comment which will speed up the process. After the Town receives comments from the state, which could take several months, we can review same and prepare a proposal to address the comments for a revaluation and perform a general update of the tax maps.
- Intersection of 61<sup>st</sup> Street and Jackson Street Traffic Signal: We were asked to review the intersection due to a recent accident. We met with Sgt. Cocciadiferro, Traffic Safety Officer, to discuss the intersection and also obtained accident data for same. We have issued a report with recommendations. We are reviewing options for the installation of bollards at the intersection.
- Roadway and Sidewalk Concerns: We have continued to respond to various roadway settlement, concrete paver settlement and sidewalk and tree grate heaving concerns, as requested. We are reviewing the various areas as requested, for solutions.
- Pedro Labarta vs. Town of West New York: At the request of Ms. Niti Raval, Esq., of Florio and Kenny, LLP, we are currently reviewing the Town Ordinances and the liability reports submitted by the co-defendant and plaintiff with regard to this case.



**August 15, 2012**  
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**Proclamation**  
**Designating the Month of August as World Breastfeeding Month**

WHEREAS, North Hudson Community Action Corporation Women, Infants, Children (WIC) Program currently delivers nutrition education, breastfeeding support and food assistance for 2,900 pregnant and postpartum women, infants and children residing in the Town of West New York as well as 12,500 North Hudson residents, and

WHEREAS, the month of August is World Breastfeeding Month and this year's theme is "The Road to Lifelong Health Begins with Breastfeeding". The American Academy of Pediatrics advises babies to exclusively breastfeed until 6 months old because it has been shown that breastfed babies are healthier than formula fed babies; and

WHEREAS, breastfeeding also has lifelong benefits for the infant and mothers; unfortunately, only 8% of infants in North Hudson are exclusively breastfed for six months; and

WHEREAS, the WIC Program has been diligently working to educate mothers and support them to reach their breastfeeding goals. The goal of the North Hudson Community Action Corporation is to raise awareness for parents of infants about the importance of breastfeeding.

NOW, THEREFORE, BE IT PROCLAIMED by Mayor Felix E. Roque and the Board of Commissioners of the Town of West New York that the Town of West New York recognizes the month of August as "World Breastfeeding Month" and urge all citizens to recognize and support the need for breastfeeding of infants.

**Note: This Proclamation was read aloud by Town Clerk Riccie and presented by the Mayor and Commissioners to Karen Lazarowitz, representative of North Hudson Community Action Corp.**

**Proclamation**  
**Honoring Paul Carrasco**

POR CUANTO, la ciudad de West New York se honra en tener como constituyentes una excelente comunidad de latinoamerica: la Comunidad Ecuatoriana. Una comunidad que es vital para el progreso y la economía de West New York. Una comunidad que continua haciendo historia de nuestra gran nación, y

CONSIDERANDO, los sacrificios y celebrando las glorias de esos miembros de la Comunidad Ecuatoriana que se han destacado fuera de su lejana patria, en especial en la Ciudad de West New York, y

POR CUANTO, el Alcalde y la Junta de Comisionados de West New York, aprobó una resolución proclamando el viernes 10 de agosto del dos mil doce como el Día de la Independencia de Ecuador, y exhortamos a todos los ciudadanos a unirse a nosotros para mostrar nuestra gratitud, y

CONSIDERANDO, que el viernes 10 de agosto del dos mil doce es el Día de la Independencia de Ecuador, es nuestro honor honrar a PAUL CARRASCO, prefecto de la Provincia de la Azuay, por su trabajo profesional en beneficio de la Comunidad Ecuatoriana en los Estados Unidos;

AHORA POR TANTO, YO, FELIX ROQUE, alcalde de la ciudad de West New York, y la Junta de Comisionados por la presente otorga orgullosamente un reconocimiento al destacado Ecuatoriano PAUL CARRASCO por su poder Latino en los Estados Unidos.

EN FE DE LO CUAL, suscribo la presente mi puño y letra y el Sello de la Municipalidad de West New York, que se coloque este día 10 de agosto de 2012.

**August 15, 2012**  
***Regular Meeting***

**Proclamation**  
**Honoring Dr. Carmen Velasquez**

POR CUANTO, la ciudad de West New York se honra en tener como constituyentes una excelente comunidad de latinoamerica: la Comunidad Ecuatoriana. Una comunidad que es vital para el progreso y la economía de West New York. Una comunidad que continua haciendo historia de nuestra gran nación, y

CONSIDERANDO, los sacrificios y celebrando las glorias de esos miembros de la Comunidad Ecuatoriana que se han destacado fuera de su lejana patria, en especial en la Ciudad de West New York, y

POR CUANTO, el Alcalde y la Junta de Comisionados de West New York, aprobó una resolución proclamando el viernes 10 de agosto del dos mil doce como el Día de la Independencia de Ecuador, y exhortamos a todos los ciudadanos a unirse a nosotros para mostrar nuestra gratitud, y

CONSIDERANDO, que el viernes 10 de agosto del dos mil doce es el Día de la Independencia de Ecuador, es nuestro honor honrar a DRA. CARMEN VELASQUEZ, prefecto de la Provincia de la Azuay, por ser la primera mujer Hispana de origen Ecuatoriano que asciende al poder judicial en la Ciudad de New York y por su trabajo profesional en beneficio de la Comunidad Ecuatoriana en los Estados Unidos;

AHORA POR TANTO, YO, FELIX ROQUE, alcalde de la ciudad de West New York, y la Junta de Comisionados por la presente otorga orgullosamente un reconocimiento al destacado Ecuatoriano DRA. CARMEN VELASQUEZ por su poder Latino en los Estados Unidos.

EN FE DE LO CUAL, suscribo la presente mi puño y letra y el Sello de la Municipalidad de West New York, que se coloque este día 10 de agosto de 2012.

**Proclamation**  
**Honoring Marcos Bermudez**

POR CUANTO, la ciudad de West New York se honra en tener como constituyentes una excelente comunidad de latinoamerica: la Comunidad Ecuatoriana. Una comunidad que es vital para el progreso y la economía de West New York. Una comunidad que continua haciendo historia de nuestra gran nación, y

CONSIDERANDO, los sacrificios y celebrando las glorias de esos miembros de la Comunidad Ecuatoriana que se han destacado fuera de su lejana patria, en especial en la Ciudad de West New York, y

POR CUANTO, el Alcalde y la Junta de Comisionados de West New York, aprobó una resolución proclamando el viernes 10 de agosto del dos mil doce como el Día de la Independencia de Ecuador, y exhortamos a todos los ciudadanos a unirse a nosotros para mostrar nuestra gratitud, y

CONSIDERANDO, que el viernes 10 de agosto del dos mil doce es el Día de la Independencia de Ecuador, es nuestro honor honrar a MARCOS BERMUDEZ, por su trayectoria de exitos en la musica latina, y por su logros al obtener el Premio Grammy en el Mercado Norteamericano;

AHORA POR TANTO, YO, FELIX ROQUE, alcalde de la ciudad de West New York, y la Junta de Comisionados por la presente otorga orgullosamente un reconocimiento al destacado

Ecuatoriano MARCOS BERMUDEZ por su poder Latino en los Estados Unidos.

EN FE DE LO CUAL, suscribo la presente mi puño y letra y el Sello de la Municipalidad de West New York, que se coloque este día 10 de agosto de 2012.

**August 15, 2012**  
***Regular Meeting***

**Proclamation**  
**Polder Latino, USA y Negocios Hispanos Magazine**

POR CUANTO, la ciudad de West New York se honra en tener como constituyentes una excelente comunidad de latinoamerica: la Comunidad Ecuatoriana. Una comunidad que es vital para el progreso y la economía de West New York. Una comunidad que continua haciendo historia de nuestra gran nación, y

CONSIDERANDO, los sacrificios y celebrando las glorias de esos miembros de la Comunidad Ecuatoriana que se han destacado fuera de su lejana patria, en especial en la Ciudad de West New York, y

POR CUANTO, el Alcalde y la Junta de Comisionados de West New York, aprobó una resolución proclamando el viernes 10 de agosto del dos mil doce como el Día de la Independencia de Ecuador, y exhortamos a todos los ciudadanos a unirse a nosotros para mostrar nuestra gratitud, y

CONSIDERANDO, que el viernes 10 de agosto del dos mil doce es el Día de la Independencia de Ecuador, es nuestro honor honrar a PODER LATINO, USA Y NEGOCIOS HISPANOS MAGAZINE, por su trabajo periodístico en beneficio de la Comunidad Ecuatoriana y Latinoamericana, especialmente por la coordinación del Segundo Año del Acto de Izamiento de la Bandera Ecuatoriana.

AHORA POR TANTO, YO, FELIX ROQUE, alcalde de la ciudad de West New York, y la Junta de Comisionados por la presente otorga orgullosamente un reconocimiento a las destacadas empresas Ecuatorianas PODER LATINO, USA Y NEGOCIOS HISPANOS MAGAZINE, por su poder Latino en los Estados Unidos.

EN FE DE LO CUAL, suscribo la presente mi puño y letra y el Sello de la Municipalidad de West New York, que se coloque este día 10 de agosto de 2012.

**Consent Agenda**

It was regularly moved by Mayor Roque, seconded by Commissioner Vargas 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, and R-12 be adopted, was carried by the following vote:

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

**Note:** Commissioner Wiley voted NO as to Resolution #R-1 (Establishing procedure to be followed in matters involving Rent Control buildings that were never registered under Section 312-28 of the Town Code).

**RESOLUTION**  
**RE: ESTABLISHING THE PROCEDURE TO BE FOLLOWED IN MATTERS INVOLVING RENT CONTROLLED BUILDINGS THAT WERE NEVER REGISTERED UNDER SECTION 312-28 OF THE TOWN CODE OF THE TOWN OF WEST NEW YORK**

Whereas the Mayor and Board of Commissioners wish to establish a procedure for the determination of rents in situations wherein the Landlord of a building that comes within the purview of Section 312 of the Town Code of the Town of West New York, and those buildings have never been registered under Section 312-28 of said Town Code;

**August 15, 2012**  
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**Consent Agenda (Cont.):**  
**Resolution (Cont.):**

Now, therefore, be it resolved by the Mayor and Board of Commissioners of the Town of West New York that if a Landlord has failed to file a rent registration statement in accordance with Section 312-28 of said Town Code, that the following procedure is to be implemented in order to establish the present rent and to bring the said building into compliance with the ordinance of the Town of West New York: The establishment of the amount of base rent shall be through the tenant. In those cases, the tenant shall provide proof of rent from the first instance that said payments were made, or a soon thereafter. Proofs may consist of receipts, leases, and/or anything else that is deemed satisfactory by the Secretary to the Rent Control Board; and

Be it further resolved, that in such cases as demonstrated above, the present rent of the tenant shall be calculated by increasing the base rent by the CPI increases for each year that the building should have been registered. Landlord shall be required to file and to pay for each of the rent registration statements that are necessitated under the circumstances described within this subsection.

**Note: Commissioner Wiley inquired as to what type dwellings this pertains. Town Attorney Garcia explained it pertains to non-owner occupied multiple dwellings and condominiums if non owner occupied. Mr. Garcia further explained that if it is a brand new dwelling, rent will be established at the point of registration. He further explained the CPI increase and that rent control regulations are not designed to hurt landlords but to protect the tenants. Comm. Wiley commented that it leaves little room for profit and further development. Mr. Garcia again stressed that rent control regulations are not intended to hurt landlords but to protect the tenants. Mr. Garcia further explained constituency service program to further help landlords faced with foreclosure etc. and that the Town intends to provide loan modification counseling free of charge. Comm. Wiley commented that he does not feel this is reasonable and voted NO on this Resolution.**

**Resolution**

**Re: Establishing restricted parking in front of one**  
**(1) residence for use by handicapped resident as follows:**  
**317-66<sup>th</sup> Street (Visanu Kumtrakool)**

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>
1.	Visanu Kumtrakool 417-66 <sup>th</sup> Street West New York, NJ 07093	South	Begin at a point along the South curb of 66 <sup>th</sup> Street & Palisade Ave, 206 feet west from the South West corner. Then 22 feet there from

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.

**August 15, 2012**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**Resolution**

**Re: Establishing restricted parking in front of one**  
**(1) residence for use by handicapped resident as follows:**  
**5701 Blvd. East #6F (Rolando Pino)**

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>
1.	Rolando Pino 417-66 <sup>th</sup> Street West New York, NJ 07093	West	Begin at a point along the West curb of Park Avenue & 58 <sup>th</sup> Street, 7 feet west from the South West corner. Then 22 feet there from

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: Repealing Resolution adopted on 12/19/01**  
**which established a loading zone at 5700 Hudson Avenue, WNY**  
**for: (La Cubana Bakery)**

Whereas, the governing body of the Town of West New York adopted a Resolution on December 19, 2001 establishing a loading zone for a business known as La Cubana Bakery; and

Whereas, said business no longer exists and therefore, there is no further need for said loading zone at said location;

Now, therefore, be it resolved by the Mayor and Board of Commissioners of the Town of West New York that the above-mentioned resolution is hereby repealed.

Be it further resolved that the Department of Public Safety is directed to remove all signage for the space as directed by this resolution.

Be it further resolved that this resolution shall take effect immediately upon passage.

**August 15, 2012**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**Resolution**  
**Re: Bingo & Raffles**

BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York that the following applications for Bingo/Raffles are hereby granted:

<u>Name</u>	<u>Date</u>	<u>License #</u>
HSA St. Joseph's 6401 Palisade Avenue West New York, NJ 07093 (Tricky Tray)	November 3, 2012	RL 1823
HSA St. Joseph's 6401 Palisade Avenue West New York, NJ 07093 (50/50 off premise)	November 3, 2012	RL 1824
Laymen and Laywomen's Action Club 6401 Palisade Avenue West New York, NJ 07093 (Holiday Auction Tricky Tray)	November 19, 2012	RL 1825

**Resolution**  
**Re: Authorizing installation of a "Deaf Child at Play" Sign**

Whereas, the Police Department Traffic Division of the Town of West New York has received a request from a town resident to install a "Deaf Child at Play" sign in the area of 6025 Jackson Street as said resident has a grandchild who is deaf and plays in that area; and

Whereas, after further investigation by the Police Traffic Division, it has been determined to be in the best interest of public safety to eliminate possible casualty and/or fatality and to attempt to establish safer streets to install a sign at the location set forth above,

Now, therefore, be it resolved by the Mayor and Board of Commissioners of the Town of West New York that a "Deaf Child at Play" sign shall be installed in the area of 6025 Jackson; and

Be it further resolved that no approval is required from the Commissioner of Transportation to install said sign as it falls within the jurisdiction and authority of the local municipality; and

Be it further resolved that this resolution shall take effect immediately and the Director of Public Safety shall have posted the appropriate marking and/or sign at said the aforesaid location.

**RESOLUTION**  
**Re: Adjustment of Tax Record (61-65<sup>th</sup> Street)**

WHEREAS, there is an overpayment on the 1st and 2<sup>nd</sup> quarter 2012 Tax Bill in the amount of \$192.00 on property located at 61 65<sup>th</sup> Street A/K/A block 19 lot 4.01 C0002 and;

WHEREAS, the taxpayer is requesting the credit in the amount of \$192.00 to be moved to credit their 1<sup>st</sup> quarter 2013 Tax Bill.

THEREFORE, the Tax Collector is hereby authorized to move the said payment and to adjust the tax records accordingly.

**August 15, 2012**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**Resolution**  
**Re: Refunds of Redemptions (\$339,419.41)**

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
MTAG SVC. AS CUST FOR ATCF II NJ LLC	63/19 18/36 147/2.01	11-0168 11-0052 11-0338	\$12,269.39 \$12,872.77 \$10,156.83
VIRGO MANAGEMENT, LLC	54/32 C001A 54/32 C001B 127/1 T01 98/25	10-105 10-106 11-0248 11-0265	\$11,072.35 \$8,628.77 \$1,427.58 \$20,982.89
R. ROTHMAN	168.01/8.01 C0233	11-0395	\$12,942.84
ISAAC MORADI	110/5 C0211	11-0281	\$1,867.58
STRIB CI, LLC	33/10	10-057	\$ 419.83
US BANK CUST FOR CRESTAR CAPITAL,LL	1/1 136/14	11-0001 11-0322	\$16,384.22 \$11,607.58
US BK. AS CUST FOR TOWER DBW	129/30 51/13	11-0311 11-0139	\$6,277.63 \$16,362.39
PAM INVESTORS	114/5 114/5	11-0284 10-194	\$14,129.78 \$28,258.94
PLY PK. TAX SRVS.	38/9 C016E	09-059	\$18,788.86
U.S. BANK, CUS FOR EMPIRE TAX FD.	159/4	10-247	\$26,693.15
U.S. BANK CUST FOR	11/20 C0010	10-025	\$3,500.22
ROYAL TAX LIEN SERVICES, LLC	136/14 136/14	09-182 10-222	\$60,854.63 \$45,348.76

GRAND TOTAL \$339,419.41

**August 15, 2012  
Regular Meeting**

**Consent Agenda (Cont.):**

**RESOLUTION**  
**Re: State Court Tax Appeals (\$5,523.30)**

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
S & D Affuso et. al.	2/10	\$5,523.30	2010
	Grand Total	\$5,523.30	

**RESOLUTION**  
**Re: Refunds of Tax Lien Premiums (\$72,600.00)**

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
MTAG SVC. AS CUST FOR ATCF II NJ LLC	63/19	11-0168	\$7,200.00
	18/36	11-0052	\$4,100.00
	147/2.01	11-0338	\$6,500.00
VIRGO MANAGEMENT LLC	54/32C001A	10-105	\$ 400.00
	54/32C001B	10-106	\$ 500.00
STRIB CI, LLC	33/10	10-057	\$1,200.00
US BANK CUST FOR CRESTAR CAPITAL LL	1/1	11-0001	\$28,100.00

US BANK CUST FOR TOWER DBW	51/13	11-0139	\$ 8,400.00
PAM INVESTORS	114/5	10-194	\$ 5,200.00

**August 15, 2012**  
**Regular Meeting**

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

PLYM PK. TAX SRVS.	38/9 C016E	09-059	\$ 5,200.00
U.S. BANK CUS FOR EMPIRE TAX FD.	159/4	10-247	\$ 5,000.00
U.S. BANK FOR CUST FOR CRESTAR CAPITAL	11/20 C0010	10-025	\$ 600.00
ROYAL TAX LIEN SERVICES, LLC	136/14	09-182	\$ 200.00
		GRAND TOTAL:	\$72,600.00

**Resolution**  
**Re: Overpayment of Taxes (\$6,785.22)**

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
Talreja, Manish & Nirmal	115/25.01	\$ 297.20 \$ 753.18	2011 2012
Simeon Del Rosario	168.01/1.25 C0383	\$3,080.65 (SVC)	2011
Banerjee, Sujoy	168.01/1.02	\$2,399.27	2009
Alvarez, Maria	122/8 C003C	\$ 254.92	2011
GRAND TOTAL \$6,785.22			

**RESOLUTION**  
**RE: RE-APPOINTMENT OF MICHAEL INDRIAS**  
**DEPUTY EMERGENCY MANAGEMENT COORDINATOR**  
**(Term: 6/29/12 – 6/28/13)**

WHEREAS, Michael Indri is currently serving as Deputy Emergency Management Coordinator for the Town of West New York as per resolution and appointment dated June 29, 2011 such term having expired on June 28, 2012; and

WHEREAS, Michael Indri has continued to serve as Deputy Emergency Management Coordinator since June 28, 2012; and

WHEREAS, the Director of the Department of Public Safety of the Town of West New

York, in recognition of this has retroactively appointed Michael Indri as Deputy Emergency Management Coordinator for the Town of West New York for a one (1) year term commencing June 29, 2012 through to June 28, 2013;

**August 15, 2012**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**Resolution (Cont.):**

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

1. The Board of Commissioners hereby ratifies the appointment of Michael Indri, to serve as Deputy Emergency Management Coordinator for the Town of West New York, to serve for a one (1) year term retroactively commencing on June 29, 2012 and terminating on June 28, 2013.
2. The compensation for said position shall be \$7,500.00 per year.

**Note:** At this point, Town Clerk Riccie advised that the Commissioners would continue with the Ordinances, then open the public portion of the meeting for persons to speak and then go into Executive Closed Session.

**ORDINANCE #20/12**

**“AN ORDINANCE AMENDING CHAPTER 69 OF THE CODE OF  
THE TOWN OF WEST NEW YORK”  
(RE: CONSTITUENT SERVICES)**

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

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

**The following person wished to be heard:**

1. **Comm. Wiley** inquired as to why these services were being placed in Revenue and Finance Dept. and not in his department or Public Affairs Dept. Town Attorney Garcia explained that there are legal issues which will be involved with providing these services and that is why it is being placed in Revenue and Finance Dept. with the law department.

It was regularly moved by Commissioner Rodriguez, seconded by Mayor Roque to adopt the foregoing Ordinance, was carried by the following vote:

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

**ORDINANCE #24/12**

**AN ORDINANCE ADDING A NEW CHAPTER TO THE CODE OF THE TOWN OF  
WEST NEW YORK ENTITLED “VEHICLE BOOT PILOT PROGRAM”**

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

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

**No one wished to be heard.**

It was regularly moved by Commissioner Vargas, seconded by Commissioner Rodriguez, to

adopt the foregoing Ordinance, was carried by the following vote:

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

**August 15, 2012**  
**Regular Meeting**

**ORDINANCE #25/12**

**AN ORDINANCE AMENDING CHAPTER 56 OF THE CODE OF THE TOWN OF WEST NEW YORK ENTITLED "LAW DEPARTMENT"**

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

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

**The following person wished to be heard:**

1. **Comm. Wiley** inquired as to what department the law department is currently located to which Town Attorney Garcia responded "Public Safety". Comm. Wiley inquired as to why the change was needed. Town Attorney Garcia explained that due to financial issues, etc. it is better to have law department within the Revenue and Finance Dept. He commented that it is proactive and not reactive.
2. **Angel Barquin, 432 – 58<sup>th</sup> Street, WNY** inquired if there were any other changes in this Ordinance besides moving the law department from Public Safety to Revenue and Finance to which Town Attorney Garcia responded "no other changes".

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

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

**ORDINANCE #26/12**

**An Ordinance repealing Ordinance #31/10 entitled:  
"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" in its entirety**

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

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

**The following person wished to be heard:**

1. **Ken Blane, 6040 Blvd. East (President of Riviera Towers Coop Board)**  
Mr. Blane commented that he is being placed in a "distasteful position" and wished he could have discussed these issues in private. He commented that he attempted to reach the Town Attorney via e-mails, telephone calls, etc. to no avail. He further commented that the managing agent, Anthony Iacono, became aware of this ordinance and that is why they are both present today. He informed the Commissioners that during the 4<sup>th</sup> quarter of 2010, the former Town Attorney agreed to renew the lease with Riviera Towers for the parking of Town vehicles and that based upon Ordinance #31/10 adopted in January 2011, Riviera Towers did improvements to the leased area in the amount of \$175,000. He explained that they did not have to do those improvements if lease was not going to be renewed by the

Town. He urged the Commissioners not to “renege” on the commitment and to table the Ordinance to allow further discussion/negotiation. Discussion ensued between Mayor Roque and Mr. Blane regarding current rent being paid by the Town and proposed new amount. Mayor commented that in an effort to save taxpayers’ money, the Town needs to relocate those vehicles. Comm. Wiley inquired as to whether the repealing of this Ordinance would create litigation. Mr. Blane stated that is the area can be re-leased to

**August 15, 2012**  
**Regular Meeting**

**Mr. Blane (Cont.):**

another party, he would not recommend litigation but that he is only one (1) member of the board. He commented that in his opinion, Riviera Towers would prevail if litigation was instituted. Discussion ensued between Mayor, Mr. Blane and Town Attorney regarding value of spaces and that this Board of Commissioners and this Town Attorney did not agree to renewing lease. Discussion ensued between Mr. Garcia and Mr. Blane regarding legalities of lease and ordinance and that he (Town Attorney) recommends repealing Ordinance #31/10. Comm. Wiley suggested Ordinance be tabled and reviewed as litigation could be more costly. Town Attorney Garcia disagreed.

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

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

**ORDINANCE #27/12**

**AN ORDINANCE AMENDING CHAPTER 312 OF THE CODE OF THE TOWN OF WEST NEW YORK ENTITLED, “RENT CONTROL”**

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

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

**The following person wished to be heard:**

**1. Wayne Cook, 6131 Jackson Street, WNY**

Mr. Cook stated that he rents in a two (2) family dwelling and inquired as to how this Ordinance will affect him. Town Attorney Garcia inquired as to whether the property is “owner occupied” to which Mr. Cook advised that it is not owner occupied. Mr. Garcia explained contents of Ordinance.

**2. Victor Dominguez, 589 – 67<sup>th</sup> Street, WNY**

He advised that he is the owner of the property and requested clarification. Town Attorney Garcia explained that C.P.I. increases and how rent increases should be calculated. He further explained that the Town could go back as far as 1985 but that the Town is not going to do that. He explained the annual registration fee process and that this Ordinance is for the protection of the tenants. He further explained that it is the landlords’ duty under the law to register the rents and if they fail to do so, fines can be imposed.

It was regularly moved by Commissioner Frias, seconded by Commissioner Vargas, to adopt the foregoing Ordinance, was carried by the following vote:

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

**August 15, 2012**  
***Regular Meeting***

**ORDINANCE #28/12**

**AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF THE TOWN OF WEST NEW YORK ENTITLED, "ELECTRICAL SUBCODE OFFICIAL"**

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

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

**No one wished to be heard.**

It was regularly moved by Mayor Roque, seconded by Commissioner Rodriguez, to adopt the foregoing Ordinance, was carried by the following vote:

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

**ORDINANCE #29/12**

**AN ORDINANCE AMENDING CHAPTER 24 OF THE CODE OF THE TOWN OF WEST NEW YORK ENTITLED, "COURT, MUNICIPAL"**

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

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

**No one wished to be heard.**

It was regularly moved by Commissioner Vargas, seconded by Commissioner Frias to adopt the foregoing Ordinance, was carried by the following vote:

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

**ORDINANCE #30/12**

**AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF THE TOWN OF WEST NEW YORK ENTITLED, "CONSTRUCTION CODE OFFICIAL"**

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

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

**No one wished to be heard.**

It was regularly moved by Commissioner Rodriguez, seconded by Commissioner Vargas to adopt the foregoing Ordinance, was carried by the following vote:

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

**August 15, 2012**  
***Regular Meeting***

**ORDINANCE #31/12**

**AN ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF THE TOWN OF WEST NEW YORK ENTITLED, "FINANCES"**

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

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

**No one wished to be heard.**

It was regularly moved by Commissioner Vargas, seconded by Commissioner Rodriguez to adopt the foregoing Ordinance, was carried by the following vote:

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

**ORDINANCE #32/12**

**AN ORDINANCE AMENDING CHAPTER 312 OF THE TOWN CODE OF THE TOWN OF WEST NEW YORK ENTITLED, "RENT CONTROL"**

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

It was regularly moved by Commissioner Frias, seconded by Commissioner Vargas to adopt the introduction of the foregoing Ordinance, was carried by the following vote:

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

**Notice**  
**Ordinance #32/12**

**AN ORDINANCE AMENDING CHAPTER 312 OF THE TOWN CODE OF THE TOWN OF WEST NEW YORK ENTITLED, "RENT CONTROL"**

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 August 15, 2012 and ordered published, and will be further considered before final passage at a public hearing on September 19, 2012 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 Riccio read the foregoing Notice aloud.**

**August 15, 2012**  
**Regular Meeting**

**Mayor opened the Public Portion.**

**Public Portion:**

**1. Cosmo Cirillo, 116 – 65<sup>th</sup> Street, WNY:**

Mr. Cirillo commented that he was “insulted” by Mayor attempting to finish the meeting quickly. Mayor Roque explained that there are prior commitments after the meeting which he must attend. Mr. Cirillo commented that the Mayor is accountable to the public first. Mr. Cirillo referred to Governor Christie’s administering the oath of office to the Mayor and Commissioners in May 2011 and that the Governor stated recently that elected officials that are indicted should “step aside”. Mayor Roque inquired “Do you think it is related directly as Mayor of West New York?” to which Mr. Cirillo replied “yes but it is not for me to say”. Discussion ensued between Mr. Cirillo and Town Attorney Garcia regarding accusations to which Mr. Cirillo stated that he was only quoting not accusing. Mr. Garcia stated that the Mayor is not charged with political corruption. Discussion ensued between Mr. Cirillo and the Mayor regarding resigning and the Mayor commented that the indictment has nothing to do with his medical practice or his role as Mayor of West New York. He further stated “I respect the law. It is great.” He further commented that under the law he is entitled to his day in court and that Mr. Cirillo would be entitled to the same rights. Mr. Cirillo disagreed and stated “You are not capable of governing this town.” The Mayor replied that taxes have been reduced and the streets are cleaner and inquired as to what steps Mr. Cirillo and the prior Administration had taken to making this Town better. Mr. Cirillo responded that he is focused on making the Town better as that is his goal.

**2. Wayne Cook, 6131 Jackson Street, WNY:**

Mr. Cook commented that the Town must “move on” and Commissioners should stop arguing amongst themselves. He inquired as to why the former Mayor’s photo was not displayed in the Court Chambers. Mayor agreed and said it would be done.

**3. Mayra Dominguez, 589 – 65<sup>th</sup> Street, WNY:**

She commented about the Salvadorian Festival held last year and inquired as to why her organization could not display a banner across Bergenline Avenue at 60<sup>th</sup> Street to advertise this year’s festival. Mayor Roque replied that last year’s event was a success and despite the fact that banner was allowed last year, we must comply with the laws concerning banners, signs, etc. Town Attorney Garcia explained that unless an event is sponsored by the Town, a banner cannot be hung on 60<sup>th</sup> Street. He further advised that the Administration has become aware of things that may have been permitted last year which in retrospect should not have been permitted and therefore, must not be permitted in the future and that there could be no selective enforcement of the laws. He offered to provide a copy of the Town Ordinance to her. Discussion ensued between the Mayor, Ms. Dominguez and Asst. Town Attorney DeMarco as to whether there was an alternative location to hang the banner. However, Mr. DeMarco clearly advised that the Ordinance does not permit it unless it is town sponsored. Ms. Dominguez commented that her organization had been requested to contribute part of the proceeds of the event to WNY Forever. Mr. DeMarco denied that comment and replied that any payment requested was to reimburse the Town for costs i.e. police, cleanup, etc. Ms. Dominguez insisted that Comm. Frias and the Mayor were present at a meeting months ago regarding this subject. David Rivera, an audience member, confirmed what she said. Ms. Dominguez acknowledged the help that the Mayor offered but was not satisfied with the outcome. Mayor suggested she meet with him and the law department on Friday at 10 a.m. to discuss possible solutions. She agreed to the meeting.

**4. Juan Fornell, 163 – 62<sup>nd</sup> Street, WNY:**

Mr. Fornell spoke in Spanish with the assistance of translation by Town Attorney Garcia. He directed his comments to Comm. Wiley and commented that the Comm. is the reason

why he is going through hard times as he was not re-hired. He advised that he lost his job and his house and is without money. He further commented that the Commissioner has violated his rights in that he should have been re-hired more than 6 months ago before other persons were hired by the Commissioner. Discussion ensued between Comm. Wiley and Mr. Fornell (through the translator) and Comm. Wiley stated "You do not understand.

**August 15, 2012**

***Regular Meeting***

**Public Portion (Cont.):**

**4. Juan Fornell (Cont.):**

I did what the union allowed me. I don't know you. I love the people of West New York. This Administration would not allow me to re-hire you. Mayor Roque commented that Comm. Wiley hired people living in North Bergen and did not hire Mr. Fornell. (At this point, several people were speaking at the same time and meeting was out of order.) Mr. Fornell insisted that his civil service rights have been violated and that he should be re-hired immediately. He complained that Comm. Wiley "jumped over" him to hire other people.

**5. Juan Zubiaga, 6007 Jackson Street, WNY:**

Mr. Zubiaga spoke in Spanish and Town Attorney Garcia translated. Mr. Zubiaga advised that he is having a property dispute with next door neighbor and that due to conduct of neighbor and children, he is not enjoying quality of life. He advised that he installed a fence to resolve the problem to no avail. Town Attorney requested that he meet with him tomorrow at 11 a.m. as this is a legal issue. Mayor Roque commented that he had met with Mr. Zubiaga and Code Official Manny Fernandez several times regarding these issues.

**6. Martha Gonzalez, 5806 Park Avenue, WNY:**

Ms. Gonzalez spoke in Spanish and Town Attorney translated. She advised that she was present to defend her ex-husband who is one of the persons who had been laid off and should have been re-hired prior to other hirings. She complained about Comm. Wiley hiring other people ahead of her ex-husband and requested the Mayor's assistance.

**7. Richard Rivera, 408 – 59<sup>th</sup> Street, WNY:**

He requested that a microphone be installed in front of chambers for public to use when addressing the Board of Commissioners. He commented about the Riviera Tower lease issue in that he appreciates the Town trying to save money by not renewing lease. He suggested that the town post all non-town sponsored events on its website for advertisement purposes. Town Clerk Riccio advised him that she had already made arrangements commencing September to do so.

**8. Zelma Santos, 437 – 53<sup>rd</sup> Street, WNY:**

Ms. Santos spoke in Spanish and Town Attorney translated. She commented that Comm. Wiley promised her a job at the last Commission Meeting; that she has cancer and has undergone many months of chemotherapy and needs to work. She further commented that Comm. Wiley advised her that the Mayor would not authorize a vendor's license for her. Mayor Roque stated "No public official should promise jobs." Town Attorney Garcia explained that it was Comm. Wiley who is against the Ordinance to increase the number of vendor licenses. He further commented that it breaks his heart to hear her problems and he is the one who recommended the Ordinance to increase number of licenses but that Comm. Wiley wanted it to be rejected. She inquired as to why Comm. Wiley opposes the changes and commented that "his refrigerator is full and his daughter eats well". She stated that West New York doesn't need Comm. Wiley as Mayor as he only cares for himself. Mr. Garcia advised her that the Ordinance is returnable on September 19<sup>th</sup> for final action.

**9. Robert Berger, 400 – 68<sup>th</sup> Street, Guttenberg:**

He stated that he supported this Administration but that the Commissioners should not talk negatively about the former Mayor. He complained that he was terminated from the Town's employ and that he needs a job as he is struggling financially. Mayor replied that we have a tight budget and cannot bypass other people who are re-hired. He further advised that he cannot promise him a job.

A motion was made by Mayor Roque, seconded by Comm. Rodriguez, **to close the Public Portion at 1:35 p.m.**, was carried by the following vote:

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

**August 15, 2012**  
***Regular Meeting***

A motion was made by Mayor Roque, seconded by Comm. Vargas, **to go into Executive Session at 1:35 p.m.**, was carried by the following vote:

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

**RESOLUTION**  
**RE: AUTHORIZING CLOSURE OF EXECUTIVE SESSION**  
**PURSUANT TO N.J.S.A. 10:4-12(b)**

BE IT RESOLVED by the Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey, that the Board of Commissioners hereby declares this executive session closed to the public for discussion of N.J.S.A. 10:4-12(b)(8) the discussion of personnel/termination of employment matters regarding the position of Municipal Administrator.

BE IT FURTHER RESOLVED that the minutes of this closed session shall be available to the public as per N.J.S.A. 10:4-13(a) at such time as the matter necessitating the discussion of the personnel/termination of employment matters pertaining to the position of Municipal Administrator have been resolved, to the extent disclosure is not prohibited by other law.

**Motion was made by Comm. Vargas, seconded by Comm. Rodriguez, to resume regular meeting at 1:45 p.m. was carried by the following vote:**

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

**Resolution**  
**Re: Termination of Municipal Administrator**

WHEREAS, pursuant to NJSA 40A:9-138 the Town of West New York no longer wishes to employ Ernesto Munoz as Municipal Administrator, and

NOW, THEREFORE BE IT RESOLVED, that the Ernesto Munoz is hereby terminated as the Municipal Administrator for the Town of West New York in accordance with NJSA 40A: 9-138.

Motion was made by Comm. Rodriguez, seconded by Comm. Vargas, to adopt the foregoing Resolution, was carried by the following vote:

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

**Note: Asst. Town Attorney DeMarco explained contents of above Resolution.**

**Resolution**  
**Re: Appointment of Carmela Riccie as the Municipal Administrator for West New York**

WHEREAS, the Town of West New York in order to properly run the municipal government requires a Municipal Administrator; and

WHEREAS, the Municipal Administrator's position is currently vacant and in order to insure the prompt and efficient running of the municipal government it is necessary to fill the vacancy; and

WHEREAS, the Town of West New York and the Board of Commissioners wishes to name

Carmela Riccie as the Municipal Administrator;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Commissioners of the Town of West New York, that the Mayor and/or his designee are authorized to enter into an agreement with Carmela Riccie for employment as the Municipal Administrator.

**August 15, 2012**  
***Regular Meeting***

Motion was made by Mayor Roque, seconded by Comm. Rodriguez, to adopt the foregoing Resolution, was carried by the following vote:

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

**Note: Asst. Town Attorney DeMarco explained contents of above Resolution.**

It was regularly moved by Mayor Roque, seconded by Commissioner Rodriguez to close the public portion and adjourn the meeting at 1:47 p.m., was carried by the following vote:

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

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Commissioner FiorD'Aliza Frias

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Commissioner Caridad Rodriguez

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Commissioner Ruben Vargas

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Commissioner Count J. Wiley

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Mayor Felix E. Roque  
Board of Commissioners

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