

September 19, 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, September 19, 2012 at 7:00 p.m. (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 Deputy Town Clerk Yesenia Del Rio

Meeting commenced at 7:00 p.m.

At the request of Mayor Roque, Deputy Town Clerk Yesenia Del Rio 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 September 19, 2012 at 7:00 p.m., I do hereby publicly announce, and I direct that this announcement shall be placed in the minutes of this meeting, and that the Notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given by the Board of Commissioners in the Resolution dated and adopted on 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.

Minutes of Previous Meeting:

It was regularly moved by Mayor Roque, seconded by Commissioner Rodriguez, that the Minutes of Regular Meetings: 7/18/12 & 8/15/12 (Regular Session) be approved as recorded, was carried by the following vote:

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

Claims: Dated 9/19/12 (Claims are available for public inspection in the Town Clerk's Office):

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

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

September 19, 2012
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Receipt of Financial Reports:

FINANCIAL REPORTS - MONTH OF AUGUST 2012

1. From Construction Code Official Office, reporting the sum of \$45,206.00 collected for the month of August, 2012.
2. From Director Michael Indri (Police Dept.) reporting the sum of \$2,490.35 collected for the month of August, 2012
3. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$4,660.00 for Special Licenses collected for the month of August, 2012
4. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$1,004.00 for Marriage/death certificates collected for the month of August, 2012
5. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$68.00 for Dogs Licenses collected for the month of August, 2012,
6. From (Revenue and Finance Department) reporting the sum of \$15,034,160.38 collected for the month of August, 2012.
7. From Carmela Riccie, RMC, Town Clerk, reporting the sum of \$4.45 collected for the month of August, 2012

It was regularly moved by Mayor Roque, seconded by Commissioner Vargas, 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

September 19, 2012
Regular Meeting

Communication
Re: Municipal Audit 2011 from Judith Tutela

Page 1 of 2

SEP 19 2012

4A

Jenny Delrio

From: Marge Cherone CFO [mcherone@westnewyorknj.org]
Sent: Wednesday, September 19, 2012 2:41 AM
To: Jenny Delrio
Subject: FW: Audit - December 31, 2011
Attachments: Town of West New York - Financial Statements - December 31, 2011.pdf

This is the transmittal for the audit....

From: Marge Cherone CFO [mailto:mcherone@westnewyorknj.org]
Sent: Wednesday, September 19, 2012 12:14 AM
To: Felix Roque <felix.roque@painreliefcenterpa.com> (felix.roque@painreliefcenterpa.com);
ffrias@westnewyorknj.org; caryrod20@yahoo.com; countchiro@aol.com; rvargas@westnewyorknj.org
Cc: Carmela Riccio (criccio@westnewyorknj.org); 'Joe DeMarco' (demarcojoe@verizon.net);
KRICKOGARCIA@aol.com
Subject: FW: Audit - December 31, 2011

Dear Honorable Mayor and Commissioners,

I am forwarding the 2011 Audit Report received today from Judy Tutela, CPA, RMA, in final form. Kindly note that I will provide you each with a bound copy later in the week.

If I may be of further assistance, kindly advise.

Marge Cherone

From: Judith Tutela [mailto:jtutela@spirecpa.com]
Sent: Tuesday, September 18, 2012 11:59 AM
To: Marge Cherone CFO (mcherone@westnewyorknj.org)
Subject: Audit - December 31, 2011

Dear Honorable Mayor and Commissioners,

In preparation of you September 19th meeting, please find attached an electronic copy of the December 31, 2011 Audit report. The bound version the Audit will be delivered later this week as we have just received the final required responses for inquiries made to various consultants and professions providing services to the Town.

We would like to thank you all for the opportunity to provide services to the Town. It has been our pleasure to serve the Mayor and Commissioners and welcome any comment or suggestions you may have so we may provide better service to you in the future. We would also like to express our sincere gratitude to all of the employees of the Town of West New York for your help and courtesies rendered during the audit.

Should you have any questions regarding this Audit or any other matter, please feel free to contact us.

Very Truly,

9/18/2012

September 19, 2012
Regular Meeting

Communication
Re: Town Engineer Monthly Report dated 9/17/12



4B
JOHN H. ALLGAIR, 1993-01
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

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

DATE: September 17, 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, water feature upgrades and new benches and tables. The scope of work for the improvements to Dewey Avenue Park includes a complete reconstruction of the park.
- The project was advertised for the receipt of bids on June 28 with the bid opening on July 12. The project was awarded on September 4 to the low bidder which was Rich Picerno Builders of Kenilworth, NJ, with a bid of \$750,458.00.
- We held a preconstruction meeting on September 12, 2012 for the project. The contractor is tentatively scheduled to commence construction on or about October 1.
- We have prepared the contracts and notice of award to be executed by the contractor.

□ **FY2012 NJDOT 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:
 - 56th St. from Hudson Ave to Dead End
 - 52nd St. from Broadway to Park Ave.
 - 67th St. from JFK Blvd West to Bergenline Avenue
 - Palisade Ave from 50th to 67th.
- The following roads were under consideration for the 2012 Road Program:
 - 56th St. from Hudson Ave to Dead End (65'): \$30,000.00.
 - 67th St. from JFK Blvd West to Bergenline Avenue: (1210'): \$172,000.00.
 - 67th St. from Bergenline Avenue to Palisade Avenue: (580'): \$105,000.00
 - 60th from Buchanan Place to Bergenline Avenue (Half Width): \$270,000.00.
 - 65th St. from Broadway Avenue to Park Avenue (675'): \$110,000.00.
 - 51st St. from JFK West to Bergenline Avenue (615'): \$110,000.00.
- We submitted a proposal for preparing the construction plans and contract documents for the improvements to 67th Street from JFK Blvd West to Palisade Avenue.
- The above noted costs do not include soft costs such as engineering, bonding and legal.

□ **FY2013 NJDOT Municipal Aid Grant**

- The submittal date for the FY2013 NJDOT Municipal Aid Grant is October 16, 2012.
- The following roads are under consideration for the grant:
 - 60th Street from Buchanan Place to Bergenline Avenue (2000'-Half Width).
 - 65th Street from Broadway Avenue to Park Avenue (675')
 - 51st Street from JFK West to Bergenline Avenue (615')
 - 66th Street from Bergenline Avenue to JFK East (3300')



September 19, 2012
Regular Meeting



JOHN H. ALLGAIR, 1983-01
DAVID J. SAMUEL, P.E., P.P.
JOHN J. STEFANI, P.E., L.S., P.P.
JAY B. CORNELL, P.E., P.P.
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BEHRAM TURAN, P.E.

Memo to: Mayor and Board of Commissioners
Town of West New York
September 17, 2012
Page 2 of 2

- We will be preparing the application for submittal to the NJDOT.
- **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.
 - We had requested quotes to repair a piece of skate park equipment in Verrazano Park which had been damaged. The equipment was repaired over the weekend.
 - We have requested quotes from fence contractors to repair the damaged fence at the entrance to Miller Park. We issued a letter regarding same.
 - **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 had submitted the current tax maps to the State for review and comment; however, since the tax maps have not been updated in over 20 years, the State would not review same until they are updated. We are reviewing the extent of the changes that have occurred since the last update and will prepare a proposal to perform a general update of the tax maps.
 - **Intersection of 61st 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 reviewed the Town Ordinances and the liability reports submitted by the co-defendant and plaintiff with regard to this case. We issued a letter with regard to same.



September 19, 2012
Regular Meeting

RFQ results
Re: Tenant Advocacy Litigation Attorney

RFQ PROPOSAL FORMATION

Proposal Receipt Date: September 18, 2012

Proposal Time: 10:00 a.m.

Location for proposal: Town Clerk's Office

Proposal for: Tenants Advocacy Litigation Attorney

Personnel at Opening: Deputy Town Clerk Jennie DelRio, Maria Barrios & Lisa Walsh

Remarks: Time to receive RFQS was closed at 10:05 a.m.
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Law Offices of Lazaro Carvajal, LLC
(Address) 8421 Bergenline Avenue
North Bergen, NJ 07047

Consent Agenda

It was regularly moved by Mayor Roque, seconded by Commissioner Rodriguez 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-11, R-12, R-13, R-14, R-15, R-16, R-17, R-19, R-20, R-21, R-22, R-23, R-24, R-25, R-26, R-27, R-28, R-30, R-31, R-32, R-33, R-34 and R-35 be adopted, was carried by the following vote:

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

Note: Resolution #R-10, R-18 and R-29 were not included on consent agenda and individual votes were taken.

Resolution
Re: Refund of Deposit Pursuant
to Ordinance #4/96 (Filming Permit)

WHEREAS, Ordinance No. 4/96 entitled "Permit to Film or Photograph on Public Lands" requires a deposit of \$1,000.00 to be deposited with the Town Clerk's Office; and

WHEREAS, said \$1,000.00 deposit was deposited with the Town Clerk's Office for filming on 8/15/12; and

WHEREAS, said Ordinance has been complied with;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Town of West New York hereby authorizes the Revenue & Finance Department to refund said \$1,000.00 deposit to: Red Bull North America, 15 Watts Street, 4th floor, New York, NY 10013 Attention: Jeff Regis

September 19, 2012
Regular Meeting

Consent Agenda (Cont.):

Resolution
Re: Overpayment of Taxes (\$5,444.27)

WHEREAS, taxes and interest 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
GOLD, STUART & GWEN	168.01/1.06 C0312	\$3.50 \$572.55 (SVC)	2012 2012
DIAZ, MANUEL & ANTONIO ALVAREZ	85/39	\$405.70	2012
WELLNESS CENTER/ UC/WNY C/O M FISHMAN	80/29	\$500.65	2012
RIM, CHOON SOO	168.01/1.01 C0392	\$518.31	2012
CARLOS HERNANDEZ	21/23	\$1,537.44	2012
GILL, AMIT	38/9 C015A	\$1,174.22	2008
ISAAC MORADI	83/7 CG013	\$20.06	2012
WELLS FARGO	110/5 C0422	\$711.84 \$4,871.72 \$572.55 (SVC)	2010
	GRAND TOTAL	\$5,444.27	

Resolution
Re: Tax Corrections (Various Locations)

WHEREAS, there is an overpayment on the 4th quarter 2012 Tax Bill in the amount of \$1,537.44 on property located at 17 63rd Street A/K/A block 21 lot 23 and;

WHEREAS, there is an overpayment on the 2nd quarter 2011 Tax Bill in the amount of \$204.37 on property located at 114 65th Street A/K/A block 11 lot 33 and:

WHEREAS, there is an overpayment on the 4th quarter 2010 in the amount of \$50.53, \$18.38 on the 4th quarter 2011 and \$82.60 on the 4th quarter 2012 on property located at 9 65th Street A/K/A block 19 lot 28.01 and;

WHEREAS, there is an overpayment on the 3rd 2012 service charge in the amount of \$512.93 and \$301.33 on the 4th quarter 2012 service charge on property located at 20 Avenue at Pt. Imperial A/K/A block 168.01 lot 7.06 C0113 and;

WHEREAS, there is an overpayment on the 3rd quarter 2012 in the amount of \$4.61 and \$4.63 on the 4th quarter 2012 for property located at 326 60th Street A/K/A block 54 lot 34 CB001 and;

September 19, 2012
Regular Meeting

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

WHEREAS, the taxpayers are requesting the credits to be moved to credit their 1st quarter 2013 Tax Bill.

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

Resolution
Re: Waving of Interest Penalty for 3 Parcels

WHEREAS, a payment in the amount of \$14,688.72 was previously forwarded within the grace period to the Tax Office for payment of 3rd quarter 2012 taxes on property located at 204 60th Street, 210 60th Street and 212 60th Street A/K/A/ Block 46 Lots 29, 30 and 31, and;

WHEREAS, the said payment in the amount of \$14,688.72 was not timely posted in the Tax Office and since the payment was received within the grace period no interest shall be charged, and;

THEREFORE, the Tax Collector is hereby authorized to collect the tax payments and waive any interest as a result of this error.

Resolution
Re: Hudson County Tax Appeals (\$4,896.53)

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

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

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

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

NAME	BLOCK-LOT	AMOUNT	YEAR
LIPSKY PORTALES ATTY. TRUST ACCOUNT	98/34	\$420.38	2012
JACOBS, FRANK L & ANNE E	105/11 105/12	\$936.70 \$936.70	2012 2012
JIMENEZ, D'ANGELO	158/7.03	\$359.10	2012
BONILLA, PAUL	18/36	\$1,980.87	2012
HERVIS, WILLIAM	48/7	\$262.78	2012
	GRAND TOTAL	\$4,896.53	

September 19, 2012
Regular Meeting

Consent Agenda (Cont.):

Resolution
Re: State Court Tax Appeals (\$5,291.00)

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
Michael I. Schneck Trustee for Palpark Corp. etc	39/1	\$2,810.00	2008
Michael I. Schneck Trustee for CKI Realty Co. etc	57/2	\$2,481.00	2007
	GRAND TOTAL	\$5,291.00	

Resolution
Re: Refunds of Tax Lien Redemptions (\$46,037.09)

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
US BK. AS CUST FOR ATR FD-NJ & CAP1	81/3 C00E3 133/5	11-0219 11-0316	\$2,310.59 \$9,233.84
PAM INVESTORS	81/3 C00D8 81/3 C00D4	11-0216 11-0213	\$884.63 \$968.48
ISAAC MORADI	81/3 C00E2 81/3 C00E2 49/20 C002B	10-148 11-0218 11-0134	\$2,511.29 \$2,020.18 \$3,024.46
US BANK CUST. FOR PRO CAPITAL I, LLC	83/7 CG014	10-162	\$1,192.11
STRIB CI, LLC	54/8	10-104	\$2,239.54

September 19, 2012
Regular Meeting

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

US BANK CUST FOR	148/7	11-0340	\$5,003.36
TOWER DBW	132/4	11-0314	\$6,595.72
MTAG SVC. AS CUST	79/7	11-0204	\$10,052.89
FOR ATCF II NJ LLC			
		GRAND TOTAL	\$46,037.09

Resolution
Re: Refunds of Tax Lien Premiums (\$11,200.00)

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
US BANK CUST FOR	148/7	11-0340	\$500.00
TOWER DBW	132/4	11-0314	\$1000.00
STRIB CI, LLC	54/8	10-104	\$2,900.00
MTAG SVC.AS CUST	79/7	11-0204	\$700.00
FOR ATCF II NJ LLC			
TOWER LIEN,LLC	137/22	10-224	\$100.00
PLYM. PK. TAX SRVS.	137/22	09-186	\$4,500.00
VIRGO MUNICIPAL	98/25	11-0265	\$1,500.00
FINANCE FUND LP			
		GRAND TOTAL	\$11,200.00

Resolution
Re: Cancelling a portion of 2012 Real Estate Taxes on block 38 Lot 1 T01
more commonly known as 6007 Jackson Street and Block 143 Lot 16.02
more commonly known 6040 Kennedy Boulevard East

Whereas, West New York has erroneously assessed Block 38 Lot 1 T01 for a cell tower which was removed and failed to adjust the assessment levied against real property located at Block 143 Lot 16.02;

Whereas, the Tax Assessor has requested that the amount of taxes levied against the properties listed below be cancelled by the Tax Collector:

Block 38 Lot 1 T01	2012 Real Estate Taxes in the amount of \$7,545.28 and
Block 143 Lot 16.02	2012 Real estate Taxes in the amount of \$3,230.

September 19, 2012
Regular Meeting

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

Now therefore be it resolved, by the Commissioners of the Township of West New York that the 2012 real estate assessments erroneously levied on properties listed above be cancelled and adjusted by the Tax Collector;

Cancel Block 38 Lot 1 T01	\$7,545.28
Adjust Block 143 Lot 16.02	\$3,230.

Resolution

**Re: Authorizing the Town Clerk to advertise to receive bids
for "Snow Removal" on Thursday, October 11, 2012 at 10:00 a.m.**

NOW, THEREFORE, BE IT RESOLVED that the Town Clerk be and she is hereby authorized and directed to advertise for the receiving of bids in the Town Clerk's Office for: "Snow Removal" for the Town of West New York on Thursday, October 11, 2012 at 10:00 a.m. in Town Clerk's Office in accordance with specifications on file in the Town Clerk's Office.

Resolution

**Re: AUTHORIZING THE INSERTION IN BUDGET OF SPECIAL ITEM OF
REVENUE AND APPROPRIATION – CHAPTER 159 – Clean Communities 2012**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve insertion of any Special Item of Revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount; and,

WHEREAS, the Town of West New York has been awarded \$52,473.32 from the State of New Jersey and wishes to include this amount as a revenue item.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Board of Commissioners of the Town of West New York, hereby requests the Director of the Division of Local Government Services to approve insertion of an item of revenue in the budget of the year 2012 in the sum of \$52,473.32, which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services: Public and Private Revenues Offset with Appropriations:

Clean Communities 2012

BE IT FURTHER RESOLVED, that a like sum of \$52,473.32 be and is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from "CAPS"

Public and Private Offset by Revenues:

Clean Communities 2012

September 19, 2012
Regular Meeting

Consent Agenda (Cont.):

Resolution

Re: AUTHORIZING THE INSERTION IN BUDGET OF SPECIAL ITEM OF REVENUE AND APPROPRIATION – CHAPTER 159 – NJ DOT FY 2012 Municipal Aid Program for Various Streets

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve insertion of any Special Item of Revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount; and,

WHEREAS, the Town of West New York has been awarded \$280,800.00 from the State of New Jersey and wishes to include this amount as a revenue item.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Board of Commissioners of the Town of West New York, hereby requests the Director of the Division of Local Government Services to approve insertion of an item of revenue in the budget of the year 2012 in the sum of \$280,800.00 which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services: Public and Private Revenues Offset with Appropriations:

NJDOT FY 2012 Municipal Aid Program for Various Streets

BE IT FURTHER RESOLVED that a like sum of \$280,800.00 be and is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from "CAPS"

Public and Private Offset by Revenues:

NJDOT FY 2012 Municipal Aid Program for Various Streets

Resolution

Re: Authorizing the Town Clerk to submit the Best Practice Worksheet for 2012

Whereas, the Town is required to completed the Best Practice worksheet for 2012; and

Whereas, the Mayor and Board of Commissioners have reviewed the worksheet and discussed the matter at a public meeting.

NOW, THEREFORE, BE IT RESOLVED that the Town Clerk be hereby authorized and directed to submit and file the 2012 Best Practice worksheet to the appropriate department within the state of New Jersey.

September 19, 2012
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Consent Agenda (Cont.):

Resolution

Re: Appointment of Alternate Member to the Handicapped Parking Review Committee

WHEREAS, the Town of West New York by Resolution adopted February 21, 2001 has previously established a committee to review and investigate applications for handicap parking; and

WHEREAS, the Committee consists of three members whose terms shall be for two (2) years as adopted by Resolution dated 2/15/12; and

WHEREAS, the Police Director has requested that an Alternate member be appointed to the Review Committee to serve in the absence of Police Sgt. Joseph Cocciadiferro;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Commissioners of the Town of West New York, that P.O. Andres Rana is hereby appointed as an Alternate Member to the Handicapped Parking Review Committee for the Town of West New York to serve in the absence of Sgt. Joseph Cocciadiferro for a term to expire on December 31, 2012:

Resolution

Re: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the 2013 road improvement project

Now, Therefore, Be It Resolved, that the Board of Commissioners of West New York formally approves the grant application for the above stated project.

Be It Further Resolved, that the Mayor and Clerk are hereby authorized to submit an electronic grant application to the New Jersey Department of Transportation on behalf of the Town of West New York.

Be It Further Resolved that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of West New York and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Resolution

Re: Authorizing the issuance of a Street Opening Permit for 412 54th Street West New York Pursuant to Section 352-20.G

WHEREAS, a request has been submitted for a street opening permit to install water service by American Water for 412 54th Street in order to open a day care center; and

WHEREAS, to the roadway was previously resurfaced in 2009; and

WHEREAS, Chapter 352 of the code of West New York requires an applicant to seek permission from the Board of Commissioners for streets that were repaved within five years.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of West New York, County of Hudson, New Jersey that the Town Engineer is permitted to issue a street opening permit for 412 54th Street.

September 19, 2012
Regular Meeting

Consent Agenda (Cont.):

RESOLUTION
Re: AUTHORIZING SETTLEMENT
OF ALEXANDER PALACIOS V. TOWN OF WEST NEW YORK
BLOCK 96, LOT 8
TAX COURT OF NEW JERSEY
DOCKET NO. 011543-2011

WHEREAS, Alexander Palacios is owner/taxpayer of property located at 5220 Bergenline Avenue, identified as Block 96, Lot 8, on the Tax Assessment Map for the Town of West New York, who filed appeals against the Town of West New York, with the Tax Court of New Jersey, for tax year 2011, under Docket Number 011543-2011; and

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

WHEREAS, the Assistant Tax Assessor, Michael Jaeger, has reviewed the above settlement proposal and has agreed to same and have joined in with the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, in recommending to the governing body that the settlements is fair and equitable.

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

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

DIKTAS SCHANDLER GILLEN
 596 Anderson Avenue, Suite 301
 P.O. Box 2199
 Cliffside Park, New Jersey 07010
 (201) 943-8020
 Attorneys for Plaintiff, Alexander Palacios

 ALEXANDER PALACIOS,

 Plaintiff,
 vs.
 TOWN OF WEST NEW YORK,

 Defendant.

X
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 :
 X

TAX COURT OF NEW JERSEY
 DOCKET NO.: 011543-2011

 CIVIL ACTION
STIPULATION OF SETTLEMENT

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 96
 Lot: 8
 Address: 5220 Bergenline Avenue
 Year: 2011

	ORIGINAL ASSESSMENT	REQUESTED TAX COURT JUDGMENT
LAND	\$147,900	\$123,000
IMPROVEMENTS	\$ 32,100	\$ 32,100
TOTAL	\$180,000	\$155,000

The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year(s) 2012 and 2013, and therefore agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year(s). No Freeze Act year(s) shall be the basis for application of the Freeze Act for any subsequent year(s).

2. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property they need necessary and appropriate for the purpose of enabling them

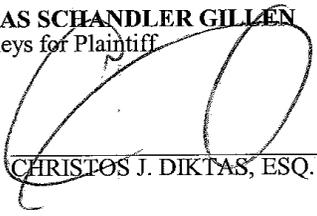
to enter into the Stipulation. The assessor to the taxing district had been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based on the foregoing, the undersigned represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.

4. Statutory interest pursuant to N.J.S.A. 54:3-27 is waived by the taxpayer and shall not be paid provided that the refund is paid within sixty (60) days of the date of judgment.

5. All refunds as a result of the settlement set forth herein shall be payable to: "Diktas Schandler Gillen, Attorney for Alexander Palacios", and forwarded within sixty (60) days of the date of the Judgment.

DIKTAS SCHANDLER GILLEN
Attorneys for Plaintiff

By:  _____
CHRISTOS J. DIKTAS, ESQ.

Dated: 4/26/12

CHASAN LEYNER & LAMPARELLO
Attorneys for Defendant

By: _____
JORDAN S. FRIEDMAN, ESQ.

Dated: _____

September 19, 2012
Regular Meeting

Consent Agenda (Cont.):

RESOLUTION
RE: AUTHORIZING SETTLEMENT
OF 5208 POLK ST., LLC, V. TOWN OF WEST NEW YORK
BLOCK 109, LOT 25
TAX COURT OF NEW JERSEY
DOCKET NO. 012577-2009

WHEREAS, Marko Miletic, et al. are the owners/taxpayers of property located at 5208-10 Polk Street, identified as Block 109, Lot 25, on the Tax Assessment Map for the Town of West New York, who filed an appeal against the Town of West New York, with the Tax Court of New Jersey, for tax year 2009, under Docket Number 012577-2009; and

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

WHEREAS, the Assistant Tax Assessor, Michael Jaeger, has reviewed the above settlement proposal and has agreed to same and has joined in with the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, in recommending to the governing body that the settlement is fair and equitable.

NOW, THEREFORE, BE IT RESOLVED that the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, be and is hereby authorized to enter into a Stipulation of Settlement (attached hereto) agreeing to settle the tax appeal filed by 5208 Polk St., LLC, pertaining to the above-captioned matter; and

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

Name and Address of Attorney (List your information if you are not represented by an attorney)

Richard B. Nashel, Esq.
NASHEL & NASHEL, LLC
415 60th Street, West New York, NJ 07093
Telephone Number (201) 868-1900

5208 Polk St., LLC
Plaintiff,
v.
Town of West New York
Defendant.

Tax Court of New Jersey

Docket No. 012577-2009

**Civil Action
Stipulation of Settlement**
(Local Property Tax)

1. It is hereby stipulated and agreed that the assessment of the following property(ies) be adjusted and a judgment entered as follows:

Block 109	Lot 25	Unit Qualifier
Street Address 5208-10 Polk St.		Year 2009

	Original Assessment	County Tax Board Assessment	Requested Tax Court Judgment
Land	\$ 91,800.00	\$ 0.00	\$ 60,000.00
Improvements	\$ 33,200.00	\$ 0.00	\$ 0.00
Total	\$ 125,000.00	\$ 0.00	\$ 60,000.00

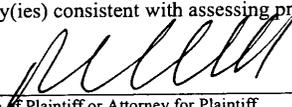
The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year(s) _____ and _____, and therefore agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year(s). No Freeze Act year(s) shall be the basis for application of the Freeze Act for any subsequent year(s).

The provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not apply.

2. The undersigned have made such examination of the value and proper assessment of the property(ies) and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property(ies) as they deem necessary and appropriate for the purpose of enabling them to enter into the stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based upon the foregoing, the undersigned represent to the court that the above settlement will result in an assessment at the fair assessable value of the property(ies) consistent with assessing practices generally applicable in the taxing district as required by law.

8/26/10
Date


Signature of Plaintiff or Attorney for Plaintiff
Richard B. Nashel, Esq.

Date

Signature of Attorney for Defendant
Jordan Friedman, Esq.

September 19, 2012
Regular Meeting

Consent Agenda (Cont.):

RESOLUTION
RE: AUTHORIZING SETTLEMENT
OF JACOBS PROPERTIES, INC., V. TOWN OF WEST NEW YORK
BLOCK 96, LOT 37
TAX COURT OF NEW JERSEY
DOCKET NO. 010418-2011

WHEREAS, Jacobs Properties, Inc. is the owner/taxpayer of property located at 430-36 52nd Street, identified as Block 96, Lot 37, on the Tax Assessment Map for the Town of West New York, who filed an appeal against the Town of West New York, with the Tax Court of New Jersey, for tax year 2011, under Docket Number 010418-2011; and

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

WHEREAS, the Assistant Tax Assessor, Michael Jaeger, has reviewed the above settlement proposal and has agreed to same and has joined in with the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, in recommending to the governing body that the settlement is fair and equitable.

NOW, THEREFORE, BE IT RESOLVED that the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, be and is hereby authorized to enter into a Stipulation of Settlement (attached hereto) agreeing to settle the tax appeal filed by Jacobs Properties, Inc., pertaining to the above-captioned matter; and

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

NOTE: STIPULATION OF SETTLEMENT IS ATTACHED TO THE END OF THE MINUTES.

RESOLUTION
Re: AUTHORIZING SETTLEMENT
OF WLB MASTER LEASE, LLC c/o FABCO SHOES, V. TOWN OF WEST NEW YORK
BLOCK 69, LOT 1
TAX COURT OF NEW JERSEY
DOCKET NO. 013921-2011

WHEREAS, WLB Master Lease, LLC c/o Fabco Shoes is the owner/taxpayer of property located at 5800-04 Bergenline Avenue, identified as Block 69, Lot 1, on the Tax Assessment Map for the Town of West New York, who filed an appeal against the Town of West New York, with the Tax Court of New Jersey, for tax year 2011, under Docket Number 013921-2011; and

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

WHEREAS, the Assistant Tax Assessor, Michael Jaeger, has reviewed the above settlement proposal and has agreed to same and has joined in with the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, in recommending to the governing body that the settlement is fair and equitable.

NOW, THEREFORE, BE IT RESOLVED that the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, be and is hereby authorized to enter into a Stipulation of Settlement (attached hereto) agreeing to settle the tax appeal filed by WLB Master Lease, LLC c/o Fabco Shoes, pertaining to the above-captioned matter; and

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

NOTE: STIPULATION OF SETTLEMENT IS ATTACHED TO THE END OF THE MINUTES.

September 19, 2012
Regular Meeting

Consent Agenda (Cont.):

RESOLUTION
Re: AUTHORIZING SETTLEMENT
OF MS 429 52ND LLC V. TOWN OF WEST NEW YORK
BLOCK 98, LOT 11
TAX COURT OF NEW JERSEY
DOCKET NO. 013919-2011

WHEREAS, MS 429 52nd LLC, is the owner/taxpayer of property located at 429 52nd Street, identified as Block 98, Lot 11, on the Tax Assessment Map for the Town of West New York, who filed appeals against the Town of West New York, with the Tax Court of New Jersey, for tax year 2011, under Docket Number 013919-2011; and

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

WHEREAS, the Assistant Tax Assessor, Michael Jaeger, has reviewed the above settlement proposal and has agreed to same and has joined in with the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, in recommending to the governing body that the settlement is fair and equitable.

NOW, THEREFORE, BE IT RESOLVED that the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, be and is hereby authorized to enter into a Stipulation of Settlement (attached hereto) agreeing to settle the tax appeal filed by MS 429 52nd LLC, pertaining to the above-captioned matters; and

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

SCHNECK LAW GROUP LLC
301 South Livingston Avenue, Suite 105
Livingston, New Jersey 07039
(973) 533-9300
Attorneys for PLAINTIFF

TAX COURT OF NEW JERSEY
DOCKET NO.: 013919-2011

MS 429 52ND LLC

Plaintiff,

Civil Action

vs.

STIPULATION OF SETTLEMENT
(Without Affidavit)

TOWNSHIP OF WEST NEW YORK

Defendant.

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment entered as follows:

BLOCK: 98

LOT: 11

STREET ADDRESS: 429 52ND ST

Year: 2011	<u>ORIGINAL ASSESSMENT</u>	<u>COUNTY BOARD JUDGMENT</u>	<u>TAX COURT JUDGMENT</u>
LAND	\$88,800	\$88,800	\$88,800
IMPROVEMENTS	\$245,000	\$245,000	\$205,000
TOTAL	\$291,500	\$291,500	\$251,500

2. The undersigned have made such examination of the value and proper assessment of the property(ies) and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property(ies) they deem necessary and appropriate for the purpose of enabling them to enter into the Stipulation. The assessor to the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based upon the foregoing, the undersigned represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property(ies) consistent with assessing practices generally applicable in the taxing district as required by law.

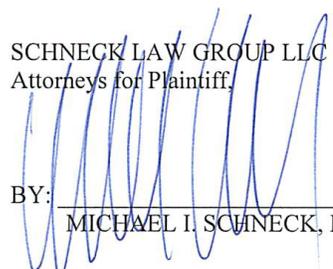
4. All refunds as a result of the settlement set forth herein shall be paid by refund check, made payable to: 'Michael I. Schneck, Esq., Attorney for MS 429 52ND LLC', and forwarded to Michael I. Schneck, Esq. 301 South Livingston Ave., Livingston, NJ 07039 within sixty (60) days of the date of the Judgment.

5. Statutory interest pursuant to N.J.S.A. 54:3-27.2 is waived by the taxpayer and shall not be paid on the condition the refund is received pursuant to Paragraph 4 hereof within 60 days from the date of the entry of the Judgment.

6. The provisions of paragraph 4 and 5 shall survive Judgment even if not included on the Judgment issued by the Tax Court of New Jersey.

7. All counterclaims will be withdrawn as part of this settlement.

SCHNECK LAW GROUP LLC
Attorneys for Plaintiff.

BY: 
MICHAEL I. SCHNECK, ESQ.

DATED: 1/5/12

DEFENDANT

BY: _____
Jordan S. Friedman, Esq.

DATED:

September 19, 2012
Regular Meeting

Consent Agenda (Cont.):

RESOLUTION
Re: AUTHORIZING SETTLEMENT
OF H FLAUM C/O FLAUMS JERSEY CORP, V. TOWN OF WEST NEW YORK
BLOCK 69, LOT 1
TAX COURT OF NEW JERSEY
DOCKET NO. 018098-2010

WHEREAS, H Flaum c/o Flaums Jersey Corp is the owner/taxpayer of property located at 5800-04 Bergenline Avenue, identified as Block 69, Lot 1, on the Tax Assessment Map for the Town of West New York, who filed an appeal against the Town of West New York, with the Tax Court of New Jersey, for tax year 2010, under Docket Number 018098-2010; and

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

WHEREAS, the Assistant Tax Assessor, Michael Jaeger, has reviewed the above settlement proposal and has agreed to same and has joined in with the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, in recommending to the governing body that the settlement is fair and equitable.

NOW, THEREFORE, BE IT RESOLVED that the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, be and is hereby authorized to enter into a Stipulation of Settlement (attached hereto) agreeing to settle the tax appeal filed by H Flaum c/o Flaums Jersey Corp, pertaining to the above-captioned matter; and

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

NOTE: **STIPULATION OF SETTLEMENT IS ATTACHED TO THE END OF THE MINUTES.**

RESOLUTION
RE: AUTHORIZING SETTLEMENT
OF MARKO MILETIC, ET AL, V. TOWN OF WEST NEW YORK
BLOCK 28, LOT 18
TAX COURT OF NEW JERSEY
DOCKET NO. 016318-2009

WHEREAS, Marko Miletic, et al. are the owners/taxpayers of property located at 104-06 62nd Street, identified as Block 28, Lot 18, on the Tax Assessment Map for the Town of West New York, who filed an appeal against the Town of West New York, with the Tax Court of New Jersey, for tax year 2009, under Docket Number 016318-2009; and

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

WHEREAS, the Assistant Tax Assessor, Michael Jaeger, has reviewed the above settlement proposal and has agreed to same and has joined in with the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, in recommending to the governing body that the settlement is fair and equitable.

NOW, THEREFORE, BE IT RESOLVED that the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, be and is hereby authorized to enter into a Stipulation of Settlement (attached hereto) agreeing to settle the tax appeal filed by Marko Miletic, et al., pertaining to the above-captioned matter; and

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

Name and Address of Attorney (List your information if you are not represented by an attorney)
Richard B. Nashel, Esq.
Nashel & Nashel, LLC
415 60th Street, West New York, NJ 07093
Telephone Number (201) 868-1900

Marko Miletic et al
Plaintiff,
v.
Town of West New York
Defendant.

Tax Court of New Jersey
Docket No. 016318-2009
Civil Action
Stipulation of Settlement
(Local Property Tax)

1. It is hereby stipulated and agreed that the assessment of the following property(ies) be adjusted and a judgment entered as follows:

Block 28	Lot 18	Unit Qualifier
Street Address 104-06 62nd Street		Year 2009

	Original Assessment	County Tax Board Assessment	Requested Tax Court Judgment
Land	\$ 78,800.00	\$ 0.00	\$ 78,800.00
Improvements	\$ 288,200.00	\$ 0.00	\$ 243,200.00
Total	\$ 367,000.00	\$ 0.00	\$ 322,000.00

The parties agree that there has been no change in value or municipal wide revaluation or reassessment adopted for the tax year(s) _____ and _____, and therefore agree that the provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property referred to herein for said Freeze Act year(s). No Freeze Act year(s) shall be the basis for application of the Freeze Act for any subsequent year(s).

The provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not apply.

2. The undersigned have made such examination of the value and proper assessment of the property(ies) and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property(ies) as they deem necessary and appropriate for the purpose of enabling them to enter into the stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based upon the foregoing, the undersigned represent to the court that the above settlement will result in an assessment at the fair assessable value of the property(ies) consistent with assessing practices generally applicable in the taxing district as required by law.

Date 3/29/12


Signature of Plaintiff or Attorney for Plaintiff

Date _____

Signature of Attorney for Defendant

September 19, 2012
Regular Meeting

Consent Agenda (Cont.):

RESOLUTION
RE: AUTHORIZING SETTLEMENT
OF GEORGE AND MADELINE GURDAK, V. TOWN OF WEST NEW YORK
BLOCK 31, LOT 3
TAX COURT OF NEW JERSEY
DOCKET NO. 016937-2009

WHEREAS, George and Madeline Gurdak are the owners/taxpayers of property located at 6406 Bergenline Avenue, identified as Block 31, Lot 3, on the Tax Assessment Map for the Town of West New York, who filed an appeal against the Town of West New York, with the Tax Court of New Jersey, for tax year 2009, under Docket Number 016937-2009; and

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

WHEREAS, the Assistant Tax Assessor, Michael Jaeger, has reviewed the above settlement proposal and has agreed to same and has joined in with the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, in recommending to the governing body that the settlement is fair and equitable.

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

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

September 19, 2012
Regular Meeting

Consent Agenda (Cont.):

ZIPP & TANNENBAUM, L.L.C.
166 Gatzmer Avenue
Jamesburg, New Jersey 08831
(732) 605-1000
Attorneys for Plaintiff

GEORGE & MADELINE GURDAK by :
USPS, TENANT/TAXPAYER :
:
Plaintiff :
v. :
TOWN OF WEST NEW YORK :
:
Defendant :

TAX COURT OF NEW JERSEY

DOCKET NO.: 016937-2009

Civil Action

STIPULATION OF SETTLEMENT

Assigned Judge:
Hon. Christine M. Nugent, J.T.C.
First Calendar Date:

1. It is hereby stipulated and agreed that the assessment of the following property(ies) be adjusted and a judgment be entered as follows:

Block: 31
Lot: 3
Street Address: 6406 Bergenline Avenue
Year: 2009

	<u>Original Assessment</u>	<u>County Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 208,000	Direct	\$ 208,000
Impvts	\$ 232,000	Appeal	\$ 192,000
Total	\$ 440,000		\$ 400,000

2. The undersigned have made such examination of the value and proper assessment of the property(ies) and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property(ies) as they deem necessary and appropriate for the purpose of enabling them to enter into the stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based upon the foregoing, the undersigned represents to the Court that the above settlement will result in an assessment at the fair assessable value of the property(ies) consistent with assessing practices generally applicable in the taxing district as required by law.

4. Statutory interest, pursuant to *N.J.S.A. 54:3-27.2*, having been waived by taxpayer, shall not be paid provided the tax refund is paid within sixty (60) days of the date of entry of the Tax Court judgment.

5. All refunds as a result of the settlement set forth herein are to be made payable to the taxpayer and forwarded to Zipp & Tannenbaum, L.L.C., 166 Gatzmer Avenue, Jamesburg, New Jersey 08831 within sixty (60) days of the date of entry of the Judgment pursuant to *N.J.S.A. 54:3-27.2*.

ZIPP & TANNENBAUM, L.L.C.

Date: May ____, 2012

BY: _____
PETER J. ZIPP, ESQUIRE
Attorney for Plaintiff

CHASAN, LEYNER & LAMPARELLO, P.C.

Date: May ____, 2012

BY: _____
JORDAN S. FRIEDMAN, ESQUIRE
Attorney for Defendant

September 19, 2012
Regular Meeting

Consent Agenda (Cont.):

Resolution

Re: Appointment of Julio Garcia as Member of the Zoning Board of Adjustment of the Town of West New York to fill the unexpired term of Mike D'Amico, which term expires on 12/31/14

WHEREAS, a vacancy exists on the Zoning Board of Adjustment of the Town of West New York by virtue of the resignation of Mike D'Amico; and

WHEREAS, Julio Garcia, who resides at 5520 Kennedy Blvd, is a resident of the Town of West New York; and

WHEREAS, Julio Garcia is available and qualified to serve on the Zoning Board of Adjustment;

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

1. Julio Garcia is appointed to serve as Member of the Zoning Board of Adjustment of the Town of West New York, to fill the unexpired term of Mike D'Amico, who resigned, which term expires on December 13, 2014.
2. A copy of this resolution shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

Resolution

Re: Annual Report of Audit for year ending 12/31/11

Whereas, NJSA 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

Whereas, The Annual Report of Audit for the year ending December 31, 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to NJSA 40A:5-6, and a copy has been received by each member of the governing body, and

Whereas, the R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs, and

Whereas, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: "Comments and Recommendations"; and

Whereas, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

Whereas, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

Whereas, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

Whereas, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

September 19, 2012
Regular Meeting

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

R.S. 52:27BB-52: "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office".

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Town of West New York hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution
Re: Approval of Change Order #4 to Helios Construction
For Contract for Verrazano and Donnelly Park Improvements

Whereas, pursuant to public bidding, on October 14, 2011 a contract ("Contract") was entered into between the Town of West New York and Helios Construction for Donnelly & Verrazano Park Improvements, pursuant to a Resolution awarding such contract, for the amount of \$489,598.00; and

Whereas, on February 15, 2012, the Mayor and Board of Commissioners adopted Change Order No. 1 to the contract for Donnelly & Verrazano Park Improvements for a net reduction in the amount of \$30,726.00, for the purpose of the removal of unnecessary water services to Donnelly Park and the revised lighting to the decorative fountain, required to satisfactorily complete the contract, adjusting the contract amount to \$458,872.00; and

Whereas, on March 21, 2012, the Mayor and Board of Commissioners adopted Change Order No. 2 to the contract for Donnelly & Verrazano Park Improvements for a net increase in the amount of \$20,010.00, for the purpose of extending the electrical power service for the new lighting and new decorative fountain, required to satisfactorily complete the contract, adjusting the contract amount to \$478,882.00; and

Whereas, on April 18, 2012, the Mayor and Board of Commissioners adopted Change Order No. 3 to the contract for Donnelly & Verrazano Park Improvements for a net increase in the amount of \$2,550.00, for the purpose of providing a Hot Box which is a protective device for exterior plumbing facilities, required to satisfactorily complete the contract, adjusting the contract amount to \$481,432.00; and

Whereas, on September 17, 2012, the Town's Special Project Engineer Thomas Lemanowicz (Remington, Vernick & Arango Engineers) submitted a proposal for a Change Order No. 4 to the contract for Donnelly & Verrazano Park Improvements for a net decrease in the amount of \$16,637.90, for the purpose of making final adjustments in the contract quantities to meet the as-built quantities and to add a retaining wall, a handrail, and associated landscaping to enhance the safety and aesthetics of the park, required to satisfactorily complete the contract, ; and

Whereas, the Town's Special Project Engineer and Town Attorney have reviewed, approved and recommended Change Order No. 4 to process the net decrease of \$16,637.90, for an adjusted total of \$464,794.10 in accordance with the contract for Donnelly & Verrazano Park Improvements; and

Whereas, the award of Change Order No. 4 is necessary for the efficient operation of the Town; and

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

September 19, 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, County of Hudson, New Jersey as follows:

1. The Mayor shall be and is hereby authorized to execute Change Order No. 3 to process the net decrease of \$16,637.90 as stated in the September 17, 2012 change order proposal from Helios Construction, in accordance with the contract for Donnelly & Verrazano Park Improvements, for an adjusted total amount of \$464,794.10.
2. The Chief Financial Officer's Certification that funds are available shall be on file at the Town and made a part hereof.
3. A copy of this resolution and Change Order #4 shall be kept on file for public inspection in the Office of the Municipal Clerk.

Resolution

Re: Authorizing payment in accordance with the Municipal Services Act Agreement entered into between the Town of West New York and Tower West

WHEREAS, an agreement dated October 1, 2010 was entered into between the Town of West New York and Tower West pursuant to N.J.S.A. 40:67-23.2e and 40:67-23.3; and

WHEREAS, the Agreement requires that the Town reimburse Tower West for the costs of solid waste and recyclable collection based upon a calculation of the costs of removal and the percentage of units of Tower West compared to total households within the Town.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York that the CFO is authorized to issue payment to Tower West in accordance with the Municipal Services Act Agreement entered into between the Town of West New York and Tower West

RESOLUTION

RE: APPOINTMENT OF XENIA RIVERO AS PURCHASING AGENT FOR THE TOWN OF WEST NEW YORK

WHEREAS, the New Jersey Civil Service Commission has certified Xenia Rivero as a Qualified Purchasing Agent; and

WHEREAS, the Town will benefit from having a qualified purchasing agent on staff; and

WHEREAS, Xenia Rivero is currently employed by the Town of West New York.

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

1. Xenia Rivero is appointed to serve as the Qualified Purchasing Agent for the Town of West New York.
2. A copy of this resolution shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

September 19, 2012
Regular Meeting

Consent Agenda (Cont.):

Resolution
Re: Appointment of Manuel Fernandez.
as Acting Building Sub Code Official and Zoning Officer for the
Town Of West New York

WHEREAS, the Town requires a Building Sub Code Official and Zoning Officer in order to properly staff and maintain its Building Department; and

WHEREAS, the Town will benefit from having a Building Sub Code Official and Zoning Officer on staff; and

WHEREAS, Manuel Fernandez is currently employed by the Town of West New York and possesses the necessary qualifications to perform the duties of a Building Sub Code official and Zoning Officer

NOW, THEREFORE, be it resolved by the Mayor and Board of Commissioners of the Town of West New York that Manuel Fernandez be and is hereby appointed as Acting Building Sub Code Official and Zoning Officer for the Town of West New York. Said Appointment is effective immediately and will remain in effect until such time as the Town permanently fills the position.

RESOLUTION
RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF RENT CONTROL BOARD ATTORNEY LEGAL SERVICES

WHEREAS, Maurice Giro, Esq., 345 Union Street, Hackensack, NJ 07601 has submitted a proposal to serve as Rent Control Board Attorney, dated, August 10, 2012, in response to a, Request for Qualifications for Rent Control Board Attorney Legal Services and

WHEREAS, the Commissioners, have determined that it is necessary for the efficient operation of the Town to retain the services of Maurice Giro, Esq. to serve as Rent Control Board Attorney Legal Services and enter into a contract with Maurice Giro, Esq., to provide for the services of Rent Control Board Attorney Legal Services and

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

WHEREAS, the contractual agreement will have been awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.5 et seq. through a publicly advertised Request for Qualifications;

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and Maurice Giro, Esq., for the services as Rent Control Board Attorney Legal Services, and for an amount to be stated in the agreement.
2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on August 10, 2012, and in accordance with N.J.S.A. 19:44A-20.5 et seq.
4. The initial authorization of this contract shall be for the period 10/1/12-12/31/12, and for an amount to be contained in the agreement but not to exceed \$12,000.

September 19, 2012
Regular Meeting

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

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

6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of Maurice Giro, Esq., as Rent Control Board Attorney Legal Services shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

RESOLUTION

RE: APPOINTMENT OF MELISA RODRIQUEZ AS MEMBER OF THE ZONING BOARD OF THE TOWN OF WEST NEW YORK

WHEREAS, a vacancy exists on the Zoning Board of the Town of West New York due to the resignation of one of its members; and

WHEREAS, Melisa Rodriguez is a resident of the Town of West New York and is qualified to serve on the Zoning Board.

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

1. Melisa Rodriguez is appointed to serve as member of the Zoning Board of the Town of West New York, to fill the unexpired term of Rosemarie C. Sciacca commencing on September 19, 2012 and expiring on December 31, 2012.
2. A copy of this resolution shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

September 19, 2012
Regular Meeting

Resolution

Re: Authorizing CME to provide Construction Administration Services for Fillmore and Dewey Parks Improvements

WHEREAS, the award of a contract was previously approved by the Mayor and Board of Commissioners awarding a contract to Rich Picerno Builders as the lowest responsible bid for the Fillmore and Dewey Parks Improvements; and

WHEREAS, to insure the project is built to specification and in a timely and cost effective manner it is necessary to designate a Construction Administrator; and

WHEREAS, a proposal has been received from the Town Engineer CME.

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

1. CME is hereby authorized to provide Construction Administration Services as outlined in their proposal dated July 26, 2012. The amount not to exceed \$67,165.00.
2. The Chief Financial Officer's Certification that funds are available shall be on file at the Town and made a part hereof.
3. A Copy of this resolution and the contract when executed shall be kept on file for public inspection in the Office of the Municipal Clerk.

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

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

Note: Commissioner Wiley inquired as to whether this project was being funded by grant or needed additional funding. Asst. Town Attorney DeMarco advised that the grant application to improve the parks included the engineering services.

Resolution

Re: Authorizing an Interlocal Agreement between the Town of West New York and the Town of Weehawken for the position of Recycling Coordinator

WHEREAS, the Town of West New York requires a Recycling Coordinator in order to insure the efficient operation of the Town; and

WHEREAS, the Town of Weehawken has offered to enter into a interlocal agreement to share the services of their Recycling Coordinator with West New York; and

WHEREAS, it is in the best interests of the Towns of West New York and Weehawken to enter into an agreement for a period of one (1) year for the shared services of Recycling Coordinator; and

WHEREAS, N.J.S.A. 40A:65-4 et seq. allows the West New York and Weehawken to enter into a shared service agreement.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of West New York that the Mayor is authorized to execute a shared services agreement with the Town of West New York for the aforementioned services in an amount not to exceed \$20,000.

September 19, 2012
Regular Meeting

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

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

Note: Commissioner Wiley inquired about Mr. Joseph Rodriguez's hours of employment at Weehawken, whether it was a full-time or part-time position. He also questioned Mr. Rodriguez' experience and certification for this position. Assistant Town Attorney responded that Mr. Rodriguez' hours of operation with the Town of West New York are not known at this time. Mr. DeMarco stated that the Town must provide qualified person whoever he/she may be. Commissioner Wiley asked what Mr. Rodriguez' duties would be as a Recycling Coordinator. Mayor Roque encouraged Commissioner Wiley to guide Mr. Rodriguez, who is an engineer by trade. The Mayor further commented that had Commissioner Wiley been present during the work session, he would have had an opportunity to present his concerns. However, personnel matters should be discussed in close session. Commissioner Wiley stated that he cannot understand how he can work for West New York as a full-time employee being he is currently employed as a full-time employee with the Town of Weehawken.

Resolution
Re: Authorizing the hiring of various Municipal Employees

WHEREAS, the Mayor and Board of Commissioners of the Town of West New York have previously passed a resolution declaring a hiring freeze in the Town of West New York, NJ; and

WHEREAS, due to retirement, illness and other various reasons vacancies exist within the town; and

WHEREAS, in order to promote the efficient operation of the town and to provide for the public's safety and well-being it has been deemed necessary to hire new employees to fill the current vacancy's; and

WHEREAS, various Commissioners have requested that the following individuals be hired;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Commissioners of the Town of West New York that the Municipal Administrator is authorized to offer employment to the following individuals;

1. Julian David Porras-Ortegon EMT-1
2. Yvette Sanchez EMT1
3. Brendan N. Tracey EMT-2
4. Gloria Argul EMT 1
5. Andres N. Belmonte EMT-2
6. Nicholas A Diamantopoulos EMT-1
7. Tamara C. Sepulveda EMT-2
8. Jesus Miguel Aristy EMT-1
9. Tyrone Huggins EMT-1
10. Paul S. Kim EMT-1
11. Jesus Jimenez, EMS Coordinator

September 19, 2012
Regular Meeting

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

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

Note: Commissioner Wiley advised that he wanted the public to know that he was short seven (7) employees in the Parks Department as four (4) employees retired and has only 3 part-timer employees since July when he was transferred to the Parks Department. He stated that he has requested four (4) employees be hired. He further commented that the past 16 or 17 employees hired have not been for the Parks Department. He stated that he is working with three (3) men to do the entire town as Laborers which is unfair to him and unfair to the tax payers. He commented that the Administration has refused to put it on the resolution for personal reasons. He stated that this is something that the taxpayers deserve and especially the children of our town. Mayor Roque said that the reason for the hiring of the ten (10) EMTs is it will eliminate the cost of the overtime and due to the in-house billing the Town will hope to have a surplus of 8.75% within 8 months.

ORDINANCE #17/12

An Ordinance establishing that a Business Entity which makes political contributions to Municipal candidates and Municipal and County Political Parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the Town of West New York in The County of Hudson

A Motion was made by Mayor Roque, seconded by Commissioner Vargas to **reject** the adoption of the foregoing Ordinance, was carried by the following vote:

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

Note: **No public hearing took place.**

ORDINANCE #18/12

An Ordinance repealing and replacing Chapter 248 of the Code of the Town of West New York

A Motion was made by Mayor Roque, seconded by Commissioner Frias to **reject** the adoption of the foregoing Ordinance, was carried by the following vote:

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

Note: **No public hearing took place.**

September 19, 2012
Regular Meeting

ORDINANCE #32/12

**An Ordinance amending Chapter 312 of the Code of the Town of
West New York entitled "Rent Control"**

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 Frias, seconded by Mayor Roque to adopt the foregoing Ordinance, was carried by the following vote:

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

ORDINANCE #33/12

**AN ORDINANCE ENTITLED SALARY ORDINANCE
FOR PATROL OFFICER OF THE WEST NEW YORK
POLICE DEPARTMENT
7/1/2010 TO 12/31/2014**

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 Frias, 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

Mayor opened the Public Portion.

Public Portion:

1. **Margarita Gonzalez, 5800 Jefferson Street, WNY, NJ**
Ms. Gonzalez stated she wanted to applaud the Mayor for his movement today. She asked for there to be no hecklers from the audience as she is entitled to be heard. She said please applaud him.
2. **Juan Fornell, 163 62nd Street, WNY, NJ**
Mr. Fornell thanked the Mayor and the Board of Commissioners for giving him his job back. He advised that he had been an employee of the DPW and was unemployed for several years. He is happy to be back to work for the Town and to live in West New York.
3. **Wayne Cook, 6131 Jackson Street, WNY, NJ**
Mr. Cook thanked the Mayor and Board of Commissioners for placing the sign by the fire hydrant by his house. Mr. Cook commented that he still has not seen the flags at the Town Garage on Dewey Avenue. Mayor Roque asked that Commissioner Vargas take care of the flag situation. Mr. Cook said "If you guys can laugh together, you can work together".

September 19, 2012
Regular Meeting

Public Portion (Cont.):

4. Cesar Sabino, 6057 Palisade Avenue, WNY, NJ

Mr. Sabino requested Ordinance 127/11 which pertains to Barbershop hours of operation be amended to extend the evening hours. He advised that he was present on behalf of all the Barbershop owners and requested that the Administration review the hours of operation in Union City and North Bergen and make West New York's hours comparable. He stated that a lot of the owner's have been fined for violating hours of operations and their families are suffering. Mayor Roque stated that in the past few weeks he had visited various shops. He said he's aware of the hard economic times and that he would look into it with Commissioner Rodriguez and Police Director Indri. Commissioner Rodriguez stated that she sympathizes with the owners of said shops, however, the shops are located in the middle of residential areas and in the past residents have been disrespected by being subjected to people congregating at said shops during late evening hours. Commissioner Rodriguez stated that she has witnessed the problems herself with the shops remaining open late hours of the night and that she cannot allow this to happen. She also stated that at one point the Barbershop owners had asked for additional hour of operation but they began to abuse and take advantage. People are being affected by people hanging out and making noise affecting quality of life. Commissioner Rodriguez recommended perhaps shops opening one hour earlier as opposed to later. Mayor Roque suggested to Mr. Sabino to organize a committee to work together and that they will take the time to sit with them and discuss the issues and concerns.

5. Richard Rivera, 408-59th Street, WNY, NJ

Mr. Rivera said he had a few issues one being that all Commissioners should respect the public's time as the Commissioners and the public have the opportunity to discuss pertinent matters at the work session prior to the Commission Meeting. Commissioner Wiley responded by requesting that the Work Session be held in the Court Room where the public is assembled. Mr. Rivera responded that Comm. Wiley was taking up too much time going over things that should have been discussed during the work session in which he was not present. Mr. Rivera thanked the Mayor and Board of Commissioners but indicated he had to rush off to put his child to bed as it was getting late and the meeting was taking too long.

6. Tulio Quagliani, 432-51st Street, WNY, NJ

Mr. Quagliani suggested that the Mayor and Board of Commissioners look into Union City and North Bergen's handicap parking procedures. One of his concerns was that the handicapped person cannot always get to their vehicles in time and are receiving summons for sweeper. Commissioner Frias indicated that the Parking Authority is the agency that issues such tickets and that they it is an autonomous body and he should be discuss these matters with the Parking Authority. Commissioner Frias indicated that she will look into this matter. Mr. Quagliani's next concern was regarding a recycling study to be conducted to see the effectiveness as on pick up night many residents are not putting out their recycling and that the study would show the effect. Commissioner Wiley said that when he was the Commissioner of DPW he had a night inspector who was responsible for checking all areas to make sure that the residents were in compliance with the recycling guidelines. Town Attorney Gilberto Garcia inquired of Mr. Quagliani as to how long the recycling issue been a problem. Mr. Quagliani responded he thought it was since the beginning of this Administration. Town Attorney Garcia said that one Commissioner should not attack another Commissioner because he didn't solve the problem when he was in charge of that department. Town Attorney Garcia advised that a committee be formed and that Mr. Quagliani set up a committee. Commissioner Rodriguez commented that if the residents put out non recyclable materials the company will not pick it up. Mr. Quagliani stated that if a person is caught littering they should be issued a fine. He said that West New York is full of liter especially on Bergenline Avenue and that it looks like a catastrophe. Mayor Roque said a system should be set up and all violators should be given \$500 fine in order to have a cleaner environment.

September 19, 2012
Regular Meeting

Public Portion (Cont.):

7. David Rivera, 233-59th Street, WNY, NJ

Mr. Rivera commented to the Mayor that while he is addressing the public he shouldn't use military phrases because we are not his troops and to stop acting like a Barbie. Mr. Rivera asked Town Attorney Gilberto Garcia to resign and to respect the Union and grievances.

8. Francis Cortez, 6131 Jefferson Street, WNY, NJ

Ms. Cortez stated that she has called DPW several times before and after the change of Commissioners to inquire about how and who does the garbage pickup. She stated that she as well as other residents in her neighborhood have had their garbage containers left all over the place but not near their respective residences and that her garbage containers have been destroyed.

9. Lara Hicks, 6701 Boulevard East, WNY, NJ

Ms. Hicks commented that the gas station on 67th & Boulevard East had the tires all over the place again. Mayor Roque said he was aware of the situation and knows that it was taken care of in the past and that he would have the Board of Health look into this matter again. She suggested that maintenance needs to take place at the dog park as there is a jagged post which can injure patrons. She also commented that she had been jogging by the park and noticed the following: a person sleeping on the bench, graffiti, a tree stump that kids are tripping on and falling over and steps in disrepair. Commissioner Wiley said that this is one of the reasons why he has been asking to hire more employees for his department as he is short (7) employees in the Parks Department and he been asking to hire 4- 7 employees so that all of these issues can be taken resolved. Mayor Roque responded that the reason is because "there is no money, no dinero, no ticky no shirty".

10. Cary Fernandez, 5109 Boulevard East, WNY, NJ

Ms. Fernandez stated that a Massage Therapist is a legitimate field. She was a licensed therapist for 22 years in New York City and was certified in New Jersey and would like to be able to bring it into her town where she lives. She does not want people to refer to it as parlors being that people misinterpret the word Parlor as a derogatory term. Town Attorney Gilberto Garcia advised that even though he had changed the word from parlor to bodyworks, the Ordinance would not be moving forward at this time. Mayor Roque asked Ms. Fernandez to see him after the Commission meeting so they can talk further on this issue and Ms. Fernandez agreed.

11. Angel Barquin, 432-58th Street, WNY, NJ

Mr. Barquin expressed that the DPW sweepers are not being used appropriately and misusing the equipment by speeding is bringing up all the dirt into the air and the sweeper brushes are being damaged. In addition, the operators of the sweepers need to be more responsible and should operate the equipment at 5 miles per hour. Mayor Roque agreed. Mr. Barquin commented that there was corruption before but now it is worse.

September 19, 2012
Regular Meeting

A motion was made by Commissioner Frias, seconded by Commissioner Vargas, **to close the Public Portion at 8:25 p.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: _____
Yesenia Del Rio, Deputy Town Clerk