

## **Work Session –Monday, 12/17/12**

Present: Commissioners Frias, Vargas, Wiley and Mayor Roque  
Absent: Commissioner Rodriguez  
Also Present: Town Attorney Gil Garcia, Town Clerk Carmela Riccie, Deputy Town Clerk Yesenia Del Rio, Town Engineer Robert Russo (CME Associates), CFO Margaret Cherone and Town Administrator Joseph DeMarco

The meeting commenced at 6:07 p.m.

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 **December 17, 2012 at 7:00 p.m. (6:00 p.m. Work Session in the Mayor's Conference Room)**, I do hereby publicly announce, and I direct that this announcement shall be placed in the minutes of this meeting, and that the Notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given by the Board of Commissioners in the Resolution dated and adopted on December 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.

### **Item No. 1:**

#### **Approval of Minutes: Regular Meetings: 10/17/12 & 11/19/12 (Regular and Work Sessions):**

Comm. Wiley stated that his folder did not include the Work Session Minutes for November. Town Clerk Riccie advised that there are four sets of Minutes in each Commissioner's folder. He commented that he didn't have sufficient time to review his folder as he received it shortly before meeting commenced. Town Clerk Riccie responded that Town Clerk's Office was still awaiting items to be processed for this agenda as of 1:30 p.m. and that the cooperation of all officials is required to be able to finalize and distribute folders to the Commissioners well in advance of the meeting. She further commented that there must be a cutoff date during the week prior to the Commission Meeting so that this can be accomplished and that everyone's cooperation is needed to effectuate same. Comm. Wiley reviewed the November Work Session Minutes and complained that statements made by him during that Work Session were not included in the Minutes even though he specifically requested Deputy Town Clerk Del Rio to include same. Deputy Town Clerk advised him that the Work Session was concluded when he made those statements and that is why there is no mention in the Minutes. Discussion ensued between Comm. Wiley and Town Attorney Garcia regarding Resolution adopted at prior meeting wherein employees were removed from the Parks/Public Property Dept. and placed in the DPW Dept. Town Attorney Garcia advised that he didn't remove the employees, but that the Commissioners voted to do so. Discussion ensued regarding Town Attorney's lack of neutrality and that removal of the employees was in violation of the Walsh Act. Mr. Garcia advised Comm. Wiley that there is a Resolution on tonight's agenda to restructure the Parks/Public Property Dept. Comm. Frias advised that it is Resolution #R-3. Discussion ensued between Mayor Roque and Comm. Wiley about lack of communication between them and the removal of employees from Comm. Wiley's department. Mayor Roque commented that during the Holiday Season he loves everyone. Comm. Wiley commented that the wording in Resolution R-3 is confusing as he interprets it to mean that his department is being split again. Town Attorney advised Town Clerk to delete the following words from paragraph 2 "remove the Parks Department from the Department of Public Works". Comm. Wiley commented that Town Attorney allowed the Commissioners to violate the Walsh Act by voting to remove the employees from his department and that a law suit will result due to same.

### **Work Session –Monday, 12/17/12**

Disagreement ensued between Comm. Wiley and Town Attorney as to whether Comm. Wiley is entitled to separate legal representation. Comm. Wiley insisted that prior actions taken to remove employees from his department were in violation of Walsh Act and that the Town Attorney was aware that it should never have been voted upon in the first place and that Resolution R-3 does not remedy the situation. He further commented that “things may change once this is taken to court”. Comm. Wiley alleged that the Mayor of having “a personal dislike and hatred” toward him and not working as a team. Mayor Roque replied “The shared agreement with North Bergen was improper also”. (At this point, Mayor, Comm. Wiley and Town Attorney were speaking at the same time making it impossible to record statements.) Mayor alleged that when Comm. Wiley was the Director of Public Works, overtime was excessive and that he almost bankrupted the department. Comm. Wiley disagreed and commented that he ran the department within its budget allowances. He further commented that since his departure from that department in July, it is worse now than before he became the Director. Comm. Wiley inquired as to whether the employees would also be returned to his department to which the Mayor replied “No”. Discussion ensued regarding saving the taxpayers’ money. Comm. Wiley commented that the Mayor had previously commended him (on the record) for the good job he had been doing when he was Director of DPW but now he claims that he (Comm. Wiley) almost bankrupted it. Comm. Wiley inquired about status of Deputy Mayor and his new title and salary as Confidential Aide, and that Mayor is not saving the taxpayers money but spending more money. Mayor replied “He is doing two (2) jobs”. Town Attorney Garcia advised that inasmuch as this discussion was about personnel issues, it should not be discussed in public and that the notice requirements under “Rice” law would be violated by continuing the discussion. Comm. Wiley inquired about several items on the claims list, which were explained by CFO Cherone. Discussion then ensued between Comm. Wiley, CFO and Town Administrator regarding Bonding rules and regulations. Mr. DeMarco advised that he and CFO are working on restructuring the current bonding debt. Comm. Wiley inquired whether the bonding was for new or existing projects to which Town Administrator explained that it is for old projects which were authorized and completed by prior Administrations. CFO advised that the audit report will explain the purpose of each bonding ordinance. Town Administrator commented that former Administration used “short term lending” and that Town must either renew it again or pay the entire debt, which is not feasible. Mayor equated bonding to a certificate of deposit (C.D.) when it matures. However, Town Administration indicated that it is more like a mortgage with 5 yr. ARM (adjustable rate mortgage). Comm. Wiley suggested that Resolution R-1 (establishing 2013 Commission Meeting dates) be modified to remove afternoon meetings during the summer and schedule them for 7 p.m. (with a Work Session) to enable the public to attend and he commented that the Mayor had promised to do that. However, the Mayor replied that he did not recall that promise. Discussion ensued between Town Attorney, Comm. Frias, Mayor and Comm. Wiley as to whether the Board of Commissioners wished to make those changes and they agreed to put it to a vote. CFO Cherone advised that she could not provide certificates of availability of funds for Resolutions R-9 thru R-16 and R-19 and R-20. Town Attorney recommended pulling those items from agenda to be placed on special meeting agenda on 12/27/12. Discussion ensued as to which items were to be on Consent Agenda and which items required a separate individual vote. Comm. Wiley requested the following to be excluded from Consent Agenda: R-3, R-5, R-6, R-7, R-8, R-17, R-18, R-34 and R-35). Comm. Frias and Mayor inquired as to why he requested they be removed from Consent Agenda. Town Clerk and Town Attorney inquired as to whether the Mayor, Comm. Vargas and Comm. Frias agreed to remove those items from the Consent Agenda; however, they did not agree to remove them. The Consent Agenda was established to include the following: Resolutions R-1 thru R-8, R-17, R-18, and R-21 thru R-38 (As noted above: Resolutions R-9 thru R-16 and R-19 and R-20 were pulled from this agenda and will be placed on the Special Meeting agenda of 12/27/12.)

**Item No. 2:**                    **Payment of Claims dated 12/17/12**

**Item No. 3:**                    **Receipt of Financial Reports for month of November 2012**

Work Session –Monday, 12/17/12

- Item No. 4:**                   **Communications:**  
4A. RFQ results rec'd 11/26/12 Re: ABC Prosecutor  
4B. RFQ results rec'd 11/26/12 Re: Professional Auditing Services  
4C. RFQ results rec'd 11/26/12 Re: Bond Counsel Legal Services  
4D. RFQ results rec'd 11/26/12 Re: Planning Board Attorney  
4E. RFQ results rec'd 11/26/12 Re: Labor Counsel  
4F. RFQ results rec'd 11/26/12 Re: Legal Liability Counsel  
4G. RFQ results rec'd 11/27/12 Re: Legal Liability Special Counsel  
4H. RFQ results rec'd 11/27/12 Re: Professional Planning Services  
4I. RFQ results rec'd 11/27/12 Re: Tenants Advocacy Attorney  
4J. RFQ results rec'd 11/27/12 Re: Rent Control Board Attorney  
4K. RFQ results rec'd 11/27/12 Re: Town Engineer  
4L. RFQ results rec'd 11/27/12 Re: Workmen's Compensation Attorney  
4M. RFQ results rec'd 11/27/12 Re: Tax Appeals Attorney  
4N. RFQ results rec'd 11/28/12 Re: Insurance Fund Administrator  
4O. RFQ results rec'd 11/28/12 Re: Public Defender  
4P. Memorandum of Results of Town of WNY Bond Anticipation Note Sale (\$1,900,000)  
4Q. Bid results rec'd 12/11/12 Re: 3<sup>rd</sup> Party Elevator Inspection Services  
4R. Bid results rec'd 12/11/12 Re: Snow Removal (2<sup>nd</sup> Occasion)  
4S. RFQ results rec'd 12/11/12 Re: Zoning Board Attorney (2<sup>nd</sup> Occasion)  
4T. RFQ results rec'd 12/11/12 Re: Telephone Consultant Services  
4U. Town Engineer's Monthly Status Report dated 12/14/12

**Note:**                   Comm. Frias inquired as to the status of Telephone Consultant Services RFQ. Town Administrator DeMarco advised that proposals are still in process of being reviewed.

**Item No. R-1:**                   **Resolution – Re: 2013 Commission Meeting Dates:**

**Item No. R-2:**                   **Resolution – Re: Authorizing an investigation and recommendation of the Planning Board as to whether Block 4 Lots one (1) and two (2) should be classified as an area in need of redevelopment:**

**Item No. R-3:**                   **Resolution – Re: Reorganizing the Parks and Public Property Department:**  
(See comments made under Minutes section on pages 1 and 2 herein.)

**Item No. R-4:**                   **Resolution - Re: Cancel Taxes (United Nations):**

**Item No. R-5:**                   **Resolution – Re: Appointment of Gilberto M. Garcia, Esq. as Town Attorney (Term: 12/21/12 to 12/20/13):**

**Item No. R-6:**                   **Resolution – Re: Appointment of Rosa Gonzalez as a Class I Designee to the Planning Board (Term: 12/17/12-1/16/15):**

**Item No. R-7:**                   **Resolution – Re: Appointment of Violeta Moreno as an Alternate Member to the Planning Board (term: 12/17/12-12/16/13):**

**Item No. R-8:**                   **Resolution – Re: Appointment of Unises Garcia as an Alternate Member to the Planning Board (Term: 12/17/12-12/16/13):**

*Work Session –Monday, 12/17/12*

- Item No. R-9:**            **Resolution – Re: Approving a Professional Services Agreement for services of Legal Liability Special Counsel to: Florio & Kenny, LLP (Term: 1/1/13-12/31/13):**  
At the recommendation of Town Attorney Garcia, this resolution was pulled from the agenda during the Work Session as CFO Cherone did not provide certificate of availability of funds.
- Item No. R-10:**            **Resolution – Re: Approving a Professional Services agreement for services of Tenants’ Advocacy Attorney to: Lazaro Carvajal, Esq. (Term: 1/1/13-12/31/13):**  
At the recommendation of Town Attorney Garcia, this resolution was pulled from the agenda during the Work Session as CFO Cherone did not provide certificate of availability of funds.
- Item No. R-11:**            **Resolution – Re: Approving a Professional Services agreement for services of Labor Counsel to: Scarinci & Hollenbeck (Term: 1/1/13-12/31/13):**  
At the recommendation of Town Attorney Garcia, this resolution was pulled from the agenda during the Work Session as CFO Cherone did not provide certificate of availability of funds.
- Item No. R-12:**            **Resolution – Re: Approving a Professional Services agreement for services of Rent Control Board Attorney to: Fausto Simoes, Esq. (Term: 1/1/13-12/31/13):**  
At the recommendation of Town Attorney Garcia, this resolution was pulled from the agenda during the Work Session as CFO Cherone did not provide certificate of availability of funds.
- Item No. R-13:**            **Resolution – Re: Approving a Professional Services agreement for services of Workers Compensation Attorney to: Martin M. Glazer, Esq. (Term: 1/1/13-12/31/13):**  
At the recommendation of Town Attorney Garcia, this resolution was pulled from the agenda during the Work Session as CFO Cherone did not provide certificate of availability of funds.
- Item No. R-14:**            **Resolution – Re: Approving a Professional Services Agreement for services of Tax Attorney for: Matthew J. O’Donnell, Esq. (Term: 1/1/13-12/31/13):**  
At the recommendation of Town Attorney Garcia, this resolution was pulled from the agenda during the Work Session as CFO Cherone did not provide certificate of availability of funds.
- Item No. R-15:**            **Resolution – Re: Approving a Professional Services Agreement for services of Planning Board Attorney for: Fausto Simoes, Esq. (Term: 1/1/13-12/31/13):**  
At the recommendation of Town Attorney Garcia, this resolution was pulled from the agenda during the Work Session as CFO Cherone did not provide certificate of availability of funds.
- Item No. R-16:**            **Resolution – Re: Approving a Professional Services Agreement for services of ABC Prosecutor for: Christopher A. Errante, Esq. (Term: 1/1/13-12/31/13):**  
At the recommendation of Town Attorney Garcia, this resolution was pulled from the agenda during the Work Session as CFO Cherone did not provide certificate of availability of funds.
- Item No. R-17:**            **Resolution – Re: Appointment Richard G. Rivera to the Zoning Board of Adjustment:**

*Work Session –Monday, 12/17/12*

- Item No. R-18:**      **Resolution – Re: Appointment of Marie Bombino as Acting Supervisor to the Crossing Guards:**
- Item No. R-19:**      **Resolution - Re: Approving a Professional Services Agreement for services of Legal/Liability Counsel to: Douglas M. Standriff, Esq (Term: 1/1/13-12/31/13):**  
At the recommendation of Town Attorney Garcia, this resolution was pulled from the agenda during the Work Session as CFO Cherone did not provide certificate of availability of funds.
- Item No. R-20:**      **Resolution – Re: Award of Contract for “Snow Removal” to Persistent Construction, Inc.:**  
At the recommendation of Town Attorney Garcia, this resolution was pulled from the agenda during the Work Session as CFO Cherone did not provide certificate of availability of funds.
- Item No. R-21:**      **Resolution – Re: Tax Correction (Various Locations):**
- Item No. R-22:**      **Resolution – Re: Refund of Tax Lien Redemptions (\$286,437.82):**
- Item No. R-23:**      **Resolution – Re: Refund of Overpayment of Taxes (\$19,022.16):**
- Item No. R-24:**      **Resolution – Re: Refund of Tax Lien Premiums (\$71,300.00):**
- Item No. R-25:**      **Resolution – Re: Tax Correction (Various Properties):**
- Item No. R-26:**      **Resolution – Re: Refund of Tax Appeals (\$43,343.59):**
- Item No. R-27:**      **Resolution – Re: Tax Correction (24 Ave. @ Port Imperial):**
- Item No. R-28:**      **Resolution – Re: Cancellation of tax overpayments:**
- Item No. R-29:**      **Resolution – Re: Authorizing compensation to Town Clerk for performance of duties under the Uniform Recall Election Law (NJSA 19:27A-1 et seq.) and pursuant to NJSA 19:45-9:**  
Comm. Frias requested an explanation. Town Attorney Garcia explained that Notices of Intention to Recall Elected Officials have been filed and that there are duties required under the Recall Election law which will be outside the normal scope of Town Clerk’s duties and therefore, she is entitled to compensation for the extra duties, which will be determined based upon amount of work performed, etc. Mayor Roque commented that Town Clerk Riccio puts in a lot of extra time and will be burdened with additional responsibilities due to the recall process and that it is only fair that she be compensated accordingly. Comm. Wiley inquired as to how compensation will be computed to which Mr. Garcia responded “not sure yet. My proposal is a lump sum payment. The next step of process is petitions, etc. and compensation will be determined at that time. The greatest amount of work is to be performed by the election official.”
- Item No. R-30:**      **Resolution – Re: Requesting permission for the Dedication by Rider for outside employment of Off Duty Police Officer Trust Fund:**
- Item No. R-31:**      **Resolution – Re: Authorizing the solicitation of Proposals for Third Party entities to provide Payroll Processing Services to the Town of West New York:**
- Item No. R-32:**      **Resolution – Re: Approving the Cash Management Plan for the Year 2013:**

*Work Session –Monday, 12/17/12*

- Item No. R-33:**      **Resolution – Re: Designating the Official Depositories of the Town of West New York for the Year 2013:**
- Item No. R-34:**      **Resolution – Re: Appointment of Richard G. Rivera as Confidential Secretary to Mayor Felix E. Roque:**
- Item No. R-35:**      **Resolution – Re: Appointment of Silvio Acosta as Confidential Aide to Mayor Felix E. Roque:**
- Item No. R-36:**      **Resolution – Re: Authorizing the Town of West New York to seek Fair and Open Process in compliance with the Pay to Play Statutes for the retention of Professional Services in regard to Bond Counsel (2<sup>nd</sup> occasion):**
- Item No. R-37:**      **Resolution – Re: Authorizing an Emergency Appropriation:**
- Item No. R-38:**      **Resolution – Re: Pursuant to NJSA 40A:4-54 and 40A:4-55 providing for a Special Emergency Appropriation and providing for the financing thereof by the issuance of special emergency notes:**
- 
- Item No. O-1:**      **Hearing & Final Adoption of Ordinance #37/12 An Ordinance approving a five (5) year Tax Exemption for Multiple Dwelling project constructed by Jaclyn 32, LLC, pursuant to the provisions of the five (5) exemption and abatement law, N.J.S.A. 40A:21 et. seq. and Section 7 of Ordinance 11/07 and Ordinance entitled Five Year Tax Abatement Ordinance:**
- Item No. O-2:**      **Hearing & Final Adoption of Ordinance #38/12 An Ordinance approving a five (5) year Tax Exemption for Multiple Dwelling Project constructed by Fillmore Place Apartments, LLC, pursuant to the provisions of the five (5) year exemption and abatement law, N.J.S.A. 40A:21-1 et. seq., and Section 7 of Ordinance 11/07 an Ordinance entitled Five Year Abatement Ordinance:**
- Item No. O-3**      **Hearing & Final Adoption of Ordinance #39/12 An Ordinance amending Chapter 48 of the Code of the Town of West New York regarding Delegation of Authority to Promote Rules and Regulations in the Police Department**
- Item No. O-4**      **Action to be taken Re: Ordinance #34/12 An Ordinance amending Chapter 352 of the Code of the Town of West New York entitled “Streets and Sidewalks”:**  
Town Attorney Garcia explained that this Ordinance was originally scheduled for Hearing and Final Adoption on 11/19/12, however, after the hearing was held, it was decided to table this matter pending further review. He further advised that inasmuch as the amendment is now a moot issue in that it dealt with holding sidewalk sales during the holiday season, which is almost over, he recommends rejection of this Ordinance at this time. Comm. Frias inquired as to whether the merchants had contacted him after the November meeting to which he responded “No”.

*Work Session –Monday, 12/17/12*

**Public Portion:**

No one wished to be heard.

Meeting ended at 6:49 p.m.

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

**ABSENT**

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

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

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

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

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

**December 17, 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 Monday, December 17, 2012 at 7:00 p.m. (6:00 p.m. Work Session):

Present: Commissioners Frias, Vargas, Wiley and Mayor Roque  
Absent: Commissioner Rodriguez  
Also Present: Town Attorney Gilberto Garcia, Town Clerk Carmela Riccio and  
Town Administrator Joseph DeMarco

Meeting commenced at 7:17 p.m.

Town Clerk Carmela Riccio made the following announcement:

As presiding officer of this regularly scheduled meeting of the Board of Commissioners of the Town of West New York, held on December 17, 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.

**Note:** Mayor Roque requested a moment of silence for the Newtown, Connecticut school children who recently lost their lives while in school.

**Minutes of Previous Meeting:**

It was regularly moved by Mayor Roque, seconded by Commissioner Vargas, that the Minutes of Regular Meeting: 10/17/12 and 11/19/12 (Regular and Work Sessions) be approved as recorded, was carried by the following vote:

YEAS - Commissioners Frias, Vargas and Mayor Roque  
NAYS - Commissioner Wiley  
ABSENT - Commissioner Rodriguez

**Claims: Dated 12/17/12 (Claims are available for public inspection in the Town Clerk's Office):**

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

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

**December 17, 2012**  
**Regular Meeting**

**Receipt of Financial Reports:**

**FINANCIAL REPORTS - MONTH OF NOVEMBER 2012**

1. From Construction Code Official Office, reporting the sum of \$60,699.00 Collected for the month of November, 2012.
2. From Director Michael Indri (Police Dept.) reporting the sum of \$2,213.75 Collected for the month of November, 2012
3. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$4,675.00 for Special Licenses collected for the month of November, 2012
4. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$646.00 for Marriage/death certificates collected for the month of November, 2012
5. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$-0- for Dogs Licenses collected for the month of November, 2012,
6. From (Revenue and Finance Department) reporting the sum of \$13,300,514.89 collected for the month of November, 2012.
7. From Carmela Riccio, RMC, Town Clerk, reporting the sum of \$48.00 collected for the month of October and the sum of \$120.00 for the month of November, 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, Wiley, Vargas and Mayor Roque  
NAYS - None  
ABSENT - Commissioner Rodriguez

**RFQ Results**  
**Re: ABC Prosecutor**

RFQ PROPOSAL FORMATION

Proposal Receipt Date: November 26, 2012

Proposal Time: 11:00 a.m.

Location for proposal: Town Clerk's Office

Proposal for: A.B.C. Board Prosecutor

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

Remarks: Time to receive RFQS was closed at 11:05 a.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Fausto Simoes  
Simoes & Associates PC  
(Address) 112 Jabez Street Suite 101  
Newark, NJ 07105

RESPONDER #2 (Name) Christopher A. Errante, Esq., LLC  
(Address) 518 Stuyvesant Avenue  
Lyndhurst, NJ 07071

**December 17, 2012**  
**Regular Meeting**

**RFQ Results**  
**Re: Professional Auditing Services**

RFQ PROPOSAL FORMATION

Proposal Receipt Date: November 26, 2012

Proposal Time: 11:30 a.m.

Location for proposal: Town Clerk's Office

Proposal for: Professional Auditing Services

Personnel at Opening: Deputy Town Clerk Jennie Del Rio, Maria T. Barrios & Lisa Walsh

Remarks: Time to receive RFQS was closed at 11:35 a.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Mendonca & Partners  
Certified Public Accountants, LLC  
(Address) 1030 Salem Road  
Union, NJ 07083

RESPONDER #2 (Name) Spire Group/CPA's and Consultants  
(Address) 220 South Orange Avenue, Suite 201  
Livingston, NJ 07039

**RFQ Results**  
**Re: Bond Counsel**

RFQ PROPOSAL FORMATION

Proposal Receipt Date: November 26, 2012

Proposal Time: 2:00 p.m.

Location for proposal: Town Clerk's Office

Proposal for: Bond Counsel

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

Remarks: Time to receive RFQS was closed at 2:05 p.m.  
Reserved decision pending review by review committee.

NO RFQ's RECEIVED

**December 17, 2012**  
***Regular Meeting***

**RFQ Results**  
**Re: Planning Board Attorney**

**RFQ PROPOSAL FORMATION**

Proposal Receipt Date: November 26, 2012

Proposal Time: 2:30 p.m.

Location for proposal: Town Clerk's Office

Proposal for: Planning Board Attorney

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

Remarks: Time to receive RFPS was closed at 2:35 p.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Giblin & Giblin  
(Address) 2 Forest Avenue, Suite 200  
Oradell, NJ 07649

RESPONDER #2 (Name) Fausto Simoes  
Simoes & Assoc., PC  
(Address) 112 Jabez Street, Suite 101  
Newark, NJ 07105

**December 17, 2012**  
***Regular Meeting***

**RFQ Results**  
**Re: Labor Counsel**

**RFQ PROPOSAL FORMATION**

Proposal Receipt Date: November 26, 2012

Proposal Time: 3:00 p.m.

Location for proposal: Town Clerk's Office

Proposal for: Labor Counsel

Personnel at Opening: Deputy Town Clerk Jennie Del Rio, Maria T. Barrios & Lisa Walsh

Remarks: Time to receive RFQS was closed at 3:05 p.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Scarinci & Hollenbeck  
(Address) 1100 Valley Brook Avenue  
P.O. Box 790  
Lyndhurst, NJ 07071

RESPONDER #2 (Name) Florio & Kenny, LLP  
(Address) 5 Marine View Plaza Suite 100  
P.O. Box 771  
Hoboken, NJ 07030

RESPONDER #3 (Name) Genova Burns Giantomasi & Webster  
Attorneys at Law  
(Address) 494 Broad Street  
Newark, NJ 07102

RESPONDER #4 (Name) Giblin & Giblin  
(Address) 2 Forest Avenue, Suite 200  
Oradell, NJ 07649

**December 17, 2012**  
***Regular Meeting***

**RFQ Results**  
**Re: Legal/Liability Counsel**

**RFQ PROPOSAL FORMATION**

Proposal Receipt Date: November 26, 2012

Proposal Time: 3:30 p.m.

Location for proposal: Town Clerk's Office

Proposal for: Legal/Liability Counsel

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

Remarks: Time to receive RFQS was closed at 3:35 p.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Douglas M. Standriff  
Attorney at Law  
(Address) 1200 East Ridgewood Avenue  
Parkview Plaza-Atrium Level East  
Ridgewood, NJ 07450

RESPONDER #2 (Name) Florio & Kenny, LLP  
Attorneys at Law  
(Address) 5 Marine View Plaza, Suite 103  
Hoboken, NJ 07030

RESPONDER #3 (Name) Glazer & Kamel, Esqs.  
Attorneys at Law  
(Address) 1207 East Grand Street  
Elizabeth, NJ 07201

RESPONDER #4 (Name) Christoper A. Errante, LLC  
(Address) 518 Stuyvesant Avenue  
Lyndhurst, NJ 07071

RESPONDER #5 (Name) Giblin & Giblin  
(Address) 2 Forest Avenue Suite 200  
Oradell, NJ 07649

**December 17, 2012**  
***Regular Meeting***

**RFQ Results**  
**Re: Legal/Liability Special Counsel**

RFQ PROPOSAL FORMATION

Proposal Receipt Date: November 27, 2012

Proposal Time: 10:00 a.m.

Location for proposal: Town Clerk's Office

Proposal for: Legal/Liability Special Counsel

Personnel at Opening: Deputy Town Clerk Jennie Del Rio, Maria T. 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) Florio & Kenny LLP  
Attorneys at Law  
(Address) 5 Marine View Plaza  
Suite 103, P.O. Box 771  
Hoboken, NJ 07030

RESPONDER #2 (Name) Glazer & Kamel, Esqs.  
Attorneys at Law  
(Address) 1207 East Grand Street  
Elizabeth, NJ 07201

RESPONDER #3 (Name) Christopher A. Errante, Esq. LLC  
Attorney at Law  
(Address) 518 Stuyvesant Avenue  
Lyndhurst, NJ 07071

RESPONDER #4 (Name) Giblin & Giblin  
(Address) 2 Forest Avenue Suite 200  
Oradell, NJ 07649

**December 17, 2012**  
***Regular Meeting***

**RFQ Results**  
**Re: Professional Planning Services**

RFQ PROPOSAL FORMATION

Proposal Receipt Date: November 27, 2012  
Proposal Time: 10:30 a.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Professional Planning Services  
Personnel at Opening: Deputy Town Clerk Jennie Del Rio, Maria T. Barrios & Lisa Walsh  
Remarks: Time to receive RFQS was closed at 10:35 a.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Remington, Vernick & Arango, Engineers  
(Address) 300 Penhorn Avenue, 3<sup>rd</sup> Floor  
Secaucus, NJ 07094

RESPONDER #2 (Name) Birdsall Services Group  
Engineers & Consultants  
(Address) 65 Jackson Drive  
Cranford, NJ 07016

RESPONDER #3 (Name) CME Associates  
(Address) 3141 Bordentown Avenue  
Parlin, NJ 08859

**December 17, 2012**  
***Regular Meeting***

**RFQ Results**  
**Re: Tenant Advocacy Attorney**

RFQ PROPOSAL FORMATION

Proposal Receipt Date: November 27, 2012  
Proposal Time: 11:00 a.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Tenants Advocacy Attorney  
Personnel at Opening: Deputy Town Clerk Jennie DelRio, Maria Barrios & Lisa Walsh  
Remarks: Time to receive RFQS was closed at 11:05 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

RESPONDER #2 (Name) Law Offices Giblin & Giblin  
(Address) 2 Forest Avenue Suite 200  
Oradell, NJ 07649

**December 17, 2012**  
***Regular Meeting***

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

RFQ PROPOSAL FORMATION

Proposal Receipt Date: November 27, 2012  
Proposal Time: 2:00 p.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Rent Control Board Attorney  
Personnel at Opening: Deputy Town Clerk Jennie DelRio, Maria Barrios & Lisa Walsh  
Remarks: Time to receive RFQS was closed at 2:05 p.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Florio & Kenny, LLP  
Attorneys at Law  
(Address) 5 Marine View Plaza Suite 100  
P.O. Box 771  
Hoboken, NJ 07030

RESPONDER #2 (Name) Christopher A. Errante, Esq. LLC  
Attorney at Law  
(Address) 578 Stuyvesant Avenue  
Lyndurst, NJ 07071

RESPONDER #3 (Name) Dario Yacker Suarez & Albert LLC  
(Address) 345 Union Street  
Hackensack, NJ 07601

RESPONDER #4 (Name) Simoes & Assoc. PC  
Fausto Simoes  
(Address) 112 Jabez Street Suite 101  
Newark, NJ

**December 17, 2012**  
***Regular Meeting***

**RFQ Results**  
**Re: Town Engineer**

RFQ PROPOSAL FORMATION

Proposal Receipt Date: November 27, 2012  
Proposal Time: 2:30 p.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Town Engineer  
Personnel at Opening: Deputy Town Clerk Jennie Del Rio, Maria Barrios & Lisa Walsh  
Remarks: Time to receive RFQS was closed at 2:35 p.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) CME Associates  
(Address) 3141 Bordentown Avenue  
Parlin, NJ 08859

RESPONDER #2 (Name) Remington & Vernick Engineers & Affiliates  
(Address) 300 Penhorn Avenue, 3<sup>rd</sup> floor  
Secaucus, NJ 07094

RESPONDER #3 (Name) Birdsall Services Group  
(Address) 65 Jackson Drive  
Cranford, NJ 07016

RESPONDER #4 (Name) Maser Consulting PA  
(Address) 200 Valley Road Suite 400  
Mt. Arlington, NJ 07856

**December 17, 2012**  
***Regular Meeting***

**RFQ Results**  
**Re: Workmen's Compensation Attorney**

RFQ PROPOSAL FORMATION

Proposal Receipt Date: November 27, 2012  
Proposal Time: 3:00 p.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Workmen's Compensation Attorney  
Personnel at Opening: Deputy Town Clerk Jennie Del Rio, Maria Barrios & Lisa Walsh  
Remarks: Time to receive RFQS was closed at 3:05 p.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Florio & Kenny, LLP  
Attorneys at Law  
(Address) 5 Marine View Plaza  
Suite 103, P.O. Box 7171  
Hoboken, NJ 07030

RESPONDER #2 (Name) Glazer & Kamel, Esqs.  
Attorneys at Law  
(Address) 1207 East Grand Street  
Elizabeth, NJ 07201

RESPONDER #3 (Name) Giblin & Giblin  
(Address) 2 Forest Avenue, Suite 200  
Oradell, NJ 07649

**December 17, 2012**  
***Regular Meeting***

**RFQ Results**  
**Re: Tax Appeals Attorney**

**RFQ PROPOSAL FORMATION**

Proposal Receipt Date: November 27, 2012  
Proposal Time: 3:30 p.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Tax Appeals Attorney  
Personnel at Opening: Deputy Town Clerk Jennie Del Rio, Maria Barrios & Lisa Walsh  
Remarks: Time to receive RFQS was closed at 3:35 p.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Florio & Kenny LLP  
(Address) 5 Marine View Plaza, Suite 103  
P.O. Box 771  
Hoboken, NJ 07030

RESPONDER #2 (Name) Law Offices of Giblin & Giblin  
(Address) 2 Forest Avenue, Suite 200  
Oradell, NJ 07649

RESPONDER #3 (Name) O'Donnell Mc Cord, P.C.  
Attorneys at Law  
(Address) 15 Mount Kemple Avenue  
Morristown, NJ 07960

**RFQ Results**  
**Re: Insurance Fund Administrator**

**RFQ PROPOSAL FORMATION**

Proposal Receipt Date: November 28, 2012  
Proposal Time: 11:00 a.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Insurance Fund Administrator  
Personnel at Opening: Deputy Town Clerk Jennie DelRio, Maria Barrios & Lisa Walsh  
Remarks: Time to receive RFQs was closed at 11:05 a.m.

RESPONDER #1 (Name) Peter Soriero  
(Address) 3 Cypress Point Lane  
Monroe Twp., NJ 08831

**December 17, 2012**  
**Regular Meeting**

**RFQ Results**  
**Re: Public Defender**

RFQ PROPOSAL FORMATION

Proposal Receipt Date: November 28, 2012

Proposal Time: 11:30 a.m.

Location for proposal: Town Clerk's Office

Proposal for: Public Defender

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

Remarks: Time to receive RFQS was closed at 11:35 a.m.  
Reserved decision pending review by review committee.

NO RFQ'S RECEIVED

**Communication**  
**Re: Memorandum of results of Town of WNY Bond Anticipation Note Sale (\$1,900,000)**

**MEMORANDUM**

TO: Board of Commissioners of the Town of West New York, New Jersey

FROM: Margaret S. Cherone, Chief Financial Officer

RE: Sale of \$1,900,000 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:	\$1,900,000
INTEREST RATE:	1.125%
DATED DATE:	December 20, 2012
MATURITY DATE:	December 20, 2013
PRICE OBTAINED:	\$1,902,837.41
NAME OF PURCHASER:	The Hudson County Improvement Authority

The undersigned sold the referenced Notes at a private sale pursuant to authority granted in Ordinance No. 17/10 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: December 11, 2012

**December 17, 2012**  
**Regular Meeting**

**Bid Results**  
**Re: 3<sup>rd</sup> Party Elevator Inspection Services**

BID PROPOSAL FORMATION

Proposal Receipt Date: December 11, 2012                      Budgeted Amount: \$  
Proposal Time: 10:00 am    Estimated Amount: \$  
Location for proposal: Town Clerk's Office  
Proposal for: 3<sup>rd</sup> Party Elevator Inspection Services  
Department of:  
Personnel at Opening: Town Clerk Carmela Riccio, Deputy Town Clerk Yesenia DelRio  
and QPA Xenia Rivero  
Remarks: Time to receive bids was closed at 10:05 a.m.  
Reserved decision pending review by law department.

BIDDER #1(Name)    Municipal Inspection Corp.                      Cost: 80% of DCA fees  
(Address)    183 West 4<sup>th</sup> Street, Bayonne, NJ 07002

Bid Bond: X                      Check: \_\_\_\_\_

BIDDER #2(Name)    New Jersey Elevator Inspection Agency    Cost: 50% of DCA fees  
(Address)    30 Amherst Place, Livingston, NJ 07039

Bid Bond:                      Check: (bank check #026003428 \$500.00)

BIDDER #3(Name)    EIC Inspection Agency Corp.                      Cost: 50% of DCA fees  
(Address)    3705 Kennedy Blvd., Jersey City, NJ 07307

Bid Bond: X                      Check: \_\_\_\_\_

**December 17, 2012**  
**Regular Meeting**

**Bid Results**  
**Re: Snow Removal (2<sup>nd</sup> occasion)**

BID PROPOSAL FORMATION

Proposal Receipt Date: 12/11/12                      Budgeted Amount: \$  
Proposal Time:                      10:30 am                      Estimated Amount: \$  
Location for proposal: Town Clerk's Office  
Proposal for:                      Snow Removal (2<sup>nd</sup> Occasion)  
Department of:  
Personnel at Opening: Town Clerk Carmela Riccio & Deputy Town Clerk Yesenia DelRio  
Remarks:                      Time to receive bids was closed at 10:35 a.m.  
   Reserved decision pending review by law department.

BIDDER #1(Name)	John Main Auto Body	Option 1	\$400. per truck
(Address)	1445 Union Tpke		<u>100.</u> labor
	North Bergen, NJ 07047		\$500. total
		Option 2	\$350. per loader
			<u>100.</u> labor
			\$450.
		Total:	\$950.00
	Bid Bond: _____	Check: <u>X</u>	
		Cashier's check #2085803	\$950.00

BIDDER #2(Name)	Persistent Construction Inc.	Option 1	\$ 57. per truck
(Address)	58 Industrial Avenue		<u>58.</u> labor
	Fairview, NJ 07022		\$115.
		Option 2	\$105. per loader
			<u>105.</u> labor
			\$210.
		Total:	\$325.00
	Bid Bond: <u>X</u>	Check: _____	

**December 17, 2012**  
***Regular Meeting***

**RFQ Results**  
**Re: Zoning Board Attorney (2<sup>nd</sup> occasion)**

**RFQ PROPOSAL FORMATION**

Proposal Receipt Date: December 11, 2012

Proposal Time: 11:00 a.m.

Location for proposal: Town Clerk's Office

Proposal for: Zoning Board Attorney (2<sup>nd</sup> Occasion)

Personnel at Opening: Deputy Town Clerk Jennie Del Rio and Maria Barrios

Remarks: Time to receive RFQS was closed at 11:05 a.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Genova Burns Giantomasi & Webster  
(Address) 494 Broad Street  
Newark, NJ 07102

RESPONDER #2 (Name) Mulkay & Rendo  
(Address) 700-79<sup>th</sup> Street  
North Bergen, NJ 07047

**RFQ Results**  
**Re: Telephone Consultant Services**

**RFQ PROPOSAL FORMATION**

Proposal Receipt Date: December 11, 2012

Proposal Time: 11:30 a.m.

Location for proposal: Town Clerk's Office

Proposal for: Telephone Consultant Services

Personnel at Opening: Deputy Town Clerk Jennie Del Rio and Lisa Walsh

Remarks: Time to receive RFQS was closed at 11:35 a.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) The Long Distance Company  
Dennis Bobet  
(Address) 16 Severn Way  
Monroe Twp, NJ 08831

RESPONDER #2 (Name) Allan Rotto Consultants, Inc.  
(Address) 301 Mill Road  
Hewlett, NY 11577-1232

December 17, 2012  
Regular Meeting

Communications  
Re: Town Engineer's Monthly Status Report dated December 14, 2012

4U

DEC 17 2012



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.  
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: December 14, 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 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.
- We have prepared the contracts and notice of award which have been executed by the contractor.
- We have reviewed a majority of the material shop drawings submitted by the contractor which the contractor has ordered.
- The contractor has commenced construction and has been working at both parks.

□ FY2012 NJDOT Municipal Aid Grant and Road Program

- The Town received a grant in the amount of \$280,800.00.
- We submitted a proposal for preparing the construction plans and contract documents for the improvements to 67<sup>th</sup> Street from JFK Blvd West to Palisade Avenue. We estimate the construction cost for the project to be \$275,000.00.
- We were authorized to perform the design work and survey work for the project
- The field survey work and base maps have been completed.
- We have sent letters to the utility companies requesting the location of their existing facilities.
- We are completing the design plans and contract documents and will issue same to the NJDOT this week for their review and approval.

□ 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.
- We have prepared and issued request for proposals in order to obtain contractors to perform the necessary Geotechnical boring work at the site. We are reviewing the quotes and will issue a recommendation letter this week.



December 17, 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.  
MICHAEL J. McCLELLAND, P.E., P.P.  
GREGORY R. VALESII, 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  
December 14, 2012  
Page 2 of 2

- **FY2013 NJDOT Municipal Aid Grant**
  - The submittal date for the FY2013 NJDOT Municipal Aid Grant was October 16, 2012 but has been extended to October 19.
  - We prepared and submitted the application to the NJDOT for the following roads:
    - 60<sup>th</sup> Street from Buchanan Place to Bergenline Avenue (2000'-Half Width).
    - 65<sup>th</sup> Street from Broadway Avenue to Park Avenue (675')
    - 51<sup>st</sup> Street from JFK West to Bergenline Avenue (615')
    - 66<sup>th</sup> Street from Hudson Avenue to JFK East (2060')
  - The estimated construction cost for the above roads is approximately \$810,000.00.
- **Miscellaneous Engineering**
  - **Speed Humps – Various Streets:** At the request of Commissioner Vargas, we have prepared plans and contract documents to obtain quotes for the installation of speed humps at the following locations:
    - 56<sup>th</sup> Street between Gaw Place and Bergenline Avenue
    - Murphy Place
    - Fairview Terrace
    - Park Avenue between 64<sup>th</sup> Street and 62<sup>nd</sup> Street
  - **General Parks Site Review:** We had 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 has been repaired.
    - We have requested quotes from fence contractors to repair the damaged fence at the entrance to Miller Park. We issued a letter regarding same.
    - We contacted Rubberecycle regarding repairing the rubber surface under the swing sets at Verrazano Park. They made the repair and also provided wear mats for the swing sets and slides. It should be noted that the contractor did not charge the Town for the repairs.
  - **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 have reviewed the extent of the changes that have occurred since the last update and prepared a proposal to perform an update of the tax maps and submittal to the State.
  - **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. We also attended a deposition on October 15, 2012, with regard to the case.



**December 17, 2012**  
**Regular Meeting**

**Consent Agenda**

It was regularly moved by Mayor Roque, seconded by Commissioner Vargas that the following Consent Agenda Item Nos. R-1 through R-8, R-17, R-18 and R-21 through R-38 be adopted, was carried by the following vote:

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

**Note: Resolutions #R-9 thru R-16, R-19 and R-20 were pulled from agenda during Work Session. Comm. Wiley voted “No” on the following resolutions: R-1, R-5, R-6, R-7, R-8, R-17, R-18, R-34 and R-35. He “abstained” on Resolution R-3. Comm. Frias “abstained” on Resolution R-34.**

**Resolution**  
**Re: Commission Meeting Dates for 2013**

WHEREAS, Chapter 231 Laws of 1975 known as "The Open Public Meeting Law" effective January 19, 1976 was enacted so as to insure the right of all citizens to have advance notice of and to attend all meetings of public bodies at which any business affecting the public is discussed or acted upon; and

WHEREAS, all meetings of all public bodies wherein formal action, decision or discussion relating to the public business may take place, are required to be publicly announced and scheduled, with adequate posting and advance notice of the time, date, location and to the extent known, the purpose of the agenda of each meeting; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, as follows:

1. All Boards, Commissions, Authorities, Bodies of other entities of the Town of West New York coming within the scope and intent of said statute shall comply with same, according to the terms thereof.
2. The following are designated as meetings of the Mayor and Board of Commissioners of the Town of West New York, New Jersey at which public business may be formally discussed, decided or acted upon.
3. This Resolution will be advertised in accordance with the law.

Year 2013

<u>Date</u>	<u>Work Session Time</u>	<u>Meeting Time</u>	<u>Purpose/Agenda</u>
January 16 (Wednesday)	6:00 p.m.	7:00 p.m.	any and all public business
February 20 (Wednesday)	6:00 p.m.	7:00 p.m.	any and all public business
March 20 (Wednesday)	6:00 p.m.	7:00 p.m.	any and all public business
April 17 (Wednesday)	6:00 p.m.	7:00 p.m.	any and all public business
May 15 (Wednesday)	6:00 p.m.	7:00 p.m.	any and all public business
June 19 (Wednesday)	No Work session	12:00 Noon	any and all public business
July 17 (Wednesday)	No work session	12:00 Noon	any and all public business
August 21 (Wednesday)	No work session	12:00 Noon	any and all public business
September 18 (Wednesday)	6:00 p.m.	7:00 p.m.	any and all public business
October 16 (Wednesday)	6:00 p.m.	7:00 p.m.	any and all public business
November 20 (Wednesday)	6:00 p.m.	7:00 p.m.	any and all public business
December 18 (Wednesday)	6:00 p.m.	7:00 p.m.	any and all public business

Location for Work Session Meetings:

Municipal Building (Conference Room located in Mayor's Office)  
428 – 60th Street, WNY, NJ 07093

Location for Regular Session Meetings:

Municipal Building (Court Chambers located on Second Floor)  
428 – 60th Street, WNY, NJ 07093

**December 17, 2012**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**Note:**        **Comm. Wiley voted “No” on this Resolution. He wants all meetings at 7 pm to enable the public to attend.**

**Resolution**

**Re: Authorizing an Investigation and Recommendation of the Planning Board as to whether Block 4 Lots One (1) and Two (2) should be classified as an area in need of redevelopment**

Whereas, the Town of West New York has requested that the property identified on the Official Tax Map of the Town of West New York as Block Four (4) Lots One (1) AND Two (2) (the Study Area) be investigated by the Planning Board to determine if the Study Area is an area in need of redevelopment under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the LRHL); and

Whereas the LRHL authorizes a municipal governing body to cause a preliminary investigation to be made by the municipal planning board as to whether an area (or any portion thereof) is an “area in need of redevelopment” under LRHL; and

Whereas the Board of Commissioners wishes to direct the Planning Board to conduct a preliminary investigation of the Study Area, as well as adjoining areas, as authorized under LRHL, to determine if same qualify as an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF WEST NEW YORK, NEW JERSEY THAT:

- 1) The Planning Board of the Town of West New York is hereby authorized and directed to conduct a preliminary investigation as to whether properties identified on the official Tax Map of the Town of West New York as Block Four (4) , Lots One (1) and (2) is an area in need of redevelopment as defined under the LRHL, to issue all notices and to conduct all public hearings required under the LRHL to effectuate this preliminary investigation, and to thereafter provide its recommendations to the Board of Commissioners.
- 2) The Town Clerk is hereby directed to transmit a copy of this Resolution to the Secretary of the Planning Board.
- 3) This resolution shall take effect immediately

**RESOLUTION**

**Re: REORGANIZING THE PARKS AND PUBLIC PROPERTY DEPARTMENT**

Whereas, the Mayor and Board of Commissioners wish to reorganize the parks and public property department of the Town of West New York; and

Whereas, the Mayor and Board of Commissioners wish to consolidate the Parks and Public Property Department;

Now, therefore, be it resolved by the Mayor and Board of Commissioners of the Town of West New York that the Parks and Public Property Department be and is hereby consolidated in accordance with the mandates of the Wash Act.

**Note:**        **Comm. Wiley “abstained” on this Resolution. He complained that employees were also removed from his department in violation of Walsh Act and that he cannot operate his department without employees. He stated “This resolution doesn’t resolve anything”.**

December 17, 2012

*Regular Meeting*

**Consent Agenda (Cont.):**

**Resolution**

**Re: Cancel Taxes (United Nations)**

Authorizing an exemption from taxation and service charges on properties acquired by the Permanent Mission of Trinidad and Tobago to the United Nations commonly known as Block 168.01 Lot 8.03 Unit 406, Block 168.01 Lot 8.03 Unit 132, Block 168.01 Unit 246

Whereas, the Department of State, Office of Foreign Ministries reviews applications from participating countries regarding the purchase and exemption of real property prior to acquisition for residences for staff of Diplomatic entities; and

Whereas, the Permanent Mission of Trinidad and Tobago has applied for and received permission from the State Department, Office of Foreign Ministries to acquire the properties listed below; and

Whereas, the Permanent Mission of Trinidad and Tobago has requested an exemption from real property taxes and service charges for properties located in the Town of West New York; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF WEST NEW YORK, NEW JERSEY THAT:

- 1) The Tax Collector is hereby authorized to cancel taxes and service charges assessed and or levied against Block 168.01 Lot 8.03 Unit 406, Block 168.01 Lot 8.03 Unit 132, Block 168.01 Unit 246 and;
- 2) The Tax Assessor is requested to grant an exemption from taxation on real property listed on this resolution.
- 3) This resolution shall take effect immediately.

**Resolution**

**Re: Appointment of Gilberto M. Garcia, Esq.**

**as Town Attorney**

**(Term: 12/21/12 to 12/20/13)**

Be it resolved by the Mayor and Board of Commissioners of the Town of West New York that Gilberto M. Garcia, Esq., 21 Main Street Hackensack, NJ be and is hereby appointed as Town Attorney for the Town of West New York for the following term: 12/21/12 to 12/20/13. Salary shall be in accordance with the Salary Ordinance. The Town Attorney is under the direction of the Department of Revenue and Finance as per Ordinance #25/12 adopted on 8/15/12.

**Note:** Comm. Wiley voted “No” on this Resolution.

**RESOLUTION**

**RE: APPOINTING ROSA GONZALEZ AS A CLASS I DESIGNEE TO THE PLANNING BOARD**

Whereas, the Mayor wishes to fill the unexpired term of Silvio Acosta, 12/17/12-1/16/15, on the West New York Planning Board; and

Whereas, the Mayor wishes to appoint Rosa Gonzalez, of West New York, to the unexpired term of Silvio Acosta on the West New York Planning Board;

Now, therefore, be it resolved that the Mayor be and hereby appoints Rosa Gonzalez to the unexpired term of Silvio Acosta on the West New York Planning Board.

**Note:** Comm. Wiley voted “No” on this Resolution.

December 17, 2012  
*Regular Meeting*

**Consent Agenda (Cont.):**

**RESOLUTION**

**RE: APPOINTING VIOLETA MORENO AS AN ALTERNATE MEMBER TO THE  
PLANNING BOARD**

Whereas, the Mayor wishes to fill the alternate vacancy on the West New York Planning Board; and

Whereas, the Mayor wishes to appoint Violeta Moreno, of West New York, to the alternate position on the West New York Planning Board for a period of one (1) year 12/17/12-12/16/13;

Now, therefore, be it resolved that the Mayor be and hereby appoints Violeta Moreno to fill the alternate vacancy on the West New York Planning Board.

**Note:**      **Comm. Wiley voted “No” on this Resolution.**

**RESOLUTION**

**RE: APPOINTING EUNISES GARCIA AS AN ALTERNATE MEMBER TO THE  
PLANNING BOARD**

Whereas, the Mayor wishes to fill the alternate vacancy on the West New York Planning Board; and

Whereas, the Mayor wishes to appoint Eunises Garcia, of West New York, to fill the alternate vacancy on the West New York Planning Board for a period of one (1) year 12/17/12-12/16/13;

Now, therefore, be it resolved that the Mayor be and hereby appoints Eunises Garcia to fill the alternate vacancy on the West New York Planning Board.

**Note:**      **Comm. Wiley voted “No” on this Resolution.**

December 17, 2012  
Regular Meeting

**Consent Agenda (Cont.):**

**RESOLUTION**

**Re: APPOINTING RICHARD G. RIVERA TO THE ZONING BOARD OF  
ADJUSTMENT**

Whereas, the Mayor and Board of Commissioners wish to fill the unexpired term of Caridad Parets on the West New York Zoning Board of Adjustment; and

Whereas, the Mayor and Board of Commissioners wish to appoint Richard G. Rivera to the unexpired term of Caridad Parets on the West New York Zoning Board of Adjustment

Now, therefore, be it resolved by the Mayor and Board of Commissioners of the Town of West New York that Richard G. Rivera be and hereby is appointed to the unexpired term of Caridad Parets on the West New York Zoning Board of Adjustment.

**Note:** Comm. Wiley voted “No” on this Resolution.

**Resolution**

**Re: Appointment of Marie Bombino as Supervisor to the Crossing Guards**

Be it resolved by the Mayor and Board of Commissioners of the Town of West New York that Marie Bombino, of West New York, New Jersey be and is hereby appointed as Acting Crossing Guards Supervisor for the Town of West New York for the following term: To Serve At The Pleasure Of The Mayor. The Crossing Guards Supervisor is under the direction of the Department of Public Safety as per Ordinance #25/12 adopted on 8/15/12.

**Note:** Comm. Wiley voted “No” on this Resolution.

**Resolution**

**Re: Tax Correction (Various Locations)**

quarter 2004nt of \$1252.07 and the balance of \$47.93 be credited to the 4th

WHEREAS, there is an overpayment on the 2nd quarter 2009 tax bill in the amount of \$25.43 on property located at 6501 Blvd. East A/K/A block 5 lot 32 C07-P and;

WHEREAS, there is an overpayment on the 4<sup>th</sup> quarter 2012 in the amount of \$38.00 on property located at 5906 Bergenline Avenue A/K/A block 67 lot 2 and;

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

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

**December 17, 2012**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**Resolution**  
**Re: Refund of Tax Lien Redemptions (\$286,437.82)**

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
Tower Lien, LLC	124/14	10-210	\$34,759.68
	39/3	10-076	\$16,202.88
Pam Investors	83/7 C0005	10-156	\$7,541.92
	83/7 C0005	11-0228	\$4,062.26
Hadar Harel	168.01/8.01 C0300	10-264	\$248.80
Ridge Capital, LLC	83/7 CG048	11-0240	\$690.22
Royal Tax Lien Services, LLC	71/22	09-100	\$156,022.85
US Bank Cust. For Tower DBW	109/13	11-0277	\$51,450.26
MTAG Svc. As Cust for ATCF II NJ LLC	11/39	11-0038	\$15,458.95
		GRAND TOTAL	\$286,437.82

**December 17, 2012**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**Resolution**

**Re: Refund of Overpayment of Taxes (\$19,022.16)**

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
Castle, Justin	46/6 C0004	\$1,067.55	2012
Bonilla, Walter Eliezer	143/3.02	\$737.33	2007
BLW, LLC	8/1 T01	\$2,327.98	2012
BCB Community	79/19	\$2,488.52	2012
	31/3	\$3,230.00	2012
Miqueli, Jose A. & Nury	36/27	\$2,904.22	2010
		\$5,473.50	2011
Carbonel, Peter & Enia	2/5	\$607.10	2008
Hernandez, Norma B	28/16	\$185.96	2011
	GRAND TOTAL	\$19,022.16	

**Resolution**

**Re: Refund of Tax Lien Premiums (\$71,300.00)**

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
Tower Lien, LLC	39/3	10-076	\$5,700.00
Pam Investors	83/7 C0005	10-156	\$1,000.00
Hadar Harel	168.01/8.01 C0300	10-264	\$100.00

**December 17, 2012**  
**Regular Meeting**

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

Royal Tax Lien Services, LLC	71/22	09-100	\$52,000.00
US Bank Cust. For Tower DBW	109/13	11-0277	\$11,000.00
MTAG Svc. As. Cust. For ATCF II NJ LLC	11/39	11-0038	\$1,500.00
		GRAND TOTAL	\$71,300.00

**Resolution**  
**Re: Tax Correction (Various Properties)**

WHEREAS, A payment in the amount of \$174,012.98 was previously forwarded by Boiling Springs within the grace period to the Tax Office for payment of 4th quarter 2012 taxes on various properties and;

WHEREAS, the said payment in the amount of \$174,012.98 was not timely posted in the Tax Office due to Hurricane Sandy and the loss of power.

Now, Therefore, Be It Resolved, that the Tax Collector is hereby authorized to collect the tax payments and waived any interest.

**Resolution**  
**Re: Refund of Tax Appeals (\$43,343.59)**

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
George Campen Atty. For Leon, Robert & Juana	162/12.02	\$3,876.00	2012
George Campen Atty for Clarimel Invest., LLC	154/15	\$2,261.00	2012
George Campen Atty. For Caballero,Ismael & Yolanda	21/19	\$683.25	2012
George Campen Atty. For Alvarez, Elvis	153/19	\$1,395.36	2012

**December 17, 2012**  
**Regular Meeting**

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

George Campen Atty. For Fraga, Gerardo Jr. & Lillian Diaz	119/4	\$275.94	2012
George Campen Atty. For Rodriguez, Norma & Mayra Fujita	40/28	\$516.28	2012
George Campen Atty. For Latifaj, Bedri	79/22.02	\$1,938.00	2012
George Campen Atty. For Musbeh,Raslan & Rayya	37/14	\$1,906.94	2012
George Campen Atty. For Jokinsky, Stanley	81/3 C00B3	\$323.00	2012
George Campen Atty. For Flores, Louis M & Cecilia	93/11	\$3,553.00	2012
George Campen Atty. For Northfield Bank	26/2	\$261.73	2012
George Campen Atty. For Manzano,Amelia & Roberto Silvera	41/22	\$2,584.00	2012
George Campen Atty. For RLM Holdings,LLC	83/4	\$5,168.00	2012
George Campen Atty. For Bacallao, Nise & Carmen Pella	40/22	\$331.45	2012
George Campen Atty. For Abbasi, Tahqiq	107/31	\$3,359.20	2012
George Campen Atty For Escobar, Jose & Juana	123/17	\$2,261.00	2012
George Campen Atty. For Hernandez, Carmen	53/15	\$1,615.00	2012
George Campen Atty. For Mendez,Luis H. & Margarita	132/26	\$1,789.42	2012
George Campen Atty. For Dente, B, A & P	139/3	\$349.60	2012
George Campen Atty. For Peralta ,Piedad	148/12	\$6,460.00	2012
Lipsky Portale Atty. Trust Account	36/17	\$2,435.42	2012
	GRAND TOTAL	\$43,343.59	

**December 17, 2012**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**Resolution**

**Re: Tax Correction (24 Ave. @ Port Imperial)**

WHEREAS, payments were received from Wells Fargo Bank totaling \$10,216.44 for property located at 24 Avenue At Port Imperial unit# 305 A/K/A block 168.01 lot8.01 C0305 for the payment 2012 Service Charge and land Tax bill and;

WHEREAS, Wells Fargo should have been paying on property located at 24 Avenue at Port Imperial unit#B03 A/K/A block 168.01 lot 8.01 C0B03 and;

WHEREAS, Wells Fargo is requesting the payments totaling \$10,216.44 be moved to credit the correct parcels

THEREFORE, the Tax Collector is hereby authorize to move the said payments to credit property located at 24 Avenue at Port Imperial unit#B03 A/K/A block 168.01 lot 8.01 C0B03.

**Resolution**

**Re: Cancellation of Overpayments of Taxes**

Whereas, during the period 2006 through 2011, there have been overpayment of taxes on various properties, a complete list of which may be examined in the Tax Collector's Office, and which amounts to an approximate of \$944,919.18, broken down as follows:

Year	Amount
2006	\$80,599.94
2007	\$153,350.63
2008	\$191,579.10
2009	\$198,346.52
2010	\$194,886.42
2011	\$126,096.32

Now, therefore be it resolved by the Mayor and Board of Commissioners of the Town of West New York that the above outstanding tax overpayments be cancelled.

**Resolution**

**Re: Authorizing compensation to Town Clerk for performance of duties under the Uniform Recall Election Law (NJSA 19:27A-1 et seq) and pursuant to NJSA 19:45-9**

Whereas, Notices of Intention to Recall Elected Officials have been filed in the Town Clerk's Office and;

Whereas, under the Uniform Recall Election law NJSA 19:27A-1 et seq, the Town Clerk will be required to expend numerous hours to perform her duties as it pertains to the filing of Notice of Intention to Recall, Recall Petition review, etc.; and

Whereas, NJSA 19:45-9 authorizes municipalities to pay for extra duties and services imposed upon and performed by municipal clerks in an amount to be fixed by such governing body;

Now, therefore, be it resolved by the Mayor and Board of Commissioners of the Town of West New York that pursuant to NJSA 19:45-9, Town Clerk Carmela Riccio will be compensated for the extra duties and services imposed and performed by her as a result of the filing of the aforesaid Notices of Intention to Recall Elected Officials and in accordance with and as required by NJSA 19:27A-1 et seq. (Uniform Recall Election law).

**December 17, 2012**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**Resolution: Requesting Permission for the Dedication by Rider  
for Outside Employment of Off Duty Police Officers Trust Fund**

WHEREAS, permission is required of the Director of the division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, Chapter 80, Article VII of the Administrative Code of the Town of West New York provides for receipt of compensation of off duty detail assignments by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 401:4-39 provides the dedicated revenues anticipated from the Off Duty trust fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

1. The Board of Commissioners does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Town of West New York Off duty trust fund.
2. The Clerk of the Town of West New York, County of Hudson is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

**RESOLUTION AUTHORIZING THE SOLICITATION OF PROPOSALS FOR THIRD  
PARTY ENTITIES TO PROVIDE PAYROLL PROCESSING SERVICES TO THE  
TOWN OF WEST NEW YORK**

WHEREAS, the Local Finance Board of the State of New Jersey adopted rules regarding “Electronic Disbursement controls for Payroll Purposes” in order to provide authority for local governments to hire third-party payroll services and disbursing services to disburse funds to payroll agencies; and

WHEREAS, the Town of West New York wishes to permit a third party service to have access to Town funds, to formally assign responsibility to an official to oversee the process, and to authorize a contract for third-party payroll processing services as permitted by and in compliance with N.J.A.C. 5:30-17.1 et seq.; and

WHEREAS, the Town of West New York will advertise for the receiving of proposals in the Town Clerk’s Office for Third Party Payroll Processing Services on the Town of West New York’s official website.

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

1. The Town is authorized to use a payroll service entity to prepare payment documentation, take possession of Town funds, and make such disbursements itself on behalf of the Town, as permitted and in compliance with N.J.A.C. 5:30-17.1 et seq.
2. The appointment of a payroll service entity shall be pursuant to Local Public Contracts law, N.J.S.A. 40A:11-1 et seq. and shall require the contractor to do the following, not by way of limitation: data collection, agency report preparation, calculation of withholding, direct deposit of payroll disbursements, and/or transfer of Town funds to contractor’s account for subsequent disbursement of payment; preparation of the necessary payment documentation and execution of disbursements from the Town’s bank account on behalf of the Town.

**December 17, 2012**  
**Regular Meeting**

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

3. The Chief Financial Officer is hereby appointed the approval officer and is responsible for authorizing and supervising the activities of the payroll service entity.
4. The payroll service entity is permitted to hold Town funds pending transmittal to a payee.
5. The payroll service entity is obligated to report any irregularities that may indicate potential fraud, noncompliance with appropriate laws, dishonesty or gross incompetence on the part of the approval officer, and to report any circumstances that could jeopardize its ability to continue operations or otherwise interrupt the services provided to the Town.
6. The payroll service entity must meet the requirements of N.J.A.C. 5:30-17.5, requiring that the approval officer be assured that the servicer has its own internal controls and appropriately guard against theft and other adverse conditions.
7. All contracts for payroll services shall comply with the requirements of N.J.A.C. 5:30-17.6, which sets out a series of mandatory contractual terms and conditions.
8. Upon adoption of this resolution, the appropriate Town personnel are hereby authorized and directed to engage in the solicitation of a third party payroll service entity in accordance with all local public contracting laws and N.J.A.C. 5:30-17 et seq. Award of a contract to a specific payroll service entity shall be by separate Town resolution.

**RESOLUTION**

**RE: APPROVING THE CASH MANAGEMENT PLAN FOR THE YEAR 2013**

WHEREAS, N.J.S.A. 40A:5-14 of the Local Fiscal Affairs Law requires that every local unit shall adopt a "Cash Management Plan" and shall deposit in an interest bearing account, all available public funds pursuant to the plan; and

WHEREAS, the Chief Financial Officer has prepared a "Cash Management Plan" for the calendar year 2013 for the approval of the governing body; and

WHEREAS, the "Cash Management Plan" for the calendar year 2013 is attached to the resolution.

NOW, THEREFORE, BE IT RESOLVED that the Town of West New York, County of Hudson and State of New Jersey, hereby adopts the attached "Cash Management Plan" policy to be utilized by the Town of West New York for the year 2013; and

BE IT FURTHER RESOLVED that certified copies of this resolution shall be filed with the Director of the Division of Local Government Services, Town Auditor, Chief Financial Officer of the Town of West New York, County of Hudson.

**December 17, 2012**  
**Regular Meeting**

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

**CASH MANAGEMENT PLAN OF THE TOWN OF WEST NEW YORK, COUNTY OF HUDSON**

**I. STATEMENT OF PURPOSE.**

This Cash Management Plan (the “Plan”) is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set for the basis of deposits (“Deposits”) and investment (“Permitted Investments”) of certain public funds of the , pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and Permitted Investments will be done to insure the safety, liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to insure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

**II. DEFINITIONS**

“Arbitrage” refers to the rules and regulations governing the issuance of bonds or notes and the reinvestment of the proceeds at a higher yield. These regulations are promulgated by the Internal Revenue Service, Regulation 1.103.

“Certificate of Eligibility” is the certification issued by the New Jersey Department of Banking and Insurance, Division of Banking that a Public Depository is eligible to act as a depository for public funds and qualifies as a participant in the New Jersey Governmental Unit Deposit Protection Act, “GUDPA”.

“GUDPA” (Governmental Unit Deposit Protection Act) requires a bank that accepts public funds to be a public depository. A “Public Depository” is defined as a state bank, a national bank, a savings bank or association which is located in the State of New Jersey, the deposits of which are insured by the Federal Deposit Insurance Corporation (“FDIC”), and which received or holds public funds on deposit. A local unit may make deposits in, or purchase certificates of deposit from banks which are located in New Jersey and which meet the requirements of the “GUDPA”. Public funds in excess of the “FDIC” insured amounts (\$250,000) are protected by “GUDPA”.

“FDIC” (Federal Deposit Insurance Corporation) in an independent US agency that protects against the loss of deposits in an FDIC-insured bank or savings association, in the event of its failure. The standard maximum deposit insurance amount of \$250,000 is in effect through December 31, 2013.

“The New Jersey Cash Management Fund”, authorized pursuant to N.J.S.A. 52-18A-90.4 to establish, maintain and operate, with the approval of the State Investment Council and the State Treasurer, a common trust fund known as the State of New Jersey – Cash Management Fund (the “Fund”). The Fund is authorized to accept deposits from all Local Units of government. According to the enabling legislation, monies of Local Units deposited in the Fund must be invested in obligations and bonds that meet the investment requirements of the statute. These obligations include, among other things, evidences of indebtedness of U.S. corporations. These obligations are less secure than those permitted to Local Units under the Act. Thus, the Fund is riskier than direct investments in federal securities or GUDPA protected deposits by Local Units.

**III. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN**

- A) The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the Town.

- Current Fund
- Trust Fund
- Animal Control Fund
- General Capital Fund
- Federal & State Grant Fund
- Community Development Block Grant Account
- Payroll Account
- Payroll Deduction Account

- B) The Plan is not intended to cover the deposits and/or investments of the following funds and accounts of the Town.

**December 17, 2012**  
**Regular Meeting**

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

1. Petty Cash Funds
2. Deposit, retainage, or amounts posted by way of bond, held by the Town for such things as faithful performance, if the Town would be required by law to pay back any interest earned to the provider of the deposit, except where the Town is required by law or court decision to invest the fund.
3. Amounts derived from the sale of bonds or notes, only to the extent that a specific written opinion of counsel states that the earning of (full) interest would result in the bonds or notes being classified as an arbitrage (not Federally Tax Exempt) issue pursuant to federal regulations. To the extent that some interest is allowable, it shall be deposited at the best obtainable rate.

**IV. DESIGNATION OF OFFICIALS OF THE BOROUGH OF CALDWELL AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS**

The Chief Financial Officer/Treasurer of the Town, (the "Designated Official") is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan and shall thereafter be relieved of any liability for loss of such moneys due to insolvency or closing of any depository designated by, or the decrease in value of any investment authorized, by the Cash Management Plan.

**V. DESIGNATION OF DEPOSITORIES**

The following banks and financial institutions are hereby designated as Depositories for the deposit of all public funds referred to in the Plan (as authorized by Board of Commissioners resolution on December 27, 2012), including any certificates of Deposit, which are not otherwise invested in "Permitted Investments" as provided for in this Plan.

TD Bank  
Valley National Bank  
Bank of America  
Provident Bank  
CapitalOne Bank

**VI. AUTHORIZED INVESTMENTS**

Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following "Permitted Investments"

1. Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America. This includes instruments such as Treasury Bills, Notes and Bonds.
2. Government Money Market Mutual Funds that comply with N.J.S.A. 40A:5-15.1(e).
3. Any Obligations that a Federal Agency or a Federal Instrumentality has issued in accordance with an Act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor.
4. Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located.
5. Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units.
6. Local Government Investment Pools, in compliance with the "Administrative Procedure Act", P.L. 1968, c.410 (c.52:14B-1 et seq.).
7. Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L. 1977, c. 281 (C.52:18A-90.4).
8. Agreements for the repurchase of fully collateralized securities if:
  - a. The underlying securities are permitted investments pursuant to paragraphs "1" and "3" of this subsection a;
  - b. The custody of collateral is transferred to a third party;
  - c. The maturity of the agreement is not more than 30 days;
  - d. The underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c. 236 (c.17:9-41); and
  - e. A master repurchase agreement providing for the custody and security of collateral is executed.

There are no approved security broker/dealers. In the event that such a security broker/dealer should be approved during the year, the registered principal of said brokerage firm so approved shall be provided with and sign an acknowledgement that they have seen and reviewed the Cash Management Plan of the Town of West New York.

**December 17, 2012**  
**Regular Meeting**

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

**VII. SAFEKEEPING CUSTODY PAYMENT**

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Town of West New York, then such instrument or security shall be covered by all custodial agreements with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments that involve securities shall be executed by a "delivery versus payment" method to insure that such Permitted Investments are either received by the Town of West New York or by a third party custodian prior to or upon the release of the Town of West New York funds.

**VIII. REPORTING REQUIREMENTS**

On the first day of each month during which this Plan is in effect, the Designated Official(s) referred to in Section IV hereof shall supply to the Governing Body of the Town of West New York a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

- a. A summary of all investments made or redeemed for the month, including the name of the financial institution.
- b. A listing of any and all financial institutions holding the Town of West New York funds.
- c. The class or type of securities purchased or funds deposited.
- d. Income earned on deposits and investments
- e. Market value of investments and disclosure as to how the value was determined, if applicable, at the end of the immediately preceding month.
- f. A listing of accounts or deposits that do not earn interest.
- g. The fees incurred to undertake such Deposits or Permitted Investments.
- h. Any other pertinent information which may be deemed reasonable from time to time by the Governing Body of the Town of West New York.

**IX. TERM OF PLAN**

This Plan shall be in effect from January 1, 2013 to December 31, 2013. Attached to this Plan is the resolution of the Governing Body of the Town of West New York approving this Plan for such period of time. The Plan may be amended from time to time. To the extent that any amendment is adopted by the Town of West New York, the Designated Official is directed to supply copies of the amendments to all of the parties who otherwise have received a copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

**X. DESIGNATION OF DEPOSITORIES**

All such depositories shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Official referred to in Section IV above.

**XI. MISCELLANEOUS**

Any official involved with the selection of depositories, investments, broker/dealers shall disclose any material business or personal relationship to the Town of West New York's Administrator and to the Local Finance Board, or Local Ethics Board as applicable.

Any official who, in the course of his or her duties, deposits or invests in accordance with this Plan shall be relieved of any liability for loss.

Submitted by:

---

Margaret S. Cherone, CPA, CMFO

CFO

Date

December 17, 2012  
Regular Meeting

**Consent Agenda (Cont.):**

**RESOLUTION**  
**RE: DESIGNATING THE OFFICIAL DEPOSITORIES**  
**OF THE TOWN OF WEST NEW YORK FOR THE YEAR 2013**

BE IT RESOLVED that the following banking institutions be and are hereby designated official depositories of the Town of West New York for the period of one year ending December 31, 2013.

TD Bank, 6137 Bergenline Avenue, West New York, NJ 07093

Provident Bank, 5410 Bergenline Avenue, West New York, NJ 07093

Capital One Bank, 5913 Bergenline Avenue, West New York, NJ 07093

Valley National Bank, 5712 Bergenline Avenue, West New York, NJ 07093

Bank of America, 6050 Bergenline Avenue, West New York, NJ 07093

**Resolution**

**Re: Appointment of Richard Rivera as Confidential Secretary to Mayor Felix E. Roque**

Be it resolved by the Mayor and Board of Commissioners of the Town of West New York that Richard George Rivera, 408-59th Street, West New York, NJ be and is hereby appointed as Confidential Secretary to Mayor Felix E. Roque, for the Town of West New York for the following term: To Serve At The Pleasure Of The Mayor. Salary shall be in accordance with the Salary Ordinance. The Confidential Secretary is under the direction of the Department of Public Affairs.

**Note:**      **Comm. Wiley voted “No” on this Resolution. Comm. Frias “abstained”. Discussion ensued between Town Attorney, Town Administrator and Town Clerk regarding the total number of votes required to adopt this Resolution. This resolution was rejected due to lack of required vote.**

**Resolution**

**Re: Appointment of Silvio Acosta as Confidential Aid to Mayor Felix E. Roque**

Be it resolved by the Mayor and Board of Commissioners of the Town of West New York that Silvio Acosta, residing at 6104 Bergenline Avenue, West New York, NJ be and is hereby appointed as Confidential Aid to Mayor Felix E. Roque, for the Town of West New York for the following term: To Serve At The Pleasure Of The Mayor. Salary shall be in accordance with the Salary Ordinance. The Confidential Aid is under the direction of the Department of Public Affairs.

**Note:**      **Comm. Wiley voted “No” on this Resolution.**

**December 17, 2012**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**Resolution**

**Re: Authorizing the Town of West New York to seek Fair and Open Process in Compliance with the Pay to Play Statutes for the Retention of Professional Services in Regards to Bond Counsel (2<sup>nd</sup> Occasion)**

Whereas, N.J.S.A. 19:44A-20.4 et seq. mandates a municipality to comply with Pay to Play requirements; and

Whereas the Mayor and Board of Commissioners wish to receive and consider proposals for professional legal services as may be needed by the Town of West New York for the positions of Bond Counsel (2<sup>nd</sup> Occasion); and

Whereas, the Town has previously committed itself to utilizing a Fair and Open Process for the solicitation and review of proposals and qualifications for professional services;

Now Therefore Be it resolved by the Mayor and Board of Commissioners of the Town of West New York, Hudson County, State of New Jersey as follows:

1. The aforesaid recitals are incorporated herein as though fully set forth at length;
2. The Town Clerk is authorized and directed to publish and advertise a Request for Qualifications for the position of Bond Counsel (2<sup>nd</sup> Occasion), in accordance with a Fair and Open Process at least ten days in advance of the opening of the responses to the Requests for Qualifications received ("Statements of Qualifications"), such opening to take place before the next regularly scheduled meeting of the Board of Commissioners of the Town of West New York.
3. A Review Committee is established consisting of the Mayor, the Town Administrator and Town Attorney, to review all Statements of Qualifications and to make recommendations to the Board of Commissioners prior at its next regularly scheduled meeting.

**RESOLUTION**

**RE:AUTHORIZING AN EMERGENCY APPROPRIATION**

WHEREAS, an emergency has arisen requiring the appropriation of funds of the Town of West New York, in the County of Hudson, New Jersey (the "Town"), in the amount of \$1,688,200 to provide for expenses related to general liability insurance claims, employee health insurance claims and engineering fees; and

WHEREAS, the Town's calendar year 2012 budget was adopted on March 21, 2012, and the extent and magnitude of said expenses related to general liability insurance claims, employee health insurance claims and engineering fees were not anticipated and adequate provision was not made in such budget for the payment of same; and

WHEREAS, the total amount of emergency appropriations created, including the appropriation to be created by this resolution, is \$1,688,200, and 3% of the total current and utility operating appropriations in the budget for CY 2012 is \$1,771,499.58; and

WHEREAS, the foregoing emergency appropriation, together with prior emergency appropriations, does not exceed 3% of the total operating appropriations in the budget for CY 2012.

NOW THEREFORE BE IT RESOLVED (by not less than two-thirds of the full membership of the governing body affirmatively concurring) as follows:

**December 17, 2012**  
**Regular Meeting**

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

1. Pursuant to N.J.S.A. 40A:4-48, an emergency appropriation is hereby made in the amount of \$1,688,200 consisting of \$325,800 for the payment of general liability insurance claims, \$977,100 for the payment of employee health insurance claims and \$385,300 for the payment of engineering fees. The \$1,688,200 appropriated herein is sufficient to fund the emergency described herein. It is hereby determined that such appropriation is required to meet a pressing need for public expenditure to protect or promote the public health, safety, morals or welfare.
2. Except to the extent that provision for paying, funding or refunding said emergency appropriation shall previously have been made by the authorization of bonds pursuant to the Local Bond Law, said emergency appropriation shall be provided for in full in the 2013 budget, and is requested to be excluded from the appropriations cap and the levy cap, as the expenditures result from a state of emergency.
3. In order to finance the emergency appropriation described in Section 1 of this resolution, the Town is hereby authorized to borrow the sum of \$1,688,200 and to issue its emergency notes pursuant to N.J.S.A. 40A:4-51. The emergency notes authorized by this resolution may be issued in amounts and denominations not exceeding in the aggregate the amount of notes authorized herein, as determined by the chief financial officer of the Town pursuant to this resolution. The Town may finance the emergency appropriation from surplus funds available or may borrow money in a manner prescribed herein.
4. The following matters in connection with the notes are hereby determined:
  - (a) All notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the chief financial officer within the limitations of the Local Budget Law;
  - (b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer;
  - (c) The notes shall be in the form determined by the chief financial officer and the chief financial officer's signature upon the notes shall be conclusive as to such determination.
5. The chief financial officer is hereby authorized and directed to determine all matters in connection with the notes not determined by this or a subsequent resolution and the chief financial officer's signature upon the notes shall be conclusive as to such determination.
6. The chief financial officer is hereby authorized to sell the notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.
7. All notes issued pursuant to this resolution shall be executed by the chief financial officer and the Mayor or the Director of Revenue and Finance and shall be under the seal of the Town and attested by the Clerk of the Town. Such officers are hereby authorized to execute and deliver all documents necessary or convenient in connection with the issuance, sale and delivery of the notes.

**December 17, 2012**  
***Regular Meeting***

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

8. Any note issued pursuant to this resolution shall be a general obligation of the Town. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the notes authorized herein and, unless otherwise paid or payment is provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.
9. The chief financial officer is authorized and directed to report in writing to this governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.
10. The statement required by the Local Finance Board has been filed with the Clerk and a copy transmitted to the Director.
11. Two (2) certified copies of this resolution as adopted shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.
12. This resolution shall take effect immediately.

**RESOLUTION PURSUANT TO N.J.S.A. 40A:4-54 AND**  
**40A:4-55 PROVIDING FOR A SPECIAL EMERGENCY**  
**APPROPRIATION AND PROVIDING FOR THE FINANCING**  
**THEREOF BY THE ISSUANCE OF SPECIAL EMERGENCY**  
**NOTES**

WHEREAS, it has been found necessary to make a special emergency appropriation to meet certain extraordinary expenses incurred, or to be incurred, by reason of damage caused by Hurricane Sandy; and

WHEREAS, N.J.S.A. 40A:4-54 et seq., provides that it shall be lawful to make such appropriations, which appropriation and or the "special emergency notes" issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least 1/5 of the amount of the appropriation in each annual budget.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF WEST NEW YORK, IN THE COUNTY OF HUDSON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), as follows:

SECTION 1. In accordance with N.J.S.A. 40A:4-54, a special emergency appropriation is hereby made for extraordinary costs related to Hurricane Sandy in the amount of \$230,000, consisting of \$91,350 for salary and wages and \$138,650 for other expenses.

**December 17, 2012**  
***Regular Meeting***

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

SECTION 2. The Town hereby determines to finance the special emergency appropriation referred to in Section 1 herein by the issuance of Special Emergency Notes of the Town, which may be renewed from time to time, as provided by law. Pursuant to N.J.S.A. 40A:4-55(b) of the Local Budget Law, at least 1/5th of all such Special Emergency Notes, and renewals thereof, shall mature and be paid in each year, so that all such Special Emergency Notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of adoption of this resolution. Accordingly, not to exceed \$230,000 in Special Emergency Notes are hereby authorized to be issued.

SECTION 3. All Special Emergency Notes issued hereunder shall mature at such times as may be determined by the chief financial officer, subject to the limitations set forth in Section 3 hereof. The chief financial officer shall determine all matters in connection with Special Emergency Notes issued pursuant to this resolution, and the chief financial officer's signature upon the Special Emergency Notes shall be conclusive evidence as to all such determinations. All Special Emergency Notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:4-55(b). The chief financial officer is hereby authorized to sell part or all of the Special Emergency Notes from time to time, at no less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the Special Emergency Notes pursuant to this resolution is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Special Emergency Notes sold, the price obtained and the name of the purchaser, and such report shall be entered in full on the minutes of such meeting.

SECTION 4. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the Special Emergency Notes authorized by this resolution. The Special Emergency Notes shall be direct, unlimited obligations of the Town. The powers and obligations of the Town to pay any Special Emergency Note issued pursuant to this resolution and the Local Budget Law shall be unlimited and the Town shall have the power and be obligated to levy ad valorem taxes upon all taxable property within the Town for the payment of such Special Emergency Notes and interest thereon, without limitation of rate or amount.

SECTION 5. All Special Emergency Notes issued pursuant to this resolution shall be executed by the chief financial officer and the Mayor or Director of Revenue and Finance of the Town, and shall be under the seal of the Town and attested by the Town Clerk. Such officers are hereby authorized to execute and deliver all documents necessary or convenient in connection with the issuance, sale and delivery of the Special Emergency Notes.

SECTION 6. The statement required by the Local Finance Board has been filed with the Clerk and a copy will be transmitted to the Director of the Division of Local Government Services in the Department of Community Affairs, State of New Jersey.

SECTION 7. Two certified copies of this resolution as adopted shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs, State of New Jersey.

SECTION 8. This resolution shall take effect immediately upon the adoption hereof.

December 17, 2012  
Regular Meeting

**ORDINANCE #37/12**

**AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION FOR MULTIPLE DWELLING PROJECT CONSTRUCTED BY JACLYN 32, LLC, PURSUANT TO THE PROVISIONS OF THE FIVE (5) YEAR. EXEMPTION AND ABATEMENT LAW, N.J.S.A. 40A:21-1 ET. SEQ., AND SECTION 7 OF ORDINANCE 11/07 AN ORDINANCE ENTITLED FIVE YEAR TAX ABATEMENT ORDINANCE**

**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 Mayor Roque, that the following ordinance be approved, was carried by the following vote:

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

**ORDINANCE #38/12**

**AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION FOR MULTIPLE DWELLING PROJECT CONSTRUCTED BY FILLMORE PLACE APARTMENTS, LLC, PURSUANT TO THE PROVISIONS OF THE FIVE (5) YEAR. EXEMPTION AND ABATEMENT LAW, N.J.S.A. 40A:21-1 ET. SEQ., AND SECTION 7 OF ORDINANCE 11/07 AN ORDINANCE ENTITLED FIVE YEAR TAX ABATEMENT ORDINANCE**

**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 Frias, that the following ordinance be approved, was carried by the following vote:

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

**Note:** Comm. Wiley inquired as to whether this is a new project to which Town Administrator DeMarco responded "Yes. This is the only way to qualify".

December 17, 2012  
Regular Meeting

**ORDINANCE #39/12**

**AN ORDINANCE AMENDING CHAPTER 48  
OF THE CODE OF THE TOWN OF WEST NEW YORK  
REGARDING DELEGATION OF AUTHORITY TO PROMOTE RULES AND  
REGULATIONS IN THE POLICE 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.

**No one wished to be heard.**

It was regularly moved by Commissioner Frias, seconded by Commissioner Vargas, that the following ordinance be approved, was carried by the following vote:

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

**Note:** Comm. Wiley asked for an explanation of this amendment. Town Administrator explained that the funds collected may be used to offset cost of purchasing police vehicles.

**ORDINANCE #34/12**

**AN ORDINANCE AMENDING CHAPTER 352 OF THE CODE OF THE TOWN OF  
WEST NEW YORK ENTITLED "STREETS AND SIDEWALKS"**

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

Based upon recommendation of Town Attorney, it was regularly moved by Mayor Roque, seconded by Commissioner Frias, that the following ordinance be **rejected**, was carried by the following vote:

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

**Note:** Town Attorney Gil Garcia recommended that this Ordinance be rejected since the issue is moot as the amendment was to allow sales during the holiday season. He advised that the hearing had taken place at the November meeting but Ordinance was tabled at that time.

**December 17, 2012**  
**Regular Meeting**

**Mayor Roque opened the Public Portion.**

**Public Portion:**

1. **Cosmo Cirillo, 116 – 65<sup>th</sup> Street, WNY:**  
Mr. Cirillo inquired about Resolution R-35 (Appointment of Silvio Acosta as Confidential Aide to Mayor) and Mr. Acosta's current title. Town Attorney Garcia responded "Chief of Staff and Deputy Mayor". He further advised that with the adoption of Resolution R-35, he no longer will serve in the capacity of Chief of Staff. Mr. Cirillo inquired about the amount of Mr. Acosta's salary. Mr. Garcia responded "I don't know at this time. You can OPRA it". Mr. Cirillo replied "It hasn't been determined at this point yet?" Mayor advised that he did not know the answer to Mr. Cirillo's question.
2. **Linda Kellerman, 6600 Blvd. East, WNY:**  
Ms. Kellerman commented about the new construction project at 6035 Park Avenue and that there are no setbacks for terraces which overhang the sidewalk. She is concerned about things being blown off terraces and injuring passersby. Mayor Roque commented that he is also concerned.
3. **Wayne Cook, 6131 Jackson Street, WNY:**  
Mr. Cook wished everyone "Happy Holidays". He inquired as to whether Resolution R-29 (Authorizing compensation for Town Clerk for performance of duties under Recall Election Law) would cost the taxpayers more money. Mayor responded "yes". Mr. Cook commented that Recalls cost a lot of money and don't accomplish anything. He further stated "You were elected as a team. I didn't vote for you but you were elected to serve until 2015. Recalls cause kaos." Discussion ensued between Mayor and Mr. Cook as to effectiveness of recalls.
4. **Kerry Culhane, 322 – 67<sup>th</sup> Street, WNY:**  
She advised that she is a teacher and resident and that children should not be charged an entrance fee to games. She further advised that the parents are opposed to this.
5. **Comm. Wiley:**  
Comm. Wiley commented about the employees who worked during Sandy Hurricane and inquired as to whether they would be paid overtime or be allowed to take comp. time. Town Administrator DeMarco advised that they were paid overtime and that the majority of overtime was for police monitoring the security at gas stations. He further advised that if an employee worked more than 8 hours, he or she was paid overtime and that the tax office employees received a flex day instead of overtime. Mayor Roque complemented Marie Bombino for her efforts during the hurricane and generally thanked others for their participation during the hurricane.
6. **Lara Hicks, 6701 Blvd. East, WNY:**  
She commented that her three (3) year old child wishes to play at the park but that the fence has not been repaired. Town Administrator advised that the delay was caused by contractor having to obtain three (3) quotes. She complained that it creates a dangerous situation.

**December 17, 2012**  
**Regular Meeting**

A motion was made by Commissioner Frias, seconded by Mayor Roque, **to close the Public Portion and Adjourn the meeting at 7:48 p.m.**, was carried by the following vote:

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

---

Commissioner FiorD'Aliza Frias

**ABSENT**

---

Commissioner Caridad Rodriguez

---

Commissioner Ruben Vargas

---

Commissioner Count J. Wiley

---

Mayor Felix E. Roque  
Board of Commissioners

Attest:

---

Carmela Riccie, RMC  
Town Clerk