

# **Town of West New York**

## **Commission Meeting**

### ***Regular Meeting***

*Wednesday, January 19, 2011 at 7:00 p.m.*

*(6:00 p.m. Work Session)*

## **Agenda**

**Pledge of Allegiance**

**Open Public Meetings Act Announcement**

**Roll Call**

1. **Approval of Minutes**                      **Regular Meeting: 12/20/10 (Regular Session) and  
Special Meeting: 12/30/10 (Regular Session)**
2. **Payment of Claims**                      **Dated: 1/19/11**
3. **Receipt of Financial Report**    **For the month of December 2010**
4. **Communications:**
  - 4A. **Letter of Appointment of Sara Gastanadui as a Member of the  
WNY Board of Education**
  - 4B. **RFQ results rec'd 1/18/11 Re: Municipal Court Public Defender**
  - 4C. **RFQ results rec'd 1/18/11 Re: Municipal Court Prosecutor**
  - 4D. **Letter of Re-Appointment of Iliana Morfi as Deputy Registrar of Vital  
Statistics from Registrar Maria Alvarez**
  - 4E. **Memorandum from Town Administrator Re: Amendment to the  
Emergency Procurement Report**
5. **Proclamations:**                      **None**
6. **Adoption of Consent Agenda**
7. **Resolutions (see attached itemized sheet)**
8. **Introduction/Hearings & Final Adoption of Ordinances (see attached itemized  
sheet)**
9. **Privilege of the Floor (An opportunity to citizens to address the Board, each  
person limited in his question of address to 5 minutes, and no person shall be  
permitted to speak more than one regular turn.)**
10. **Adjournment**

**TAKE NOTICE THAT ACTION MAY BE TAKEN ON THE MATTERS LISTED ON  
THIS AGENDA OR SUCH OTHER MATTERS AS MAY PROPERLY COME  
BEFORE THE GOVERNING BODY OF THE TOWN OF WEST NEW YORK**

## Resolutions

- R-1 RESOLUTION – Re: Authorizing the Town Clerk to advertise to receive bids for “2011 Road Program” on Thursday, February 10, 2011 at 10:00 a.m. in Town Clerk’s Office
- R-2 RESOLUTION – Re: Making application to the Local Finance Board pursuant to NJSA 40A:3-4
- R-3 RESOLUTION – Re: Calendar year 2011 Temporary Budget
- R-4 RESOLUTION - Re: Temporary Capital Budget
- R-5 RESOLUTION – Re: Award of 2011 Road Program Engineering Design and Grants/Construction Administration to Maser Consulting
- R-6 RESOLUTION – Re: Authorizing Town Clerk to advertise to receive bids for 2009 Safe Routes to School Project (subject to NJ DOT approval)
- R-7 RESOLUTION – Re: Authorizing the Waiver of Fees for Building and Construction Permits for Affordable Units only for Jaclyn 55, LLC
- R-8 RESOLUTION – Re: Authorizing the temporary use of Public Rights of Way by Meridia Park Avenue, LLC for purposes of environmental remediation and construction activities
- R-9 RESOLUTION – Re: Establishing restricted parking in front of one (1) residence for use by handicapped resident as follows: 6015 Park Avenue (Ruth Mory)
- R-10 RESOLUTION – Re: Establishing restricted parking in front of one (1) residence for use by handicapped resident as follows: 142 – 67<sup>th</sup> Street (Maria D. Ebeid)
- R-11 RESOLUTION – Re: Establishing restricted parking in front of one (1) residence for use by handicapped resident as follows: 6117 Jackson Street (Maria Stallone)
- R-12 RESOLUTION – Re: Establishing No Parking Loading Zone for Robert Tussell t/a Final Touch Collision (6116 Broadway)
- R-13 RESOLUTION – Re: Establishing No Parking Loading Zone for Josmo Shoes (6028 Buchanan Place)
- R-14 RESOLUTION – Re: Establishing No Parking Loading Zone for Carniceria Latina, Inc. (401 – 52<sup>nd</sup> Street)
- R-15 RESOLUTION – Re: Establishing No Parking Loading Zone for El Vesuvio Restaurant (442 – 62<sup>nd</sup> Street)
- R-16 RESOLUTION – Re: Establishing No Parking Drop-Off Zone for Pretty Faces Learning Center (532 – 62<sup>nd</sup> Street)
- R-17 RESOLUTION – Re: Authorizing Settlement of Alan Bigdelle v. Town of WNY (Block 85 Lot 37 Tax Court Docket #012049-2009)
- R-18 RESOLUTION – Re: Authorizing Settlement of S & D Affuso v. Town of WNY (Block 2 Lot 9 Tax Court Docket Nos. 016320-2009 and 012718-2010)
- R-19 RESOLUTION – Re: Authorizing Settlement of S & D Affuso v. Town of WNY (Block 2 Lot 10 Tax Court Docket Nos. 016716-2009 and 018865-2010)

## Resolutions

- R-20 RESOLUTION – Re: Amendment of resolution approving Emergency Contract – Hudson Hall
- R-21 RESOLUTION – Re: Qualification of Various Legal Professionals for Various Legal Services
- R-22 RESOLUTION – Re: Award of Professional Contract for Municipal Court Public Defender to Giro Attorneys at Law, LLP
- R-23 RESOLUTION – Re: Professional Services Contract with Dario, Yacker, Suarez & Albert, LLC for the Provision of Professional Services-Municipal Court Public Defender (Term: 1/1/11-12/31/11)
- R-24 RESOLUTION - Re: Refunds of Tax Lien Redemptions (\$43,678.77)
- R-25 RESOLUTION - Re: Refunds of Tax Lien Premiums (\$5,300.00)
- R-26 RESOLUTION - Re: Refunds of Overpayment of Taxes (\$28,636.64)
- R-27 RESOLUTION - Re: Hudson County Board of Taxation Tax Appeals (\$49,972.46)
- R-28 RESOLUTION - Re: State Tax Appeals (\$9,652.00)
- R-29 RESOLUTION - Re: Award for Professional Auditing Contract to Lerch, Vinci & Higgins (Audit of Fiscal Year Ending December 31, 2010)
- R-30 RESOLUTION – Re: Authorizing the Tax Collector to Accept Payment for the Discharge of a Tax Sale Certificate on Block 33, Lot 34/C 002 in the Amount of \$4,932.44 and Providing for the Payment of any Additional Amounts due to the Holder of Said Certificate
- R-31 RESOLUTION – Re: Re-appointment of Kenneth R. Blane as Member of the Zoning Board of Adjustment of the Town of West New York (Term: January 1, 2011 - December 31, 2014)
- R-32 RESOLUTION – Re: Re-appointment of Jose Delgado as Member of the Rent Control Board of the Town of West New York (Term: April 1, 2010 – March 31, 2011)
- R-33 RESOLUTION – Re: Re-appointment of Enrique Perez as Member of the Rent Control Board of the Town of West New York (Term: March 18, 2010 – March 17, 2011)
- R-34 RESOLUTION – Re: Re-appointment of Wayne Cook as Member of the Rent Control Board of the Town of West New York (Term: July 18, 2010 – July 17, 2011)
- R-35 RESOLUTION – Re: Re-appointment of John Fauta as Commissioner of the Town of West New York Parking Authority (Term: January 18, 2011 – January 16, 2016)
- R-36 RESOLUTION – Re: Re-appointment of Silverio Vega as Member of the Management Committee of the North Hudson Regional Fire & Rescue (Term: January 1, 2011 – December 31, 2011)
- R-37 RESOLUTION – Re: Re-appointment of Tara Mantineo as a Member and Commissioner of the West New York Housing Authority (Term: June 17, 2008 – June 17, 2013)
- R-38 RESOLUTION – Re: Re-appointment of Michal D’Amico as Member of the Zoning Board of Adjustment (term: 1/1/10-12/31/14)

## **Resolutions**

- R-39 RESOLUTION – Re: Re-appointment of Ernesto Munoz as Alternate Member of the Zoning Board of Adjustment (term: 8/13/09-8/12/11)
- R- 40 RESOLUTION – Re: Re-appointment of Mayra Real as Alternate Member of the Zoning Board of Adjustment (Term: 11/26/09-11/25/11)
- R-41 RESOLUTION – Re: Re-appointment of Irene Fernandez as Member of the Housing Authority (term: 10/21/09-10/20/14)
- R-42 RESOLUTION – Re: Approval of State/GSA Contract for leasing of copiers with Interrex d/b/a Penguin Imaging
- R-43 RESOLUTION – Re: Endorsing An Application by Jaclyn 55, LLC under New Jersey Housing and Mortgage Finance Agency’s Choices in Home Ownership Incentives Created for Everyone (“CHOICE”) program

## Ordinances

- O-1 Hearing and Final Adoption of Ordinance #28/10** An Ordinance repealing Ordinance #40/95 entitled: “An Ordinance establishing restricted parking in front of one (1) residence for use by handicapped resident (412 – 62<sup>nd</sup> Street – Jose Herrera)
  
- O-2 Hearing and Final Adoption of Ordinance #29/10** An Ordinance approving a lease between West New York and 440 60th Street LLC for use as the Urban Enterprise Zone office
  
- O-3 Hearing and Final Adoption of Ordinance #30/10** An Ordinance amending §296-5 of the Code of the Town of West New York concerning precious metals transactions
  
- O-4 Hearing and Final Adoption of Ordinance #31/10** An Ordinance approving a Lease of Real Property by the Town with Riviera Towers, 6040 JFK Boulevard East for the primary use of the West New York Police Department for purposes of storage of vehicles and other equipment
  
- O-5 Introduction of Bond Ordinance #1/11** An Ordinance of the Town of West New York, in the County of Hudson, New Jersey, providing for various Capital Improvements for the Town of West New York and appropriating \$1,680,000, therefor, and providing for the issue of \$1,596,000 in General Improvement Bonds or Notes of the Town of West New York to finance the same

**TOWN OF WEST NEW YORK**  
**County of Hudson**

**BOND ORDINANCE #1/11**

**AN ORDINANCE OF THE TOWN OF WEST NEW YORK,  
IN THE COUNTY OF HUDSON, NEW JERSEY,  
PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS  
FOR THE TOWN OF WEST NEW YORK AND  
APPROPRIATING \$1,680,000, THEREFOR, AND  
PROVIDING FOR THE ISSUANCE OF \$1,596,000 IN  
GENERAL IMPROVEMENT BONDS OR NOTES OF THE  
TOWN OF WEST NEW YORK TO FINANCE THE SAME**

**THE BOARD OF COMMISSIONERS OF THE TOWN OF WEST NEW YORK,  
IN THE COUNTY OF HUDSON, NEW JERSEY, DO ORDAIN** (not less than two-thirds of  
all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Town of West New York, in the County of Hudson, New Jersey (the "Town"), as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement of purpose, such sums amounting in the aggregate to \$1,680,000, and the aggregate sum of \$84,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of the provision for down payment or for capital improvement purposes in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or otherwise provided for hereunder,

negotiable bonds are hereby authorized to be issued in the principal amount of \$1,596,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) Purpose: Construction and reconstruction of 60<sup>th</sup> Street (Park to JFK Blvd. East), 57<sup>th</sup> Street (Bergenline to Palisade), Hudson Avenue (61<sup>st</sup> to 67<sup>th</sup>), 67<sup>th</sup> Street (JFK West to Polk), 66<sup>th</sup> Street (Broadway to Dewey), 65<sup>th</sup> Street (Bergenline to Palisade), 56<sup>th</sup> Street (Bergenline to Madison), Gaw Place (Gaw and 56<sup>th</sup> to end), Jackson Street (67<sup>th</sup> to 68<sup>th</sup>), Park Avenue (66<sup>th</sup> to 67<sup>th</sup>), Polk Street (67<sup>th</sup> to 68<sup>th</sup>) and Washington Street (57<sup>th</sup> to 62<sup>nd</sup>), and to the extent any balance of the appropriation remains, the construction and reconstruction of such other street or streets to Class A standards, as provided in the Local Bond Law, as shall be identified on a list to be filed in the Clerk's office, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:

\$1,000,000

Maximum Amount of Bonds or Notes: \$ 950,000

Period of Usefulness: 20 years

Amount of Down Payment: \$ 50,000

- (b) Purpose: Various playground repairs, including but not limited to plumbing, grading, dog parks and equipment, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$300,000

Maximum Amount of Bonds or Notes: \$285,000

Period of Usefulness: 15 years

Amount of Down Payment: \$ 15,000

- (c) Purpose: Acquisition of portable radios with mandated frequency band, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$50,000
<u>Maximum Amount of Bonds or Notes:</u>	\$47,500
<u>Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 2,500

- (d) Purpose: Acquisition of two (2) skid steers, including, without limitation, mini tractors for snow removal and various tasks, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$130,000
<u>Maximum Amount of Bonds or Notes:</u>	\$123,500
<u>Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 6,500

- (e) Purpose: Water proofing Hudson Hall to correct water seepage in foundation of structure, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$200,000
<u>Maximum Amount of Bonds or Notes:</u>	\$190,000
<u>Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 10,000

(f) The maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(g) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The notes shall be executed by the Chief

Financial Officer and the Mayor or the Director of the Department of Revenue and Finance of the Town, and shall be under the seal of the Town and attested by the Clerk of the Town. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the Chief Financial Officer 's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time 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 notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Town is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Town Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Town may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 17.67 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Town as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,596,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$285,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

(e) The Town reasonably expects to commence acquisition of the projects described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Town further reasonably expects to reimburse such expenditures from the proceeds of the bonds or

notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Town is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Town, and the Town shall be obligated to levy ad valorem taxes upon all the taxable real property within the Town for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the approval of the Local Finance Board to the passage of this ordinance has been obtained.

**Introduced: 1/19/11**

### **Notice**

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **January 19, 2011** and ordered published, and will be further considered before final passage at a public hearing on **February 10, 2011 at 10:00 A.M.** at the **Mayor's Conference Room**, Municipal Building, 428 – 60<sup>th</sup> Street, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New

York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccie, RMC  
Town Clerk