

August 17, 2011
Regular Meeting

Minutes of a regular stated meeting of the Board of Commissioners of the Town of West New York, in the County of Hudson, State of New Jersey, held in the Court Chambers, Municipal Building on Wednesday, August 17, 2011 at 1:00 p.m. (12:00 p.m. Work Session).

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

Meeting commenced at 1:02 p.m.

At the request of Mayor Roque, Town Clerk Carmela Riccie made the following announcement:

As presiding officer of this regularly scheduled meeting of the Board of Commissioners of the Town of West New York, held on August 17, 2011 at 1:00 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 May 17, 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: At the request of Mayor Roque, Town Clerk Carmela Riccie read aloud the titles of all items on the agenda.

Minutes of Previous Meeting:

It was regularly moved by Commissioner Vargas seconded by Commissioner Wiley, that the Minutes of Regular Meeting: 7/20/11 (Regular and Work Sessions) be approved as recorded, was carried by the following vote:

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

Claims: Dated 8/17/11 (Claims are available for public inspection in the Town Clerk's Office):

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

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

August 17, 2011
Regular Meeting

Receipt of Financial Reports:

FINANCIAL REPORTS - MONTH OF JULY 2011

1. From Construction Code Official Office, reporting the sum of \$28,397.00 collected for the month of July 2011.
2. From Director Michael Indri (Police Dept.) reporting the sum of \$9,785.00 collected for the month of July 2011.
3. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$4,175.00 Special Licenses collected for the month of July 2011.
4. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$407.00 for Marriage/death certificates collected for the month of July 2011.
5. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$111.00 for Dogs Licenses Issued for the month of July 2011.
6. From Frederick J. Tomkins, Acting CFO (Revenue and Finance Department) reporting the sum of \$949,330.07 collected for the month July 2011.
7. From Carmela Riccio, RMC, Town Clerk, reporting the sum of \$1,319.20 collected for the month of July 2011.

It was regularly moved by Commissioner Vargas, seconded by Commissioner Wiley, that the financial reports be approved, was carried by the following vote:

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

August 17, 2011
Regular Meeting

Communication
Re: Appointment of Adrienne Sires as a member of the WNY Board of Education to fill the unexpired term of Cosmo Cirillo, which term expires on 5/14/13

AUG 17 2011

4C



OFFICE OF THE MAYOR
428 • 60th Street, West New York, New Jersey 07093

Felix Roque, M.D.
Mayor

Phone: 201.295.5100
Fax: 201.861.2797

August 12, 2011

Mr. John Fauta
Superintendent of Schools
Town of West New York
6028 Broadway
West New York, NJ 07068

Dear Mr. Fauta:

I am in receipt of the opinion from the State regarding Cosmo Cirillo's need to resign from the Board of Education.

In light of the vacancy please be advised that I hereby appoint Adrienne Sires as a member of the Board of Education to complete the unexpired term.

Very truly yours,

A handwritten signature in black ink, appearing to read "Felix E. Roque". The signature is written over the typed name and title.

Felix E. Roque, M.D.
Mayor

FER/ama

cc: Clara Brito-Herrera

Lead By Example

August 17, 2011
Regular Meeting

Communication

Re: Appointment of Hector A. Rodriguez as a member of the WNY Planning Board to fill the unexpired term of Alexander Locatelli, which term expires on 1/16/15

AUG 17 2011

4D



OFFICE OF THE MAYOR
428 • 60th Street, West New York, New Jersey 07093

Felix Roque, M.D.
Mayor

Phone: 201.295.5100
Fax: 201.861.2797

August 15, 2011

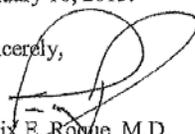
Planning Board
Town of West New York
428 60th Street
West New York, NJ 07093

Re: Appointment of Hector A. Rodriguez

Dear Chairperson:

Please be advised that I hereby appoint Hector A. Rodriguez to the West New York Planning Board. Mr. Rodriguez will fill the unexpired term of Alex Locatelli which expires on January 16, 2015.

Sincerely,


Felix E. Roque, M.D.
Mayor

cc: C. Riccio – Town Clerk

Lead By Example

August 17, 2011
Regular Meeting

Communication

Re: Appointment of Michael Corso as a member of the WNY Planning Board to fill the unexpired term of Jorge Gonzalez, which term expires on 12/31/14

AUG 17 2011

4E



OFFICE OF THE MAYOR

428 • 60th Street, West New York, New Jersey 07093

Felix Roque, M.D.
Mayor

Phone: 201.295.5100
Fax: 201.861.2797

August 15, 2011

Planning Board
Town of West New York
428 60th Street
West New York, NJ 07093

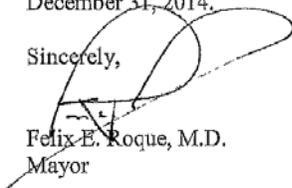
Re: Appointment of Michael Corso

Dear Chairperson:

Please be advised that I hereby appoint Michael Corso to the West New York Planning Board. Mr. Corso will fill the unexpired term of George Gomez which expires on

December 31, 2014.

Sincerely,


Felix E. Roque, M.D.
Mayor

cc: C. Riccio – Town Clerk

Lead By Example

August 17, 2011
Regular Meeting

Proclamation
Re: Honoring Alex Sensation

Whereas, the Mayor and Board of Commissioners of the Town of West New York being ever so mindful of the contributions of the townspeople of the Town of West New York and recognizing their duties and obligations to honor all individuals on behalf of the townspeople of the Town of West New York; and

Whereas, Alex Sensation (as he is artistically known) immigrated to the United States at a young age, and having been influenced by this brother who was also a DJ, began collecting music and became a disc jockey at the age of 16; and

Whereas, at a young age, Alex was determined to succeed as his passion for music went far and beyond; and

Whereas, while working at COPA, Alex was approached by Tony Luna, Programming Director for Amor 93.1 FM, who offered him a position as a DJ on the weekends where he remained for over one year. Subsequently, he was offered employment as the main mixer of a segment called "La Mega Mezcla del Mediodía" for La Mega 97.9 FM where he remains as the Station's most popular and successful DJ.

Now, Therefore, I, Mayor Felix E. Roque and the Board of Commissioners of the Town of West New York hereby honor and recognize Alex Sensation for all his accomplishments.

Proclamation
Re: Honoring Lester Gonzalez Penton

Lester Gonzalez Penton Nació en el poblado de Encrucijada, provincia de Villa Clara, día 22 de febrero de 1977. Hijo de Alberto González y Mireya Pentón. Comienza su vida laboral a los 17 años como sereno en un Quiosco en las áreas exteriores del stadium de pelota. En el año 1998 comienza como activista en el Partido Pro Derechos Humanos afiliado a la Fundación Andrei Sajarov, donde conoce el acoso de los órganos represivos del régimen, mas tarde comienza Confederación de Trabajadores Democráticos, siendo su delegado provincial. Ya en el 2002 en compañía de Pedro Castellanos y Eloína Díaz Ruiz, funda el Movimiento Democracia. Ya estando en Democracia es el organizador del ayuno por la detención de Juan Carlos González Leiva, donde es acosado fuertemente por la policía política, siendo citado donde se le impone una medida cautelar. Por motivos personales abandona Democracia, y funda junto a Pablo Solís Cubilla el Movimiento Alfa 3, siendo vice presidente del mismo.

Posteriormente decide abandonar Alfa 3, para dedicarse al periodismo Independiente, para mantener informada a la opinión pública de la actualidad cubana. En estas funciones es detenido el 18 de marzo de 2003, encausado injustamente y sancionado a 20 años de privación de libertad. En su trayectoria como opositor siempre denunció las violaciones de la Declaración Universal de los Derechos Humanos. En una ocasión se personó en el Partido Comunista provincial de Villa Clara., a reclamar por el desalojo de una persona de la raza negra, siendo fuertemente reprimido y conducido a la policía, imponiéndole una multa. Activista del Movimiento pro Derechos Humanos Razón, Verdad y Libertad. Lester Gonzalez Penton fue desterrado a España el 13 de Julio del 2010 contra su voluntad. Y hoy reside en Los Estados Unidos de America.

August 17, 2011
Regular Meeting

Proclamation
Re: Honoring Dr. Oscar Elisas Biscet (Nobel Peace Prize Nominee)

Whereas, the Mayor and Board of Commissioners of the Town of West New York being ever so mindful of the contributions of the townspeople of the Town of West New York and recognizing their duties and obligations to honor all individuals on behalf of the townspeople of the Town of West New York

Whereas, Dr. Oscar Elisas Biscet, President of the Lawton Foundation for Human Rights has been nominated for the Nobel Peace Prize, and

Whereas, Hungary's Prime Minister Viktor Orban has identified Dr. Biscet as "a man of courage and dignity" and a "relentless and self sacrificing struggle for universal human rights and freedom", and

Whereas, Dr. Biscet is considered as "one of the most relevant and peaceful voices denouncing the ongoing violation of human rights in Cuba", and

Whereas, Dr. Biscet is highly regarded by the Cuban-American community of our town, for his courage, conviction, and dedication for the cause of human rights, dignity, and individual freedom for the Cuban people, and

Whereas, Dr. Biscet has demonstrated a level of leadership and valor incomparable to most, in his pursuit of freedom and justice for his fellow man, and

Whereas, Dr. Biscet "continued to call for non-violence, and has called forth the memory of personal heroes such as Mahatma Gandhi and Martin Luther King, Jr."

Now, therefore be it proclaimed that Felix E. Roque, Mayor of the Town of West New York and the West New York Board of Commissioners do hereby encourage and promote the selection of Dr. Oscar Elisas Biscet as the next recipient of the Nobel Peace Prize.

Consent Agenda

It was regularly moved by Commissioner Rodriguez, seconded by Commissioner Frias that the following Consent Agenda Item Nos. R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-9, R-10, R-11, R-12, R-13, R-14, R-15, R-16, and R-17 be adopted, was carried by the following vote:

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

Note: **Town Clerk Carmela Riccie read the titles and item numbers included on the Consent Agenda.**

August 17, 2011
Regular Meeting

Consent Agenda (Cont.):

Resolution

**Re: Authorizing the Town to enter into an Agreement
regarding the 2009 Safe Routes to School Project**

WHEREAS, on January 19, 2011, the governing body passed a resolution that the Town Clerk be and she is hereby authorized and directed to advertise for the receiving of bids at such time as may be set by the Town Clerk in the Town Clerk's Office, for: "2009 NJDOT Safe Routes to Schools Improvements" for the Town of West New York subject to NJDOT approval in accordance with specifications on file in the Town Clerk's Office; and

WHEREAS, on August 16, 2011, the Town did receive a bid for a detailed project description included in the Project Scope of Work and Cost Estimate attached to Federal Aid Agreement No. 2011-DT-BLA-214, for a project entitled "Safe Walk to School (Construction); and

NOW, THEREFORE BE IT RESOLVED that the Town is authorized to enter into the Federal Aid Agreement No. 2011-DT-BLA-214, entitled "NJDOT Safe Routes to Schools Improvements" for the Town of West New York, with a contract ceiling amount of \$286,375, in the form attached hereto; and the authorized representative who will sign the Agreement on behalf of the Town shall be Mayor Felix E. Roque, M.D.

Resolution

**Re: Donation of ambulance to Fundacion Internacional Ayuda Humanitaria U.S.A.,
a federally approved non-profit entity**

WHEREAS, during the last several years, there have been numerous natural disasters in the country of the Dominican Republic causing severe economic, social, educational and medical emergencies; and

WHEREAS the Town of West New York has an ambulance VIN #1FDAE30F4VHB13129 which is presently not being employed by the Town of West New York and the Town has no need for said ambulance; and

WHEREAS, it is in the best interest of the Town to contribute said ambulance to Fundacion Internacional Ayuda Humanitaria U.S.A., a federally approved non-profit entity.

NOW, THEREFORE, BE IT RESOLVED, that the appropriate Town officials are authorized to effectuate the transfer of the ambulance to Fundacion Internacional Ayuda Humanitaria U.S.A., a federally approved non-profit entity.

RESOLUTION

**RE: ALLOWING THE WEST NEW YORK POLICE DEPARTMENT
TO DISPOSE OF CERTAIN COMPUTER EQUIPMENT**

WHEREAS, the West New York Police Department has conducted an inventory of certain computer equipment that is no longer functional and is deemed not salvageable; and

WHEREAS, the following computer equipment is to be destroyed: Info Cup Server Serial No. ECHK2130594; Backup Server Serial No. ECHK2130587; Enforsys Server Serial No. ECHK4300695; Network Server Serial No. ECHK2171187; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to allow the Police Department to destroy the computer equipment listed above; and

August 17, 2011
Regular Meeting

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Board of Commissioners of The Town of West New York as follows: The West New York Police Department is authorized to destroy the following computer equipment, Info Cup Server Serial No. ECHK2130594; Backup Server Serial No. ECHK2130587; Enforsys Server Serial No. ECHK4300695; Network Server Serial No. ECHK2171187.

Resolution
Re: Appointment of Amarilis Diaz as Chief Judge of the Municipal Court

Be it resolved by the Mayor and Board of Commissioners of the Town of West New York that Amarilis Diaz, Esq., be and he is hereby appointed Chief Judge of the Municipal Court of the Town of West New York for a term of three (3) years; said term to commence on August 17, 2011 and shall expire on August 16, 2014.

Resolution
Re: Annual Report of Audit for 6 months ending 12/31/10

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

Whereas, The Annual Report of Audit for the 6 months ending December 31, 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to NJSA 40A:5-6, and a copy has been received by each member of the governing body, and

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

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

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

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

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

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

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

August 17, 2011
Regular Meeting

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

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

Resolution
Re: Authorizing the WNY Police Department to
accept receipt of confiscated vehicles from the
Hudson County Prosecutor's Office

Whereas, the Hudson County Prosecutor's Office has agreed to turn over certain motor vehicles to the WNY Police Department, which vehicles had been previously confiscated by the Prosecutor's Office; and

Whereas, the WNY Police Department wishes to accept receipt of said vehicles;

Now, therefore, be it resolved by the Mayor and Board of Commissioners of the Town of West New York that the WNY Police Department is hereby authorized to accept receipt of the following vehicles from the Hudson County Prosecutor's Office:

1998 Sky Buick VIN# 1G4NJ52M9WC412632
2002 Max Nissan VIN# JN1DA31D52T422335

Resolution
Re: Appointment of Gloria Lopez as Deputy Municipal Court Administrator

WHEREAS, the Town of West New York is required by Statute to have a Deputy Administrator for the Municipal Court; and

WHEREAS, the Deputy Administrator position is currently vacant; and

WHEREAS, Gloria Lopez has obtained all of the required licenses and certifications necessary for the position; and

WHEREAS, the Town of West New York and the Board of Commissioners wishes to name Gloria Lopez as the Deputy Administrator to the Municipal Court; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York, that Gloria Lopez is hereby appointed as the Deputy Administrator to the Municipal Court.

Resolution
Re: Appointment of Maria Cainas as the secretary to the Insurance Fund Commission

WHEREAS, the Town of West New York has established an Insurance Fund Commission to review all claims filed against the town; and

WHEREAS, the Secretary for the Commission recently resigned and in order to insure the prompt and efficient review of claims it is necessary to fill the vacancy; and

WHEREAS, the Town of West New York and the Board of Commissioners wishes to name Maria Cainas as the secretary to the Board; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Commissioners of the Town of West New York, that Maria Cainas is hereby appointed to the Insurance Fund Commission as Secretary.

August 17, 2011
Regular Meeting

Consent Agenda (Cont.):

Resolution
Re: To Enter into an Inter-local Agreement
Between the Town of West New York
and The County of Hudson
2011 Edward Byrne Memorial Justice Assistance Grant

Whereas, the 2011 Edward Byrne Memorial Justice Assistance Grant (“Byrne Grant”) recognizes the County of Hudson Office of the Prosecutor to be the organizational unit charged with Byrne grant implementation responsibilities, including conducting the application process and acting as the fiscal agent for municipalities; and

Whereas, the Byrne Grant requires the County of Hudson to enter into an Inter-local agreement with participating municipalities for the purpose of approving eligible costs and reimbursement of same; and

Whereas, the Town of West New York is eligible to apply for Justice Assistance Grant funds under the FY 2011 Byrne Grant through the County of Hudson Office of the Prosecutor Office; and

Whereas, the Town of West New York is eligible to receive \$23,463.00 for the purchase of equipment for the West New York Police Department through the 2011 Byrne Grant; now therefore be it

Resolved, that the Mayor of the Town of West New York is hereby authorized to execute an Inter-local agreement with the County of Hudson for the purpose of implementing the Byrne Grant; and be it further

Resolved, that the Town may submit all appropriate documentation as necessary to the Office of the Prosecutor to fulfill the intent of this resolution.

Resolution
Re: Refunds of overpayment of taxes (\$1,486.65)

WHEREAS, taxes with respect to the following properties have been inadvertently overpaid in the amounts hereafter stated, and;

WHEREAS, it is necessary to make appropriate refunds for such overpayments;

NOW, THEREFORE BE IT RESOLVED that the following refunds be made with respect to the designated properties and the Collector of Taxes be and she is hereby authorized to adjust her records accordingly.

NAME	BLOCK/LOT	AMOUNT	YEAR
METLIFE HOME LOANS	168.01/7.05 C0413	\$1486.65 (SVC)	2010
GRAND TOTAL		\$ 1486.65	

August 17, 2011
Regular Meeting

Consent Agenda (Cont.):

Resolution
Re: Refunds of Tax Lien Premiums (\$37,700.00)

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
AMACO	13/8	09-019	\$200.00
R. ROTHMAN	98/25	10-185	\$3,800.00
PLYM PK. TAX SRVS.	126/3	09-170	\$1,300.00
ROYAL TAX LIEN SERVICES, LLC	145/11	09-196	\$5,000.00
ISAAC MORADI	130/1.07	09-177	\$100.00
TOWER LIEN, LLC	25/1	10-046	\$17,900.00
	25/4	10-047	\$9,400.00
GRAND TOTAL			\$37,700.00

Resolution
Re: Refunds of Tax Lien Redemptions (\$188,796.93)

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.

August 17, 2011
Regular Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

Name	Block/lot	Cert#	Amount
ROBERT U. DEL VECCHIO PENSION TRUST	19/20	07-018	\$2,062.90
TOWER LIEN, LLC	2/7.01	10-001	\$16,408.14
	25/1	10-046	\$37,599.32
	25/4	10-047	\$74,529.80
AMACO	13/8	09-019	\$7,137.48
R. ROTHMAN	98/25	10-185	\$16,513.91
PLYM PK. TAX SRVS.	126/3	09-170	\$8,698.86
ROYAL TAX LIEN SERVICES, LLC	145/11	09-196	\$24,868.20
ISAAC MORADI	130/1.07	09-177	\$978.32
GRAND TOTAL			\$188,796.93

Resolution

Re: State Court Tax Appeals (\$5,887.95)

WHEREAS, the following property owners have appealed to the Tax Court of New Jersey for a reduction in the Tax Assessment levied upon their properties:

WHEREAS, the Tax Court of New Jersey by their judgment has reduced the said assessments levied upon the said properties; and;

WHEREAS, said judgment of reduction in the Tax Assessment has caused an overpayment of taxes collected by the Town of West New York, relating to said properties, and whereas the Municipality has paid the below amounts:

NOW, THEREFORE, BE IT RESOLVED that said payment of taxes be and the same are hereby affirmed to the property owners in the following amounts for the years noted pursuant to N.J.S.A. 54:3-21 & 54:3-27.2.

NAME	BLOCK-LOT	AMOUNT	YEAR
JOSEPH R. MARINIELLO ATTY. FOR S & D AFFUSO ETC.	2/10	\$5,887.95	2009
GRAND TOTAL		\$5,887.95	

August 17, 2011
Regular Meeting

Consent Agenda (Cont.):

Resolution

Re: Tax Corrections (various properties)

WHEREAS, a payment in the amount of \$7300.00 was received from Celida Rodriguez and erroneously credited to 328 59th Street A/K/A Block 66 Lot 27; and

WHEREAS, a payment in the amount of \$20.00 was received from Calixto Rodriguez and erroneously credited to 328 59th Street A/K/A Block 66 Lot 27; and

WHEREAS, a payment in the amount of \$130 was received from Calixto Rodriguez and erroneously credited to 328 59th Street A/K/A Block 66 Lot 27; and

WHEREAS, a payment in the amount of \$2725.52 was received from Calixto Rodriguez and erroneously credited to 328th 59 Street A/K/A Block 66 Lot 27; and

WHEREAS, a payment in the amount of \$3,127.67 was received from GMAC Mortgage Company and erroneously credited to 368 Kingston Court A/K/A Block 168.01 lot 1.02 C0368; and

WHEREAS, the payment in the amount of \$7300.00 that was received from Celida Rodriguez was to be applied for property located at 5811 Palisade Avenue A/K/A Block 69 Lot 23; and

WHEREAS, the payment in the amount of \$20.00 that was received from Calixto Rodriguez was to be applied for property located at 330 59th Street A/K/A Block 66 Lot 28; and

WHEREAS, the payment in the amount of \$130.00 that was received from Calixto Rodriguez was to be applied for property located at 412-14 53rd Street A/K/A Block 94 Lot 17; and

WHEREAS, the payment in the amount of \$2725.52 that was received from Calixto Rodriguez was to be applied for property located at 405 59th Street A/K/A Block 69 Lot 22; and

WHEREAS, the payment in the amount of \$3,127.67 that was received from GMAS Mortgage Company was to be applied for property located at 284 Roslyn Court A/K/A Block 168.01 LOT 1.07 C0284; and

THEREFORE BE IT RESOLVED, the Tax Collector is hereby authorized to move the said payments to credit the proper parcel and adjust the records accordingly.

Resolution

Re: Appointing Cecilia Strornes as a Member of the Rent Control Board
(Term 8/17/11 – 3/31/12)

WHEREAS, a vacancy exists on the Rent Control Board;

WHEREAS, Cecilia Strornes is a resident of the Town of West New York;

WHEREAS, Cecilia Strornes is available to serve on the Rent Control Board;

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

August 17, 2011
Regular Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

1. Cecilia Stormes, who resides at 22 Avenue at Port Imperial (Apt. 506), WNY, NJ is appointed to serve as a member of the Rent Control Board for a term commencing on August 17, 2011 and expiring on March 31, 2012.
2. A copy of this resolution shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

RESOLUTION

Re: Approval for Event/Parade Permit for 2011 El Salvadorian Festival
In the Town of West New York

Whereas, Members of the El Salvadorian Community, have approached the Town in regards to the hosing of an event in relation to the Celebration of the Salvadorian Culture; and

Whereas, on March 11, 2011, Asocicion Cultural Salvadorena Cuzcatlan did submit an event permit application for a community outreach event and cultural celebration for the use of Municipal Parking Lot of WNY located at 57th and Madison Streets in West New York on August 28, 2011; and

Whereas, the Town is in contact with the Event organizer regarding the orderly preparations of the Event which will require street closure from 7:00 AM to 8 PM, August 28, 2011; and

Whereas, the Director of the Department of Public Works has recommended that the Board of Commissioners approve the permit application for the Event as not being detrimental to the public safety, health or welfare of the Community.

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

1. The above recitals are incorporated herein as if fully set forth at length herein.
2. The event permit application by Asocicion Cultural Salvadorena Cuzcatlan for the Event is hereby approved.
3. Asocicion Cultural Salvadorena Cuzcatlan shall fully cooperate with all appropriate Town officials to ensure that the Event is held in conformity with the requirements of public order.
4. The permit herein granted may be revoked by the Mayor and/or the Director of the Department of Public Works if in his or their opinion holding of the Event would be detrimental to the health, safety or welfare, of the citizens of the Town of West New York, or all conditions agreed upon as between the Town administration and Asocicion Cultural Salvadorena Cuzcatlan are not met.
5. A Special Event is declared for the area of the Event, throughout the duration of the Event.
6. Asocicion Culturel Salvadorina Cuzcatlan shall have no claim as against the Town or any Town official, employee or agent, in relation to the grant of this permit or the cancellation thereof, as provided herein.
7. Asocicion Cultural Salvadorena Cuzcatlan will reimburse the Town for all costs associated with the Event, specifically the costs of police, EMS and DPW personnel for overtime.
8. A copy of this resolution shall be kept in the office of the Municipal Clerk for Public Inspection.

August 17, 2011
Regular Meeting

Consent Agenda (Cont.):

Resolution
Re: Appointment of Ann Rich and Joe Rodriguez as
Members of the Insurance Fund Commission

Whereas, an Insurance Fund Commission was established by Ordinance #45/95; and

Whereas, Ordinance #45/95 provided for the appointment of three (3) members to serve a term of two (2) years;

Now, Therefore, Be It Resolved by the Mayor and Board of Commissioners of the Town of West New York that the following persons are hereby appointed as Members of the Insurance Fund Commission of the Town of West New York:

<u>Member</u>	<u>Term</u>
Ann Rich 214 – 78 th Street North Bergen, NJ 07047	8/17/11 – 8/16/13
Joe Rodriguez 6123 Highland Place West New York, NJ 07093	8/17/11 – 8/16/13

Ordinance #11/11

**Re: An Ordinance creating the position of Chief Judge,
Municipal Court for the Town of West New York**

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.

Since no one wished to be heard, it was regularly moved by Commissioner Wiley, seconded by Commissioner Rodriguez, to adopt the foregoing Ordinance, was carried by the following vote:

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

Ordinance #12/11

**Re: An Ordinance amending Ordinance #18/02 regarding
Fees for copies of public records**

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.

August 17, 2011
Regular Meeting

No one wished to be heard.

Since no one wished to be heard, it was regularly moved by Commissioner Wiley, seconded by Commissioner Rodriguez, to adopt the foregoing Ordinance, was carried by the following vote:

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

Ordinance #13/11

**Re: An Ordinance to amend Ordinance #15/10, Chapter 167 of the
Code of the Town of West New York Re: Curfew**

Note: Town Clerk Carmela Riccio read the title of the foregoing Ordinance aloud. Town Clerk announced that Section 1 of this Ordinance has been administratively amended but that said amendment does not require Ordinance to be re-introduced.

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

The following persons wished to be heard:

1. **Juan Rodriguez, 5311 Palisade Avenue, WNY:**
Mr. Rodriguez inquired as to the time and age. Asst. Town Attorney DeMarco responded that it is 10:00 p.m. and persons under the age of 18 years.

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

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

Ordinance #14/11

**Re: An Ordinance to amend Ordinance Nos. 1053, 43/94, 17/96, 4/97, 3/98, 4/99, 8/99, 6/00,
3/01, 2/02, 1/03 and 1/05 entitled "Liquor License Fees" also being Sections 114-19
& 114-20 of the Code of the Town of West New York**

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.

Since no one wished to be heard, it was regularly moved by Commissioner Rodriguez, seconded by Commissioner Vargas, to adopt the foregoing Ordinance, was carried by the following vote:

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

August 17, 2011
Regular Meeting

Ordinance #15/11

Re: An Ordinance approving a Five (5) Year Tax Exemption for multiple dwelling residential rental project constructed by Meridia Park Ave., 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 Riccio read the title of the foregoing Ordinance aloud.

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

The following person wished to be heard:

1. Patrick Cullen, 72 – 67th Street, WNY:

Mr. Cullen commented that it is “refreshing” that this is for five (5) years after the Town had abated 4,000 units for 30 yrs., and that the Town did its homework. He further commented that he has “full confidence” in this Administration.

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

YEAS - Commissioners Frias, Rodriguez, Wiley, Vargas and Mayor Roque

NAYS - None

ABSENT - None

Ordinance #16/11

**Re: An Ordinance amending Ordinance #15/07 entitled:
“An Ordinance establishing the Office of Municipal Court Director”**

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.

Since no one wished to be heard, it was regularly moved by Commissioner Vargas, seconded by Commissioner Rodriguez, to adopt the foregoing Ordinance, was carried by the following vote:

YEAS - Commissioners Frias, Rodriguez, Wiley, Vargas and Mayor Roque

NAYS - None

ABSENT - None

August 17, 2011
Regular Meeting

Ordinance #17/11

**Re: An Ordinance approving Financial Agreements with
Riverwalk G Urban Renewal Associates, LLC**

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

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

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

Notice
Ordinance #17/11

**Re: An Ordinance approving Financial Agreements with
Riverwalk G Urban Renewal Associates, LLC**

The foregoing Ordinance was adopted on first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey on August 17, 2011 and ordered published, and will be further considered before final passage at a public hearing on September 21, 2011 at 7:00 p.m. at the Court Chambers, Municipal Building, West New York, New Jersey. A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, New Jersey.

Note: Town Clerk Carmela Riccio read the foregoing Notice aloud.

Mayor opened the Public Portion.

Public Portion:

1. Yesenia Camilo, 330 – 50th Street, WNY:

Ms. Camilo requested that residential parking apply to the entire Town in that the area in which she lives has been “bombarded by new businesses” taking parking spaces, and that people taking the train also park there. Mayor Roque acknowledged that it is an obligation to work with the community, and requested that she send a letter to him outlining the issues. He advised that he is working with the Parking Authority to issue summonses to non WNY residents and that metered parking will stop at 6 p.m. He further requested that she meet with him after the conclusion of today’s meeting to discuss this matter. Comm. Wiley inquired as to whether there are a lot of commercial vehicles parking in her area to which she replied “Yes”. Comm. Wiley also expressed his desire to speak to her after the meeting.

August 17, 2011
Regular Meeting

Public Portion (Cont.):

2. Marcel Hart, 5504 Grant Place, WNY:

He complained that the street sign at corner of 56th Street and Grant Place has been missing for three (3) years and requested that it be replaced. He commented that with reference to the Board of Education, he has never seen “such hard headed people trying to hold onto appointed positions” and that those persons should have resigned upon the election of the new Administration. He commented that the Superintendent of Schools has been “silent” on this issue, that the Board President is “a bully”. He inquired as to the time line to replace board members, Passante and Locatelli. Mayor Roque suggested that Mr. Hart call him on his cell phone whenever he has any problems. Comm. Wiley advised that he would take care of replacing the sign. Mayor Roque requested Asst. Town Attorney DeMarco to explain the current legal issues involving the Board of Education and stated “When I took office my goal is to have the teachers teach and that there is no politics in the schools”. He referred to his own education which afforded him the opportunity to become a doctor and a military man. Mr. DeMarco advised that a challenge was filed with the Director of Education who referred the matter to the Administrative Law Judge, who ruled on Monday that the appointments of Janet Passante and Alex Locatelli were invalid and political in nature and his recommendation is clear; that they should be removed immediately. He further explained that there is a 13-day window for clarification of the Order, and that the Commissioner of Education has been advised that there is a meeting tonight requiring actions on contracts, etc. He also asked the Board to adjourn tonight’s meeting for two (2) weeks to allow for the receipt of the Commissioners’ ruling but that his request “fell on deaf ears”. The meeting will proceed tonight despite his request but that any action taken is subject to question by the new Board. He advised that he is confident that the Commissioner will agree. He further advised that the attorney representing board members Passante and Locatelli has a bill of \$25,000. Mr. Hart complained that there is no heat in his classroom at School #5 and that the \$25,000 could be spent for more important things. He again commented “What are they hiding and trying to protect? Why don’t they step down?” Mayor Roque responded “We believe in transparency and if there is corruption there, we will get to the bottom of it. If there is, they will be arrested.”

2. Matthew Cheng, 6124 Madison Street, WNY:

Mr. Cheng inquired about the payment made to settle the lawsuit regarding form Chief Financial Officer. Asst. Town Attorney DeMarco advised that he did not have the exact figure but that he would provide Mr. Cheng with the information. Mayor Roque inquired as to whether Mr. Cheng filed an OPRA request for said information to which Mr. Cheng replied “No”. Town Administrator McConnell explained that the payment was made through the JIF (Joint Insurance Fund) and that there had been an OPRA filed with JIF. Mr. Cheng briefly commented about the Town’s revenues and bills. Mr. McConnell advised him to meet with John Mosca so that he could give him a full explanation of the budget process. Mr. Cheng inquired as to whether the municipal employees’ union raises had gone into effect to which the Mayor explained that raises were being postponed as he had no intention of raising taxes. Mr. DeMarco explained that this year’s budget had been previously adopted and that the concerns are with next year’s budget, and that the raises would affect next year’s budget. Mr. DeMarco also pointed out the Mr. Cheng was inadvertently mixing two (2) budget years together. Mr. Cheng inquired about the Code Official and Deputy Mayor who had both been placed on administrative leave. Mr. DeMarco confirmed said fact but explained that it deals with personnel issues which cannot be discussed by the governing body without prior notice given to both individuals. Mr. Cheng inquired as to whether they were being paid while on leave to which Mr. DeMarco advised that they are being paid.

3. Salih Delky, 111 – 63rd Street, WNY:

Mr. Delky advised that he owns a restaurant at 5122 Kennedy Blvd. and that Mr. O’Malley closed his restaurant for “no reason”. Mayor Roque inquired as to when it was closed. Mr. Delky responded June 9 or 10. Mayor Roque advised that he could not discuss personnel matters as the person in question is under administrative leave and the department is under investigation. He requested that Mr. Delky put his complaints in writing and send it to the Town Attorney. Mr. Delky indicated that he would do so.

August 17, 2011
Regular Meeting

Public Portion (Cont.):

4. William Guerrero, 6008 Tyler Place, WNY:

Mr. Guerrero commented that he has been complaining for many years about his neighbors at 6006 Tyler Place for operating an illegal kennel. He commented that he had appeared before the governing body last month and pleaded for help, and three (3) days later, the Animal Control Officer removed 37 cats from the above location. However, 12 cats and 7 dogs remain. He further commented that he has complained about the smell, barking, etc. and that the animals are not being cared for. He advised that the neighbor has been found guilty of having a kennel, but that the Health Officer advised him last week that he refused to accept any further complaints from him and that no further inspections will be made. Mayor Roque pointed out that although he alleges making complaints for past several years which Mr. Guerrero insists still persist, that within a short period time of taking office, he (Mayor Roque) has sent the Inspector to the location and action was taken. Mr. Guerrero inquired as to why the Health Officer refuses to take future complaints as problems still exist. Mayor Roque responded "I sense your frustration. I have been following through and will continue to do so". Asst. Town Attorney DeMarco explained that as a result of court case, Judge ruled that neighbor is subject to future visits by the Animal Control Officer for the next six (6) months (once per month). Mr. Guerrero complained that additional animals are being brought into the premises. Discussion ensued with Comm. Frias and Mayor regarding the 37 cats already removed and how many pets remain. Mr. Guerrero also commented that neighbor feeds the squirrels and pigeons, which is prohibited. Mayor Roque advised that he would contact the Inspector again, that things are being done and that he is trying to help him. Comm. Rodriguez explained that the Town cannot continue to send additional inspectors within the aforementioned six (6) month period as it must abide by court order. Comm. Rodriguez further commented that the Judge ruled that remaining pets can stay. Mayor Roque advised that he would request the Health Officer to meet with him and requested his patience.

5. Angela Dubal, 316 – 55th Street, WNY:

Ms. Dubal recommended that the Town purchase a new microphone system. She further commented that while the meeting is in progress, that it is rude for some audience members to be talking as other persons present are interested in WNY and wish to hear what is being said, and that the Mayor deserves that respect. Mayor agreed with her and stated "We are all professionals here".

6. Clara Brito-Herrera, 6312 Jackson Street, WNY:

She commended Comm. Wiley for doing a great in her neighborhood with garbage removal, etc. and recommended that dog waste bags be placed specifically near School #1 as it is an ongoing problem. Discussion ensued between Ms. Brito-Herrera and Comm. Wiley regarding said issue. She thanked the Mayor for continuing his goal for "transparency" at the Board of Education. She complained about pending transfers of Asst. Principals from School #1 and that the schools are not ready to open in September. She advised that additional people are intended to be hired at tonight's Board of Education meeting and urged everyone to attend the meeting as decisions are being made "which are not in the best interest of education". Mayor Roque agreed and commented that there are "political hacks not educators teaching our children". He advised that any decisions made tonight would be voided.

7. Ron Scheurle, 6119 Tyler Place, WNY:

Mr. Scheurle stated "Times are bad and a lot of people are out of work in West New York yet your Administration hired 4-7 people who are not from West New York but are from other Towns. We have plenty of West New York people." He commented that there is a residency ordinance in effect and inquired why it is not being enforced. Mayor requested him to provide him with the names of said employees and that he would meet with him regarding said issue.

August 17, 2011
Regular Meeting

Public Portion (Cont.):

8. Dania Concepcion, 154 – 59th Street, WNY:

Ms. Concepcion thanked the governing body for “104 days of change” and stated “We believe in you”. Mayor agreed and stated “Lead by example”. He thanked his Commissioners, John Pinto, and the Police Department for their cooperation. He commented that real arrests are being made not make believe arrests as claimed by the prior Administration. He advised that West New York has a bright future, that “Formula I” racing is coming to Town and West New York will be recognized worldwide. He commented that the Mayor of Weehawken has been giving him a lot of help but it is not an easy process. Mayor stated “We do care. I care for this community. I wanted to fight to do the right thing. I love to fight. We are here to do the right thing. Feel free to contact me on my cell. I do this from the heart as a human being, not as a politician.” He requested participation from everyone to work together to make West New York better. He stated “Together we can make this Town the best. I am hoping to lower the taxes.” Comm. Wiley expressed his personal feelings and thanked everyone for electing him stating “It is an honor and pleasure to serve you”.

9. Lelin Jimenez, 5607 Hudson Avenue, WNY:

Ms. Jimenez spoke Spanish solely. Mayor Roque translated that she is very proud of the governing body; that the streets are clean, her block is secure and she is very happy.

10. Rafael Cruz, 527 – 61st Street, WNY:

Mr. Cruz commented that there are “no more puppets” on the Board of Commissioners, and that this Administration is trying to do good for the community. He referred to tonight’s Board of Education meeting and inquired as to whether the public will be permitted to speak. Mayor advised that he will be present at the meeting and will place his objections on the record but recommended the attendees conduct themselves in a proper manner.

11. Maria Dones, 200 – 49th Street, Union City:

Ms. Dones spoke Spanish solely. Mayor Roque translated that she is complaining that the taxpayers pay when parades are held in WNY, which could cost from \$8,000-\$10,000 per parade and that is not right during this time of financial crisis. She also complained about the numerous newspaper racks on the streets, which she claims are not maintained and cause damage to the sidewalk. Mayor Roque advised that he would look into the matter.

Note: At 2:15 p.m., Town Clerk Riccio advised that the Public Portion of the meeting was ended, and that the governing body would take a five (5) minute recess and that upon resumption of meeting, the governing body intended to go into Executive Session.

It was regularly moved by Commissioner Rodriguez, seconded by Commissioner Frias, to reconvene meeting at 2:25 p.m., was carried by the following vote:

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

August 17, 2011
Regular Meeting

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

BE IT RESOLVED by the Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey, that the Board of Commissioners hereby declares this executive session closed to the public for discussion of N.J.S.A. 10:4-12(b)(7) the discussion of pending or threatened litigation or contract negotiations regarding:

- (1) Payment of termination benefits to certain employees

BE IT FURTHER RESOLVED that the minutes of this closed session shall be available to the public as per N.J.S.A. 10:4-13(a) at such time as the matter necessitating the discussion of pending or threatened litigation or contract negotiation have been resolved, to the extent disclosure is not prohibited by other law.

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

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

Note: At 2:26 p.m., governing body went into Executive Session.

Note: Executive Session ended 2:42 p.m.

Note: Regular Session reconvened.

Resolution
Re: Authorizing Special Counsel to take action regarding
termination payments

WHEREAS, on June 15, 2011 the Governing Body authorized and directed the Town Attorney to use Special Counsel to investigate and determine the past policy and procedure and to determine whether payments made to certain officials and employees who have left the employment of the Town are valid and based on either contracts or past policy; and

WHEREAS, on July 18, 2011 the Borough Attorney assigned this investigation to Special Counsel; and

WHEREAS, since that time Special Counsel has interviewed past and present employees of the municipality; reviewed all union contracts, which may have been applicable; reviewed past written personnel policies; searched for records authorizing termination payments to the individual who were granted termination payments; reviewed their personnel records; interviewed the present Town Administrator, the present CFO; employees in payroll; Finance; the Town Clerk; and others and interviewed Robert Dorsey, the personnel officer of the Town from 1996 to 2008 and prior to that the Union representatives for the municipal unions; and

WHEREAS, the sum total of this investigation reveals that there was no past policy for the payment of compensatory time, accumulated vacation time or accrued sick time within the municipality; and

August 17, 2011
Regular Meeting

Resolution (Cont.)

WHEREAS, the only basis for the payment to Janet Passante is a letter dated April 30, 2011 from the then Town Attorney to the Municipal Administrator attaching an agreement and setting forth in his opinion the agreement is appropriate. The letter is inaccurate factually as the Municipal Administrator admitted that he has submitted no documents to Mr. Horgan and had no information whatsoever concerning the appropriateness of this Agreement; and

WHEREAS, an agreement dated April 30, 2010 was signed by the Municipal Administrator authorizing the payment of \$306,324.30 to Janet Passante for accrued 172 days of vacation time, 300.5 sick days and 1366 compensatory hours. The contract provides that she will be paid the sum of \$10,201.81 per month without interest. Payments to commence on July 15, 2010, August 16, 2010, February 15, 2011 and August 15, 2011 and the balance due on August 15, 2012; and

WHEREAS, an agreement was entered into by the Municipal Administrator and Ray Casper to pay him the sum of \$116,521.12 payable at \$2,427.52 per month for 118 days of vacation and 219 days of sick time,

NOW THEREFORE BE IT RESOVLED by the Governing Body that based upon this investigation the Governing Body finds that there was no basis contractually or past policy to pay these termination payments to either Janet Passante or Raymond Casper and the payment that were made and to be made are ultra vires and void and are essentially a gift for past already compensated services; and

BE IT FURTHER RESOLVED that Special Counsel is authorized to take such steps as he deems necessary and appropriate under the law to return to the Town payments previously made and to cancel all future payments under the alleged and improper contracts; and

BE IT FURTHER RESOLVED that Special Counsel is authorized to cooperate fully with any State investigatory agency and to turn over to that agency any and all information; and

BE IT FURTHER RESOLVED that the resolution dated August 18, 2010 ratifying and approving the payment of past employee benefits to Raymond Casper is hereby rescinded; and

BE IT FURTHER RESOLVED that the resolution dated May 10, 2010 ratifying and approving the payment of past employee benefits to Janet Passante is hereby rescinded.

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

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

August 17, 2011
Regular Meeting

It was regularly moved by Commissioner Rodriguez, seconded by Commissioner Frias, to **adjourn** the meeting at 2:45 p.m., was carried by the following vote:

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

Commissioner FiorD'Aliza Frias

Commissioner Caridad Rodriguez

Commissioner Ruben Vargas

Commissioner Count J. Wiley

Mayor Felix E. Roque
Board of Commissioners

Attest:

Carmela Riccio, RMC Town Clerk