

**Work Session –Wednesday, 10/17/12**

Present: Commissioners Frias, Rodriguez, Vargas, Wiley and Mayor Roque  
Absent: None  
Also Present: Town Attorney Gil Garcia, Assistant Town Attorney Joseph DeMarco, Deputy Town Clerk Yesenia Del Rio, Lisa Walsh (Town Clerk’s staff member), Town Engineer Robert Russo (CME Associates), CFO Margaret Cherone

The meeting commenced at 6:02 p.m. (Commissioner Wiley arrived at 6:06 p.m.)

Deputy Town Clerk Yesenia Del Rio made the following announcement:

As presiding officer of this regularly scheduled meeting of the Board of Commissioners of the Town of West New York, held on **October 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: Special Meeting: 9/4/12 (Regular Session)**
  
- Item No. 2:**           **Payment of Claims dated 10/17/12**
  
- Item No. 3:**           **Receipt of Financial Reports for month of September 2012**
  
- Item No. 4:**           **Communications:**
  - 4A. Re: Bid Results received on 10/11/12 re: Snow Removal**
  - 4B. Re: Town Engineer’s Monthly Status Report dated 10/16/12**
  
- Item No. 5:**           **Proclamation:**
  - 5A. Honoring Michael R. Parkes**
  
- Item No. R-1:**       **Resolution – Re: Refund of Deposit Pursuant to Ordinance #4/96 (Filming Permit) (NFGTV):**
  
- Item No. R-2:**       **Resolution – Re: Refund of Deposit Pursuant to Ordinance #4/96 (Filming Permit) (Majestic Hour Production, Inc.):**
  
- Item No. R-3:**       **Resolution – Re: Dedicating 66<sup>th</sup> & Palisade Avenue to Mario Malavasi:**
  
- Item No. R-4:**       **Resolution - Re: Dedicating 60<sup>th</sup> Street between Hudson Avenue & Palisade Avenue to Dr. Jose R. Roque:**
  
- Item No. R-5:**       **Resolution – Re: Authorizing the hiring of various Municipal Employees:**
  
- Item No. R-6:**       **Resolution – Re: Appointing a Safety Delegate and Alternate Safety Delegate:**
  
- Item No. R-7:**       **Resolution – Re: Appointment of One (1) Member as Insurance Fund Commissioner of the Town of West New York:**

***Work Session –Wednesday, 10/17/12***

- Item No. R-8:** Resolution – Re: Appointing a Fund Commissioner and Alternate Fund Commissioner to the New Jersey Municipal Self Insurers Joint Insurance Fund:
- Item No. R-9:** Resolution – Re: Cancellation of Stale dated Liability Checks:
- Item No. R-10:** Resolution – Re: Cancellation of Stale dated Payroll Checks and other Payroll Account Adjustments:
- Item No. R-11:** Resolution – Re: Cancellation of Stale dated Workman’s Compensation Checks:
- Item No. R-12:** Resolution – Re: Declaration of Special Event for “West New York Police Athletic League 2012 Fall Fest Carnival” on October 19 and 20, 2012 in Miller Stadium:
- Item No. R-13:** Resolution – Re: Bingo & Raffle (Laymen & Laywomen’s Action Club):
- Item No. R-14:** Resolution – Re: Approving the corrective Action Plan for the Fiscal Year 2011 Audit Report:
- Item No. R-15:** Resolution – Re: Establishing restricted parking in front of one (1) residence for use by handicapped resident as follows: 6109 Jefferson Street (Laura Carlone):
- Item No. R-16:** Resolution – Re: Establishing restricted parking in front of one (1) residence for use by handicapped resident as follows: 42-51<sup>st</sup>. Street #15 (Ruth DiPalma):
- Item No. R-17:** Resolution – Re: Establishing restricted parking in front of one (1) residence for use by handicapped resident as follows: 125-62<sup>nd</sup> Street #2 (Reynaldo Martinez):
- Item No. R-18:** 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 Various Legal/Professional Services (Zoning Board Attorney & Library Board Attorney):
- Item No. R-19:** Resolution - Re: Authorizing the Town of West New York to seek Fair and Open Process in compliance with the Pay to Play Statues for the retention of Various Legal/Professional Services:
- Item No. R-20:** 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 creation of a Micro Loan Program (2<sup>nd</sup> Occasion):
- Item No. R-21:** Resolution – Re: Appointing Caridad Parets as a Member to the Zoning Board of Adjustment:
- Item No. R-22:** Resolution – Re: Appointing Aida Roque as a Member to the Planning Board:

**Work Session –Wednesday, 10/17/12**

**Item No. R-23:**      **Resolution – Re: Reorganizing the Parks and Public Property Department:**  
Commissioner Wiley quoted from the “Walsh Act” Commission form of Government which consists of five (5) departments cannot be reduced. Commissioner Wiley said that if this action is taken to adopt this Resolution he will be forced to pursue a lawsuit against the Town pursuant to the Walsh Act. Town Attorney Gilberto Garcia gave his legal opinion of re-shifting appropriately as long as he didn’t leave a skeleton crew. Commissioner Wiley said that you cannot take one department from another department.

**Item No. R-24:**      **Resolution – Re: Authorizing a month to month Contract with Revenue Guard for the collection and billing of Emergency Medical Services provided by the Town of West New York:**

**Item No. R-25:**      **Resolution – Re: Permitting Hudson Hall to remain open:**  
Mayor Roque and Town Attorney Gilberto Garcia commented that Commissioner Wiley determined to close Hudson Hall and said that the governing body has the right to vote whether they agree or not. Commissioner Wiley responded regarding the security of the building and the seniors who participate on a daily basis. He commented that it could be a fire hazard due to exposed wires, water leakage, blocked exit doors, broken steps, fire exit not being lit and infestation. Commissioner Wiley said that the 4<sup>th</sup> floor is in the worse condition due to roof leakage. They intend to move some storage and offices to other floors. Assistant Town Attorney Joseph DeMarco said he met with Manny Fernandez from Building Department, Frank Martinez, Fire Prevention & Birdsall and said the building was okay to remain open. Mr. DeMarco said that the repairs will be done in the next few weeks. Mr. DeMarco also said that all the broken furniture that was being kept in Hudson Hall will be inventoried and that the High School students working for the town will be doing the cleaning up.  
Assistant Town Attorney Joseph DeMarco further stated that the remediation process will focus on ingress and egress at fire exits. Commissioner Wiley inquired about the asbestos down in the basement. Assistant Town Attorney Joseph DeMarco said that there are no personnel located in the basement. Mayor Roque commented to Comm. Wiley that these legitimate complaints should be discussed with the attorney and/or the Commissioners and why did he have to go to the media when the situation had been ongoing for over a year. Commissioner Wiley handed out a print out of the Lexis Nexis regarding the Walsh Act to all the Commissioners. Commissioner Wiley said he was also concerned about the mice infestation and that the Senior Citizens are eating there. Commissioner Frias commented that the mice infestation was mainly on the top floor and the basement area. Commissioner Wiley said that when he has gone to Hudson Hall he has been harassed by one of the employees who has even called the police to have him removed. He said the complaint to the police was that there was an unwanted party in the building. Mayor said that several senior citizens were also complaining on the behavior of Commissioner Wiley. (At this point of the meeting, Mayor Roque, Commissioner Wiley and Town Attorney Garcia were simultaneously speaking making it impossible to record each person’s comments.)

**Item No. R-26:**      **Resolution – Re: Refund of Overpayment of Taxes (\$3,202.62):**

**Item No. R-27:**      **Resolution – Re: Tax Correction (Various Locations):**

**Work Session –Wednesday, 10/17/12**

**Item No. R-28:**      **Resolution – Re: Refund of Tax Lien Redemptions (\$616,691.46):**

**Item No. R-29:**      **Resolution – Re: Tax Correction (6309 Jackson Street):**

**Item No. R-30:**      **Resolution – Re: Refund of Tax Lien Premiums (\$15,200.00):**

**Item No. R-31:**      **Resolution – Re: Censuring Commissioner Wiley for conduct unbecoming an elected official:**

Commissioner Frias asked to see an agreement on Shared Services. Commissioner Wiley responded that it was an informal Shared Services. Mayor Roque asked what an informal Shared Services is. Assistant Town Attorney Joseph DeMarco explained that there are several forms of Shared Services like Police and Fire and Board of Education. Mayor Roque asked Commissioner Wiley which employees did he ask to do the job and weren't able to do it. Commissioner Wiley responded that he asked all of the in-house employees (town of West New York employees) and that none knew how to use the equipment and do that kind of work. Mayor Roque told Commissioner Wiley that that was wrong and that he was only trying to educate him. Commissioner Wiley continued to say that he had done nothing illegal. Commissioner Wiley inquired how many lawsuits were filed and Town Attorney Gilberto Garcia responded that at the present time there are only 2 lawsuits pending. Mayor Roque and Commissioner Wiley were simultaneously speaking making it impossible to record each person's comments.)

**Item No. O-1:**      **Introduction of Ordinance #34/12 An Ordinance amending Chapter 352 of the Code of the Town of West New York entitled “Streets and Sidewalks”:**

Town Attorney Gilberto Garcia advised that Section 1 of the Ordinance was being amended to read “Additionally, merchants having a retail store within the Town of West New York are permitted to hold sidewalk sales on all Saturday's including Holidays, during the period commencing the week before Thanksgiving Holiday and ending the week after Three Kings Day (January 6th).

**Item No. O-2:**      **Introduction of Ordinance #35/12 An Ordinance amending Chapter 312 of the Code of the Town of West New York entitled “Rent Control”:**

Town Attorney Gilberto Garcia said that this Ordinance will extend the limitation period to 3 years.

**Work Session –Wednesday, 10/17/12**

**Public Portion:**

**No one wished to be heard.**

Meeting ended at 6:54 p.m.

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Commissioner FiorD'Aliza Frias

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Commissioner Caridad Rodriguez

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Commissioner Ruben Vargas

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Commissioner Count J. Wiley

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Mayor Felix E. Roque  
Board of Commissioners

Attest: \_\_\_\_\_  
Yesenia Del Rio, Deputy Town Clerk