

February 20, 2013
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, February 20, 2013 at 7:00 p.m. (6:00 p.m. Work Session):

Present: Commissioners Frias, Rodriguez, Vargas, Wiley and Mayor Roque
Absent: None
Also Present: Town Attorney Gilberto Garcia, Town Clerk Carmela Riccio and
Town Administrator Joseph DeMarco

Meeting commenced at 7:00 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 February 20, 2013 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 17, 2012. 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 read the following statement aloud.

"Ladies and gentlemen, as you knew, over the past few months, rumors have flown and allegations have been made that the American flag has been banned in West New York.

Issues have been raised regarding my patriotism and the town's alleged attempt to stifle both your expression of patriotism, and in doing so, your freedom of speech.

As you can see, this is absolutely not true.

We have collected the American flags that stand proudly at the entrance of each and every office in Town Hall and our town's public buildings in order to prove to you that we are in no way, shape or form banning the American flag, or any other flag.

The flag is many things to many people. It is not only a symbol of patriotism, but a symbol of our many freedoms we enjoy as Americans: freedom of speech, freedom of expression, freedom to make a living and to build a business and to build a life.

Which brings me to address another rumor that has been spreading around this town: Many have spread the lie that the sign ordinance in question will harm local businesses and restrict people's freedom of speech. Again, this is absolutely not true.

In our attempt to clean up this town, we both encourage new business and build those businesses that have served the community for years. To restrict their rights in any way would be a terrible disservice to the community, and I in no way plan to do so.

Before every town meeting we say the pledge of allegiance. I said it when I came from Cuba as a young man and was first blessed with the freedoms I enjoy every day in this country. I said it when I took the oath as an officer in the U.S. Army 37 years ago. And I said it when I took the oath to serve and protect your freedoms as your mayor, following on the heels of an administration that arguably did not have your freedoms foremost in their mind.

With that, I ask you all to rise for the West New York color guard and join with us to salute the flag, and the freedoms it represents, and the freedoms we plan to protect. To truly pay attention to the words and reflect on their meaning, and be thankful for what they represent to us as a community." **(At this point, the West New York Police Dept. Honor Guard procession took place.)**

February 20, 2013
Regular Meeting

Note: An audience member, David Rivera, shouted "We want a change of venue." Comm. Wiley made a motion to change the venue to the Middle School, but there was no second to said motion.

Minutes of Previous Meeting:

It was regularly moved by Commissioner Rodriguez, seconded by Mayor Roque, that the Minutes of Special Meetings: 12/27/12 and 2/1/13 (Work/Regular Sessions) and Regular Meeting: 1/16/13 (Work and Regular Sessions) be approved as recorded, was carried by the following vote:

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

Receipt of Financial Reports:

FINANCIAL REPORTS - MONTH OF JANUARY 2013

1. From Construction Code Official Office, reporting the sum of \$60,311.00 Collected for the month of January, 2013
2. From Director Michael Indri (Police Dept.) reporting the sum of \$11,344.95 Collected for the month of January, 2013
3. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$4,130.00 for Special Licenses collected for the month of January, 2013
4. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$829.00 for Marriage/death certificates collected for the month of January, 2013
5. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$-0- for Dogs Licenses collected for the month of January, 2013
6. From (Revenue and Finance Department) reporting the sum of \$4,641,595.23 collected for the month of January, 2013
7. From Carmela Riccio, RMC, Town Clerk, reporting the sum of \$108.18 collected for the month January, 2013

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

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

February 20, 2013
Regular Meeting

RFQ Results
Re: Professional Auditing Services

RFQ PROPOSAL FORMATION

Proposal Receipt Date: February 7, 2013

Proposal Time: 10:00 a.m.

Location for proposal: Town Clerk's Office

Proposal for: Professional Auditing Services

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

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

RESPONDER #1 (Name) Wiss & Company, LLP
(Address) 485 C Route One South
Suite 250
Islin, NJ 08830

RESPONDER #2 (Name) Medonca & Partners
(Address) 1030 Salem Road
Union, NJ 07083

February 20, 2013
Regular Meeting

Bid Results
Re: General Contracting Services

BID PROPOSAL FORMATION

Proposal Receipt Date: 2/15/13 Budgeted Amount: \$
Proposal Time: 10:00 am Estimated Amount: \$
Location for proposal: Town Clerk's Office
Proposal for: General Contracting Services
Department of:
Personnel at Opening: Town Clerk Carmela Riccio, Deputy Town Clerk Jennie DelRio
& Lisa Walsh
Remarks: Time to receive bids was closed at 10:05 a.m.
Reserved decision pending review by law department.

BIDDER #1(Name)	Tri Form Const. Inc.	Cont. Hr. Rate (A):	\$ 121.02
(Address)	119 Liberty St.	Appr. Hr. Rate (B):	93.20
	Metuchen, NJ 08840	Total A & B:	214.22
		Divide by 2	107.11
		(C divided by 2)	

Bid Bond: X Check:

BIDDER #2(Name)	Coyoty Builders & Dev.	Cont. Hr. Rate (A):	\$ 37.00
(Address)	644-61 st Street	Appr. Hr. Rate (B):	24.00
	West New York, NJ 07093	Total A & B:	61.00
		Divide by 2	30.50
		(C divided by 2)	

Bid Bond: X Check:

BIDDER #3(Name)	Jablan General Const. Inc.	Cont. Hr. Rate (A):	\$ 64.73
(Address)	160 Front St.	Appr. Hr. Rate (B):	74.42
	Secaucus, NJ 07094	Total A & B:	139.15
		Divide by 2	69.57
		(C divided by 2)	

Bid Bond: X Check:

February 20, 2013
Regular Meeting

Communication
Re: CFO Filing of Supplemental Debt Statement regarding
Bond Ordinances #3/13 and #4/13

Note: See copy of Supplemental Debt Statement attached to end of these Minutes.

Communication
Re: Town Engineer's Monthly Status Report dated February 13, 2013

FEB 20 2013

4D



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. PLOSOKONKA, 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: February 13, 2013

RE: General Engineering and Capital Project Status Report
West New York, New Jersey

□ **Improvements to Fillmore Place and Dewey Avenue Parks**

- 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 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. They have cleared the sites, installed some utilities and are completing the retaining walls at Dewey Park. They anticipate continuing to work through the winter, weather permitting.

□ **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 67th Street from JFK Blvd West to Palisade Avenue. We estimate the construction cost for the project to be \$275,000.00.
- We have completed the design plans and contract documents and issued same to the NJDOT on January 7, 2013, for their review and approval.
- As of this date, the NJDOT has not reviewed our submittal. We had anticipated advertising for receipt of bids in February with a bid opening on March 13, however, this will need to be postponed until the NJDOT review is completed.

□ **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 test boring and test probe work at the site. We have reviewed the quotes and issued letters of recommendation for award of this work.
- The test boring and test probe work for the site was scheduled to commence this week, but because of the weather, they have been postponed until next week.



February 20, 2013
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. 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
February 13, 2013
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:
 - 60th Street from Buchanan Place to Bergenline Avenue (2000'-Half Width),
 - 65th Street from Broadway Avenue to Park Avenue (675')
 - 51st Street from JFK West to Bergenline Avenue (615')
 - 66th Street from Hudson Avenue to JFK East (2060')
- The estimated construction cost for the above roads is approximately \$810,000.00.

□ **Municipal Pool Renovations**

- As you are aware, the Town has received funding for various renovations to the Municipal Pool Complex. We have reviewed the pool complex site with representatives from the Town to familiarize ourselves with the necessary improvements. The improvements proposed for the building include sliding repairs, bathroom stall upgrades, new ventilation, ceiling fans and lighting, refinishing of the floors, exterior door replacement and other miscellaneous improvements. The exterior pool area improvements include new lighting, replacement of broken lighting, new security cameras, fencing replacement and new fencing around portions of the lower decking, replacement of picnic tables, removal of deteriorated landscape boxes, exterior shower, general landscaping improvements, parking lot improvements and other miscellaneous improvements.
- At this time we estimate that the construction cost of the building improvements will be in the range of \$100,000.00 to \$125,000.00 and the construction cost of the exterior pool area improvements will be in the range of \$275,000.00 to \$325,000.00.
- We issued a proposal for preparing the construction plans and contract documents.

□ **Miscellaneous Engineering**

- Washington Park: We are working with Bob Cabana to prepare a CDBG application to provide funds to perform various repairs at the park.
- 523 61st Street Lighting: At the request of Police Director Indri, we have contact PSE&G regarding providing an additional street light in front of this property. PSE&G is looking into same and will let us know when the light can be installed.
- 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.

CONSULTING AND MUNICIPAL ENGINEERS
3141 BORDENTOWN AVENUE • PARLIN, NEW JERSEY 08859-1162 • (732) 727-8000



Note: At this point of meeting, Commissioner Wiley presented a plaque to the Governing Body received for 2012 Safety Incentive Program NJMSI-JIF. Comm. Wiley advised that this is the first year that the Town of West New York went from 0% compliance to 100% for work related safety issues. He further advised that the Town had 176 violations in DPW Dept. which was a danger to the community. He further explained that while he was Commissioner of Department of Public Works, he instituted driving defense courses and safety in work place courses and that drug policy classes are also needed. He commented that despite the fact that he has been requesting the law department to update drug policy, it still has not been done. He further advised that the Town will be receiving a check in the amount of \$1,000 from JIF.

February 20, 2013
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-22, R-24 thru R-27, R-29, R-30 and R-32 (**excluding R-23, R-28 and R-31**) be adopted, was carried by the following vote:

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

Note: Resolutions #R-23, R-28 and R-31 were **pulled** from agenda during Work Session. Comm. Wiley voted “No” on the following resolutions: R-27.

RESOLUTION

Re: To accept 2013 Municipal Alliance Grant funding

WHEREAS, the County of Hudson, has awarded the Town of West New York a grant in the amount of \$45,778.00, for the period of January 1, 2013 thru December 31, 2013 to provide substance abuse prevention and education services; and

WHEREAS, the Mayor and Commissioners of the Town of West New York, County of Hudson, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the Mayor and Commissioners further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Town of West New York will provide a mandatory 25% monetary contribution in the amount of \$11,445 and a mandatory 75% in-kind contribution in the amount of \$34,333;

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Town of West New York that:

1. The Mayor is authorized to execute an agreement with the County of Hudson for funding and to accept the grant award for the Town of West New York Municipal Alliance grant for calendar year 2013 in the amount of \$45,778.00.
2. The Town of West New York will provide monetary match funds in the amount of \$11,445 and the in-kind contribution in the amount of \$34,333.
3. The Mayor and Commissioners acknowledges the terms and conditions for administering the West New York Municipal Alliance grant, including the administrative compliance and audit requirements.

NOW, THEREFORE, BE IT RESOLVED by the Town of West New York, County of Hudson, State of New Jersey hereby recognizes the following:

APPROVED: _____
Felix E. Roque, Mayor

February 20, 2013
Regular Meeting

Consent Agenda (Cont.):

Resolution
Re: Bingo & Raffles

BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York that the following applications for Bingo/Raffles are hereby granted:

<u>Name</u>	<u>Date</u>	<u>License #</u>
St. Josephs of the Palisades Church 6401 Palisade Avenue West New York, NJ 07093 (50/50 Raffle off premise)	June 23, 2013	RL 1828
Laymen & Laywomen's Action Club 6401 Palisade Avenue West New York, NJ 07093 (Tricky Tray)	April 21, 2013	RL 1829

Resolution
Re: Establishing restricted parking in front of one
(1) residence for use by handicapped resident as follows:
411 – 51st Street, #2 (Waldo Nin-Peralta)

WHEREAS, the Town of West New York wishes to establish a restrictive parking space in front of one (1) residence of a handicapped person who has been issued vehicle identification card by the Division of Motor Vehicles; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York pursuant to N.J.S.A. 39:4-205 and N.J.S.A. 39:4-107.5 as follows:

	<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
1.	Waldo Nin-Peralta 411-51 st Street #2 West New York, NJ 07093	West	Begin at a point along the West curb line of 51 st Street & Palisade Avenue, 116 feet west from the south west corner then 22 feet therefrom

No other person shall be permitted to park in this space; any person violating this Resolution shall be subject to the following penalties for violation of parking in a restrictive handicapped-parking zone.

1. First Offense- \$253.00
2. For each subsequent offense \$253.00 and up to 90 days of community service on such terms and in form as the court shall deem appropriate for any combination thereof (Ch 200L, 1989 effective November 29, 1989) and
3. In addition the violator shall bear full cost of towing, removal and storage of violator's vehicle (Ch 200L, 1989 effective November 29, 1989).

This resolution shall take effect immediately and the Director of Public Safety shall post the appropriate marking and/or sign at said place.

February 20, 2013
Regular Meeting

Consent Agenda (Cont.):

Resolution

**Re: Establishing restricted parking in front of one
(1) residence for use by handicapped resident as follows:
5708 Hudson Avenue, #7 (Alejandra Escobar)**

WHEREAS, the Town of West New York wishes to establish a restrictive parking space in front of one (1) residence of a handicapped person who has been issued vehicle identification card by the Division of Motor Vehicles; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York pursuant to N.J.S.A. 39:4-205 and N.J.S.A. 39:4-107.5 as follows:

	<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
1.	Alejandra Escobar 5708 Hudson Ave. Apt. #7 West New York, NJ 07093	East	Begin at a point along the east curb line of 58 th St. & Palisade Avenue, 75 feet south from the south east corner. Then 22 feet therefrom

No other person shall be permitted to park in this space; any person violating this Resolution shall be subject to the following penalties for violation of parking in a restrictive handicapped-parking zone.

1. First Offense- \$253.00
2. For each subsequent offense \$253.00 and up to 90 days of community service on such terms and in form as the court shall deem appropriate for any combination thereof (Ch 200L, 1989 effective November 29, 1989) and
3. In addition the violator shall bear full cost of towing, removal and storage of violator's vehicle (Ch 200L, 1989 effective November 29, 1989).

This resolution shall take effect immediately and the Director of Public Safety shall post the appropriate marking and/or sign at said place.

Resolution

**Re: Establishing restricted parking in front of one
(1) residence for use by handicapped resident as follows:
320-50th Street, Apt. #21 (Ramona Camillo)**

WHEREAS, the Town of West New York wishes to establish a restrictive parking space in front of one (1) residence of a handicapped person who has been issued vehicle identification card by the Division of Motor Vehicles; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York pursuant to N.J.S.A. 39:4-205 and N.J.S.A. 39:4-107.5 as follows:

	<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
1.	Ramona Camillo 320-50 th Street, Apt. 21 West New York, NJ 07093	East	Begin at a point along the east curb line of 50th Street & Palisade Ave., 42.7 feet east from the north east corner. Then 22 feet therefrom

No other person shall be permitted to park in this space; any person violating this Resolution shall be subject to the following penalties for violation of parking in a restrictive handicapped-parking zone.

1. First Offense- \$253.00

February 20, 2013
Regular Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

2. For each subsequent offense \$253.00 and up to 90 days of community service on such terms and in form as the court shall deem appropriate for any combination thereof (Ch 200L, 1989 effective November 29, 1989) and
3. In addition the violator shall bear full cost of towing, removal and storage of violator's vehicle (Ch 200L, 1989 effective November 29, 1989).

This resolution shall take effect immediately and the Director of Public Safety shall post the appropriate marking and/or sign at said place.

Resolution

Re: Establishing restricted parking in front of one
(1) residence for use by handicapped resident as follows:
6601 Broadway, Apt. #C-7 (Jose Grullon)

WHEREAS, the Town of West New York wishes to establish a restrictive parking space in front of one (1) residence of a handicapped person who has been issued vehicle identification card by the Division of Motor Vehicles; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York pursuant to N.J.S.A. 39:4-205 and N.J.S.A. 39:4-107.5 as follows:

	<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
1.	Jose Grullon 6601 Broadway Apt., C-7 West New York, NJ 07093	West	Begin at a point along the west curb line of 66th Street & Broadway, 32feet north from the north west corner. Then 22 feet therefrom

No other person shall be permitted to park in this space; any person violating this Resolution shall be subject to the following penalties for violation of parking in a restrictive handicapped-parking zone.

1. First Offense- \$253.00
2. For each subsequent offense \$253.00 and up to 90 days of community service on such terms and in form as the court shall deem appropriate for any combination thereof (Ch 200L, 1989 effective November 29, 1989) and
3. In addition the violator shall bear full cost of towing, removal and storage of violator's vehicle (Ch 200L, 1989 effective November 29, 1989).

This resolution shall take effect immediately and the Director of Public Safety shall post the appropriate marking and/or sign at said place.

Resolution

Re: Re-Appointment of Maria Alvarez as
Registrar of the Town of West New York

Whereas, the term of Maria Alvarez as Registrar of the Town of West New York expires on February 28, 2013; and

Whereas, Maria Alvarez has continues to serve as Registrar of the Town of West New York; and

Whereas, the West New York Health Department did re-appoint Maria Alvarez as Registrar of Vital Statistics for the Town of West New York pursuant to N.J.S.A. 26:8-11, on January 4, 2013, as confirmed in correspondence from the Health Officer of the Town of West New York for the term commencing on March 1, 2013, and terminating on February 29, 2016; and

February 20, 2013
Regular Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

Whereas, Maria Alvarez has competently served the Town of West New York as Registrar of Vital Statistics and possesses the requisite competence, qualifications and experience to continue serve as Registrar of Vital Statistics for the Town of West New York; and

Whereas, the Board of Commissioners agrees that the re-appointment of Maria Alvarez is necessary for the efficient operation of the Town at this time;

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of West New York as Follows:

1. The Board of Commissioners of the Town of West New York hereby reappoints Maria Alvarez as Registrar of Vital Statistics by the West New York Department of Health for the term commencing on March 1, 2013, and terminating on February 29, 2016.
2. A certified copy of this resolution, along with a copy of the re-appointment letter dated January 4, 2013, shall be forwarded to the New Jersey State Department of Health and Senior Services pursuant to N.J.S.A. 26:8-12.
3. 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: Sidewalk Sales

WHEREAS, Sidewalk display and sale of goods or merchandise on a regular or continuous basis is prohibited by applicable ordinance; and

WHEREAS, Special promotional sales on special, rare occasions to promote and publicize West New York as a shopping area are not within the intent of such ordinance and are permissible when limited and controlled and as authorized by the Board of Commissioners of West New York; and

WHEREAS, The West New York Chamber of Commerce has requested special permission for a limited special, promotional sale to promote and publicize West New York as a Shopping area for the dates listed below on a limited basis, wherein some brief sidewalk display and sale of merchandise for promotional purpose will be made, but, without unduly encumbering the sidewalk of the public; and good appearing. In case of rain, sale will be held on

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

1. It is hereby found and determined that brief promotional sale to promote and publicize West New York, New Jersey as a shopping area is not such sale of display of goods and merchandise as is contemplated by or within the meaning of said ordinance prohibiting regular or repeated sidewalk sales.
2. The West New York Chamber of Commerce is hereby granted permission to conduct such promotional sale on Friday 4/26/13, Saturday 4/27/13 and Sunday 4/28/13; Friday 5/24/13, Saturday 5/25/13, Sunday 5/26/13 and Sunday 6/9/13; Friday 7/19/13, Saturday 7/20/13 and Sunday 7/21/13; Friday 10/11/13, Saturday 10/12/13, Sunday 10/13/13 and Monday 10/14/13.

(Rain Dates: Friday 5/3/13, Saturday 5/4/13 and Sunday 5/5/13; Friday 5/31/13, Saturday 6/1/13, Saturday 6/8/13; Friday 7/26/13, Saturday 7/27/13 and Sunday 7/28/13; Friday 10/18/13, Saturday 10/19/13, Sunday 10/20/13 and Monday 10/21/13 with moderate sidewalk display and sale of goods and merchandise limited and in accordance with said promotional purpose of said sale event.

February 20, 2013
Regular Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

3. Said promotional sale shall be conducted without duly encumbering the public and all participants shall obey the instruction with respect thereto delivered by a duly designated representative of the Police Department of the Town of West New York, New Jersey.

RESOLUTION

Re: Reversal of Previously Cancelled Federal and State Grants

WHEREAS, the Town of West New York had resolved to cancel to the 2012 operations of the Current Fund certain grant programs previously funded by general taxation; and

WHEREAS, it was determined that certain grant balances were either refunded to the issuing agency or charged off to the appropriations in the 2012 grant fund; and

WHEREAS, these grant balances cannot be cancelled due to the manner in which they have been accounted for and therefore shall be reversed; and

WHEREAS, the balances to be reversed are as follows:

2009 Summer Food Program (appropriated reserve)	\$ 72,797.00
2011 Summer Food Program (unappropriated reserve)	\$ 26,260.71
DOT Street Paving Grant (appropriated reserve)	\$ 6,370.00

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF WEST NEW YORK that the grant balances previously cancelled to 2012 operations of the Current Fund be reversed.

RESOLUTION

Re: Rescinding Prior Authorization to Fund the Improvements to Swimming Pool from the Capital Surplus Account

WHEREAS, the Town of West New York had previously authorized the appropriation of \$63,774.00 from the Capital Surplus of the General Capital Fund to fund improvements to the municipal pool via Resolution R-19 adopted on April 18, 2012; and

WHEREAS, the appropriation was never executed.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF WEST NEW YORK that the authorization to appropriate \$63,774.00 from the Capital Surplus of the General Capital Fund be hereby rescinded.

RESOLUTION

Re: Rescinding Prior Authorization for Funding Improvements to Swimming Pool from the Capital Improvement Fund

WHEREAS, the Town of West New York had previously authorized the appropriation of \$61,000.00 from the Capital Improvement Fund of the General Capital Fund to fund improvements to the municipal pool via Resolution R-20 adopted on April 18, 2012; and

WHEREAS, the appropriation was never executed.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF WEST NEW YORK that the authorization to appropriate \$61,000.00 from the Capital Improvement Fund of the General Capital fund be hereby rescinded.

February 20, 2013
Regular Meeting

Consent Agenda (Cont.):

Resolution

Re: Tax Correction (335 Oswego Court)

WHEREAS, a payment in the amount of \$1,443.74 was received for property located at 335 Oswego Court A/K/A block 168.01 lot 1.04 C0335 and

WHEREAS, the said payment was applied to the first quarter 2013 Service Charge Bill, but should have been applied to fourth quarter 2012 Service Charge Bill.

THEREFORE, the Tax Collector is hereby authorized to move the payment in the amount of \$1,443.74 to cover the fourth quarter 2012 Service Charge Bill.

Resolution

Re: Tax Lien Redemptions (\$592,637.68)

WHEREAS, the investor named below has previously purchased a Tax Sale Certificate from the Town of West New York; and

WHEREAS, the Collector of Taxes for the said Tax Sale Certificates has received the full amount for redemption pursuant to N.J.S.A. 54:5-60.

WHEREAS, the certificate has now been redeemed and the investor is entitled to a refund of said redemption amounts pursuant to N.J.S.A. 54:5-58.

NOW, THEREFORE, BE IT RESOLVED that said redemption amounts be paid to the investors in the following amounts, and the Collector of Taxes is hereby authorized to issue said refunds.

Name	Block/lot	Cert#	Amount
US BANK CUST. FOR TLCF 2012A, LLC	34/28	12-0168	\$5,516.92
	123/16	12-0580	\$1,525.74
	155/2	12-0707	\$2,068.13
	32/11	12-0144	\$601.02
	92/3	12-0488	\$429.22
	82/4	12-0444	\$411.28
	157/15	12-0713	\$513.24
	31/29	12-0142	\$1,382.22
	103/16	12-0527	\$1,235.18
	15/15	12-0072	\$625.24
72 OAK STREET	70/19.02 C0001	12-0366	\$4,251.33
	168.01/7.05 C0512	12-0784	\$4,968.38
LBNR PARTNERS, LLC	70/20	11-0188	\$10,507.71
US BANK CUST FOR TOWER DBW	19/2	12-0097	\$620.76
	38/9 C022A	12-0211	\$2,537.97
	59/2	12-0320	\$2,344.70
	67/32	12-0344	\$5,662.97
	69/36	12-0354	\$14,381.73
	144/1	12-0652	\$2,170.23
	144/2	12-0653	\$1,404.21
	5/32 C05-C	12-0025	\$1,164.10
	37/18	12-0203	\$4,853.26
	98/25	12-0518	\$5,978.22
	19/28.02	12-0100	\$4,384.65
	152/5	12-0690	\$3,167.25
73/14	12-0386	\$11,784.28	

February 20, 2013
Regular Meeting

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

	62/14	12-0331	\$9,826.32
	64/28	12-0335	\$13,466.89
	126/24	12-0589	\$1,667.93
	113/8	12-0557	\$7,579.97
	107/30	12-0539	\$9,425.22
	107/29	12-0538	\$4,591.00
	33/27.01	12-0160	\$7,047.21
	5/8	12-0010	\$25,651.04
	149/26	12-0680	\$6,553.63
	45/15	12-0249	\$3,650.09
	46/23	12-0259	\$294.48
	46/21	12-0258	\$1,124.91
	161/18	12-0728	\$9,195.73
	2/7.01	12-0006	\$573.39
	80/42	12-0429	\$6,654.63
	69/15	12-0351	\$2,287.31
	23/12	12-0119	\$4,574.61
MTAG SVC. AS CUST	12/3	12-0065	\$4,429.74
FOR ATCF II NJ LLC	15/6	11-0046	\$1,785.96
	18/23 C0103	12-0094	\$6,672.30
	74/4 C003D	12-0405	\$427.98
	140/19	11-0328	\$17,074.75
	140/19	12-0639	\$3,660.61
	168.01/7.06	12-0789	\$3,185.48
	C0329		
	74/5 C002E	12-0415	\$3,533.02
	70/19.01 C0015	12-0363	\$3,166.61
	83/7 C0011	12-0456	\$1,036.57
	39/13 C00D2	11-0110	\$3,180.60
	39/13 C00D2	12-0219	\$825.60
	83/7 C0054	12-0460	\$622.95
	42/11	12-0234	\$8,603.23
	168.01/8.01 C0213	12-0771	\$2,043.96
	148/18	11-0341	\$8,183.51
	85/15 C0005	12-0472	\$6,401.66
ISAAC MORADI	168.01/1.25 C0012	12-0753	\$3,853.78
	130/1.06	12-0602	\$467.99
	146/8	12-0665	\$3,203.30
	165/7.01	12-0739	\$2,314.01
	133/14	12-0614	\$1,246.41
	76/1 C0AA1	11-0201 *	\$337.03
	109/22 C0106	12-0549	\$377.33
PAM INVESTORS	5/32 CGA06	06-0063	\$2,559.23
	5/32 CGA06	11-0028	\$444.58
	5/32 CGA06	12-0030	\$384.76
	54/14.02 C0006	12-0294	\$3,768.37
	54/14.02 C0010	12-0298	\$3,829.31
	54/14.02 C0012	12-0300	\$3,730.94
	107/25	12-0536	\$3,925.20
	153/14	12-0696	\$1,908.09
	83/7 CG001	11-0233	\$1,082.70
	83/7 CG001	12-0461	\$254.86
	29/1	12-0140	\$15,667.11
	29/1	11-0073	\$64,369.03
	67/34	12-0345	\$746.25
	42/27	12-0238	\$1,180.98

**February 20, 2013
Regular Meeting**

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

SBMUNICUST C/O LBNJ	33/17	12-0157	\$4,041.71
GAUTAM CHHAWCHHARIA	153/30	12-0699	\$557.27
U.S. BANK, CUST EMPIRE V	123/23	12-0582	\$8,145.63
SUNSHINE ST CERT. IV, LLLP,BK UNITEDT	82/12	12-0448	\$23,272.06
US BANK CUST. FOR PRO CAPITAL I, LLC	11/19 C003A	10-024	\$2,264.96
72 OAK STREET HOLDINGS, LLC	168.01/7.05 C0512 168.01/8.03 C0317	12-0784 12-0778	\$4,968.38 \$4,564.07
U.S. BANK AS CUST/ ATR FD NJ & CAP1	5/32 C02-E	12-0020	\$1,822.30
ISAAC MORADI	70/19.02 C00C1	12-0365	\$806.48
RIDGE CAPITAL LLC	83/7 CG001 83/7 CG027 108/20	12-0462 11-0238 11-0274	\$402.98 \$1,566.81 \$51,707.50
U.S. BANK,CUS FOR EMPIRE TAX FD.	149/13	10-235	\$5,948.67
PEIJYUN SICARDI	7/21	12-0038	\$2,220.32
R. ROTHMAN	55/50.01 55/50.02	10-109 10-110	\$21,233.56 \$59,564.79
CARRIER SERVICES	76/1 C0AA1	09-107 *	\$410.10
		GRAND TOTAL	\$592,637.68

Resolution

Re: Refund of Overpayment of Taxes (\$38,213.54)

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
ESPINOSA, ANTONIO & MODESTA	22/18	\$1000.00 (SEWER)	2012
AZAR, ELIE	15/5	\$930.24	2012

**February 20, 2013
Regular Meeting**

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

SHERR, MICHELE B.	168.01/1.13 C0165	\$295.41	2012
		\$1,148.33 (SVC)	2012
ROBERT ROTHMAN	168.01/1.35 C0418	\$302.50 (SVC)	2012
WELLS FARGO	79/10	\$1,074.29 (SEWER)	2012
		\$71.49 (COST)	2012
	152/23.01	\$250.00	2012
	152/10	\$100.00	2012
	113/14	\$1902.44 (SEWER)	2012
		\$88.05 (COST)	2012
	117/15 C0503	\$9,928.49	2012
ARZE, JOSE	98/21	\$50.11 *	2012
MERIDA PARK AVE, LLC	43/6	\$3,769.95	2012
	43/5	\$12,421.53	2012
	43/6.01	\$146.87	2012
KREUTZER, GENEVIEVE	6/6	\$321.71	2012
PLAZAS, ALFONSO & DIANA SAIZ	168.01/8.03 C0315	\$1,042.07 (SVC)	2012
BOILING SPRINGS	57/3.01	\$2,261.00	2013
	108/14	\$1,049.76	2013
1635 LEX REALTY CORP	59/2	\$59.30 *	2013
	SEWER	\$3,976.73	
	SVC	\$2,492.90	
	TAXES	\$31,743.91	
	GRAND TOTAL	\$38,213.54	

RESOLUTION

Re: Hudson County Tax Appeals (\$31,110.60)

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:

**February 20, 2013
Regular Meeting**

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

NAME	BLOCK-LOT	AMOUNT	YEAR
NASHEL & NASHEL	18/38	\$2,907.00	2012
	67/2	\$38.00	2012
	151/16	\$2,261.00	2012
	151/13	\$1,292.00	2012
ARTETA, PABLO & LUZ MATILDE	71/36	\$2,907.00	2012
VALLEJO, E & M OQUENDO	8/30	\$969.00	2012
SAKA MANAGEMENT	118/2	\$13,630.60	2012
ROBERT SPIOTTI ATTY FOR 5 STAR B'LINE AVE RLTY.	108/14	\$7,106.00	2012
GRAND TOTAL		\$31,110.60	

RESOLUTION
Re: State Court Tax Appeals (\$27,648.54)

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
VENINO & VENINO ESQS. AS ATTORNEYS FOR DAYTONA CORP.	107/1	\$3,084.65	2010
		\$3,125.53	2011
		\$3,107.26	2012
	107/4	\$5,746.04	2010
		\$5,822.20	2011
		\$5,788.16	2012
MICHAEL I. SCHNECK TRUSTEE FOR MS 429 52 ND LLC	098/11	\$974.70	2011
GRAND TOTAL		\$27,648.54	

107/30	12-0539	\$100.00
5/8	12-0010	\$500.00
42/11	12-0234	\$4,500.00

**February 20, 2013
Regular Meeting**

Consent Agenda (Cont.):

Resolution (Cont.):

46/23	12-0259	\$6,000.00
46/21	12-0258	\$2,500.00
161/18	12-0728	\$1,000.00
2/7.01	12-0006	\$1,000.00
107/29	12-0538	\$100.00
US BANK CUST FOR 28/10	12-0135	\$200.00
TLCF 2012A, LLC 103/16	12-0527	\$400.00
SUNSHINE ST CERT. IV, 82/12	12-0448	\$7,000.00
US BANK CUST FOR 11/19 C003A PRO CAPITAL I, LLC	10-024	\$100.00
R. ROTHMAN 55/50.02	10-110	\$10,100.00
RIDGE CAPITAL, LLC 108/20	11-0274	\$17,000.00
	GRAND TOTAL	\$121,800.00

RESOLUTION

Re: Authorizing the Mayor and Board of Commissioners to amend a prior agreement with Port Imperial Racing Associates, LLC regarding annual Formula One Grand Prix Race with the Township of Weehawken and the Town of West New York

WHEREAS, the Township of Weehawken and the Town of West New York have previously entered into an agreement with Port Imperial Racing Associates, LLC (PIRA) concerning holding annual Formula One Grand Prix Races within the Township of Weehawken and the Town of West New York; and

WHEREAS, the original agreement was for a period of ten (10) years; and

WHEREAS, PIRA has requested a five year extension of the agreement; and

WHEREAS, the Town wishes to enter into an amended agreement with PIRA and the Township of Weehawken governing the use by PIRA of the public right-of-ways and for the conduct of the said races and related events, a copy of which shall be on file with the Township Clerk,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the Board of Commissioners of West New York, that:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The Mayor is hereby authorized to execute an amended agreement with PIRA and the Township of Weehawken extending the term to fifteen (15) years, as well as any and all other

documents, subject to the approval of the Town Attorney as to form, and to take any and all actions necessary to complete and realize the intent and purpose of this Resolution.

February 20, 2013
Regular Meeting

Consent Agenda (Cont.):

Resolution
Re: Authorizing the Town Clerk to advertise
to receive bids for Swimming Pool Improvements

NOW, THEREFORE, BE IT RESOLVED that the Town Clerk be hereby authorized and directed to advertise for the receiving of bids on April 10, 2013 at 10:00 a.m. in the Town Clerk's Office for: "Swimming Pool Improvements" for the Town of West New York in accordance with specifications on file in the Town Clerk's Office.

RESOLUTION

RE: APPOINTMENT OF MEMBERS TO THE WNY BOARD OF SCHOOL
ESTIMATES
(2013-2014 SCHOOL YEAR)

WHEREAS, pursuant to N.J.S. 18A:22-1, the Town of West New York is required to appoint members to the Board of School Estimates to oversee the financial budget of the school district; and

WHEREAS, the following people are hereby appointed: Mayor Felix E. Roque, Commissioner Fior D'Aliza Frias and Commissioner Count Wiley as Members of the Board of School Estimates;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Board of Commissioners that the above mentioned people are appointed to serve as members of the Board of School Estimates for the 2013/2014 school year.

RESOLUTION OF THE TOWN OF WEST NEW YORK, IN
THE COUNTY OF HUDSON, NEW JERSEY MAKING
APPLICATION TO THE LOCAL FINANCE BOARD
PURSUANT TO N.J.S.A. 40A:2-7(d) AND 11(c) AND 40A:3-4

WHEREAS, THE TOWN OF WEST NEW YORK, IN THE COUNTY OF HUDSON, NEW JERSEY (the "Town"), desires to make application to the Local Finance Board (the "Board") for the Board's consent to the waiver of a down payment pursuant to N.J.S.A. 40A:2-7(d) and 11(c) and approval of two (2) bond ordinances pursuant to N.J.S.A. 40A:3-4 in the Municipal Qualified Bond Act, to fund various capital improvements; and

WHEREAS, the Town believes:

- (a) it is in the public interest to accomplish such purposes;
- (b) said purposes or improvements are for the health, wealth, convenience or betterment of the inhabitants of the Town;
- (c) the amounts to be expended for said purposes or improvements are not unreasonable or exorbitant; and

- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Town and will not create an undue financial burden to be placed upon the Town.

February 20, 2013
Regular Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

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

Section 1. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer and Bond Counsel and the Town's Auditor, along with other representatives of the Town, are hereby authorized to prepare such application and to represent the Town in matters pertaining thereto.

Section 2. The Clerk of the Town of West New York is hereby directed to file a copy of this Resolution with the Local Finance Board for its consent as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

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 Environmental Services Engineer

WHEREAS, N.J.S.A. 19:44A-20.5 et seq. mandates a municipality to comply with Pay to Play requirements; and

WHEREAS, the Mayor and Board of Commissioners are desirous of receiving and considering proposals for professional Environmental Services Engineer as may be needed by the Town of West New York; and

WHEREAS, the Town has previously committed itself to utilizing a Fair and Open Process for the solicitation and review of proposals and Proposals for professional services, including Environmental Services Engineer;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York 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 Requests for Proposals for professional Environmental Services Engineer in accordance with the Fair and Open Process at least ten days in advance of the opening of the responses to the Requests for Proposals received ("Statements of Proposals"), on or before which time all Statements of Proposals must be submitted by interested parties, for consideration by the Review Committee herein established; and
3. The Mayor, with the Town Administrator and the Town Attorney both in an advisory capacity, will review all Statements of Proposals and to make recommendations to the Mayor and Board of Commissioners prior to its next regularly scheduled meeting.

February 20, 2013
Regular Meeting

Consent Agenda (Cont.):

RESOLUTION

RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT

FOR SERVICES OF BOND COUNSEL

WHEREAS, DECOTIIS, FITZPATRICK & COLE, LLP 500 Frank Burr Boulevard, Suite 31, Teaneck, New Jersey 07666, has submitted a proposal to serve as Bond Counsel, dated, January 10, 2013 in response to a, Request for Qualifications for Bond Counsel; and

WHEREAS, the Mayor as Commissioner of the Department of Public Affairs has duly appointed DECOTIIS, FITZPATRICK & COLE, LLP as Bond Counsel; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of DECOTIIS, FITZPATRICK & COLE, LLP to serve as Bond Counsel, and enter into a contract with DECOTIIS, FITZPATRICK & COLE, LLP, to provide for the services of DECOTIIS, FITZPATRICK & COLE, LLP and

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

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

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and DECOTIIS, FITZPATRICK & COLE, LLP, for the services of DECOTIIS, FITZPATRICK & COLE, LLP as Bond Counsel, and for an amount to be stated in the agreement.
2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on January 10, 2013 and in accordance with N.J.S.A. 19:44A-20.5 et seq.
4. The initial authorization of this contract shall be for the period of 1/1/13 - 12/31/13, and for an amount to be contained in the agreement not to exceed \$60,000.00.
5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of DECOTIIS, FITZPATRICK & COLE, LLP as Bond Counsel shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

February 20, 2013
Regular Meeting

Consent Agenda (Cont.):

RESOLUTION
RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF AUDITING SERVICES

WHEREAS, the Auditing Services of Carr, Daley & Sullivan Certified Public Accountants, LLC of 220 South Orange, Suite 100, Livingston NJ 07039, has submitted a proposal to serve as Auditing Services dated, February 7, 2013, in response to a, Request for Qualifications for Auditing Services; and

WHEREAS, the Mayor as Commissioner of the Department of Public Affairs has duly appointed the accounting firm of Carr, Daley & Sullivan; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of the auditing services of Carr, Daley & Sullivan to serve as Auditing Service and enter into a contract with the auditing services of Carr, Daley & Sullivan to provide for the services of Auditing Services; and

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

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

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and the auditing services of Carr, Daley & Sullivan for the services of the auditing services of Carr, Daley & Sullivan for the services of auditing services, and for an amount to be stated in the agreement.

2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.

3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on February 7, 2013, and in accordance with N.J.S.A. 19:44A-20.5 et seq.

4. The initial authorization of this contract shall be for the period 1/1/13-12/31/13, and for an amount to be contained in the agreement, but not to exceed \$126,000.00.

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

6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of the accounting firm of Carr, Daley & Sullivan as Auditing Services shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

February 20, 2013
Regular Meeting

Consent Agenda (Cont.):

RESOLUTION

**Re: Appointing Sandy Aviles as an Alternate Member of the Planning Board
to fill the unexpired term of Violeta Moreno
(Term expires on 12/16/13)**

WHEREAS, a vacancy exists on the West New York Planning Board, due to the resignation of Alternate Member Violeta Moreno, such term expiring December 16, 2013;

WHEREAS, Sandy Aviles, is a resident of the Town of West New York living at 60-63rd Street Apt.# C6, West New York, NJ 07093; and

WHEREAS, Sandy Aviles, is available to complete the required term;

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

1. Sandy Aviles is appointed to serve as an Alternate Member of the West New York Planning Board, to serve for the unexpired portion of a term which term will expire on December 16, 2013.
2. A copy of this resolution shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

Note: Comm. Wiley voted “No” on this Resolution. He commented that he does not agree with appointments being made by the Mayor on the Planning and Zoning Boards as they are not qualified applicants. He referred to recent appointments of two (2) new members to the Zoning Board who he feels are unqualified and also referred to the recent approval of the Meridia project.

**RESOLUTION AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS FOR THE
YEAR 2013**

WHEREAS, an emergent condition has arisen in that the Town is expected to enter into contracts, commitments or payments prior to the adoption of the 2013 budget and no adequate provision has been made in the 2013 temporary budget for the aforesaid purposes; and

WHEREAS, N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose; and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2013 pursuant to the provisions of Chapter 96, P.L. 1951 (NJSA 40A:4-20) including this resolution total \$200,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the Board of Commissioners of the Town of West New York, County of Hudson (not less than two-thirds of all members thereof affirmatively concurring) , that in accordance with the provisions of N.J.S. 40A:4-20:

February 20, 2013
Regular Meeting

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

1. Emergency temporary appropriations be and the same are hereby made in the amount of \$200,000.00 as follows:

OTHER INSURANCE	
Liability Insurance	\$200,000.00
2. Said emergency temporary appropriations will be provided for in the 2013 budget.
3. That one certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Resolution

Re: Awarding a Contract to O'Brien's Response Management to Complete the FEMA Application for Hurricane Sandy

WHEREAS, the Town wishes to apply for a grant for reimbursement from FEMA for the 2012 Hurricane Sandy; and

WHEREAS, O'Brien's Response Management firm is an approved NJ state contractor and qualified to apply for FEMA grants on behalf of local government applicants; and

WHEREAS, the Town has incurred costs in excess of \$250,000.00 for which reimbursement is sought from FEMA; and

WHEREAS, that the costs associated with the services provide are below the bid threshold for the Town; and

WHEREAS, the award of this Contract is necessary for the efficient operation of the Town and for the benefit of residents; and

WHEREAS, the Certificate of Available Funds, maintained on file at the Town, sets forth that sufficient funds for the subject procurement have been allotted in the Town's 2013 budget.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of West New York, that the Town Administrator is permitted to enter into an agreement with O'Brien's Response Management for grant application services in connection with the 2012 Hurricane Sandy. The amount of the contract not to exceed \$20,000.

RESOLUTION

RE: Adoption of the 2013 Temporary Capital Budget

WHEREAS, the Town of West New York desires to constitute the 2013 Temporary Capital Budget by inserting therein the capital projects listed below.

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

- 1 The 2013 Temporary Capital Budget of the Town of West New York is hereby constituted by the adoption of a schedule to read as follows:

**Temporary Capital Budget of the Town of West New York
County of Hudson, New Jersey**

Projects Scheduled for 2013/Method of Financing

Project	Estimated Costs	Grant Appropriation	Capital Improvement Fund	Capital Fund Balance	General Serial Bonds
DPW Garage	\$ 7,500,000.00	\$ -	\$ -	\$ -	\$ 7,500,000.00
2013 Park Improvments	\$ 1,200,000.00	\$ 600,000.00	\$ -	\$ -	\$ 600,000.00
Computers, Software, Electrical	\$ 40,000.00	\$ -	\$ 2,000.00	\$ -	\$ 38,000.00
Improvements to Hudson Hall	\$ 100,000.00	\$ -	\$ 5,000.00	\$ -	\$ 95,000.00
Natural Gas Generator	\$ 90,000.00	\$ -	\$ 4,500.00	\$ -	\$ 85,500.00
Town Hall Repairs	\$ 200,000.00	\$ -	\$ 10,000.00	\$ -	\$ 190,000.00
2013 Capital Equipment Various	\$ 250,000.00	\$ -	\$ 12,500.00	\$ -	\$ 237,500.00
2013 Capital Improvements	\$ 50,000.00	\$ -	\$ 2,500.00	\$ -	\$ 47,500.00
DEP Cleanup	\$ 800,000.00	\$ -	\$ 40,000.00	\$ -	\$ 760,000.00
	\$ 10,230,000.00	\$ 600,000.00	\$ 76,500.00	\$ -	\$ 9,553,500.00

- 2 That one (1) certified copy of this resolution be filed with the Director of the Division of Local Government Services.
-

February 20, 2013
Regular Meeting

ORDINANCE #1/13

**AN ORDINANCE AMENDING CHAPTER 56 OF THE CODE OF THE
TOWN OF WEST NEW YORK (LAW 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.

The following persons wished to be heard:

1. Comm. Wiley:

Comm. Wiley advised that he intends to vote against the adoption of this Ordinance as he does not agree with the proposed re-structuring. He questioned whether Town Attorney Garcia is being paid extra for representing the Town in the Passante litigation. Mr. Garcia explained that even though he is entitled to bill for the extra services, he is not. He further explained that this is not a new ordinance and that he is entitled to bill for extra services under the prior existing ordinance. He advised that he is currently working by himself without the assistance of an Assistant Town Attorney or an Assistant, that this amendment is for specific purposes i.e. Alternate Prosecutor and Alternate Public Defender as the Prosecutor and Public Defender are not always available and this allows us to bring in an Alternate Prosecutor and Alternate Public Defender under our terms of compensation i.e. \$150 per hour. Comm. Wiley inquired "Isn't it a conflict for attorney to act as Prosecutor?" Town Attorney Garcia and Town Administrator Demarco responded "No, not as Prosecutor only as Public Defender." Comm. Wiley inquired as to the amount billed for legal services by Town Attorney Garcia in the Passante matter. Mr. Garcia advised the Commissioner that he can OPR the documentation and that this matter should not be discussed as it deals with personnel issues. Discussion ensued between Mayor Roque and Town Attorney regarding amount of legal fees saved thus far as a result of Mr. Garcia handling the cases on behalf of the Town.

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

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

ORDINANCE #2/13

**AN ORDINANCE AMENDING CHAPTER 338 OF THE CODE OF THE
TOWN OF WEST NEW YORK (SIGNS)**

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 persons wished to be heard:

1. Francisco Ferreiro, 23 Henry Street, Sayreville, NJ:

Mr. Ferreiro asked for a change of venue as there were residents and business owners waiting in the hallway who could not be admitted into court chambers due to limited capacity. He commented "You refuse to change the venue of this meeting. You don't believe in freedom." Mr. Ferreiro inquired as to whether Comm. Vargas read this Ordinance and understands the amendments under Section 338-19 and requested that he read it aloud. Comm. Vargas read the section aloud. Mr. Ferreiro criticized Comm. Vargas' reading and questioned whether he understood what he was reading. Town Administrator DeMarco interrupted and advised Mr. Ferreiro that he was being disrespectful to Comm. Vargas. Mr. Ferreiro again inquired of Comm. Vargas as to whether he understood the amendments. Comm. Vargas commented that he does.

February 20, 2013
Regular Meeting

2. **Lionel Leach, 202 Maple Avenue, Irvington, NJ:**
Mr. Leach advised that he is the President of CWA 1039 and represents 5,000 State and local workers. He complained that the children in attendance were being used as “political shields”, which is out of order and disrespectful. Discussion ensued between Mayor Roque and Mr. Leach regarding the children. (At this point, audience members were shouting and meeting was out of order.) Mr. Leach commented that “We will make sure you are unelected.” Mayor responded that he should feel free to come to West New York anytime.
3. **Janice Laffman, 6040 Harrison Place, WNY:**
Ms. Laffman complained about the children being exposed to the “cheap display”. She inquired as to whether Comm. Frias read this Ordinance. Comm. Frias advised that she had read the Ordinance and did not feel the need to read it aloud. Ms. Laffman made a comment that Comm. Frias is a mother and should not condone using the children. Comm. Frias advised her not to bring her personal business into this issue. (At this point, audience members were shouting and meeting was out of order.) Ms. Laffman commented that this meeting will be posted on the internet and that “everyone will see what a nut you are”. She further commented that business owners should be allowed admittance to this meeting and that the children should be removed from the courtroom. Mayor Roque advised her that her comments were insulting.
4. **Danny Parrales, 556 – 59th Street, WNY:**
Mr. Parrales inquired of Comm. Rodriguez as to why she intended to abstain. Comm. Rodriguez replied that inasmuch as she was not present when this Ordinance was introduced, she was abstaining as she was not familiar with current amendments. He commented that this Ordinance will hurt all businesses. He pointed to a sign that he was carrying. Town Attorney Garcia advised him that even though his sign is offensive, signs will be allowed and business owners need not worry about enforcement. Mr. Garcia further commented that he could relay this message to the business owners. (At this point, audience members were shouting and meeting was out of order.) Discussion ensued between Town Attorney and Carlos Betancourt regarding the amendments and Supreme Court Decisions.
5. **David Hickey, 1001 North Fairfax Street, Alexandria, Virginia:**
Mr. Hickey represented that he is affiliated with the International Sign Assn., and that he wished to express his concerns about the amendments to this Ordinance. He commented that this is his first visit to WNY and “loves it”. He further commented that businesses are concerned about their customers who use their signs and recommended that electronic signs be allowed. Town Attorney advised that they are allowed but that an application process is required and it is in the discretion of the Town. He further stated “I am telling you there is no problem.” Mr. Hickey responded that the process should be clear and fair, to which Mr. Garcia replied “it is clear, understood and fair”. Mr. Hickey requested that this issue be further considered before these amendments be adopted as he wished to make further recommendations and inquired as to whether anyone from the sign industry was consulted. Mr. Garcia advised him that the amendments were based upon legislative history. Mr. Hickey advised that with his assistance, better and more reasonable legislation can be drafted. Discussion ensued between Mr. Hickey and Town Attorney as to misconception of ordinance prohibiting flags. Mr. Hickey again requested that adoption of Ordinance be postponed, but Town Attorney advised him that a vote would be taken tonight to adopt it. Town Attorney assured Mr. Hickey that the business owners would not be hurt and that there are quality of life and safety issues. He further advised that he anticipated additional amendments in the future, if necessary. Mr. Hickey presented Town Clerk with a written presentation (see attached).
6. **Wayne Cook, 6131 Jackson Street, WNY:**
Mr. Cook commented that the prohibition of political signs on poles affects all candidates. Town Attorney Garcia advised that political signs are permitted. Mayor Roque commented that he had received a summons in the past for said issue as it is illegal to place signs on poles. Mr. Cook inquired as to whether this Ordinance will be enforced on everyone to which the Mayor responded “Yes”. Mayor Roque commented that “cowards” are telling business owners that he is going to shut them down and remove their sign which is not true as this is not Cuba and is a democratic process. Mr. Cook complained that children never attended these meetings in the past and should not be used to occupy seats. Mayor

February 20, 2013
Regular Meeting

Wayne Cook (Cont.):

advised that he was not aware as to who brought the children. Comm. Wiley stated “Stop disrespecting this community with insults and be a professional”.

7. David Rivera, 233 – 59th Street, WNY:

Mr. Rivera pointed to a male audience member sitting in the first row and inquired “Do you know this person?” Mayor replied “He is a great person and friend.” He further advised that he is involved with the Mosque in Union City and thanked him for his previous support in uniting the religious communities. Mr. Rivera commented that it is not right to use children in this manner and to have them “listen to your stupidity”. Mayor Roque replied “It is freedom of speech and expression.” (At this point, audience members were shouting and meeting was out of order.) Mr. Rivera stated to Town Attorney Garcia “Gil, you are unethical and should resign.” Town Attorney replied “do whatever you have to do”.

8. Brian Bill, 556 – 59th Street, WNY:

Mr. Bill advised that he has resided in WNY for less than 1 yr. and commented that the walls in Town Hall are cracked and peeling and should be repaired. He inquired as to whether this Ordinance is to “generate revenue or address tackiness”? He further commented that the streets need to be cleaner and the Formula One race will not save this town.

9. Dan Filingeri, 6030 Bergenline Avenue, WNY:

Mr. Filingeri thanked the Mayor for trying to clean up WNY but commented that he is going about it the wrong way. He commented that the business owners show their sales by advertising in their windows and that WNY will become a "ghost town". He further commented that businesses in Times Square, NY, have neon signs, etc. and it attracts business. He further commented that three (3) days of Formula One racing will not have the impact the Mayor thinks. Town Attorney Garcia inquired as to whether Mr. Filingeri is a business owner, to which he responded “yes”. Mr. Garcia advised him that this Ordinance does not address any of his concerns. Discussion ensued regarding application process and quality of life and safety issues. Further discussion ensued regarding wind restrictions, etc.

10. Michele Bill, 556 – 59th Street, WNY:

Mrs. Bill advised that her family has been in WNY for 90 years and that she is appalled by the “circus” going on regarding this Ordinance, etc. She complained that the streets are filthy and cracked and that this Ordinance will not do anything positive for WNY. She complained that the business owners should have been allowed access to this meeting and that the children should be removed.

11. Joseph Presto (Presto Pizzeria):

Mr. Presto commented that banners are not a hazard or safety issue. He commented that he has the highest regard for the Mayor and Commissioners but that they should address the drug/street gang problems. He stated “We are trying to make a living here. You make it hard to do business in this town.” Town Attorney Garcia replied “Make your application and you will be satisfied with the result.” Comm. Wiley commented that this Ordinance is too selective. Town Attorney Garcia explained that the application process has been on the books since 1992 but has not been enforced.

12. John Smith, 6010 Buchanan Place, WNY:

He advised that he has been in WNY for a long time and commented “Thanks for not hiring my wife as a crossing guard.” He complained that the streets are dirty and “Bergenline Avenue is atrocious”. He further complained that #6 School has not been renovated or repaired in many years. Mayor agreed that education system is important and that WNY has fantastic teachers. Mr. Smith complained that the flags along 60th Street had been removed and that “People die on behalf of our flag”.

February 20, 2013
Regular Meeting

- 13. Kevin Borrell, 130 Garfield Avenue, Lodi:**
Mr. Borrell inquired as to whether trucks will need a permit for signs. Town Attorney inquired “What truck are you referring?” Discussion ensued about electronic truck with sign, which presents a traffic hazard, and freedom of speech. Town Attorney commented that the truck owner is entitled to express freedom of speech but that commercial speech is not as free as individual speech. Town Attorney further explained that people become distracted by this truck and it is a quality of life issue. Mr. Borrell inquired as to whether Mayor Roque hired this truck for advertising during his campaign to which the Mayor responded “I don’t remember that”.
- 14. Dagaberto Garcia (Daisy Florist), 4923 Bergenline Avenue:**
Mr. Garcia spoke in Spanish. He advised that his family has been in WNY for 38 yrs. and he doesn’t like what he sees i.e. the streets are dirty and street vendors everywhere. He commented that signs are good for business.
- 15. Cosmo Cirillo, 115 – 65th Street, WNY:**
Mr. Cirillo commented that this meeting is an absolute disgrace, and that the Mayor should be ashamed that he is keeping people from attending the meeting. He further commented that people should be allowed to speak and express their grievances. He suggested that the Mayor confer with the business merchants as to their needs. Comm. Wiley commented that the Mayor is refusing to allow the people in the hallway and opportunity to be heard. Town Attorney Garcia commented that the people in the courtroom arrived first and are entitled to be here. (At this point, Comm. Wiley stood up and shouted.)
- 16. John Janis, (Butler Sign Co.) Wayne, NJ:**
Mr. Janis handed the Town Clerk a written presentation (see attached). Mr. Janis commented that there are many flaws in this Ordinance and it will need numerous amendments. He further commented about the need for a variance to apply for sign. Town Attorney completely disagreed with his interpretation and advised that there is no need for a variance or hearing and that an application is only needed. He further advised that if it is an issue of public safety or quality of life, we (the board of commissioners) have the right to say no. Mr. Janis inquired as to whether there is an appeal process. Mr. Garcia responded “Yes, with construction official”. Mr. Janis commented that the canopy and awning size restriction conflicts. Discussion ensued about size of signs, etc. Mr. Garcia commented that not every sign is equal or treated equally and the construction official will make that decision. Mr. Janis complained that in no other town does the construction official make that decision. Discussion ensued about inconsistent language about lighting requirements, etc. Mr. Garcia advised that if Mr. Janis feels this Ordinance violates the law, he should take action, but that in his opinion, this Ordinance will pass “constitutional and legal muster”. He further commented that the business people have nothing to worry about. Discussion ensued about further amendments and recommendations by Mr. Janis. Section 339 was raised by Mr. Janis and Town Attorney advised that he was arguing something that was not on the record and that it was Mr. Janis’ opinion solely. Mr. Janis responded that he and his organization wish to be helpful as they have expertise in this area.
- 17. Rafael Garo, 234 – 51st Street, WNY:**
Mr. Garo spoke in Spanish. He addressed his comments to Town Attorney and stated that he (Town Attorney) should be concerned with bigger and more important issues than signs. He commented that there are a lot of business owners in the hallway who wish to be heard on this issue. Discussion ensued regarding banners. Town Attorney commented “We need to address this issue for quality of life”.
- 18. Fernando Tafur, 6016 Bergenline Avenue, WNY:**
Mr. Tafur commented that he totally disagrees with this Ordinance and that WNY is not Weehawken or Hoboken and should not be compared to them. He also inquired as to why so many children were in attendance.

February 20, 2013
Regular Meeting

19. Comm. Wiley:

Comm. Wiley thanked everyone in attendance for being present and supporting this issue. He advised that he is well aware of what it is like to try to survive in business, that he is not a rich man and works hard to make ends meet. He commented that when he was a young man, his first sign was made of plywood. He further commented that this Ordinance is politically motivated and was never discussed with him prior to introduction. He further commented that it violates expression of speech, was not professionally prepared and open ended. He referred to the inclusion of flags, neon signs, size of signs, etc. and that he has been against these amendments from the outset. He commented that the business owners present tonight took time to be here to express their opinions and that they are losing money by being present and should be given the right to speak. He further commented that in his opinion, there will be no further amendments. He directed the following comment to Comm. Rodriguez....."You claim you have not read this Ordinance." He accused her of not being present to vote on these issues and that her presence is needed. (At this point, audience members were shouting "Recall" and meeting was out of order.) Mayor Roque stated "Reassure the business owners that I am also a business owner and will protect the public. Thank you for your patience".

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

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

BOND ORDINANCE #3/13

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 \$2,730,000, THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,053,500 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWN OF WEST NEW YORK TO FINANCE THE SAME

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

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

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

February 20, 2013
Regular Meeting

Notice
Ordinance #3/13

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 \$2,730,000, THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,053,500 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWN OF WEST NEW YORK TO FINANCE THE SAME

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 February 20, 2013 and ordered published, and will be further considered before final passage at a public hearing on March 20, 2013 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.

BOND ORDINANCE #4/13

AN ORDINANCE OF THE TOWN OF WEST NEW YORK, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF ALL RIGHT, TITLE AND INTEREST OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY UNDER A 2008 LEASE AND AGREEMENT AND APPROPRIATING \$7,500,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$7,500,000 IN BONDS OR NOTES OF THE TOWN OF WEST NEW YORK TO FINANCE THE SAME

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

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

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

February 20, 2013
Regular Meeting

Notice
Ordinance #4/13

AN ORDINANCE OF THE TOWN OF WEST NEW YORK, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF ALL RIGHT, TITLE AND INTEREST OF THE HUDSON COUNTY IMPROVEMENT AUTHORITY UNDER A 2008 LEASE AND AGREEMENT AND APPROPRIATING \$7,500,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$7,500,000 IN BONDS OR NOTES OF THE TOWN OF WEST NEW YORK TO FINANCE THE SAME

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 February 20, 2013 and ordered published, and will be further considered before final passage at a public hearing on March 20, 2013 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 Roque opened the Public Portion.

Public Portion:

1. Linda Kellerman, 6600 Blvd. East, WNY:

Ms. Kellerman recommended that the governing body consider moving future meetings to the Middle School as she waited on line for an hour access to the court chambers. She indicated that she attended the 12/17/13 meeting regarding 6035 Park Avenue. Town Attorney Garcia advised her that the issue to which she was referring should be addressed to the Zoning Board and not this Board of Commissioners. She complained about the overhanging balconies and potential safety issues with items (such as plants, etc.) from the balconies striking people traversing the sidewalk should there be high winds. She further commented that there could be potential liability to the Town for approving this project. Town Attorney advised her that this Board could not comment on action taken by the Zoning Board and that the owner/developer would be responsible for negligence, etc. Discussion ensued between her, Town Attorney and Mayor regarding Zoning Board approval of this project. She then raised the issue of a pending loading zone application for 67th Street and Blvd. East (Meridia Project) and commented that the Governing body has jurisdiction over loading zones. She complained about a recent incident when a truck making a delivery parked behind Halifax Hall building and blocked traffic on 67th Street and when she called the Police Dept., no one responded to the scene. Town Attorney advised her that she should call him directly with future concerns and he will research them for her.

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

He accused Town Attorney of “talking a lot of crap” and that Town Attorney is not in charge of the meeting. Town Attorney responded “I recent your insult”. Mr. Cruz responded “Give people the right to talk. You are all inept.”

3. Wayne Cook, 6131 Jackson Street, WNY:

Mr. Cook referred to Resolution R-23 (Re: Hiring recall counsel, which was pulled from the agenda during Work Session) and commented that instead of hiring an attorney, the money should be used to hire more police officers.

February 20, 2013
Regular Meeting

Public Portion (Cont.):

4. Jean Gordon, 6002 Hudson Avenue, WNY:

She complained that flags were removed along 60th Street. Town Administrator DeMarco advised that flags were removed to install Christmas decorations but would be re-installed when the weather gets better. She complained that she lives on the ground level and that young people are drunk and doing drugs and congregating near her windows. Mayor Roque replied "You should have called me as you did during the Recall". Comm. Rodriguez recommended that she discuss these issues with Police Director Indri.

5. Joan Palermo, 6600 Blvd. East, WNY:

Ms. Palermo recommended that future meetings be held in a larger venue, that an interpreter should be available and that meetings should be recorded. Town Administrator DeMarco explained that the minutes are taken by the Clerk but not recorded. Ms. Palermo inquired as to why three (3) new Zoning Board members were appointed just prior to the October hearings. Mayor Roque explained that when vacancies exist, new board members are appointed from names submitted. Town Administrator added that when resignation letters are received from existing board members, those open seats must be filled, and they are voted upon by the entire Board of Commissioners. She inquired as to the reasons for resignations and if the vacancies are posted. Town Clerk Riccio advised that for the past several years, there is a form posted on the Town's website for people to apply to be board members. Town Clerk further advised that potential board member candidates must submit a resume with the completed application form to the Clerk's Office. She inquired as to whether there are resumes on file for the three (3) new Zoning Board members. Mayor Roque responded "I don't remember resumes. Commissioners make recommendations." Mayor further advised that it is difficult to get people to volunteer for these boards and indicated that he would have a committee formed to review qualifications of future members. He further commented that he welcomed her input. Ms. Palermo commented that decision of Zoning Board members affect the quality of life in WNY, and she questioned their qualifications and credibility. She indicated that she has read case law and that the Zoning Board decision is wrong and a disgrace. Mayor requested that she contact him with her concerns. She replied "You didn't respond to my e-mails". Town Attorney Garcia advised that this Board will not deal with member issues any further and that she has many options to take if she is not satisfied with the Zoning Board's decision.

6. Joshua Breakstone, 6701 Blvd. East, WNY:

Mr. Breakstone commented that this meeting is a disgrace and is not a rally. He accused the Mayor of preventing people from being heard on a significant matter and commented "To say you have nothing to do with the Zoning Board member appointments is absurd". He further commented that the other Commissioners "rubber stamp" all appointments made by the Mayor except Comm. Wiley who objects to the process of voting on people with no qualifications or experience. Mayor Roque advised that there is a limited pool of people to appoint and requested that Mr. Breakstone submit names of persons who wish to serve on boards. Discussion ensued between Mayor and Mr. Breakstone regarding qualifications. Town Administrator DeMarco advised that the topic may be limited as appeal issue and should not be discussed here. Mr. Breakstone advised that he attended the Zoning Board meetings for over a year and only two (2) members asked questions. He inquired "Is that the kind of board you want?" Mayor responded "Submit qualifications and I will consider it. When have you volunteered to be on a board?" Mr. Breakstone responded "I am not qualified". Discussion ensued between Mayor and Mr. Breakstone regarding searching for members. Mr. Breakstone inquired about proposed loading zone at Meridia project. Town Administrator DeMarco interrupted advising that this issue has not yet been presented and should not be discussed at this time.

7. Rose Puerto, 6600 Blvd. East, WNY:

Ms. Puerto complained that the microphone was not working properly and people in back of courtroom cannot hear what is being said. She advised that she is a Cuban and that there should be a more professional process in appointing qualified people to the boards. She commented that she is concerned about the future and the congestion and disappearance of open space which will diminish quality of life. She complained that there is "failure of transparency in government". She inquired as to whether the Zoning Board members speak and comprehend English and understand the technicalities? Mayor responded "Yes, they comprehend very well. I welcome your recommendations."

February 20, 2013
Regular Meeting

Public Portion (Cont.):

7. Rose Puerto (Cont.):

Ms. Puerto stated "I told you that I want to get involved and send my resume. I received a form letter that there are no openings or jobs". Town Attorney Garcia advised that his recollection is that the Mayor told her we need her on one of our boards. Mayor Roque responded that he sees 40-60 people each Friday and perhaps her resume "slipped through the cracks". He stated "We need people like you." Town Attorney advised her that there might be an opening on the Zoning Board. He further advised that if she is unhappy with the Zoning Board decision, there are many ways to challenge it. He further advised that the members are volunteers and have a lot of information to process before a decision is made and that engineers and attorneys, etc. are hired to guide them. She complained that despite the fact the Zoning Board Chairman, who is an attorney and intelligent, cited the reasons for rejections, the other members voted yes anyway. She stated that she feels they already had their minds set as to how they were going to vote. She requested that more qualified members be appointed in the future. Town Attorney Garcia replied "We learn from our mistakes." Discussion ensued regarding ratables and attracting business to WNY. She recommended attracting "anchor stores" to Bergenline Avenue. She inquired as to whether re-zoning is in process to which the Mayor replied "no". Town Administrator DeMarco advised that the Master Plan needs to be updated and that tax maps are being ordered as a pre-cursor. It then goes to the Planning Board and they deal with it. She inquired as to whether the governing body would consider redevelopment zones. Mr. DeMarco explained that there is on the waterfront and that the UEZ Zone is a redevelopment zone as well. Discussion ensued between Mr. DeMarco, Ms. Puerto and Doug Borden about redevelopment process.

8. Doug Borden, 6600 Blvd. East, WNY (#12G):

Mr. Borden inquired as to whether Zoning Board member, Nelly Vasquez, works for the Police Dept., to which Town Administrator responded "Yes". Mr. Borden cited Article 2, Chapter 231-19 (b) which deals with composition of Zoning Board Members and stated "No members may hold elected office or position in the municipality". Town attorney Garcia gave his interpretation of that citation. Discussion ensued about membership composition on Zoning Board. Mr. Garcia advised him that his interpretation may be right and he can challenge it. Mr. Borden complained that time and a lot of money was wasted and that the Zoning Board decision is "reprehensible and unconscionable". He commented that Armando Alvarez' vote was without integrity and despite the Chairman's advice why they should vote No, they still voted in favor of this project. He further stated "You are responsible. We thought you were doing your job. Only Comm. Wiley voted against it. The vote reeks of influence. We can see through all of this. We will have this decision overturned as there was obvious collusion. You stacked the board on par ineptitude". Mayor Roque replied that he is "insulted" by Mr. Borden's statements and that he did not stack the board. He stated "It didn't go your way and you are unhappy about it". Discussion ensued regarding "stacking the board" and cost of appealing the Zoning Board decision, etc.

9. Peggy Gaffney, 6600 Blvd. East, WNY:

Ms. Gaffney commented that she first met Mayor Roque in 2010 during the tax increase and that he criticized former Mayor Vega for not moving the meetings to a larger venue, but now he (Mayor Roque) is refusing to do it. Discussion ensued regarding moving venue. Town Clerk Riccio explained that we don't know how many people will attend any given meeting and therefore it is difficult to predict when venue should be moved to larger location. In addition, she explained the notice requirement process which must be followed to change venue. Ms. Gaffney commented that the Zoning Board will not allow discussion regarding loading zone issue for Meridia Project. Town Administrator advised her that the loading zone applications are approved by the Board of Commissioners, not the Zoning Board. Discussion ensued regarding timing for application for a loading zone. Ms. Gaffney commented that it is her understanding that the loading zone must be approved prior to construction of the project. Discussion ensued between Town Attorney and Ms. Gaffney regarding current traffic congestion in that area and affect a loading zone would have if approved.

February 20, 2013
Regular Meeting

Note: At 9:22 p.m., Mayor Roque called for a five (5) minutes recess. Meeting resumed at 9:27 p.m.

Public Portion (resumed):

10. Virginia Dato, 6605 Blvd. East, WNY:

Ms. Dato stated “When you took office, you took an oath. 14th Amendment....prohibit persons of life, liberty or property to insure fairness.” She complained about the Meridia project and the developer “getting special privileges over the people of West New York”. She commented that she has lived in Town for 60 years and that this project will hurt her and all of her neighbors as the project is too big for the property size. Mayor inquired as to where she resides and she responded “I own the private house next to Exxon”. Discussion ensued regarding his election and possible re-election in two (2) years. She also complained about the sign placed at the site. Town Attorney advised that there is nothing this Board can do about it. She replied “But he is the Mayor”. Mr. Garcia advised her that it was the Zoning Board’s decision to approve the project, not the Board of Commissioners and the law provides that they make these type of decisions. Ms. Dato expressed her upsetment with the Mayor and commented that in the past, this Town has had “good Mayors”. Mayor Roque commented that there is a huge building across the street from where she lives (i.e. The Versailles) and it had the same issues and that the Mayor at that time didn’t get involved either. She complained that her real estate taxes have not been reduced as Mayor promised. She made a comment about the Mayor having to notify the Medical Board about his recent legal issues.

11. Angel Barquin, 432 – 58th Street, WNY:

Mr. Barquin referred to the meeting as “turmoil and a circus”. He advised that he was present since 6:30 p.m. but could not gain access to the court chambers because so many children are seated. He referred to Ordinance #1/13 regarding the Law Dept. and inquired “Will it be less expenses now than before?” He also referred to the Temporary Budget for the past three (3) months and commented that expenses are higher not lower due to law suits. Town Attorney Garcia advised that lawsuits are being dismissed and have decreased and advised him that there are fewer attorneys now than in previous years. For example, we no longer have an Asst. Town Attorney which is saving \$150,000. Mr. Garcia further advised that legal fees have been reduced by 50%. Mr. Garcia further explained that the well-deserved contract given to the police officers and other expenses are not offset by savings from reduction in Law Dept. or legal liability cases. Discussion ensued about the current composition of the Law Dept. and its expenses. Mr. Garcia advised that this Ordinance gives the Town the right to hire these attorneys but it is not the intention to do so at this time. Mr. Barquin asked for an explanation of the amendments in this Ordinance. Mr. Barquin commented that Zoning Board Chairman Ken Blane expressed his opinion for nine (9) minutes as to why this project should be rejected even though he was originally in favor of it, but now voted No. He further commented that all the other members, except for one (1), voted Yes and that the three (3) new members who voted Yes were not involved in the entire hearing process. Discussion ensued between Town Attorney and Mr. Barquin regarding whether taxes will be raised or reduced this year. Mr. Garcia advised Mr. Barquin to meet with the CFO to which he advised that he has contacted her several times, to no avail. He commented that inasmuch as Comm. Frias is present, she perhaps can answer his questions regarding the budget. Comm. Frias advised that the CFO is available and will meet with him to answer his questions. Town Administrator DeMarco advised that he would meet with Mr. Barquin.

12. Martin Giroux, 5211 Blvd. East, WNY:

Mr. Giroux commented that he is thankful to be living in democracy to voice his opinions. He stated “I love this country and how it works.” He complained that the flags in Memorial Park are flying upside down and that the granite and gun are in horrible condition. He advised that he served in the Marine Corp. overseas and that a proper memorial is due. He further advised that he will donate money and time if need be for a proper veterans memorial. He further stated that P.O.W. and M.I.A. flags should also be flown and that there is a protocol as to the correct way to fly flags. Town Attorney Garcia advised that Title 4 of the Federal Statutes sets forth how to properly fly flags and that the Town wants to do it properly. He commented that during Hurricane Sandy, Comm. Wiley and the WNY Police Dept. were highly visible and helpful.

13. Gabriel Fedorko, 6600 Blvd. East, WNY:

Mr. Fedorko commented about the loading zone process. Town Administrator DeMarco explained that the application is submitted to the Police Director, reviewed and then presented to the Board of Commissioners for approval. Mr. Fedorko commented that he is “not happy with the Zoning Board decision” regarding Meridia project and requested that the governing body “carefully consider” the loading zone application for said project.

February 20, 2013
Regular Meeting

Public Portion (Cont.):

14. Natalie Breakstone, 6701 Blvd. East, WNY:

Mrs. Breakstone advised that she attended every Zoning Board meeting for an entire year regarding the Meridia project and voiced her concerns about the negative impact it would have on the neighborhood, etc. She complained that it was a “total mockery” that all variances were approved and that no one was in favor of this development including Chairman Blane who explained in great detail why it should be rejected. She quoted Mr. Blane “It is like cramming an elephant into a hamster cage”. She inquired as to what is the purpose of having a Zoning Board when laws are bypassed? She commented that all of the Zoning Board members remained quiet throughout the hearings but then all voted Yes to approve the project. She stated “We deserve an explanation”. Town Attorney Garcia responded “We can’t give you an explanation.” He explained that in the past, if mistakes are made he will admit same and if he feels the Board of Commissioners has taken inappropriate action then he will represent them in court on appeal and if he believes it is wrong, he has an obligation to say “buck stops here”. Mrs. Breakstone stated “People in your positions should not be making mistakes. These are very serious issues and qualifications of members are important.” Town Attorney Garcia replied “I disagree with your perception.” She replied “Find qualified people. We deserve that as voters and taxpayers”.

15. Cosmo Cirillo, 116 – 65th Street, WNY:

Mr. Cirillo commented that with the noise and confusion, he did not hear the vote for Ordinance #2/13. Town Clerk Riccie read the vote to Mr. Cirillo.

A motion was made by Mayor Roque, seconded by Commissioner Frias, **to close the Public Portion and Adjourn the meeting at 10:00 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 Riccie, RMC
Town Clerk