

August 21, 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, August 21, 2013 at 12:00 p.m. (No Work Session):

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

Meeting commenced at 12:02 p.m.

Town Clerk Carmela Riccie made the following announcement:

As presiding officer of this regularly scheduled meeting of the Board of Commissioners of the Town of West New York, held on August 21, 2013 at 12:00 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.

Minutes of Previous Meeting:

It was regularly moved by Commissioner Frias, seconded by Commissioner Rodriguez, that the Minutes of Regular Meeting: 7/17/13 (Regular Session) be approved as recorded, was carried by the following vote:

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

Claims: Dated 8/21/13 (Claims are available for public inspection in the Town Clerk's Office):

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

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

Note: Comm. Wiley commented that Town Attorney Garcia has been billing "enormous charges" at the rate of \$28,000 per month and that he wishes the Mayor was present so that this could be discussed. He further commented that Town Attorney Garcia has billed over \$700,000, similar to former Town Attorney Horgan, and that this Administration promised not to do so but hasn't fulfilled its promise.

August 21, 2013
Regular Meeting

Receipt of Financial Reports:

FINANCIAL REPORTS - MONTH OF JULY 2013

1. From Construction Code Official Office, reporting the sum of \$51,348.00 Collected for the month of July, 2013.
2. From Director Robert Antolos (Police Dept.) reporting the sum of \$9,260.10 Collected for the month of July, 2013
3. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$5,200.00 for Special Licenses collected for the month of July, 2013.
4. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$887.00 for Marriage/death certificates collected for the month of July 2013.
5. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$54.40 for Dogs Licenses collected for the month of July, 2013.
6. From (Revenue and Finance Department) reporting the sum of \$1,054,523.03 collected for the month of July, 2013.
7. From Carmela Riccie, RMC, Town Clerk, reporting the sum of \$100.00 collected for the month of July, 2013

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

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

August 21, 2013
Regular Meeting

Communication
Town Clerk's Certification
Re: Elected School Board (Results of review of Petitions filed)

I, Carmela Riccie, hereby certify as follows:

1. I am the Municipal Clerk of the Town of West New York since 1991.
2. Petitions to change from Type I to Type II School District pursuant to NJSA 18A:9-4 were filed in the Town Clerk's Office on July 11, 2013. A total of 854 signatures were filed. The following is a breakdown of the signatures, which were submitted. This information was verified by using the State of New Jersey Statewide Voter Registration System.

Signatures submitted	854
Signatures required to place this matter on ballot	401
Signatures found to be registered voters	523
Signatures found to be non-registered voters	220
Illegible names/signatures	51
Duplicate signatures	60

3. Pursuant to NJSA 18A:9-4, "...whenever a petition, signed by not less than 15% of the number of legally qualified voters who voted in such district at the last preceding general election held for the election of all of the members of the general assembly..." must be filed with the Municipal Clerk. The total vote cast at the last preceding general election at which members of the General Assembly (32nd District) were elected in the Town of West New York on November 8, 2011 was 2,671. (Attached hereto and made a part hereof is page 44 of Official Results posted on the Hudson County Clerk's website in confirmation of same.) Therefore, 15% of 2,671 is 401, which is the total number of qualified registered voters' signatures needed pursuant to the above referred to statute.
4. Based upon the results of petition review as indicated in paragraph 2 above, a sufficient number of qualified registered voters' signatures were filed in accordance with this statute.
5. Based upon the foregoing, the Petitions are approved and shall be submitted to the Board of Commissioners of the Town of West New York.

I certify the foregoing statements to be true to the best of my knowledge, information and belief. If any statement is willfully false, I may be subject to punishment.

Date: July 24, 2013

Carmela Riccie

August 21, 2013
Regular Meeting

Communication
Re: RFQ results – Public Defender

RFQ PROPOSAL FORMATION

Proposal Receipt Date: August 13, 2013
Proposal Time: 10:00 a.m.
Location for proposal: Town Clerk's Office
Proposal for: Public Defender
Personnel at Opening: Deputy Town Clerk Jennie DelRio & Lisa Walsh
Remarks: Time to receive RFQS was closed at 10:05 a.m.

RESPONDER #1 (Name) Aristides F. Hernandez
Attorney At Law
(Address) 410-60th Street
West New York, NJ 07093

RESPONDER #2 (Name) Nina C. Remson
Attorney At Law
(Address) Court Plaza North
25 Main Street Suite 104
Hackensack, NJ 07601

August 21, 2013
Regular Meeting

Communication
Re: Engineer's Report dated 8/16/13

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: October 22, 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 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.
 - The contractor has substantially completed Dewey Park and Fillmore Park. We have issued a punchlist for the project and have requested a schedule for completion of same.

- **FY2012 NJDOT Municipal Aid Grant and Road Program (67th St from JFK Blvd West to Palisade Avenue)**
 - The Town received a grant in the amount of \$280,800.00. We estimate the construction cost for the project to be \$275,000.00.
 - The project was advertised for the receipt of bids on April 9 with the bid opening on April 30. The project was awarded on May 15 to the low bidder which was 4 Clean-Up, Inc. of North Bergen, New Jersey, with a bid of \$266,962.25.
 - We held a preconstruction meeting on July 19, 2013. The contractor has substantially completed the project including the concrete work and installation of the roadway surface course.
 - The project has been completed for less than the NJDOT grant amount. We are working with the contractor to extend the paving limits approximately another 500' to Hudson Avenue. The NJDOT has approved same.

- **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.
 - The test boring and test probe work for the site has been completed and we have completed the necessary Geotechnical report. The next major phase of the design work is the structural design for the retaining walls.
 - We prepared amended renderings, design drawings and back ground information for the Town Grant Coordinator who presented same at the County to request an extension of time for the grants received. The County agreed to a time extension.

- **FY2013 NJDOT Municipal Aid Grant**
 - We have prepared and submitted the FY2013 NJDOT Municipal Aid Grant 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.
 - The Town has received an NJDOT grant in the amount of \$344,860.00.
 - We have started the survey and design work associated with the 66th Street improvements which can be funded by the NJDOT Grant.

August 21, 2013
Regular Meeting

Town Engineer's report (Cont.):

□ **Municipal Pool Renovations**

- As you are aware, the Town has received Green Acres funding for various renovations to the Municipal Pool Complex. The improvements proposed for the building include siding 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, replacement of picnic tables, removal of deteriorated landscape boxes, exterior shower, general landscaping improvements, parking lot improvements and other miscellaneous improvements.
- The project was awarded on May 15 to the low bidder which was Rich Picerno Builders, LLC of Kenilworth, New Jersey, with a bid of \$500,000.00. We held a preconstruction meeting on June 11, 2013 and the contractor has commenced with the work.
- We issued construction plans, a preliminary assessment report and required forms to Green Acres for their review. Green Acres respond with comments on the preliminary assessment which we have addressed and resubmitted.
- As of this date the contractor has replaced the siding on the building, installed the new outdoor shower slab and shower, hot water heater, ventilation exhaust system and lockers, new bathroom lighting and ceiling fans, new ADA compliant sinks, repaired the foundation for the stairs, installed new outdoor tables and performed some clearing work.

□ **Town Tax Map Revisions**

- There are three levels of updates to the tax maps that can be performed, a general update, a revaluation and a recertification. Mr. Jaeger, the town Tax Assessor, has stated that the tax maps will require updating for a revaluation process. 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. We anticipate the time to update the tax maps and submit to the State to be in the range of 4-6 months, depending on how quickly the Tax Assessor can provide our office with the required documents.

□ **Polk Street Fire House - Roof Replacement**

- We reviewed the condition of the roof with our in-house structural engineer and prepare a proposal for the preparation of construction plans and contract documents for the roof replacement.

□ **Miscellaneous Engineering**

- Washington Park: We worked with Bob Cabana to prepare a CDBG application to provide funds to perform various repairs at the park. We completed and submitted the application on February 26, 2013. It is our understanding that the Town has received a grant in the amount of \$400,000 for this project. We prepare a proposal for the preparation of construction plans and contract documents for park improvements.
- Miller Park: As you are aware, the Town has received Green Acres funding for various improvements to the park. We prepare a proposal for the preparation of construction plans and contract documents for park improvements.
- Energy Efficiency & Conservation Block Grant (EECBG): The Town had received a grant to design and install a new HVAC system in Town Hall. The cost of the new system was far greater than the grant amount. We are working with the mechanical engineers who designed the system to provide a design with a reduced scope which may be installed for with in the grant amount.
- NJDOT FY2014 Trust Fund Grants: The FY2014 NJDOT Grant applications are due September 20, 2013. The Town should consider which road(s) they would like to include in the grant application.

Note: **Darren Mazzei, a representative of Town Engineer CME Associates, advised that the 67th Street Road Improvements have been finished and that additional funding has been requested from D.O.T. to do additional work at no cost to the Town.**

August 21, 2013
Regular Meeting

Proclamation
Re: Honoring Cambio Newspaper

WHEREAS, the Mayor and Board of Commissioners of the Town of West New York wish to honor *Cambio*: an Hispanic newspaper group founded in May 2006 by Gilberto Camacho, Ricardo Flores, and Yamile Camacho; and

WHEREAS, *Cambio* has worked to bring the tri-state area's Colombian community together through its publication; and

WHEREAS, *Cambio* is the first Colombian newspaper to be published in the United States and is internationally recognized by the Latin Newspaper Association; and

WHEREAS, *Cambio* is distributed in Hudson, Bergen, Union, Passaic, and Essex counties; and,

WHEREAS, *Cambio* is an exemplary Hispanic business and continues to unite more and more readers with their outstanding journalism;

NOW THEREFORE BE IT RESOLVED, that I, Mayor Felix E. Roque, M.D. of the Town of West New York and the Board of Commissioners do hereby proclaim that the Town recognizes *Cambio's* contributions to the Colombian community, the business community, and to the community as a whole.

Proclamation
Re: Honoring Father Carlo Fortunio

WHEREAS, the Mayor and Board of Commissioners of the Town of West New York wish to honor *Father Carlo Fortunio* for his outstanding religious commitment and contributions to the community; and

WHEREAS, *Father Carlo Fortunio* was born in Rome on November 26, 1958, son of the late Dr. Goffredo Fortunio and Dr. Giulia Grava; and

WHEREAS, *Father Carlo Fortunio* entered the Dominican Order in Rome in 1979 and went on to study Lateran Philosophy at the Pontifical University of St. John, Theology at St. Thomas Aquinas University, Liturgical Studies at St. Anselm, and Italian Literature at La Sapienza; and

WHEREAS, *Father Carlo Fortunio* was ordained on May 5, 1985; and,

WHEREAS, *Father Carlo Fortunio* entered the Archdiocese of Newark in 1988, moved to West New York in 1995 and became the beloved Pastor of the Holy Redeemer Church;

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor Felix E. Roque, M.D. of the Town of West New York and the Board of Commissioners do hereby proclaim that the Town recognizes *Father Carlo Fortunio* for his long history of both personal spiritual enrichment and the spiritual enrichment of his community.

August 21, 2013
Regular Meeting

Proclamation
Re: Honoring Ketty Paquita Cabrera

WHEREAS, the Mayor and Board of Commissioners of the Town of West New York wish to honor *Ketty Paquita Cabrera*: president of the Ketty Paquita Foundation; and

WHEREAS, through her foundation, *Ketty Paquita Cabrera* is able to help multitudes of Ecuadorian children in need; and

WHEREAS, *Ketty Paquita Cabrera* has a lifelong history of charity and volunteer work and has helped those less fortunate in both her own communities and abroad; and

WHEREAS, *Ketty Paquita Cabrera* is known as “Godmother Christmas” for organizing Christmas festivities in Manabi since 2000, has donated five dialysis machines to Ecuador, and has raised \$300,000 worth of medical supplies to Manabi’s Hand of God Foundation for Children with Cancer; and

WHEREAS, *Ketty Paquita Cabrera* has received numerous awards for her work, including the Ecuadorian American Chamber of Commerce’s Plate Umina in 2008, the Ecuadorian Civic Committee of Florida’s Plate Collaboration as Director of Tourism in 2011, and was nominated in August 2012 by Tribute Ecuadorian as one of the 100 most important women in the United States; and

NOW THEREFORE BE IT RESOLVED, that I, Mayor Felix E. Roque, M.D. of the Town of West New York and the Board of Commissioners do hereby proclaim that the Town recognizes *Ketty Paquita Cabrera’s* incredible generosity, selflessness, and dedication to volunteerism in her own community and in Ecuador.

Proclamation
Re: Honoring Poder Latino

WHEREAS, the Mayor and Board of Commissioners of the Town of West New York wish to honor *Poder Latino*: an Hispanic newspaper group founded in July 2009 by Roxana and Jaqueline Cedeño; and

WHEREAS, *Poder Latino* has provided advertisement for local businesses and promoted the Hispanic cultural legacy of the community; and

WHEREAS, *Poder Latino* strives to achieve excellence and respect in the Hispanic and American community by serving them honestly and responsibly; and

WHEREAS, *Poder Latino* has faithfully educated, led, and reported to the Latin American demographic, and has motivated and inspired future leaders within by creating a direct line of communication between local communities and those responsible for improving their quality of life; and,

WHEREAS, *Poder Latino* gave aid to children with cancer in Ecuador during a special mission in 2011 and continues to help those in other Latin countries as well; and

WHEREAS, *Poder Latino* is an exemplary Hispanic business and continues to unite more and more readers with their outstanding journalism;

NOW THEREFORE BE IT RESOLVED, that I, Mayor Felix E. Roque, M.D. of the Town of West New York and the Board of Commissioners do hereby proclaim that the Town recognizes *Poder Latino’s* contributions to the Hispanic community, the business community, and to the community as a whole.

August 21, 2013
Regular Meeting

Proclamation
Re: Honoring Napoleon Barragan

WHEREAS, the Mayor and Board of Commissioners of the Town of West New York wish to honor *Napoleon Barragan*: the founder of Dial-A-Mattress who built the tele-retailer into an industry force; and

WHEREAS, *Napoleon Barragan* grabbed the coveted mattress.com domain and turned the net into an important business tool; and

WHEREAS, *Napoleon Barragan* wrote “How to Get Rich with a 1-800 Number;” and

WHEREAS, *Napoleon Barragan* has significantly changed the business community for the better with his innovation and perseverance;

NOW THEREFORE BE IT RESOLVED, that I, Mayor Felix E. Roque, M.D. of the Town of West New York and the Board of Commissioners do hereby proclaim that the Town recognizes *Napoleon Barragan’s* contributions to the Hispanic community, the business community, and to the community as a whole.

Proclamation
Re: Honoring Charito Cisneros

WHEREAS, the Mayor and Board of Commissioners of the Town of West New York wish to honor *Charito Cisneros*: founder of the New York Cosmetology and Beauty Chamber of Commerce; and

WHEREAS, *Charito Cisneros* began her career as a cosmetologist teacher and beauty consultant and went on to help many students, teachers, and beauty professionals obtain their licenses; and

WHEREAS, *Charito Cisneros* created workshops for professionals in order to provide them with information regarding the most current trends and techniques; and

WHEREAS, *Charito Cisneros* was inspired to open the New York Hispanic Cosmetology and Beauty Chamber of Commerce in order to help Hispanic people open up their own beauty salons and work in cosmetic corporations; and

WHEREAS, *Charito Cisneros* helped to coordinate the Diva Spa for domestic violence under the Bronx Borough President Adolfo Carrion since its inception; and

WHEREAS, *Charito Cisneros* received the American Red Cross in Greater New York’s Diversity Award for helping the disadvantaged due to language, physical disability, and cultural or economic barriers; and

NOW THEREFORE BE IT RESOLVED, that I, Mayor Felix E. Roque, M.D. of the Town of West New York and the Board of Commissioners do hereby proclaim that the Town recognizes *Charito Cisneros’s* business prowess and extensive volunteerism.

August 21, 2013
Regular Meeting

Proclamation
Re: Honoring Charito Cisneros



WHEREAS, the Mayor and Board of Commissioners of the Town of West New York wish to honor *Lobel's* on their 100 year anniversary; and

WHEREAS, *Lobel's*, located at 5819 Bergenline Avenue, has been a century-long fixture in the Town and has contributed to the livelihood and economic stability of many generations of residents; and

WHEREAS, *Lobel's* was begun by Morris Lobel in 1913; after which his son, Melvin Lobel, took over after his father passed away in 1966; after which *his* son, David Lobel, took over after working in the family business since 1972 and brought it successfully through to its 100th year; and

WHEREAS, *Lobel's* began as a kiddie clothing shop for infants and children, after which it branched out into the school uniform business in 1955; and,

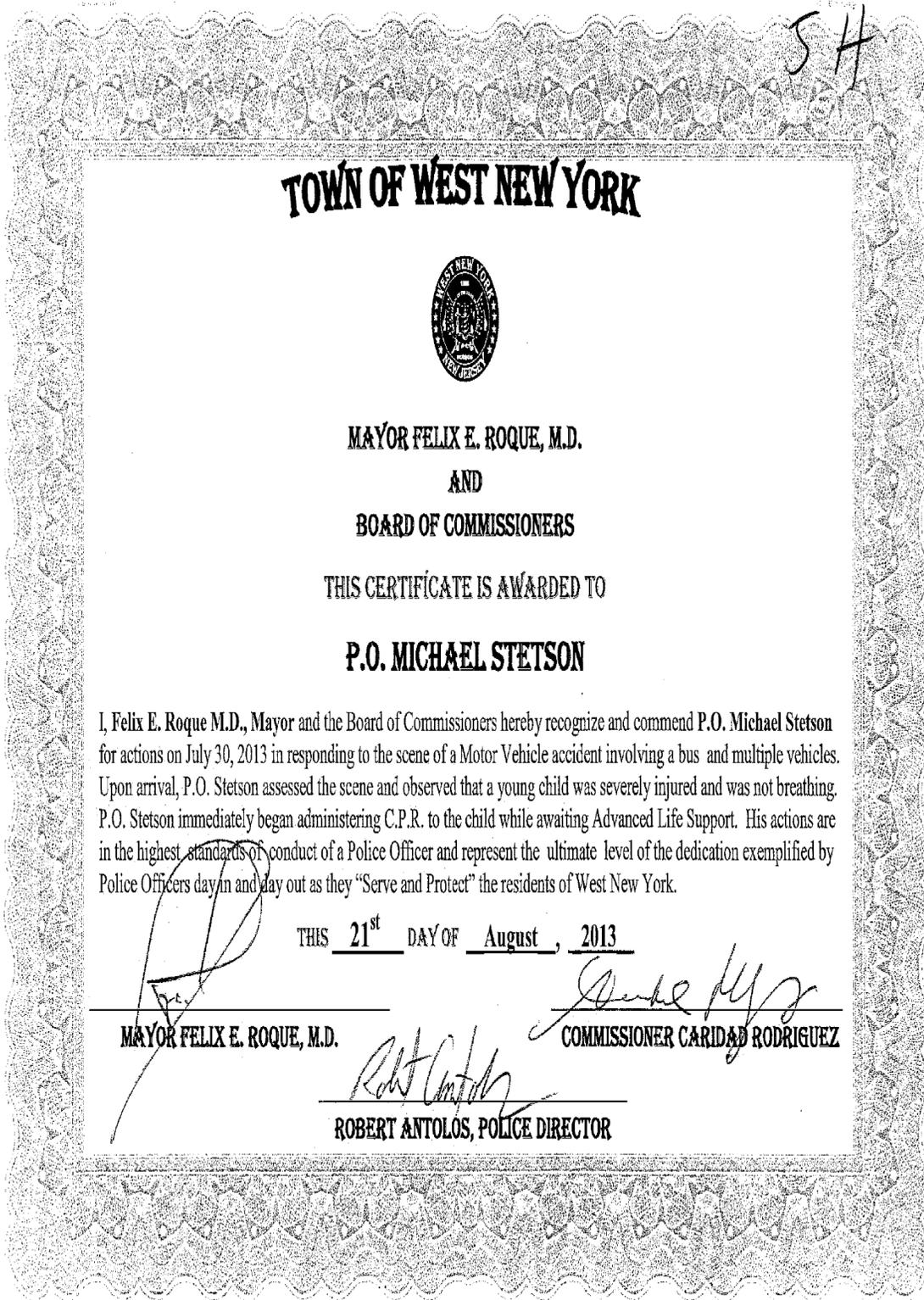
WHEREAS, *Lobel's* has provided community support and charitable donations to various schools in need over the years, therefore bolstering the community and displaying an impeccable business ethic;

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor Felix E. Roque, M.D. of the Town of West New York and the Board of Commissioners do hereby proclaim that the Town recognizes *Lobel's* for 100 years of upstanding, dedicated service to the West New York business community and to the community in general.

Note: **Comm. Frias read the aforementioned Proclamation aloud and presented it to the Lobel family.**

August 21, 2013
Regular Meeting

Commendation
Re: Honoring Officer Michael Stetson



Note: Police Director Robert Antolos read the circumstances by which this Commendation was awarded to Police Officer Stetson.

August 21, 2013
Regular Meeting

Proclamation
Re: Honoring Jorge Luis Garcia Perez Antunez

WHEREAS, the Mayor and Board of Commissioners of the Town of West New York wish to honor *Jorge Luis Garcia Perez (Antúnez)* for his valiant human rights activism and advocacy in Cuba; and

WHEREAS, *Jorge Luis Garcia Perez* was born in Placetas, Cuba on October 10, 1964; and

WHEREAS, *Jorge Luis Garcia Perez* denounced communism during a demonstration in March 1990 after which he was promptly sentenced to five years in prison; and

WHEREAS, *Jorge Luis Garcia Perez* refused to wear the uniform and participate in the communist re-education program, upping his sentence to 17 years and 34 total days; and

WHEREAS, *Jorge Luis Garcia Perez* spent his time in prison faithful to his cause and continued nonviolent resistance by forming a political prisoners' group named after Pedro Luis Boitel; and

WHEREAS, Pope John Paul II asked the regime to release *Jorge Luis Garcia Perez* and he was released in 2007;

NOW, THEREFORE, BE IT RESOLVED, that I, Mayor Felix E. Roque, M.D. of the Town of West New York and the Board of Commissioners do hereby proclaim that the Town recognizes *Jorge Luis Garcia Perez* for his perseverance, self-sacrifice, and commitment to freedom.

Consent Agenda

It was regularly moved by Commissioner Vargas, seconded by Commissioner Frias that the following Consent Agenda Items Nos. R-1 through R-22 be adopted, was carried by the following vote:

YEAS	- Commissioners Frias, Rodriguez, Vargas, Wiley
NAYS	- See below notes
ABSENT	- Mayor Roque
ABSTAIN	- See below notes

Note: Town Clerk Riccie read aloud all titles of Resolutions included on Consent Agenda i.e. R-1 thru R-22. Comm. Wiley voted "No" on the following resolutions: R-6, R-14 and R-15. Comm. Wiley "abstained" on the following resolution: R-18. Comm. Frias "abstained" on the following resolutions: R-14 and R-15. Comm. Rodriguez "abstained" on the following resolution: R-15.

August 21, 2013
Regular Meeting

Consent Agenda (Cont.):

AMENDED RESOLUTION
RE: APPROVAL OF PROFESSIONAL SERVICES AGREEMENT BETWEEN TOWN
OF WEST NEW YORK AND AMERICAN APPRAISAL ASSOCIATES, INC. FOR
FIXED ASSETS AUDITING SERVICES

WHEREAS, the Town of West New York has followed the fair and open process under the New Jersey Unit Pay-To-Play Law, N.J.S.A. 19:44A-20 et seq. for receiving Requests for Proposals; and

WHEREAS, the Town of West New York issued a Request for Proposals for Fixed Assets Auditing Services in accordance with the requirements of N.J.S.A. 19:44A-20, et. seq., on April 17, 2013, for the provision of Fixed Assets Auditing Services; and

WHEREAS, the Town of West New York received and opened Proposals for Fixed Assets Auditing Services on June 14, 2013; and

WHEREAS, pursuant to the Request for Proposals, the Town received statements of Proposals from the following firms:

1. American Appraisal Associates, Inc.
259 Woodland Road
Wrightstown, PA 18940
2. Asset Works, Inc.
101 Lakeside Drive
Southampton, PA 18966

WHEREAS, pursuant to the Request for Proposals, the Town's Review Team conducted a review of the responses received and recommends that the firm listed below be deemed qualified to provide the services of a Fixed Assets Auditing Services:

American Appraisal Associates, Inc.

NOW, THEREFORE, BE IT RESOLVED, Mayor and Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey, that the following firm be and is hereby qualified to render Fixed Assets Auditing Services on behalf of the Town of West New York for the year ended December 31, 2012:

American Appraisal Associates, Inc.

BE IT FURTHER RESOLVED all appropriate municipal officials are hereby authorized to transmit formal or informal requests for proposals to any of the above qualified firms, as necessary, for the Fixed Assets Auditing Services that may be required by the Town, during the next year.

BE IT FURTHER RESOLVED as follows:

1. The above recitals are incorporated as if fully set forth herein.
2. American Appraisal Associates, Inc. shall be and is hereby retained by the Town to provide grant writing Services and consulting to the Town, without further approval of the Board of Commissioners.

August 21, 2013
Regular Meeting

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

3. The Mayor shall be and is hereby authorized to execute an agreement by and among the Town and American Appraisal Associates, Inc. memorializing the scope of services to be performed and the compensation to be paid therefore, in the form acceptable to the Mayor, and satisfactory to the Town as evidenced by the Mayor's signature for Fixed Assets Auditing Services in an amount not to exceed \$5,800.
4. This contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5.
5. The Chief Financial Officer's Certification that funds are available shall be on file at the Authority and made a part hereof.
6. This award 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.
7. A copy of this resolution and the agreement detailing the terms of the retention of American Appraisal Associates, Inc. for the provision of Fixed Assets 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.
8. A notice of this contract award shall be published in the form prescribed by law.

RESOLUTION

Re: Certification of School Board Taxes and Type I School Debt

WHEREAS, the Board of Education for the Town of West New York, New Jersey has adopted the Budget for the 2013-2014 School Year; and

WHEREAS, the Board Members have certified the Tax Levy with the submission of the Form A4F, Certificate and Report of School Taxes; and

WHEREAS, the Certificate and Report of School Taxes reflects a Tax Levy of \$14,469,214; and

WHEREAS, the Municipal Budget for Calendar Year 2013 reflects Type I District School Debt of \$112,250.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF WEST NEW YORK that the Tax Levy and Type I District School Debt is hereby approved for the Calendar Year 2013.

BE IT FURTHER RESOLVED that certified copies of this Resolution be filed with the New Jersey Division of Local Government Services and with the Hudson County Board of Taxation.

August 21, 2013
Regular Meeting

Consent Agenda (Cont.):

Resolution

Re: Authorizing the Town of West New York to seek Fair and Open Process in Compliance with the Pay to Play Statutes for the Retention of Rent Control Board Attorney legal services

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

Whereas the Mayor and Board of Commissioners wish to receive and consider proposals for Rent Control Board Attorney; and

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

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

1. The aforesaid recitals are incorporated herein as though fully set forth at length;
2. The Town Clerk is authorized and directed to publish and advertise a Request for Qualifications for Rent Control Board Attorney, in accordance with a Fair and Open Process at least ten days in advance of the opening of the responses to the Requests for Qualifications received (“Statements of Qualifications”).
3. A Review Committee is established, consisting of the Mayor, the Town Administrator and Qualified Purchasing Agent, to review all Statements of Qualifications and to make recommendations to the Board of Commissioners at regularly scheduled meeting.

RESOLUTION

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

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

WHEREAS, the below listed computer equipment is to be destroyed; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York as follows: The West New York Police Department is authorized to destroy the following computer equipment:

Vertex NC-58 Serial #90423025 Radio Charger
Motorola (manufacture) 001913 (WNYCODE) 00128
Motorola Serial #N1n8858 Battery Charger
Chuntex Electronic CPG1772A Serial #1w1-21407460 CRT Monitor
Dell E551 Serial #095wup Dell Monitor
View Sonic g810 Vcdts21655-5m Monitor
Hewlett Packard Serial #CN12J1S2

August 21, 2013
Regular Meeting

Consent Agenda (Cont.):

RESOLUTION

Re: Authorizing the Town of West New York to make application to the State of New Jersey Department of Environmental Protection Green Acres Program
Re: Multi Park Improvements

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Town of West New York desires to further the public interest by obtaining a grant of \$600,000 from the State to fund the following project:

0912-12-062 – MULTI PARK IMPROVEMENTS

NOW, THEREFORE, the governing body resolves that Mayor Felix E. Roque, M.D. or his designee is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required,
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

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

1. The Mayor or his designee is hereby authorized to execute an agreement and any amendment thereto with the State known as Multi Park Improvements.
2. The applicant has its matching share of the project, if a match is required, in the amount of \$600,000.
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. This resolution shall take effect immediately.

August 21, 2013
Regular Meeting

Consent Agenda (Cont.):

RESOLUTION
Re: Professional Services
for Town Attorney

WHEREAS, N.J.S.A. 40A:11-1 et seq. (Local Public Contracts Law) provides that contracts for professional services may be entered by the governing body without advertising for bids; and

WHEREAS, Section 56-3 of Chapter 56 of the Code of West New York, Law Department, provides that the Town Attorney shall be further compensated for additional non recurring litigation services provided,

WHEREAS, the professional services are rendered pursuant to the Ordinance by the Town Attorney, and N.J.S.A. 40A:11-5 et seq.);

WHEREAS, upon review of the services provided to the Town to date, the Municipal Administrator has recommended to the Board of Commissioners that the continued provision of these services is required for the efficient operation of the Town; and

WHEREAS, the Chief Financial Officer has indicated that the services provided and to be provided for these services, is required and advisable; and

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

1. All services provided by Town Attorney, Gilberto M. Garcia through this date even are hereby ratified and approved.
2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
3. A copy of this Resolution, upon adoption by the Town, shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

Note: **Comm. Wiley commented that Town Attorney Gil Garcia continues to overbill the Town and only serves the Mayor and not the entire Board of Commissioners. He further commented that Mr. Garcia allowed the removal of the staff from the Parks Dept., which he feels is unethical, leaving Comm. Wiley with a skeleton crew.**

Resolution
Re: Refunds for Redemptions (\$277,974.28)

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.

August 21, 2013
Regular Meeting

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

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
SBMUNICUST C/O LBNJ	74/1 C0012	12-0391	\$5,068.76
	37/27	12-0205	\$5,659.16
	60/8	12-0325	\$12,023.15
US BANK CUST FOR TOWER DBW	153/31	12-0700	\$4,680.45
	60/10	12-0326	\$7,956.80
	62/13	12-0330	\$33,337.42
	16/49	12-0078	\$9,220.69
	100/15	12-0520	\$5,819.07
	111/9	12-0554	\$3,164.65
	79/13	11-0205	\$18,590.93
R. ROTHMAN	168.01/1.35 C0418	12-0767	\$9,514.82
	168.01/ 1.35 C0418	11-0391	\$59,573.13
US BANK AS CUST/ATR FD NJ & CAPI	1/7	12-0003	\$14,073.17
MTAG SVC. AS CUST FOR ATCF II NJ LLC	168.01/7.05 C0407	12-0781	\$2,697.26
	145/26.02	11-0336	\$2,608.26
	41/16	12-0231	\$12,345.00
	127/14	11-0309	\$5,722.71
ROBERT U. DEL VECCHIO PENSION TRUST	69/35	11-0184	\$5,840.89
SFS LLC	153/31	09-217	\$20,116.22
TOWER LIEN, LLC	153/31	10-243	\$26,323.91
PAM INVESTORS	82/5	12-0445	\$3,669.16
	49/20 C003D	11-0136	\$3,126.29
	74/4 C000E	11-0198	\$3,357.70
ISAAC MORADI	109/27	09-151	\$534.99
	109/27	12-0552	\$647.75
	55/51 C0007	11-0160	\$2,301.94
		GRAND TOTAL	\$277,974.28

August 21, 2013
Regular Meeting

Consent Agenda (Cont.):

Resolution
RE: Refunds of Overpayment of Taxes (\$9,624.46)

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
DANILO VALENCIA	82/5	\$30.00	2013
Yechiel Schwartz	103/1	\$9,594.46	2012
	Grand Total	\$9,624.46	

RESOLUTION
Re: Refunds of Premiums (\$33,600)

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

WHEREAS, the investor paid a premium to the Collector of Taxes for said Tax Sale Certificate at the time of the sale; and

WHEREAS, the certificate has now been redeemed and the investor is entitled to a refund of said premium pursuant to N.J.S.A. 54:5-33.

NOW, THEREFORE, BE IT RESOLVED that said premium be paid to the investors in the following amounts, and the Department of Revenue and Finance is hereby, authorized to issue said refund.

NAME	BLOCK/LOT	CERT. #	AMOUNT
ROBERT U. DEL VECCHIO PENSION TRUST	69/35	11-0184	\$2,500.00
US BANK CUST FOR TOWER DBW	62/13 16/49 79/13	12-0330 12-0078 11-0205	\$5,000.00 \$100.00 \$14,500.00
MTAG SVC. AS CUST FOR ATCF II NJ LLC	145/26.02 41/16 127/14	11-0336 12-0231 11-0309	\$4,100.00 \$1,000.00 \$2,200.00
SFS LLC	153/31	09-217	\$4,000.00
TOWER LIEN, LLC	153/31	10-243	\$100.00
PAM INVESTORS	82/5	12-0445	\$100.00
	Grand Total		\$33,600.00

August 21, 2013
Regular Meeting

Consent Agenda (Cont.):

RESOLUTION
Re: Tax Corrections (Various Properties)

WHEREAS, a payment in the amount of \$3,100.79 was received in the Tax Office for payment of 3rd quarter 2013 property taxes for property located at 20 Avenue at Port Imperial unit #509 A/K/A block 168.01 lot 7.06 C0509 and

WHEREAS, a payment in the amount of \$13,604.81 was received in the Tax Office for payment of the 2012 taxes for property located at 24 Avenue at Port Imperial A/K/A block 168.01 lot 8.01 C0B03 and

WHEREAS, the said payment in the amount of \$3,100.79 was credited to property located at 20 Avenue at Port Imperial A/K/A block 168.01 lot 7.06 C0428 and

WHEREAS, the said payment in the amount of \$13,604.81 was credited to 24 Avenue unit#305 A/K/A block 168.01 lot 8.01 C0305 and

NOW THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to move the said payments to be credited to the correct account and waive any interest due to this error.

RESOLUTION
RE: AUTHORIZING THE INSERTION IN BUDGET OF SPECIAL ITEM OF REVENUE AND APPROPRIATION – CHAPTER 159 – 2013 Summer Food Program

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve insertion of any Special Item of Revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount; and,

WHEREAS, the Town of West New York has been awarded \$49,164.43 from the State of New Jersey and wishes to include this amount as a revenue.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Town of West New York, hereby requests the Director of the Division of Local Government Services to approve insertion of an item of revenue in the budget of the year 2013 in the sum of \$49,164.43, which is now available as a revenue from:

Miscellaneous Revenues:
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services: Public and Private Revenues Offset with Appropriations:

2013 Summer Food Program

BE IT FURTHER RESOLVED that a like sum of \$49,164.43 be and is hereby appropriated under the caption of:

General Appropriations
(a) Operations Excluded from "CAPS"
Public and Private Offset by Revenues:

2013 Summer Food Program

August 21, 2013
Regular Meeting

Consent Agenda (Cont.):

RESOLUTION

RE: AUTHORIZING THE INSERTION IN BUDGET OF SPECIAL ITEM OF REVENUE AND APPROPRIATION – CHAPTER 159 – 2013 Drive Sober or Get Pulled Over Statewide Lab

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve insertion of any Special Item of Revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount; and,

WHEREAS, the Town of West New York has been awarded \$4,400.00 from the State of New Jersey and wishes to include this amount as a revenue.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Town of West New York, hereby requests the Director of the Division of Local Government Services to approve insertion of an item of revenue in the budget of the year 2013 in the sum of \$4,400.00, which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services: Public and Private Revenues Offset with Appropriations:

2013 Drive Sober or Get Pulled Over Statewide Lab

BE IT FURTHER RESOLVED that a like sum of \$4,400.00 be and is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from “CAPS”

Public and Private Offset by Revenues:

2013 Drive Sober or Get Pulled Over Statewide Lab

RESOLUTION

RE: AUTHORIZING THE INSERTION IN BUDGET OF SPECIAL ITEM OF REVENUE AND APPROPRIATION – CHAPTER 159 – FY 2013 Clean Communities

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve insertion of any Special Item of Revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount; and,

WHEREAS, the Town of West New York has been awarded \$9,134.91 from the State of New Jersey and wishes to include this amount as a revenue.

August 21, 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, hereby requests the Director of the Division of Local Government Services to approve insertion of an item of revenue in the budget of the year 2013 in the sum of \$9,134.91, which is now available as a revenue from:

Miscellaneous Revenues:
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services: Public and Private Revenues Offset with Appropriations:

FY 2013 Clean Communities

BE IT FURTHER RESOLVED that a like sum of \$9,134.91 be and is hereby appropriated under the caption of:

General Appropriations
(a) Operations Excluded from "CAPS"
Public and Private Offset by Revenues:

FY 2013 Clean Communities

Resolution

Re: Shared Services Agreement between the Town of West New York and the West New York Parking Authority for Services of a Qualified Licensed Purchasing Agent

WHEREAS, the Town of West New York ("Town") a municipal corporation established and operating pursuant to the laws of the State of New Jersey, with offices located at 428 60th Street, West New York, New Jersey wishes to enter into a shared services agreement with the West New York Parking Authority ("Authority"), a parking authority established and operating pursuant to N.J.S.A. 40:11-1 et seq. and Section 71-1G of the Town's Local Ordinance; and

WHEREAS, the Authority wishes to contract with the Town to have the purchasing activity for the Authority, as the contracting unit, performed via a shared service agreement in order to have prepared public advertisements for bids and to receive bids for the provision or performance of goods or services on behalf of the Authority and to award contracts as permitted in accordance with the Local Public Contracts Law of the State of New Jersey in the name of the Authority, and conduct any activities as may be necessary or appropriate to the purchasing function of the Authority; and

WHEREAS, sharing services between the Town and the Authority will achieve a mutual financial and operational advantage in having the Qualified Purchasing Agent of the Town of West New York perform all of the activities as may be necessary or appropriate to the purchasing function of the Authority; and

WHEREAS, the Town of West New York shall remain the employer of the Qualified Purchasing Agent, Xenia Rivero, and the Town shall be reimbursed on a quarterly basis by the Authority for the cost of the shared services, inclusive of salary and benefits; and

WHEREAS, N.J.S.A. 40A:65-4 et seq. allows the Town and the Authority to enter into a shared service agreement for the shared services of the purchasing function by the Qualified Purchasing Agent in the amount of \$20,900.

August 21, 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 that the Mayor is authorized to execute a shared service agreement with West New York Parking Authority for the aforementioned services pursuant to a shared services agreement.

Note: Commissioner Frias “abstained” from voting on this Resolution. Comm. Wiley voted “No” on this Resolution. Comm. Wiley complained that parking authority lots had been sold to developers, and that it (the Parking Authority) is treated as an “autonomous body” when it is suitable to the Mayor. He commented that the Parking Authority is an independent authority and should remain as such and is against the Purchasing Agent having any involvement therein in order to avoid “having her hands in the cookie jar”. He complained that he has had other issues with the Purchasing Agent in the past wherein she doesn’t support the local business owners by purchasing items from out of town vendors and thru State Contract vendors. He further commented that the Purchasing Agent can’t keep up with her work in Town Hall and now she will have additional duties which she will not be able to keep up with. He further commented that the Mayor should have no control over the Parking Authority, which is an autonomous agency. At this point, Town Administrator DeMarco interrupted Comm. Wiley and advised him that he should not be discussing personnel issues. Comm. Wiley responded that she will be receiving an additional \$20,000 when she can’t do her job here. He further commented about harassment and termination of employees at the Parking Authority. Comm. Frias joined conversation and replied “One thing has nothing to do with the other.” You are mixing apples and oranges.” Discussion ensued between the both Commissioners. Comm. Wiley recommended that the Town stop sharing services with Parking Authority. Comm. Frias advised that the Parking Authority Attorney recommended the use of the Purchasing Agent for transparency purposes and that the idea is to have someone there to train and be certified and that the Purchasing Agent agreed to perform those duties after town hall hours. Comm. Frias further explained that the Purchasing Agent will do the job while someone else is trained. (This resolution was REJECTED as there were not enough votes for passage.)

RESOLUTION

RE: Appointing Rizwan Hameed as a member of the planning board to fill the unexpired term of Laritza Marrero
(Term expires on 12/31/2016)

WHEREAS, Laritza Marrero has resigned from the planning board; and

WHEREAS, Rizwan Hameed is a resident of the Town of West New York living at 6705 Park Avenue, West New York, New Jersey, 07093; and

WHEREAS, Rizwan Hameed 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. Rizwan Hameed is appointed to serve as a Member of the West New York Planning Board, to serve for the unexpired portion of a term which will expire on 12/31/2016.
2. A copy of this resolution shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

August 21, 2013
Regular Meeting

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

NOTE: Commissioners Frias & Rodriguez “abstained” from voting on this Resolution. Comm. Wiley voted “No” on this Resolution. Commissioner Wiley commented that he has not received any information or resume on who these people who are being appointed to these board are and what are their qualifications. He stated that these are people who will be making big decisions for the future of this Town. He commented that without this information, the other Commissioners are “voting blindly”. (This resolution was REJECTED as there were not enough votes for passage.)

Resolution

Re: Authorizing the application for a grant from the Department of Community Affairs for programming for disabled individuals

WHEREAS, the Town of West New York desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$20,000 to carry out a project that will enhance programming which integrates disabled individuals into a variety of recreational offerings.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Board of Commissioners of the Town of West New York does hereby authorizes the application for a grant from the Department of Community Affairs and recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement by the Mayor or Town Administrator; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Town of West New York and the New Jersey Department of Community Affairs.

RESOLUTION

RE: Acknowledging receipt of RFQ responses for Special Labor Counsel and 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 Special Labor Counsel - legal services (2nd occasion)

WHEREAS, the Town of West New York has followed the fair and open process under the New Jersey Unit Pay-To-Play Law, N.J.S.A. 19:44A-20 et seq. for receiving Requests for Qualifications; and

WHEREAS, the Town of West New York issued a Request for Qualifications for Special Labor Counsel in accordance with the requirements of N.J.S.A. 19:44A-20, et. seq., on June 19, 2013, for the provision of legal services; and

WHEREAS, the Town of West New York received and opened Proposals for Special Labor Counsel Services on July 11, 2013; and

WHEREAS, after reviewing the submissions the Town’s Review Team recommends that the Town reopen the process to allow for additional proposals to be received and reviewed; and

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

WHEREAS, the Mayor and Board of Commissioners wish to receive and consider additional proposals for Special Labor Counsel; and

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

August 21, 2013
Regular Meeting

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

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

4. The aforesaid recitals are incorporated herein as though fully set forth at length;
5. The Town Clerk is authorized and directed to publish and advertise a Request for Qualifications for Special Labor Counsel, in accordance with a Fair and Open Process at least ten days in advance of the opening of the responses to the Requests for Qualifications received (“Statements of Qualifications”).
6. A Review Committee is established, consisting of the Mayor, the Town Administrator and Purchasing Agent, to review all Statements of Qualifications and to make recommendations to the Board of Commissioners at regularly scheduled meeting.

RESOLUTION

Re: Amendment of Professional Services Contract for the Services of Special Labor Counsel with Scarinci and Hollenbeck

WHEREAS, the Town of West New York has previously entered into a contract for Special Labor Counsel services with Scarinci Hollenbeck; and

WHEREAS, pursuant to the awarding resolution the contract was limited to \$36,000; and

WHEREAS, based upon a review of expenditures to date and the files assigned, it is necessary to amend the contract to permit additional compensation for the services of special legal counsel;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York that the Mayor is authorizes to execute an amended agreement with Scarinci Hollenbeck for the aforementioned services in an amended amount not to exceed \$56,000 pursuant to bid specifications.

Note: **Commissioner Wiley “abstained” from voting on this Resolution.**

Resolution

Re: Interlocal Agreement between the Town of West New York and the West New York Board of Education for reimbursement of fuel costs

WHEREAS, the Board of Education of West New York requires fuel for the use of their school buses and other vehicles; and

WHEREAS, the Town of West New York has the capability to of providing fuel at a reasonable costs based upon volume purchasing; and

WHEREAS, it is in the best interests of the Town and Board of Education to enter into an agreement for a period of one (1) year from July 1, 2013 to June 30, 2014 with the Board for fuel; and

WHEREAS, N.J.S.A. 40A:65-4 et seq. allows the Town and the Board to enter into a shared service agreement for the costs of fuel in the amount of \$100,000.

August 21, 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 that the Mayor is authorizes to execute a shared services agreement with the Board of Education for the aforementioned services pursuant to a shared services agreement.

Resolution
Re: Interlocal Agreement between the Town of West New York and the West New York Board of Education for use of Blackboard Connect System

WHEREAS, the Town of West New York requires the use of the West New York Board of Education's blackboard connect system in order to communicate with participants in Recreation Department Programs; and

WHEREAS, the West New York Board of Education has the capability to permit the WNY Recreation Department to utilize the blackboard direct system; and

WHEREAS, the Town has entered into an agreement for a period of one (1) year from July 1, 2013 to June 30, 2014 with the Board for the use of the aforementioned system for its Recreation Program; and

WHEREAS, N.J.S.A. 40A:65-4 et seq. allows the Town and the Board to enter into a shared service agreement for the use of the aforementioned system by the Town.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of West New York that the Mayor is authorizes to execute a shared services agreement with the Board of Education for the aforementioned services pursuant to the attached shared services agreement.

Resolution
Re: Interlocal Agreement between the Town of West New York and the West New York Board of Education for use of passenger bus and bus operator

WHEREAS, the Town of West New York requires the use of a passenger bus for it residents and programs; and

WHEREAS, the West New York Board of Education owns a passenger bus which can be utilized by the Town and the Board also employees licensed bus operators; and

WHEREAS, the Board will maintain responsibility for the upkeep, maintenance and liability insurance for the passenger bus; and

WHEREAS, the Town has entered into an agreement for a period of one (1) year with the Board for the use of the aforementioned passenger bus and bus operator; and

WHEREAS, N.J.S.A. 40A:65-4 et seq. allows the Town and the Board to enter into a shared service agreement for the use of the aforementioned facility by the Town.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of West New York that the Mayor is authorizes to execute a shared services agreement with the Board of Education for the aforementioned services pursuant to the attached shared services agreement.

August 21, 2013
Regular Meeting

Consent Agenda (Cont.):

Resolution
Re: Extension of Grace Period for Payment of Tax Bills

WHEREAS, N.J.S.A 54:4-64 provides that an extension of the grace period for receipt of payments of tax bills may be granted by the Town; and

WHEREAS, the Town mailed out the property tax bills on or before August 12, 2013;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Board of Commissioners of the Town of West New York that the Tax Collector is hereby authorized to extend the grace period on the August 1st installment to September 6, 2013.

Bond Ordinance #16/13

AN ORDINANCE OF THE TOWN OF WEST NEW YORK, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR ROAD IMPROVEMENT PROJECTS IN THE TOWN OF WEST NEW YORK AND APPROPRIATING \$1,089,385 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$744,525 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. Town Clerk Riccio advised that she had been advised by Bond Counsel William Mayer, Esq. that Local Finance Board had approved this Bond Ordinance and that the Town was permitted to proceed with hearing and final adoption.

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

No one wished to be heard.

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

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

Ordinance #17/13

An Ordinance Amending Chapter 277 of the Code of the Town of West New York (Parking)

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

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

No one wished to be heard.

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

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

Note: This Ordinance was **REJECTED** as there were not enough votes for passage.

August 21, 2013
Regular Meeting

Ordinance #18/13

**An Ordinance Amending Chapter 277 Section 10 of the Code of the
Town of West New York (Re: Handicapped Parking Violations)**

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

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

No one wished to be heard.

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

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

ORDINANCE #19/13

**AN ORDINANCE ESTABLISHING AN ENERGY AND NATURAL GAS
AGGREGATION PROGRAM**

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

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

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

Note: Town Administrator DeMarco advised that there are representatives from Commercial Utilities Consultant Company to give a brief presentation and that a full presentation on this matter will be given at the next Commission Meeting. John Fish and Nick Reynolds advised that there were changes made in the law between 2003 and July 2012 wherein municipalities were given the right to compete for energy services and if no choice is made, the State makes the choice for you. They further advised that there would be no change to residents' services but that there would be a savings of approx. 1-2 months of charges. They further explained the auction process and the purpose of this Ordinance. Comm. Frias expressed her concerns about prior third party overbilling and that she would like more information regarding this issue prior to voting. The representatives explained that the BPU and Rate Counsel must review and approve. Comm. Wiley inquired "Is it in one format?" Mr. Fish advised again that nothing changes for the residents as PSE&G continues to deliver the electricity. Town Administrator DeMarco joined conversation by advising that each individual resident has the option to "opt out" and not participate. Comm. Rodriguez inquired if there is any notification on the resident's bills which would reflect the lower rate, etc. Discussion ensued between the both representatives and Mr. DeMarco regarding the potential savings. Comm. Frias inquired as to how many municipalities in the State of NJ have joined this program to which Mr. Fish responded "25 in New Jersey". Mr. DeMarco advised that a full presentation would be given at the next Commission Meeting.

August 21, 2013
Regular Meeting

Notice
Ordinance #19/13

**AN ORDINANCE ESTABLISHING AN ENERGY AND NATURAL GAS
AGGREGATION PROGRAM**

The foregoing Ordinance was adopted on first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey on August 21, 2013 and ordered published, and will be further considered before final passage at a public hearing on September 18, 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.

ORDINANCE #20/13

AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION FOR FIVE (5) STORY MULTI-FAMILING BUILDING CONSTRUCTED BY JACLYN 28, LLC PURSUANT TO THE PROVISIONS OF THE FIVE (5) YEAR EXEMPTION AND ABATEMENT LAW, N.J.S.A. 40-A:21-1 ET. SEQ., AND SECTION 7 OF ORDINANCE 11/07 AN ORDINANCE ENTITLED FIVE YEAR TAX ABATEMENT ORDINANCE.

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

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

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

Notice
ORDINANCE #20/13

AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION FOR FIVE (5) STORY MULTI-FAMILING BUILDING CONSTRUCTED BY JACLYN 28, LLC PURSUANT TO THE PROVISIONS OF THE FIVE (5) YEAR EXEMPTION AND ABATEMENT LAW, N.J.S.A. 40-A:21-1 ET. SEQ., AND SECTION 7 OF ORDINANCE 11/07 AN ORDINANCE ENTITLED FIVE YEAR TAX ABATEMENT ORDINANCE.

The foregoing Ordinance was adopted on first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey on August 21, 2013 and ordered published, and will be further considered before final passage at a public hearing on September 18, 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.

August 21, 2013
Regular Meeting

ORDINANCE #21/13

AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION FOR *Three (3)* STORY MULTI-FAMILY BUILDING CONSTRUCTED BY 422-426 61st Street LLC PURSUANT TO THE PROVISIONS OF THE FIVE (5) YEAR EXEMPTION AND ABATEMENT LAW, N.J.S.A. 40-A:21-1 ET. SEQ. AND SECTION 7 OF ORDINANCE 11/07 AN ORDINANCE ENTITLED FIVE YEAR TAX ABATEMENT ORDINANCE

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

It was regularly moved by Commissioner Frias, seconded by Commissioner Rodriguez to **Table** the introduction of the foregoing Ordinance until the next Commission Meeting was carried by the following vote:

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

Note: Comm. Wiley commented that he against 30 yr. tax abatements as he feels the Town is “valuable for the future” and that this particular project only contains 15 units (3 stories) and therefore, is marketable and does not require a five year abatement. He inquired as to whether this is a new construction to which Town Administrator DeMarco responded “yes”. He further commented that this building should be rented within 1 month and doesn’t see the need for an abatement. Therefore, he is voting “No” on the introduction of this Ordinance. He later chose to “abstain” when vote was taken and this issue was “tabled”. Town Administrator DeMarco explained that the Tax Assessor reviewed the value and calculations, etc. and made the recommendation for abatement. Discussion ensued about calculations contained in the schedule in Ordinance. Comm. Wiley again stated that it is not necessary to give this abatement. Comm. Frias recommended that this Ordinance be tabled until the next Commission Meeting

Notice
ORDINANCE #21/13

AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION FOR *Three (3)* STORY MULTI-FAMILY BUILDING CONSTRUCTED BY 422-426 61st Street LLC PURSUANT TO THE PROVISIONS OF THE FIVE (5) YEAR EXEMPTION AND ABATEMENT LAW, N.J.S.A. 40-A:21-1 ET. SEQ. AND SECTION 7 OF ORDINANCE 11/07 AN ORDINANCE ENTITLED FIVE YEAR TAX ABATEMENT ORDINANCE

The foregoing Ordinance was adopted on first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey on August 21, 2013 and ordered published, and will be further considered before final passage at a public hearing on September 18, 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 title of the foregoing Ordinance aloud.

August 21, 2013
Regular Meeting

At the request of Town Clerk, Commissioner Frias opened the Public Portion.

Public Portion:

The following persons wished to be heard:

1. Wayne Cook, 6131 Jackson Street, WNY:

Mr. Cook advised that the property located at 533-61st Street has weeds/grass growing again. Town Administrator DeMarco advised that a summons had been issued to the owner and that this time an increase in fine should be requested. He further advised that there is a big hole in sidewalk at 541 – 61st Street, which is an abandoned house, and which needs to be repaired. Mr. Cook inquired on the rate that is charged by the Town Attorney Gilberto Garcia to which Town Administrator Joseph DeMarco responded that if he did any additional work his hourly rate would be \$150.00 per hour. Mr. Cook inquired as to whether the Parking Authority had adopted the resolution to hire the Town's Purchasing Agent. Comm. Frias advised that there was a lack of quorum yesterday and that no action was taken. Mr. Cook inquired as to who pays for the Board of Education buses that are utilized by the Town. Mr. DeMarco advised that they reimburse the Town for gas and that the Town's Chief Financial Officer met with the Board of Education Business Administrator to renegotiate reimbursement amounts. Mr. Cook inquired as to when the Interlocal agreement commences with the Board of Education regarding fuel to which Mr. DeMarco responded "meeting is tonight". Mr. Cook commended Officer Stetson and Police Director Antolos regarding the attempt to save the baby on Blvd. East.

2. Frank Ferreiro, 5206 Bergenline Avenue, WNY:

Mr. Ferreiro inquired regarding the petitions he filed for an elected school board as to whether the Board of Commissioners need to give approval. Town Clerk Riccie advised that her Certification is part of the Communications and will be part of these Minutes and that she sent the matter to the County Board of Elections. Mr. DeMarco added that the Board of Commissioners only needs to acknowledge receipt of Clerk's certification and that the County Clerk handles from this point forward. Mr. Ferreiro questioned Commissioner Rodriguez if her two (2) children and her husband are employed by the Town. Commissioner Rodriguez responded that her oldest daughter had been a teacher for 16 years and that her husband was working part-time for recycling under a shared service agreement between West New York and Weehawken and that her youngest daughter was a teacher's aide and had completed courses for "alternate route". Mr. Ferreiro questioned as to why Silvio Acosta and Lou Cannao drive police vehicles with sirens, etc. Town Administrator commented that there are no police lights on those vehicles. Police Director Antolos advised that prior to his appointment as Police Director, Mr. Acosta had a new police vehicle but that he reversed that decision and took it back and that the lights and sirens were disconnected. Mr. Ferreiro commented that if there is a hiring freeze, why five (5) people were recently hired. Mr. DeMarco explained that three (3) persons hired are police officers; however, Mr. Ferreiro disagreed in that he claimed other persons were hired who are not police officers. Comm. Wiley commented that this is the "2nd" hiring freeze. Mr. Ferreiro questioned Commissioner Frias and Richard Rivera as to why his the OPRA requests that he had submitted to the Parking Authority were returned with lies. He further commented that there were "blatant lies" on OPRA responses he received from the Parking Authority. He referred to the issue about the Parking Authority receiving money from Hudson Honda to lease the lot, however the OPRA response he received indicated that it does not receive money even though Mr. Rivera stated on video at the last Commission Meeting that the amount of \$38,000 is received from Hudson Honda. Further, Mr. Ferreiro indicated that one of the OPRA responses indicated that the Parking Authority does not own the lots, however, he claims that Mr. Rivera indicated otherwise in public. Mr. Ferreiro commented "stop lying to the people". Comm. Frias advised him that his time to speak had expired and that Richard Rivera would meet with him to discuss any of these issues.

August 21, 2013
Regular Meeting

Public Portion (Cont.)

3. Silverio Vega, 6600 Boulevard East, WNY:

Former Mayor Vega questioned the Governing Body as to whereabouts of the Mayor. Mr. Vega expressed that this would be the 2nd meeting in a row in which the Mayor was not present. Mr. Vega questioned Town Administrator DeMarco and he replied "I'm not sure". Mr. Vega commented that no one in the governing body knew where the Mayor is and stated that the Mayor had missed two (2) meetings in a row. He further asked Town Clerk Riccie if she knew the whereabouts of the Mayor to which she commented that she does not know where he is. Mr. Vega explained that under the "Walsh Act" if the Mayor misses three (3) meetings in a row action can be taken. He explained that no Mayor should leave without telling his governing body of his whereabouts and how he can be reached. Mr. DeMarco commented that the Mayor can be reached if necessary. Discussion ensued between Mr. Vega and Mr. DeMarco regarding whether or not Mr. DeMarco was acting in the capacity of Town Attorney inasmuch as the Town Attorney was not present. Mr. DeMarco indicated his title is Town Administrator. Mr. Vega commented that since Commissioner Frias has been conducting the meetings there has been no yelling or screaming and that this does not happen when the Mayor is here. He further commented that he noticed that the Commissioners are giving thought and asking questions prior to voting, which doesn't happen when Mayor is present. Mr. Vega stated that he wanted to congratulate Commissioner Frias for her excellent job.

4. Carlos Betancourt, 6305 Jackson St., WNY:

Mr. Betancourt commented that he "echoed" the comments of Mr. Vega and that he also wanted to congratulate Commissioner Frias and that stewardship and civility goes hand and hand. Mr. Betancourt stated that when you commit yourself to run a town it is imperative to be here and show leadership. Comm. Frias thanked him for his comments.

A motion was made by Commissioner Rodriguez, seconded by Commissioner Vargas, **to close the Public Portion and Adjourn the meeting at 1:02 p.m.** was carried by the following vote:

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

Commissioner FiorD'Aliza Frias

Commissioner Caridad Rodriguez

Commissioner Ruben Vargas

Commissioner Count J. Wiley

ABSENT

Mayor Felix E. Roque
Board of Commissioners

Attest:

Carmela Riccie, RMC
Town Clerk