

**November 18, 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 Monday, November 18, 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 Gil Garcia, Town Clerk Carmela Riccie, and  
Town Administrator Joseph DeMarco

Meeting commenced at 7:00 p.m. (Comm. Rodriguez arrived at 7:05 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 November 18, 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.

**Minutes of Previous Meeting:**

It was regularly moved by Mayor Roque, seconded by Commissioner Frias, that the Minutes of Regular Meeting: 10/23/13 (Regular & Work Sessions) be approved as recorded, was carried by the following vote:

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

**Claims: Dated 11/18/13 (Claims are available for public inspection in the Town Clerk's Office):**

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

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

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**Receipt of Financial Reports:**

**FINANCIAL REPORTS - MONTH OF OCTOBER 2013**

1. From Construction Code Official Office, reporting the sum of \$83,845.00 Collected for the month of October 2013.
2. From Director Robert Antolos (Police Dept.) reporting the sum of \$3,551.80 Collected for the month of October 2013
3. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$4,980.00 for Special Licenses collected for the month of October, 2013.
4. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$840.00 for Marriage/death certificates collected for the month of October 2013.
5. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$54.40 for Dogs Licenses collected for the month of October 2013.
6. From (Revenue and Finance Department) reporting the sum of \$7,791,055.29 collected for the month of October 2013.
7. From Carmela Riccio, RMC, Town Clerk, reporting the sum of \$1,545.00 collected for the month of October 2013

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

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

November 18, 2013

*Regular Meeting*

**Communication**

**Re: Engineer's Report dated 11/8/13**

**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: November 8, 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, 2012 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 had issued a punchlist for the project and the contractor has substantially completed same. We are currently reviewing the remaining punchlist items.
- **FY2012 NJDOT Municipal Aid Grant and Road Program (67<sup>th</sup> 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 were able to extend the paving limits approximately another 500' to Hudson Avenue which the contractor has finished paving.
  - We are working on the NJDOT close-out for the project.
- **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.
  - 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. We also attended a Freeholders meeting on September 10, 2013 to discuss the project.
  - We are currently preparing the design and contract documents for the wall construction.
- **FY2013 NJDOT Municipal Aid Grant and 2013 Road Program**
  - We had prepared and submitted the FY2013 NJDOT Municipal Aid Grant application to the NJDOT for the following roads:
    - 60<sup>th</sup> Street from Buchanan Place to Bergenline Avenue (2000'-Half Width).
    - 65<sup>th</sup> Street from Broadway Avenue to Park Avenue (675')
    - 51<sup>st</sup> Street from JFK West to Bergenline Avenue (615')
    - 66<sup>th</sup> 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 completed the survey work and design work associated with the 66<sup>th</sup> Street improvements which can be funded by the NJDOT Grant. We submitted the design documents to the NJDOT for review.
  - We have completed the survey work for the remaining roads and are completing the design. Once we received NJDOT approval we will prepare the documents to advertise for bids.

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□ **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.
- 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.
- We attended a progress meeting with the contractor this week and he is scheduled to have crews on site next week and continue working until the project is completed.

□ **Town Tax Map Revisions**

- We are currently updating the Town's existing tax maps for a revaluation process. We recently received deed information from the tax assessor which we are reviewing. We anticipate the time to update the tax maps and submit to the State to be in the range of 4-6 months.

□ **Improvements to Washington Park**

- The Town has received a CDBG in the amount of \$400,000 for this project. We prepared a proposal for the preparation of construction plans and contract documents for park improvements.
- The field survey work and the base maps are now completed. We will be scheduling a meeting with the Town to review the proposed improvements.
- We met with the Town's Security Camera contractor regarding security cameras for the park. They will be providing us with a basic plan of where the cameras should be installed to provide coverage for the park.

□ **Improvements to Miller Park**

- As you are aware, the Town has received Green Acres funding for various improvements to the park. We prepared a proposal for the preparation of construction plans and contract documents for park improvements.
- The field survey work and the base maps are now completed. We will be scheduling a meeting with the Town to review the proposed improvements.

□ **Miscellaneous Engineering**

- Hudson Avenue from 55<sup>th</sup> to 60<sup>th</sup> Streets: We were asked to review the existing street lighting levels in this area and see if additional lighting could be provided. We met with PSE&G and they have provided an agreement to increase the existing street light wattage for ten (10) lights from the existing 250 watt lights to 400 watt lights in addition to also increasing the cobra head arm length from 8' to 15'. Three (3) additional lights will also be installed. We believe this will significantly increase the light levels in this area.
- NJDOT FY2014 Trust Fund Grants: The FY2014 NJDOT Grant applications were due September 20, 2013. We prepared and submitted the grant applications for the following roads:
  - 60<sup>th</sup> Street from JFK Blvd West to Madison Avenue (1425')
  - 51<sup>st</sup> Street from Bergenline Avenue to Broadway Avenue (1575')
  - Gaw Place from 56<sup>th</sup> Street to Southern terminus. (200')

**November 18, 2013**  
***Regular Meeting***

**Communication**  
**Re: RFQ results received on 11/14/13 re: ABC Prosecutor**

RFQ PROPOSAL FORMATION

Proposal Receipt Date: November 14, 2013  
Proposal Time: 9:30 a.m.  
Location for proposal: Town Clerk's Office  
Proposal for: A.B.C. Prosecutor  
Personnel at Opening: Deputy Town Clerk Jennie DelRio & Lisa Walsh  
Remarks: Time to receive RFQS was closed at 9:35 a.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Glazer & Kamel  
(Address) 1207 East Grand Street 3<sup>rd</sup> Floor  
Elizabeth, NJ 07201

**Communication**  
**Re: RFQ results received on 11/14/13 re: Auditing Services**

RFQ PROPOSAL FORMATION

Proposal Receipt Date: November 14, 2013  
Proposal Time: 10:00 a.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Auditing Services  
Personnel at Opening: Deputy Town Clerk Jennie DelRio & Lisa Walsh  
Remarks: Time to receive RFQS was closed at 10:05 a.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Spire Group  
(Address) 220 South Orange Avenue Suite 201  
Livingston, NJ 07039

**November 18, 2013**  
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**Communication**  
**Re: RFQ results received on 11/14/13 re: Bond Counsel**

RFQ PROPOSAL FORMATION

Proposal Receipt Date: November 14, 2013  
Proposal Time: 10:30 a.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Bond Counsel  
Personnel at Opening: Deputy Town Clerk Jennie DelRio & Lisa Walsh  
Remarks: Time to receive RFQS was closed at 10:35 a.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Law Office of John Hudak  
(Address) 812 North Wood Avenue Ste. 304  
Linden, NJ 07036

RESPONDER #2 (Name) DeCotiis, FitzPatrick & Cole, LLP  
(Address) Glennpoint Centre West  
500 Frank W. Burr Blvd. Suite 31  
Teaneck, NJ 07666

**Communication**  
**Re: RFQ results received on 11/14/13 re: Insurance Fund Administrator**

RFQ PROPOSAL FORMATION

Proposal Receipt Date: November 14, 2013  
Proposal Time: 11:00 a.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Insurance Fund Administrator  
Personnel at Opening: Deputy Town Clerk Jennie DelRio & Lisa Walsh  
Remarks: Time to receive RFQs was closed at 11:05 a.m.

RESPONDER #1 (Name) Peter Soriero  
(Address) 3 Cypress Point Lane  
Monroe Township, NJ 08831

RESPONDER #2 (Name) Glazer & Kamel  
(Address) 1207 East Grand Street  
Elizabeth, NJ 07201

**November 18, 2013**  
***Regular Meeting***

**Communication**  
**Re: RFQ results received on 11/14/13 re: Labor Counsel**

RFQ PROPOSAL FORMATION

Proposal Receipt Date: November 14, 2013

Proposal Time: 11:30 a.m.

Location for proposal: Town Clerk's Office

Proposal for: Labor Counsel

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

Remarks: Time to receive RFQS was closed at 11:35 a.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Schwartz Simon Edelstein & Celso, LLC  
(Address) 100 South Jefferson Road Suite 300  
Whippany, NJ 07981

RESPONDER #2 (Name) Scarinci Hollenbeck  
(Address) 1100 Valley Brook Avenue  
P.O. Box 790  
Lyndhurst, NJ 07071

RESPONDER #3 (Name) Florio & Kenny, LLP  
(Address) 5 Marine View Plaza Suite 103  
P.O. Box 771  
Hoboken, NJ 07030

RESPONDER #4 (Name) Giblin & Giblin  
(Address) 2 Forest Avenue  
Oradell, NJ 07649

**November 18, 2013**  
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**Communication**  
**Re: RFQ results received on 11/14/13 re: Legal Liability Counsel**

RFQ PROPOSAL FORMATION

Proposal Receipt Date: November 14, 2013

Proposal Time: 2:00 p.m.

Location for proposal: Town Clerk's Office

Proposal for: Legal Liability Counsel

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

Remarks: Time to receive RFQS was closed at 2:05 p.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Schwartz Simon Edelstein & Celso  
Denis G. Murphy, Esq.  
(Address) 100 S. Jefferson Road Suite 200  
Whippany, NJ 07961

RESPONDER #2 (Name) Florio & Kenny, LLP  
Attorney at Law  
(Address) 5 Marine View Plaza Suite 103  
P.O. Box 771  
Hoboken, NJ 07030

RESPONDER #3 (Name) Douglas M. Standriff, Esq.  
Attorney at Law  
(Address) 60 West Ridgewood Avenue  
Ridgewood, NJ 07450

RESPONDER #4 (Name) Cottrell Law Offices/Floyd G  
Arecia Reid  
(Address) 550 Broad Street Suite 1710  
Newark, NJ 07102

**November 18, 2013**

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**Communication**

**Re: RFQ results received on 11/14/13 re: Legal Liability/Special Counsel**

**RFQ PROPOSAL FORMATION**

Proposal Receipt Date: November 14, 2013  
Proposal Time: 2:30 p.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Legal Liability Special Counsel  
Personnel at Opening: Deputy Town Clerk Jennie DelRio & Lisa Walsh  
Remarks: Time to receive RFQS was closed at 2:35 p.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Schwartz Simon Edelstein & Celso, LLC  
(Address) 100 South Jefferson Road Suite 200  
Whippany, NJ 07981

RESPONDER #2 (Name) Florio & Kenny, LLP  
(Address) 5 Marine View Plaza Suite 103  
P.O. Box 771  
Hoboken, NJ 07030

RESPONDER #3 (Name) Glazer & Kamel  
Attorneys at Law  
(Address) 1207 East Grand Street 3<sup>rd</sup> Floor  
Elizabeth, NJ 07201

RESPONDER #4 (Name) Scarinci Hollenbeck  
(Address) 1100 Valley Brook Avenue  
P.O. Box 790  
Lyndhurst, NJ 07071-0790

RESPONDER #5 (Name) Cottrell Solensky & Semple, P.A.  
(Address) 550 Broad Street  
Newark, NJ 07102-4599

**Communication**

**Re: RFQ results received on 11/14/13 re: Library Board Attorney**

**RFQ PROPOSAL FORMATION**

Proposal Receipt Date: November 14, 2013  
Proposal Time: 3:00 p.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Library Board Attorney  
Personnel at Opening: Deputy Town Clerk Jennie DelRio & Lisa Walsh  
Remarks: Time to receive RFQS was closed at 3:05 p.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Glazer & Kamel  
(Address) 1207 East Grand Street  
Elizabeth, NJ 07201

**November 18, 2013**

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**Communication**

**Re: RFQ results received on 11/14/13 re: Planning Board Attorney**

**RFQ PROPOSAL FORMATION**

Proposal Receipt Date: November 14, 2013  
Proposal Time: 3:30 p.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Planning Board Attorney  
Personnel at Opening: Deputy Town Clerk Jennie DelRio & Lisa Walsh  
Remarks: Time to receive RFPS was closed at 3:35 p.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Fausto Simoes, Esq.  
Simoes & Associates P.C.  
(Address) 112 Jabez Street Suite 201  
Newark, NJ

RESPONDER #2 (Name) Florio & Kenny, LLP  
Attorneys at Law  
(Address) 5 Marine View Plaza Suite 103  
P.O. Box 771  
Hoboken, NJ 07030

**Communication**

**Re: RFQ results received on 11/15/13 re: Planning Services**

**RFQ PROPOSAL FORMATION**

Proposal Receipt Date: November 15, 2013  
Proposal Time: 9:30 a.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Planning Services  
Personnel at Opening: Deputy Town Clerk Jennie DelRio & Rosemarie Suarez  
Remarks: Time to receive RFQS was closed at 9:35 a.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Remington & Vernick Engineers & Affiliates  
(Address) 300 Penhorn Avenue 3<sup>rd</sup> Floor  
Secaucus, NJ 07094

RESPONDER #2 (Name) CME Consulting & Municipal Engineers  
(Address) 3141 Bordentown Avenue  
Parlin, NJ 08859

RESPONDER #3 (Name) Maser Consulting, PA  
(Address) 331 Newman Springs Road Suite 203  
Red Bank, NJ 07701

**November 18, 2013**  
***Regular Meeting***

**Communication**  
**Re: RFQ results received on 11/15/13 re: Zoning Board Attorney**

RFQ PROPOSAL FORMATION

Proposal Receipt Date: November 15, 2013  
Proposal Time: 10:00 a.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Zoning Board Attorney  
Personnel at Opening: Deputy Town Clerk Jennie DelRio & Rosemarie Suarez  
Remarks: Time to receive RFQS was closed at 10:05 a.m.  
Reserved decision pending review by review committee.

**NO RFQ' S SUBMITTED**

**Communication**  
**Re: RFQ results received on 11/15/13 re: Public Defender**

RFQ PROPOSAL FORMATION

Proposal Receipt Date: November 15, 2013  
Proposal Time: 10:30 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 10:35 a.m.

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

**November 18, 2013**  
***Regular Meeting***

**Communication**  
**Re: RFQ results received on 11/15/13 re: Rent Control Attorney**

**RFQ PROPOSAL FORMATION**

Proposal Receipt Date: November 15, 2013  
Proposal Time: 11:00 a.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Rent Control Attorney  
Personnel at Opening: Deputy Town Clerk Jennie DelRio & Lisa Walsh  
Remarks: Time to receive RFQS was closed at 11:05 a.m.  
Reserved decision pending review by review committee.  
RESPONDER #1 (Name) Noemio A. Vellozzi, PA  
Counselors at Law  
(Address) 59 Wall Street Suite 201  
Newark, NJ

**Communication**  
**Re: RFQ results received on 11/15/13 re: Tax Appeals Attorney**

**RFQ PROPOSAL FORMATION**

Proposal Receipt Date: November 15, 2013  
Proposal Time: 2:00 p.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Tax Appeals Attorney  
Personnel at Opening: Deputy Town Clerk Jennie DelRio & Lisa Walsh  
Remarks: Time to receive RFQS was closed at 2:05 p.m.  
Reserved decision pending review by review committee.  
RESPONDER #1 (Name) O'Donnell McCord, PC  
(Address) 15 Mount Kemble Avenue  
Morristown, NJ 07960  
RESPONDER #2 (Name) Marc A. Raso, Esq.  
Attorney at Law, LLC  
(Address) 473 Sylvan Avenue  
Englewood Cliffs, NJ 07633

**November 18, 2013**  
***Regular Meeting***

**Communication**  
**Re: RFQ results received on 11/15/13 re: Tenant Advocacy Attorney**

**RFQ PROPOSAL FORMATION**

Proposal Receipt Date: November 15, 2013  
Proposal Time: 2:30 p.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Tenants Advocacy Attorney  
Personnel at Opening: Deputy Town Clerk Jennie DelRio & Lisa Walsh  
Remarks: Time to receive RFQS was closed at 2:35 p.m.  
Reserved decision pending review by review committee.  
RESPONDER #1 (Name) Law Offices of Lazaro Carvajal, LLC  
(Address) 21 Main Street Suite 350  
Hackensack, NJ 07602

**Communication**  
**Re: RFQ results received on 11/15/13 re: Town Engineer**

**RFQ PROPOSAL FORMATION**

Proposal Receipt Date: November 15, 2013  
Proposal Time: 3:00 p.m.  
Location for proposal: Town Clerk's Office  
Proposal for: Town Engineer  
Personnel at Opening: Deputy Town Clerk Jennie DelRio, Lisa Walsh & Rosemarie Suarez  
Remarks: Time to receive RFQS was closed at 3:05 p.m.  
Reserved decision pending review by review committee.  
RESPONDER #1 (Name) Maser Consulting P.A.  
(Address) 331 Newman Springs Road Suite 203  
Red Bank, NJ 07701  
RESPONDER #2 (Name) Remington & Vernick Engineering  
(Address) 300 Penhorn Avenue 3<sup>rd</sup> Floor  
Secaucus, NJ 07094  
RESPONDER #3 (Name) CME Consulting & Municipal Engineers  
(Address) 3141 Bordentown Avenue  
Parlin, NJ 08859-1162  
RESPONDER #4 (Name) Boswell Engineering  
(Address) 330 Phillips Avenue  
P.O. Box 3152  
South Hackensack, NJ 07606

**November 18, 2013**  
***Regular Meeting***

**Communication**  
**Re: RFQ results received on 11/15/13 re: Workers Compensation Attorney**

RFQ PROPOSAL FORMATION

Proposal Receipt Date: November 15, 2013

Proposal Time: 3:30 p.m.

Location for proposal: Town Clerk's Office

Proposal for: Workmen's Compensation Attorney

Personnel at Opening: Deputy Town Clerk Jennie DelRio, Lisa Walsh & Rosemarie Suarez

Remarks: Time to receive RFQS was closed at 3:35 p.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Cottrell Law Office/Floyd G  
Arecia Reid  
(Address) 550 Broad Street Suite 1710  
Newark, NJ 07102

RESPONDER #2 (Name) Netchert, Dineen & Hillmann  
Attorneys at Law  
(Address) 280 Baldwin Avenue  
Jersey City, NJ 07306

RESPONDER #3 (Name) Florio & Kenny, LLP  
(Address) 5 Marine View Plaza Suite 103  
P.O. Box 771  
Hoboken, NJ 07030

RESPONDER #4 (Name) Glazer & Kamel  
Attorneys at Law  
(Address) 1207 East Grand Street 3<sup>rd</sup> Floor  
Elizabeth, NJ 07201



November 18, 2013  
Regular Meeting

Communication

Re: RFP results received on 11/18/13 re: Computer Consulting and Maintenance Services

RFP PROPOSAL FORMATION

Proposal Receipt Date: November 18, 2013

Proposal Time: 10:00 a.m.

Location for proposal: Town Clerk's Office

Proposal for: Computer Consulting & Maintenance Services

Personnel at Opening: Deputy Town Clerk Jennie DelRio

Remarks: Time to receive RFPS was closed at 10:35 a.m.  
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Angel Consultant, LLC  
(Address) P.O. Box 393  
North Bergen, NJ 07047

Proclamation

Re: Gethsemane Baptist Church 107th Anniversary

WHEREAS, the Mayor and Board of Commissioners of the Town of West New York wish to honor *Gethsemane Baptist Church* for their 107 years of dedication and service to the community; and

WHEREAS, *Gethsemane Baptist Church* was formed in 1906 under the watch of Salem Baptist Church of Jersey City; and

WHEREAS, *Gethsemane Baptist Church* was led by Prophet Anthony Smith in 1989 beginning with a seven-day shut in and fast for devotion; and,

WHEREAS, *Gethsemane Baptist Church* honors Pastor Smith and his wife, Reverend Sonia, for their 24 years of services to the church; 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 *Gethsemane Baptist Church's* contributions to the religious community and to the community as a whole.

Consent Agenda

It was regularly moved by Mayor Roque, seconded by Commissioner Vargas that the following Consent Agenda Items Nos. R-1 through R-23 be adopted, was carried by the following vote:

YEAS - Commissioners Frias, Rodriguez, Vargas, Wiley and Mayor Roque  
NAYS - See below notes  
ABSENT - None  
ABSTAIN - See below notes

**Note:** Town Clerk Riccie read aloud all titles of Resolutions included on Consent Agenda i.e. R-1 thru R-23. Comm. Wiley voted "No" on the following resolutions: R-5, R-19 and "abstained" on Resolution #R-1. Mayor Roque "recused himself" on the following Resolution: #R-2.

**November 18, 2013**  
***Regular Meeting***

**Consent Agenda (Cont.):**

**Resolution**  
**Re: Establishing No Parking Loading Zone**  
**For La Llave Hardware Corporation**  
**5701 Hudson Avenue, West New York, NJ**

WHEREAS, there exists in the vicinity of 5701 Hudson Avenue a condition relating to traffic congestion and difficulty of receiving, loading and discharging merchandise and supplies caused by the location of establishment in the building located 5701 Hudson Avenue, and

WHEREAS, the congestion in this area not only prevents the loading and unloading of Necessary merchandise and supplies from trailer trucks and vehicles during business hours, but, in addition present hazards to safety and traffic by the impeding of the safe and regular flow of traffic through the said street areas during the loading and unloading operation and good cause appearing.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York, N.J., pursuant to N.J.S.A. 39:4-197 (3) (b) that a "No Parking-Loading Zone" be and same is hereby authorized and established, at the said location, more particularly described hereafter, during business hours from Monday thru Friday 7:00 a.m. to 5:00 p.m. said area or zone to be used as a "No Parking-Loading Zone": during said hours so as to promote traffic and passage of vehicular traffic in the area, and to allow the prompt and safe loading and unloading of merchandise and supplies as aforesaid, and:

BE IT FURTHER RESOLVED that the said "No Parking-Loading Zone" shall be located and is hereby established and approved as follows:

BEGIN AT A POINT ALONG THE WEST SIDE OF HUDSON AVENUE AND 57<sup>TH</sup> STREET, 15 FEET NORTH FROM THE NORTH WEST CORNER , THEN 24 FEET THEREFROM

BE IT FURTHER RESOLVED that appropriate markings and sign shall be located at said "No Parking-Loading Zone" area according to law.

**Note:**      **Comm. Wiley “Abstained” on this Resolution.**

**November 18, 2013**  
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**Consent Agenda (Cont.):**

**Resolution**

**Re: Establishing restricted parking in front of one**  
**(1) residence for use by handicapped resident as follows:**  
**5101 Park Avenue (Rene Roque)**

WHEREAS, a handicapped parking space had been established by Ordinance #2/97 adopted on February 5, 1997 for Rene Roque at 437 – 59<sup>th</sup> Street, WNY; and

WHEREAS, due to Mr. Rene Roque moving from 437 – 59<sup>th</sup> Street to 5101 Park Avenue and his continuing need for a handicapped parking space, it has been determined that said handicapped space needs to be re-located; and

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.	Rene Roque 5101 Park Avenue West New York, NJ	East	Begin at a point along the East side of Park Ave. & 52 <sup>nd</sup> Street, 29 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.

**Note:** Mayor Roque “recused himself” on this Resolution.

**Resolution**

**Re: Authorizing Application to New Jersey Division of Highway Safety**  
**For 2013 Drive Sober or Get Pulled Over Statewide Crackdown**  
**(12/6/13 to 1/2/14)**

Whereas, the State of New Jersey, Division of Highway Traffic Safety has issued applications for the 2013 Drive Sober or Get Pulled Over Statewide Crackdown Grant, and

Whereas, the Division of Highway Safety will award \$4,400.00 to successful applicants to be used for overtime for the WNY Police Department during the “Drive Sober or Get Pulled Over Statewide Crackdown” from December 6, 2013 to January 2, 2014;

Now, therefore be it resolved that the Town of West New York is hereby authorized to make application for and accept said funding if awarded, and

Be it further resolved, that the Mayor, or his designee, Chief Financial Officer and Police Director be hereby authorized to execute the grant application documents.

**November 18, 2013**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**Resolution**  
**Re: Authorizing the Town Clerk to re-advertise**  
**to receive bids for "One (1) 2013 or Greater Type III Ambulance"**

Whereas, the governing body adopted a resolution on September 27, 2013 authorizing the Town Clerk to receive bids for a new ambulance; and

Whereas, bids are returnable on November 13, 2013 at 11:30 a.m.; and

Whereas, QPA Xenia Rivero has advised the Town Clerk that the bid specifications require modification and that there is insufficient time to publish the required amendment as required by statute;

NOW, THEREFORE, BE IT RESOLVED that the Town Clerk be and she is hereby authorized and directed to re-advertise for the receiving of bids on Wednesday, December 11, 2013 at 10:00 a.m. in the Town Clerk's Office for: "One (1) 2013 or Greater Type III Ambulance" for the Town of West New York in accordance with specifications on file in the Town Clerk's Office.

**Resolution**  
**Re: Re-appointment of Gilberto M. Garcia, Esq.**  
**as Town Attorney**  
**(Term: 12/21/13 to 12/20/14)**

Be it resolved by the Mayor and Board of Commissioners of the Town of West New York that Gilberto M. Garcia, Esq., 21 Main Street Hackensack, NJ be and is hereby re-appointed as Town Attorney for the Town of West New York for the following term: 12/21/13 to 12/20/14. Salary shall be in accordance with the Salary Ordinance. The Town Attorney is under the direction of the Department of Revenue and Finance as per Ordinance #25/12 adopted on 8/15/12.

**Note:**      **Comm. Wiley voted "No" on this Resolution.**

**Amended**  
**Resolution**  
**Re: Establishing restricted parking in front of one**  
**(1) residence for use by handicapped resident as follows:**  
**563 – 61<sup>st</sup> Street, WNY (Juan H. Candelaria)**

WHEREAS, it is necessary to amend the location of the restrictive parking space established for Juan H. Candelaria, by Resolution adopted on October 1, 1997, in front of one (1) residence of a handicapped person who has been issued vehicle identification card by the Division of Motor Vehicles;

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.	Juan H. Candelaria 563 – 61 <sup>st</sup> Street	West	Begin at a point, along the West side of Polk Street and 61 <sup>st</sup> Street, 23.6 feet North
	West New York, NJ		from the South West corner of 61 <sup>st</sup> Street and Polk, 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.

**November 18, 2013**  
**Regular Meeting**

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

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: Senior Citizens and Veterans Tax Deductions**

WHEREAS, the listed taxpayers named below are Senior Citizens or Veterans and have applied for and given sufficient evidence to receive a Deduction from the 2013 tax pursuant to N.J.S.A. 54:4-8.40.

THEREFORE, be it resolved that said deductions are hereby granted and the Tax Collector is hereby directed to issue refunds for the following amount to property owners.

<u>Block/Lot</u>	<u>Name</u>	<u>Address</u>	<u>Exempt</u>	<u>Amt</u>
38/9/ 16C	Colbert, Raymond	6050 Blvd. East	Senior & Veteran	\$500.00
55 3	Lombardo, James	6010 Tyler Place	Senior & Veteran	\$250.00
38/1/28G	Kenny, Peter	6040 Blvd. East	Veteran	\$250.00

**Resolution**  
**Re: Refunds of Redemptions (\$100,148.10)**

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.

<u>Name</u>	<u>Block/lot</u>	<u>Cert#</u>	<u>Amount</u>
72 OAK STREET HOLDINGS, LLC	54/36 C1002	12-0307	\$2,231.34
US BANK AS CUST/ ATR FD NJ & CAP1	5/11 C0002	12-0011	\$1,437.21
MTAG SVC CUST FOR ATCF II NJ LLC	38/9 C003C 168.01 7.06 C0209	11-0096 12-0786	\$14,590.24 \$3,121.30

**November 18, 2013**  
**Regular Meeting**

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

US BANK CUST FOR	137/13	12-0626	\$2,177.19
TOWER DBW	141/20	12-0642	\$15,846.04
	40/6	12-0221	\$8,440.97
	39/6	12-0217	\$10,756.38
US BANK CUST. FOR	7/45.01	12-0042	\$1,542.86
TLCF 2012A, LLC	115/1	12-0561	\$7,999.53
	144/24	12-0657	\$5,491.07 *
PAM INVESTORS	70/3	12-0355	\$3,704.91
MTAG SVC. AS CUST FOR ATCF II NJ LLC	39/6	11-0106	\$18,325.84
ISAAC MORADI	74/4 C003D	11-0200	\$4,483.22
		GRAND TOTAL	\$100,148.10

**RESOLUTION**

**RE: Refunds of Premiums (\$13,200.00)**

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

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

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

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

NAME	BLOCK/LOT	CERT. #	AMOUNT
MTAG SVC. AS CUST FOR ATCF II NJ LLC	38/9 C003C 39/6	11-0096 11-0106	\$3,300.00 \$3,300.00
US BANK CUST FOR TOWER DBW	137/13 39/6	12-0626 12-0217	\$3,000.00 \$3,100.00
US BANK CUST. FOR TLCF 2012A, LLC	7/45.01	12-0042	\$500.00
		GRAND TOTAL	\$13,200.00

**November 18, 2013**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**RESOLUTION**  
**RE: Hudson County Board Tax Appeal (\$6,046.27)**

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:

NAME	BLOCK-LOT	AMOUNT	YEAR
RAFF & MASONE ATTY. FOR DAURA JAMINE	20/7 C003F	\$83.60	2013
WENDOLY RIVERA, ANNA	160/17	\$642.77	2013
524 REALTY LLC	152/32.01	\$2,327.50	2013
VENINO & VENINO ATTY. FOR F & A ZAQUIEL CORP.	98/2	\$2,992.50	2013
	GRAND TOTAL	\$6,046.37	

**Resolution**  
**Re: Refunds of Overpayment of Taxes (\$6,268.93)**

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
SWAMI, ASHU & RAJITA BISARIA	168.01/8.01 C0207	\$1,180.40 (SVC)	2013
MONTEAGUDO, CARMEN ANA	149/13	\$807.50	2013
CZARNOWSKI,EMIL	98/10 C0005	\$408.37	2013
FREEDOM BANK	107/32	\$3,207.66	2013
	9/4 C00A7	\$665.00	2013
	GRAND TOTAL	\$6,268.93	

**November 18, 2013**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**RESOLUTION**  
**Re: Tax Sale Certificate**

WHEREAS, the attached list of Tax Sale Certificates were issued as a result of a Tax Sale held on June 28, 2010 for property located at 6011-13 Polk Street A/K/A block 138 lot 14.03 and property located at 6015 Polk Street A/K/A block 138 lot 14 and

WHEREAS, the said properties were subdivided prior to the Tax Sale therefore the taxes should have been canceled and placed on a Tax Sale.

BE IT RESOLVED, that the Tax Sale Certificate be canceled.

<u>NAME</u>	<u>CERTIFICATE #</u>	<u>AMOUNTS</u>
US BANK CUST. FOR	10-225	\$7,042.04
LLFI-NJ	10-226	\$8,824.90

**RESOLUTION**  
**Re: Approval of Various Interlocal Agreements with the**  
**West New York Board of Education**  
**(School Year 2013-2014)**

WHEREAS, the West New York Board of Education, a non-profit organization, has requested that the Town of West New York enter into Interlocal Service Agreements for the following:

Agreement	Reimbursement Amount
Maintenance and Preparation of Recreational Area	\$189,100.00
Reimbursement of Costs for Police Officers for the Purposes of School Security	\$28.00 per hour Estimated cost: \$515,568.00
Use of Town Recreational Facilities	\$627,400.00
Refuse Removal from Board Facilities	\$195,500.00 For the period of July 1, 2013 to June 30, 2014

WHEREAS, the Town has requested that the Board of Education enter into an Interlocal Service Agreements for the following:

Agreement	Cost
Use of Board of Ed. Facilities for Recreation Dept.(Include Blackboard Connect) & Juvenile Division Community Service & Middle School	\$1.00 (annually, for the period July 1, 2013 through June 30, 2014)

WHEREAS, the Board of Education has already approved such agreements and filed them with the office of the Municipal Clerk;

WHEREAS, it is in the best interest of the Town of West New York to enter into said agreements; and

**November 18, 2013**  
**Regular Meeting**

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

WHEREAS, N.J.S.A. 40A:65-4 et seq. allows the Town and the Board of Education to enter into said Interlocal Service Agreement for the costs of such services;

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

1. The Town Administrator be and he is hereby authorized to enter into Interlocal Service Agreements for the aforementioned services in substantially the form filed with the office of the municipal Clerk, in a form satisfactory to the Town as evidenced by the Municipal Administrator's signature thereon for the following services and amounts:

Agreement	Reimbursement Amount
Maintenance and Preparation of Recreational Area	\$189,100.00
Reimbursement of Costs for Police Officers for the Purposes of School Security	\$28.00 per hour Estimated cost: \$515,568.00
Use of Town Recreational Facilities	\$627,400.00
Refuse Removal from Board Facilities	\$195,500.00 For the period of July 1, 2013 to June 30, 2014

WHEREAS, the Town has requested that the Board of Education enter into an Interlocal Service Agreements for the following:

Agreement	Cost
Use of Board of Ed. Facilities for Recreation Dept. (Include Blackboard Connect) & Juvenile Division Community Service & Middle School	\$1.00 (annually, for the period July 1, 2013 through June 30, 2014)

2. The Town Administrator be and he is hereby authorized to execute any and all documents and to take any and all necessary action to complete and realize the intent and purpose of this resolution.

3. A copy of this Resolution and the Interlocal Service Agreements once executed shall remain on file in the office of the Municipal Clerk for public inspection.

**November 18, 2013**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**Resolution**

**Re: Authorizing the Submission of a Strategic Plan for the West New York Municipal Alliance  
Committee Against Alcoholism and Drug Abuse Grant  
for the Fiscal Year July 2014 - June 2015**

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey,

WHEREAS, The Board of Commissions 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 therefore has established a Municipal Alliance Committee; and,

WHEREAS, the Board of Commissions 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 Board of Commissions has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Hudson,

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

1. The Board of Commissions does hereby authorize submission of a strategic plan for the West New York Municipal Alliance Committee Against Alcoholism and Drug Abuse grant for the fiscal year July 2014 to June 2015 in the amount of \$42,943
2. The Board of Commissions acknowledges the terms and conditions for administering the West New York Municipal Alliance Committee Against Alcoholism and Drug Abuse grant, including the administrative compliance and audit requirements.

**RESOLUTION**

**RE: Authorizing Support for the Application and Acceptance of the Choice  
Subsidy by Hudson Heights 56, LLC, and Authorizing the Five Year  
Property Tax Abatement with a Reduction in Permit Fees.**

WHEREAS, the Town of West New York has approved the development of fifty-two (52) units of housing at 309-323 54<sup>th</sup> Street, Block 93 Lots 4, 5 and 6, as outlined in Exhibit A to be funded under New Jersey Housing and Mortgage Finance Agency's ("the Agency") Choices in Home Ownership Incentives Created for Everyone ("CHOICE") program; and

WHEREAS, the Town of West New York recognizes that an affordable housing grant from the Agency for an amount not to exceed the maximum amount allowed in accordance with the CHOICE Subsidy is for the purpose of subsidizing the construction of home ownership; and

WHEREAS, the CHOICE Subsidy will, when applicable, benefit home buyers of the affordable units that will be restricted by the Agency using Uniform Housing Affordability Controls (UHAC) type restrictions with funds to be repaid solely to the Agency at the first unrestricted sale; and

WHEREAS, the CHOICE Subsidy will, when applicable, benefit home buyers of the market units that will be restricted by the Agency using the CHOICE program and Subsidy restrictions, with funds to be paid solely to the Agency at the first sale; and

WHEREAS, the Town of West New York recognizes Hudson Heights 56, LLC as the developer/sponsor for the project; and

**November 18, 2013**  
**Regular Meeting**

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

WHEREAS, the project qualifies for the Town of West New York's five year tax abatement program;  
and

WHEREAS, Hudson Heights 56, LLC will seek an ordinance for approval of a five year tax abatement for this project; and

WHEREAS, the Town of West New York will introduce an additional resolution for approval of a permit fee waiver;

NOW, THEREFORE, BE IT THEREFORE RESOLVED, that the Town of West New York does hereby support the developer/sponsor's application for such grants from the Agency and acknowledges that the processing and expenditure of funds shall be in accordance with the terms of the CHOICE program and the Subsidy; and

BE IT FURTHER RESOLVED that the Town recognizes that the project is eligible for a five (5) year tax abatement and the Town of West New York will introduce an additional resolution for approval of a permit fee waiver; and

BE IT FURTHER RESOLVED that the persons whose names, titles and signatures appear below are authorized by the Town of West New York to implement this Resolution and that they or their successors in said titles are authorized to sign any documents necessary in connection therewith:

EXHIBIT A

Unit Type	Homeowner	Total Units
Emerging Market Unit	52	52
TOTAL	52	52

**Resolution**  
**Re: Annual Report of Audit for year ending 12/31/12**

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

Whereas, The Annual Report of Audit for the year ending December 31, 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to NJSA 40A:5-6, and a copy has been received by each member of the governing body, and

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

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

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

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

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

**November 18, 2013**  
**Regular Meeting**

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

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

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

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

**Resolution**

**Re: Authorizing the Town of West New York to seek Fair and Open Process in compliance with the Pay to Play Statutes for the retention of Various Legal/Professional Services**

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 legal services as may be needed by the Town of West New York, including but not limited to legal/professional services as:

Assistant Town Attorney	December 12, 2013; 10:00 a.m.
Staff Attorney	December 12, 2013; 10:30 a.m.

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, including legal/professional services,

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 a Request for Qualifications for the for various legal/professional services as may be needed by the Town, for each separate board or entity requiring separate legal counsel including but not limited to:

Assistant Town Attorney  
Staff Attorney

3. Such Request for Qualification(s) shall be published and advertised in accordance with a Fair and Open Process at least ten (10) days in advance of the opening of the responses to the Requests for Qualifications received ("Statements of Qualifications"), such opening to take place on or before the next regularly scheduled meeting of the Board of Commissioners, on or before which time all Statements of Qualifications must be submitted by interested parties, for consideration by the Review Committee herein established; and

**November 18, 2013**  
**Regular Meeting**

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

4. The Mayor, with the Town Administrator and the Town Attorney both in an advisory capacity, will review all Statements of Qualifications and to make recommendations to the Mayor and Board of Commissioners prior to its next regularly scheduled meeting.

**RESOLUTION**  
**RE: AUTHORIZING THE INSERTION IN BUDGET OF SPECIAL ITEM OF**  
**REVENUE AND APPROPRIATION – CHAPTER 159 –**  
**2013 Drive Sober or Get Pulled Over Year End Holiday Crackdown**

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 Year End Holiday Crackdown

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 Year End Holiday Crackdown

**RESOLUTION**  
**Re: Transfer of Silvio Acosta**  
**from the Department of Public Affairs as Confidential Aide to the Mayor to**  
**the Department of Public Works as Acting Superintendent of Public Works**

BE IT RESOLVED by the Mayor Felix E. Roque, M.D. and the Board of Commissioners of the Town of West New York that Silvio Acosta, who resides at 6104 Bergenline Avenue, West New York, NJ, 07093, is hereby appointed as Acting Superintendent of Public Works for the Town of West New York for one year from the date of instatement. Salary shall be in accordance with the Salary Ordinance. The Superintendent of Public Works serves the Department of Public Works.

**Note:** Comm. Wiley voted “No” on this Resolution.

**November 18, 2013**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**RESOLUTION**

**Re: To accept Underage Drinking Laws Block Grant Program funding**  
**(Subgrant period: 11/15/13 to 8/30/14)**

Whereas, the Division of Alcoholic Beverage Control (ABC) is responsible for administering the Office of Juvenile Justice Delinquency Prevention (OJJDP) State Block Grant Program Enforcing the Underage Drinking laws; and

Whereas, the Town of West New York wishes to accept the funds from the Division of Alcoholic Beverage Control (ABC) for the above referred to time period in connection with a project entitled "West New York Combating Underage Drinking;

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

1. The Town of West New York hereby accepts the additional funding in the amount of \$3,248.33 for a total award amount of \$9,533.33.
2. The Appropriate fiscal officer will accept the funds in connection with said project from the ABC and make disbursements in accordance with said application.

**RESOLUTION**

**RE: AUTHORIZING THE INSERTION IN BUDGET OF SPECIAL ITEM OF**  
**REVENUE AND APPROPRIATION – CHAPTER 159 –**  
**FY11 NJ Enforcing the Underage Drinking Laws Block Grant**

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 \$3,248.33 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 \$3,248.33, 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:

FY11 NJ Enforcing the Underage Drinking Laws Block Grant

BE IT FURTHER RESOLVED that a like sum of \$3,248.33 be and is hereby appropriated under the caption of:

General Appropriations

(a)Operations Excluded from "CAPS"

Public and Private Offset by Revenues:

FY11 NJ Enforcing the Underage Drinking Laws Block Grant

**November 18, 2013**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**RESOLUTION**  
**RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN**  
**THE TOWN OF WEST NEW YORK AND DENIS G. MURPHY, ESQ.**  
**FOR LEGAL SERVICES-LEGAL REPRESENTATION IN THE CAPACITY OF**  
**ELECTION OFFICIAL FOR THE TOWN OF WEST NEW YORK**

WHEREAS, an election was held recently concerning the change of the Board of Education from one that is appointed and one that is elected by the public, which will result in multiple additional elections within the municipality; and

WHEREAS, the Town Clerk as election official will require guidance and advice during these scheduled elections for the Board of Education; and

WHEREAS, the Commissioners have determined, on the basis of the foregoing, that it is necessary to retain legal services in order to assist the Election Official in this process; and

WHEREAS, it has also been determined that it is necessary for the efficient operation of the Town to enter into a contract with and to compensate the services of Denis G. Murphy, Esq., 100 South Jefferson Road Suite 200, Whippany, NJ 07981 to serve as Legal Services-Legal Representation in the Capacity of Election Official for the Town of West New York; 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

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 Denis G. Murphy, Esq., for the services as Legal Services-Legal Representation in the Capacity of Election Official for the Town of West New York 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. The initial authorization of this contract shall be for as long as the process takes and for an amount to be contained in the agreement but not to exceed \$10,000.00.
4. 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.
5. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of Denis G. Murphy, Esq., as Legal Services-Legal Representation in the Capacity of Election Official for the Town of West New York shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

**November 18, 2013**  
***Regular Meeting***

**Consent Agenda (Cont.):**

**RESOLUTION**  
**AUTHORIZING THE INSERTION IN BUDGET OF SPECIAL ITEM OF REVENUE**  
**AND APPROPRIATION – CHAPTER 159 – 2013 Justice Assistance Grant 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 \$17,883.00 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 \$17,883.00, 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 Justice Assistance Grant Program

BE IT FURTHER RESOLVED that a like sum of \$17,883.00 be and is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from “CAPS”

Public and Private Offset by Revenues:

2013 Justice Assistance Grant Program

**November 18, 2013**  
**Regular Meeting**

**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.

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

The following persons wished to be heard:

**1. Wayne Cook, 6131 Jackson Street, WNY:**

Mr. Cook inquired as to what benefit(s) the citizens will receive by adopting this Ordinance. Representatives of CUC, Mr. Rudy Garcia and Mr. John Fish, explained that the BPU amended Title 14 last year to allow municipalities to bid for this item. Mr. Garcia explained that the PSE & G bill will look the same but that the rate will be lower. He further explained how it will affect senior citizens who are on fixed incomes and that there is no risk to the consumer. Mr. Cook expressed his concern as to how the taxpayers will be notified of this new offer, to which Mr. Garcia explained that a letter will be sent out, that it is done in stages, that there is no obligation to accept and the consumer may “opt out” at any time. Mayor Roque commented that the Town owned buildings will also receive a cost savings on electric bills. Discussion ensued between Mr. Garcia and Mayor Roque regarding opt out and potential cost savings to taxpayers.

**2. Freeholder Jose Munoz:**

Freeholder Munoz explained that the County of Hudson also utilized this method and hired an auditor and inquired whether there are any differences contained in this Ordinance. Rudy Garcia responded that there is a big difference as rates are “locked in” and “guaranteed”. Mr. Munoz inquired as to the process to sign up for the program. Mr. Garcia advised that you are already signed up and that an individual can obtain energy any way he or she wants. Wayne Cook inquired as to when the information will be supplied to the taxpayers and if they will be in English and Spanish. Mr. Garcia replied “yes” but that this is only the first step to go to auction, etc. and that it will take several months to complete. He advised that the City of Bayonne has already realized a 10% savings. Audience member David Rivera inquired as to whether this is the same as “ambient energy” to which Rudy Garcia responded “No” and then explained the differences. Mr. Rivera inquired as to how Mr. Garcia’s company benefits from this arrangement. Mr. Garcia advised that his company gets paid from the winning supplier.

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

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

NAYS - None

ABSENT - None

November 18, 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 61<sup>st</sup> 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.

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, 5206 Bergenline Avenue, WNY:**

Mr. Ferreiro commented that West New York doesn't have any money; that the police department is low on manpower; that streets are dirty but that more tax abatements are being granted. He stated "How long before you bankrupt West New York?" Comm. Wiley commented that he voted "No" on the introduction of this Ordinance and will vote "No" again. He commented that there are only 16-17 units involved and that the Town will gain nothing for this. This is not the same issue as a 52 unit building. Comm. Wiley commented that this builder has a relationship with this Administration and that this is a "losing proposition" for the Town. Mr. Ferreiro commented that tax abatements are for projects which create benefits to the Town and create jobs or afford housing, and that this is a "project for profit", which doesn't bring any benefits to the Town or its residents.

**2. Freeholder Jose Munoz:**

Freeholder Munoz inquired "Who is the developer". Town Attorney Garcia did not know.

**3. Joan Palermo, 6600 Blvd. East, WNY:**

What is the reason for the abatement? Town Administrator DeMarco explained that the developer made an application that the property is in need of redevelopment. It is a way to induce a developer to take the property and re-claim it and provide a short term abatement. Ms. Palermo commented that there is no benefit to the residents. Mr. DeMarco replied that the people in the area of the property benefit and that there are a lot of properties in disrepair. Ms. Palermo inquired as to whether the developer would have developed the property had a tax abatement not been given and inquired as to whether the project has been built yet. Mr. DeMarco responded "I don't know the particulars about this". Ms. Palermo commented that the abatement was not an inducement as the project was already under construction. Discussion ensued regarding whether this is "pro former for all projects" to which Mr. DeMarco advised that there has been 42-44 over the last 10 years. Freeholder Munoz commented that people should not be limited to how much time they have to discuss an Ordinance and that he should not be limited to speak and that elected officials should have respect for other elected officials. He inquired as to who is the developer. Mr. DeMarco responded "It is an L.L.C." Mr. Munoz commented "Who is he a friend of?" Comm. Wiley commented that a secret meeting had been held at Hernandez Realty with the Deputy Mayor, etc. He commented about property on 67<sup>th</sup> Street which the Mayor purchased and commented "Stop lying to the people. You laugh at our residents." He further commented that on the day of the last election, the Mayor used "vulgar language" toward him and requested that the Mayor repeat what he (the Mayor) had said to him (Comm. Wiley) on that day. He received no response. Mr. Munoz again inquired about the identity of the developer to which Mr. DeMarco advised that he has no idea. Mr. Munoz commented that Mr. DeMarco approved the abatement application but doesn't know the details. Mr. DeMarco explained that the Tax Assessor reviews the applications and deems it appropriate under statute and recommends approval. Discussion ensued regarding difference between abatement and long term PILOT. Mr. Munoz commented that this project is too small to require abatement. Comm. Wiley commented that this Ordinance had been tabled upon introduction during the Mayor's absence but that now Mr. DeMarco has changed Comm. Rodriguez's mind to vote in favor of it and that it is "irresponsible" as the other Commissioners are "puppets". He commented "The public knows what you are doing. You are here for the public, not for business. I will never

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approve this.” Town Attorney Garcia inquired “What is the benefit to owner to receive an abatement?” Town Administrator DeMarco explained that on 5 yr. abatement, the land tax is paid at different percentage increments annually i.e. 20%, 40%, 60%, 80%, and that this is done in many municipalities to give incentive to builders to recoup some of their investment. He further commented that the Tax Assessor reviews the application and meets with the developer before it goes on the agenda for action by the Board of Commissioners. Mr. Ferreiro argued that abatements are given in municipalities like Newark, etc., not here in West New York where property is easier to develop. Comm. Wiley commented that a similar situation occurred with “Meridia project” but that project was already built prior to Ordinance being introduced. Mr. DeMarco explained the difference between the 2 projects in that no construction can begin before abatement is granted if abatement is for more than 5 yrs. but if abatement is for less than 5 yrs., construction is not an issue. He further explained that the Meridia project was converted to long term due to its construction schedule and that is why it was denied in compliance with the law. Comm. Rodriguez commented that she did not meet with Mr. DeMarco and stated “I have my own mind. I feel there is a conflict and I will abstain at this time.”

It was regularly moved by Mayor Roque, 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

**ORDINANCE NO. 22/13**

**An Ordinance repealing Ordinance #64/94 entitled:  
“An Ordinance establishing restricted parking in front  
of one (1) residence for use by a handicapped resident”  
(6607 Palisade Avenue, WNY)**

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

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

The following persons wished to be heard:

**1. David Rivera, 233 – 59<sup>th</sup> Street, WNY:**

Mr. Rivera inquired as to the difference between this Ordinance and Resolution #R-2 (establishing a handicapped space for Rene Roque at 5101 Park Avenue). Town Administrator DeMarco explained that in the past, Ordinances were required to create a handicapped space but that is no longer required; however, if a space is established by Ordinance, it must be rescinded by Ordinance. Mr. Rivera inquired as to whether Rene Roque is related to Mayor Roque to which the Mayor responded “yes”. Mr. Rivera replied “you should abstain.” Mr. DeMarco explained that Rene Roque already had a handicapped space but that the space was being relocated as he had moved. Town Clerk Riccie asked Mayor if he wished to change his vote and abstain on Resolution R-2 to which he replied “yes”.

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

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

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Regular Meeting

**ORDINANCE NO. 23/13**

**AN ORDINANCE OF THE TOWN OF WEST NEW YORK, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$3,900,000 FOR IMPROVEMENTS TO VETERAN'S PARK AND DONNELLY PARK IN AND FOR THE TOWN OF WEST NEW YORK AND APPROPRIATING \$3,900,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,650,000 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.**

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

The following persons wished to be heard:

**1. Freeholder Jose Munoz:**

Freeholder Munoz commented that as a Freeholder, he brought funds to the Town of WNY prior to this Administration; that this project has increased from \$1.5 million to \$3.9 million and that there have been three (3) different engineering firms hired by the Town expanding the work to be done on this project. Comm. Wiley commented that it is "deceitful" to add additional work to this project. Discussion ensued between Freeholder Munoz and Comm. Wiley regarding additional scope of work to be performed and that engineering firm is paid more due to additional work. Freeholder Munoz inquired as to whether C.M.E. Engineering donates monies to the Mayor's campaign fund to which Town Administrator DeMarco replied "I don't know. I have nothing to do with them." Comm. Wiley commented that a \$10,000 donation was given by them. Comment was made by Mr. Munoz regarding Mayor's political agenda and that Mayor referred to Mr. Munoz as "a rat".

**2. Francisco Ferreiro:**

Mr. Ferreiro agreed with the Freeholder's comments regarding additional work added, etc. and that the \$1.5 million grant has not been utilized for 2 yrs. and that now this project will cost twice as much.

**3. Angel Barquin, 432 – 58<sup>th</sup> Street, WNY:**

Mr. Barquin as to how much the Town owes in outstanding bonds prior to May 2010. Mayor Roque commented that he would not respond to Mr. Barquin but that the CFO can answer his question. Mr. DeMarco advised that the CFO was not present at this time. Comm. Frias informed Mr. Barquin that information will be emailed to him tomorrow. He addressed his inquiry to Mr. DeMarco and Mr. DeMarco advised that he does not know the exact amount. Discussion ensued about re-financing existing bonds and that re-financing does not create new debt. Comm. Frias commented that by re-financing the existing bonding obligation, it gave the Town the ability to pay in additional installments as it would be "detrimental" to make a \$7 million payment all at once.

**4. Edward Leiseca, 217 – 62<sup>nd</sup> Street, WNY:**

Mr. Leiseca inquired as to how many more years has the bonding been extended and when it will be paid in full. Comm. Frias replied "10 years" and she explained that this Administration had to face a \$7 million payment, which the Town does not have, and that it is a better financial practice to do it this way. She further explained that the debt should be paid within the next 15 yrs. and that this Administration had no control over it. Mr. Leiseca commented that passing blame to prior Administration is not the answer and that the Town should stop spending money. Comm. Frias commented that the Town is in a much better position now than in the past. Mayor Roque compared the situation to obtaining a house and then finding out money is owed and that you have to make the payment. He advised that the town's credit rating has been improved to "A-" and that hopefully in the future there will be a surplus to make extra payments.

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**Regular Meeting**

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

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

**Note:** At this point, the Mayor read aloud the Proclamation for the 107<sup>th</sup> Anniversary of Gethsemane Baptist Church and presented it to the representatives of the Church. We then proceeded to Ordinance #24/13.

**Ordinance # 24/13**

**An Ordinance Amending Chapter 277 of the  
Code of the Town of West New York  
(Parking Permits and Vouchers)**

**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. **Wayne Cook, 6131 Jackson Street, WNY:**  
Mr. Cook inquired as to the purpose of this Ordinance. Comm. Frias commented that she is “recusing” herself from this vote and that the Parking Authority Director Rich Rivera would explain it. Mr. Rivera explained the current fee structure and that this Ordinance will be more convenient to obtain weekly permits instead of daily permits.
2. **Freeholder Jose Munoz, 6112 Harrison Place, WNY:**  
Freeholder Munoz inquired as to how many Parking Authority employees issue summonses to which Rich Rivera advised that there are 13 and that summonses are issued on a 24 hour basis except for weekends. Mr. Munoz inquired as to whether there is a “quota” on how many tickets are issued per night to which Mr. Rivera replied “no” and explained that there is an electronic system which records how many are written and productivity. Mr. Munoz inquired as to whether an employee would be “disciplined” if he or she writes only two (2) tickets. Mr. Rivera commented that it is a personnel issue which deals with accountability and re-training. Mr. Munoz again asked if there is a “quota” to which Mr. Rivera responded “there is no quota”. Mr. Rivera also advised that in the future there may be a shared services agreement with the Police Dept. for use of 3 wheel vehicles inasmuch as current enforcers are on foot.

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

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

**Note:** Comm. Frias “recused” herself from voting on this Ordinance.

**November 18, 2013**

***Regular Meeting***

**Ordinance # 25/13**

**Ordinance #25/13 An Ordinance amending Ordinance #'s 9/11 & 8/10  
entitled "Salary Ordinance from 7/1/11 to 12/31/15"**

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

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

**No one wished to be heard.**

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

YEAS - Commissioners Rodriguez, Vargas, and Mayor Roque

NAYS - None

ABSENT – None

ABSTAIN – Commissioner Wiley

**Ordinance 26/13**

**An ordinance amending ordinance #1825 entitled:  
"An ordinance prescribing the fees required for metered parking for all  
off-street and on-street parking; the penalty for the violations of said requirements,  
the time limits for all metered parking; and repealing conflicting ordinances"**

**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:**

Mr. Ferreiro inquired as to whether the fees/fines are being increased and complained that there is no notification to the public. Town Administrator DeMarco explained that the Ordinance is published and posted. Discussion ensued between Mr. Ferreiro and Rich Rivera regarding changing the hour of the Parking Authority meetings to afford the public an opportunity to attend. Mr. Rivera advised that the fees are being increased as they have not been increased in 25 yrs. He further advised that he met with members of the Chamber of Commerce who are also in favor of increase as it will hopefully free up parking spaces as they are being used by business owners and not patrons. He also advised that the increase only applies to Bergenline Avenue and that the summonses are also being increased to offset deficit. Freeholder Munoz inquired as to how much is the deficit, to which Mr. Rivera advised that there was a \$13 million bond issues years ago and commented about the prior Parking Authority Director. Mayor Roque congratulated Mr. Rivera for balancing the budget. Comm. Wiley commented that there is no participation in the Parking Authority Meetings and that only a few members of the Chamber of Commerce attend the meetings. Mr. Rivera disagreed. Disagreement ensued between Comm. Wiley and Mr. Rivera and audience members started shouting (meeting out of control at this point). Mr. Rivera advised that the 3<sup>rd</sup> tier of the 62nd Street parking garage is being leased by Hudson Honda as the spaces were previously not being occupied and that the rental is \$50,000 per year. Mr. Ferreiro commented that when he requested the rental information from Mr. Rivera pursuant to OPRA that he was advised that no agreement was in place; however, Mr. Rivera now advises that there is an agreement. Freeholder Munoz commented that the Town is not in the business of renting spaces to a dealership and that this is a poor community and that the price to rent a parking space should be lowered to be more affordable to the residents. Discussion ensued between the Freeholder and Mr. Rivera regarding utilization of the parking spaces for residents. (Audience members talking at same time; meeting out of order)

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**2. Bill Parkinson, 419A - 57<sup>th</sup> Street, WNY:**

Mr. Parkinson inquired as to who was the prior Parking Authority Director and if Mr. Rivera was referring to that person. Comm. Frias responded "Harold Schroeder; and he did not say that". Discussion ensued about who was being blamed for deficit in Parking Authority. Mayor Roque joined conversation and commented that Mr. Parkinson was the DPW Director to which Mr. Parkinson responded "You fired me."

**3. David Rivera, 233 – 59<sup>th</sup> Street, WNY:**

Mr. Rivera commented that there are broken meters on Bergenline Avenue. Mayor agreed that they should be repaired. He inquired about the new machines to be installed. Comm. Wiley commented that 15 business owners don't represent the 500 businesses in Town and that the increases will hurt the business district and the taxpayers.

**Ordinance #27/13**

**An Ordinance repealing Ordinance #11/97 entitled:  
"An Ordinance establishing restricted parking in front  
of one (1) residence for use by handicapped resident"  
(6506 Park Avenue)**

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

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

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

**Notice**  
**Ordinance #27/13**

**An Ordinance repealing Ordinance #11/97 entitled:  
"An Ordinance establishing restricted parking in front  
of one (1) residence for use by handicapped resident"  
(6506 Park Avenue)**

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on November 18, 2013 and ordered published, and will be further considered before final passage at a public hearing on December 18, 2013 at 7:00 p.m. at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

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

November 18, 2013  
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**Ordinance #28/13**

**An Ordinance repealing Ordinance #2/97 entitled:  
“An Ordinance establishing restricted parking in front of one (1) residence for use by  
Handicapped Resident”  
(437-59<sup>th</sup> Street – Rene Roque)**

**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 - None  
RECUSED – Mayor Roque

**Note: Mayor Roque “recused” himself from voting on this Ordinance.**

**Notice  
Ordinance #28/13**

**An Ordinance repealing Ordinance #2/97 entitled:  
“An Ordinance establishing restricted parking in front of one (1) residence for use by  
Handicapped Resident”  
(437-59<sup>th</sup> Street – Rene Roque)**

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on November 18, 2013 and ordered published, and will be further considered before final passage at a public hearing on December 18, 2013 at 7:00 p.m. at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

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

**At the request of Town Clerk, Mayor Roque opened the Public Portion at 8:15 p.m.**

**Public Portion:**

**The following persons wished to be heard:**

1. **Freeholder Jose Munoz, 6112 Harrison Place, WNY:**  
Freeholder Munoz presented a flyer to the Town Clerk and Governing Body members (a copy of which is attached to end of these Minutes). He commented that the flyer contained a list of bills of Town Attorney Garcia which he obtained through an OPRA request. He further commented that \$191,000 had been paid to Mr. Garcia for legal services and \$150,000 as a salary which is \$341,000 of taxpayers’ monies as of July 2013. He further commented that the qualifications of federal government legal services are at the most \$89,000 and that the Attorney General of the United States only earns \$200,000 annually. Discussion ensued between the Freeholder and Town Attorney Garcia as to how much he has actually billed the Town and whether a conflict of interest exists. Town Attorney Garcia commented that he has saved the Town a lot of money in legal fees.

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**Regular Meeting**

**Public Portion (Cont.)**

**2. Bill Parkinson, 419A – 57<sup>th</sup> Street, WNY:**

Mr. Parkinson commented that he was “let go” as DPW Superintendent for no reason and has possession of a letter terminating him. He further commented that since that time, the Town has had only “acting” Superintendents and inquired as to when a person with qualifications will be hired, as he possesses the certifications for Public Works Manager and Recycling Coordinator. He advised that he sent the Mayor his resume for the position but received no response. He handed his resume to the Mayor and the Mayor responded “I will consider you.”

**3. Wayne Cook, 6131 Jackson Street, WNY:**

Mr. Cook commented that during the last Commission Meeting, Mayor commented that the people should decide whether or not they want an elected school board, to which the Mayor agreed. Mr. Cook further commented that there were “vote no” cards distributed prior to the election which contained a statement that the Treasurer is Silvio Acosta, which Mr. Cook referred to as the Mayor’s “right hand man”. He further commented that the Mayor must have changed his opinion after the Commission Meeting and that Silvio Acosta cannot be both the Treasurer and a Board of Education member. Mayor Roque responded that the Board of Education attorney should address that issue. Mr. Cook commented that the Mayor had sent a political ticket to “a low paid school employee” and that the Attorney General’s report indicated that “all politics should be out of the Board of Education”. Mr. Cook further commented that it was illegal for Mr. Acosta’s sister to be hired for custodian job and that the County Superintendent of Schools advised the Board members to rescind the hiring, which they did not do. Mayor replied “I can’t discuss that”. Mr. Cook replied “You have no answer for anything. Your members will be gone and people who care will be elected.”

**4. Danny Parales, 556 – 59<sup>th</sup> Street, WNY:**

Mr. Parales commented that the “hiring freeze” should be removed as the Town continues to hire people. He further commented that the residents are asking relevant questions and that it is “despicable” and “very disrespectful” that Mayor refuses to answer them. Mr. Parales stated “Your time is done. Resign before that time.” Mayor Roque replied “Thank you for worrying about me.” Mr. Parales made a comment regarding not firing or setting up John Pinto.

**5. Jose Alcantara, 6006 Palisade Avenue, WNY:**

Mr. Alcantara inquired “Did Silvio Acosta pay fines?” Mayor advised that it is a personnel issue and that he doesn’t know. Mr. Alcantara commented that Mr. Acosta doesn’t read or speak English or possess requirements to be Acting Superintendent of Public Works. He inquired if Mr. Acosta has a Bachelor’s Degree or any Certifications. He further commented that the Mayor “hired a 7 ft. bodyguard who intimidated Mr. Barquin”. Mayor responded “I am an equal opportunity employer”. Mr. Alcantara replied “You are a civil servant and should not intimidate anyone. You are a disgrace and will be done by 2015.” Mr. Alcantara commented that 60<sup>th</sup> & Palisade Avenue should not have been named on behalf of the Mayor’s father.

**6. Iris Rodriguez, 425 – 58<sup>th</sup> Street, WNY:**

Ms. Rodriguez inquired as to whether the Mayor interviewed his son’s girlfriend for the job she holds and commented that the Mayor’s son “took a hit” for the Mayor’s crimes. Mayor responded that this is a personnel issue.

**7. Ron Scheurle, 6119 Tyler Place, WNY:**

Mr. Scheurle referred to an issue discussed at the last Commission Meeting and that there is a private dumpster on town property and that WNY employees are still picking up Type 13 recyclables. Discussion ensued between Mr. Scheurle and Town Attorney Garcia that the matter is in litigation and cannot be discussed until it is resolved. Mr. Garcia commented “All of your allegations are correct but inappropriate to discuss at a public meeting. See me and I will discuss what is not attorney client privilege.” Mr. Scheurle commented that the Town saved money by having employees pick up the Type 13 recyclables and that it is a breach of union contract for them to do so. Mr. Garcia advised that the Union never brought up this issue. Mr. Scheurle commented that the DPW

**November 18, 2013**  
**Regular Meeting**

**Public Portion (Cont.)**

employees are the “lowest paid salaried people and live in Town and they vote. People are being railroaded; people are being hired and you are breaking a Union and destroying people who live here.”

**8. Iris Rodriguez, 425 – 58<sup>th</sup> Street, WNY:**

Ms. Rodriguez inquired of Comm. Vargas as to whether he possesses a G.E.D. to which Comm. Vargas advised that she should address her inquiry to the Chair (Mayor).

**9. Joan Palermo, 6600 Blvd. East, WNY:**

Ms. Palermo referred to the hiring freeze in effect and that a number of people have been hired since October 2012. Town Administrator DeMarco commented that he is unaware of the total amount hired and that some new hires include EMTs and Police Officers. Ms. Palermo commented that 30 persons have been hired and inquired if any are veterans. Mr. DeMarco advised that two (2) police officers and some EMTs are veterans. Ms. Palermo commented about Mr. Garcia being re-hired as Town Attorney and commented that she disapproves of same as he is doing a “disservice” by “enabling and facilitating illegalities in this Town”. She further commented that if Mr. Garcia was doing his job properly, half of the litigation would not happen. She referred to sign ordinance and commented that it was illegal but that Mr. Garcia defended it, and that he knew it was illegal. She further commented that the Town was forced to repeal it and that he laughed about it as if it was a big joke. She further commented that when the Mayor appointed his sister and son as board members, he (Mr. Garcia) should have advised the Mayor of the conflict but he did not do so. She further commented that had Mr. Garcia advised the governing body properly regarding appointment of board members, the Meridia project approval would have been denied. She further commented that the Zoning Board Attorney advised of the conflicts with Meridia project as did Chairman Blane, but the board didn’t take said advice. She commented that the vote was “tainted” and “clearly illegal”. Mr. Garcia disagreed with her comments. She went on to comment about the Versailles being forced to file an appeal; however Mr. Garcia disagreed and said that they did not need to do so. He further advised that the Town filed an Answer agreeing that the plaintiff was correct. Discussion ensued between Ms. Palermo and Mr. Garcia as to the process and that in her opinion, it shouldn’t have gotten that far. Mr. Garcia stated “I disagree with everything you have said”, to which she responded “and I disagree with everything you have said”. She inquired as to who is defending the Mario Blanch litigation since Mr. Garcia is a defendant. Mr. Garcia advised that he cannot comment on litigation. She disagreed and commented that “it is a matter of public record”. He replied “go get it yourself”.

**10. (Former Mayor) Silverio Vega, 6600 Blvd. East, WNY:**

Mr. Vega wished all a “Happy Thanksgiving” and commented that it is a time to help others and not do for yourself. He further commented “we all need to reflect”. He further commented that elected officials should answer to the people of the Town and should take this time to think how much more you can do for the Town. He commented that it is not an easy job and the he respects the position and title but that there is no time limit on the public hearing portion of an Ordinance and that the Town Clerk can confirm same. He further commented that he had heard a rumor last week of the Administrator’s demise and he was concerned as he (the Administrator) is responsible for the 5K run on the waterfront.

**11. Comm. Wiley:**

Comm. Wiley complained about repairs which had been bonded for Hudson Hall. Discussion ensued between Comm. Wiley and Mr. DeMarco as to what repairs were to be performed with money from bond. Comm. Wiley complained that DPW workers have been doing repairs with improper materials and improper workmanship and that professional should be hired to do the work inasmuch as it was bonded. He commented that a friend of Comm. Vargas improperly repaired the roof, which still leaks. Mr. DeMarco advised that the elevator is to be replaced with bond money and “some mechanical stuff”. Comm. Wiley advised that he will not sign off or approve any repair bills which are done by unlicensed persons. Mr. DeMarco replied that he has sent him e-mails on progress and the contractor has also spoken to Comm. Wiley. Discussion ensued about roof, elevator and heating system at Hudson Hall and Mr. DeMarco advised that the heating system has been fixed. Comm. Wiley complained that the CFO does not answer

November 18, 2013

*Regular Meeting*

**Public Portion (Cont.)**

him regarding the \$200,000 bonded for sweepers and he is concerned that the funds are being used inappropriately. Mr. DeMarco advised that 2 green machines were delivered in August, which were part of the bond, to which Comm. Wiley replied "Where are they... not on the street". Discussion ensued about how/where they are being used. Comm. Wiley reiterated that he will not sign the purchase orders.

**12. David Rivera, 233 – 59<sup>th</sup> Street, WNY:**

Mr. Rivera inquired as to what Comm. Vargas is doing about dog waste. Comm. Vargas commented that he should contact Health Dept. Mr. Rivera commented that summonses should be issued. Jeff Santini, the Animal Control Officer who was present in the audience, advised that he is issuing summonses but it is very difficult to catch it as it is being done. Mr. Rivera recommended that more dog inspectors be hired. Mr. DeMarco advised that health inspectors can issue summonses. Comm. Wiley advised that when he was in charge, there was a hot line where people could call to report the issues, and that summonses were issued and people were made to be responsible for cleaning up waste. He further commented that the property owners are also responsible. Mr. Rivera also advised that a chemical is being placed on trees which is killing the trees.

**13. Francisco Ferreiro, 5206 Bergenline Avenue, WNY:**

Mr. Ferreiro commented about the nasty comments back and forth between the Mayor and the public and that originally the Mayor said it was the peoples' decision regarding whether there should be an elected school board but then he support the campaign against an elected board. He further commented that the Mayor was quoted in the Jersey Journal that his enemies sent out the "vote No" literature to make him look bad and that he had nothing to do with it. Mr. Ferreiro commented that Silvio Acosta was pulling down posters, which supported the elected school board, that the Mayor visited Senior Citizen buildings advising them to vote No and that on election day the other Commissioners were asking people to vote No. He commented "You think we West New Yorkers are stupid and can't see through your lies". He further commented that the Mayor admitted lying to the FBI and that "You are a liar and a disgrace". Mayor Roque made a comment regarding people like Mr. Ferreiro who are exceptional residents of WNY with no convictions.

A motion was made by Commissioner Frias, seconded by Commissioner Vargas, **to close the Public Portion and Adjourn the meeting at 8:55 p.m.** was carried by the following vote:

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

\_\_\_\_\_  
Commissioner FiorD'Aliza Frias

\_\_\_\_\_  
Commissioner Caridad Rodriguez

\_\_\_\_\_  
Commissioner Ruben Vargas

\_\_\_\_\_  
Commissioner Count J. Wiley

\_\_\_\_\_  
Mayor Felix E. Roque  
Board of Commissioners

Attest: \_\_\_\_\_  
Carmela Riccio, RMC  
Town Clerk

Nov 18 2013

Purchase Order	Date	Amount
109698	7/2/13	20,099.50
109225	5/14/13	66,112.00
108177	3/14/13	37,373.00
109611	6/19/13	1,200
109442	6/5/13	14,487.50
108041	2/20/13	35,120
105267	1/10/13	16,612.50
Total Amount Paid to Garcia:		191,004.50
Gilberto Garcia Salary		150,000.00
Total Amount Paid to Garcia		341,004.50

Federal Government Legal Salary

Qualifications	2013 General Scale (GS) Pay Grade and Annual Base Salary (Not Including Locality Pay)	2013 Annual General Scale (GS) Salary for Washington, D.C. Area (Including Locality Pay)
Candidates with a law degree (J.D. or equivalent)	GS-11, step 1: \$ 50,287	\$62,467
Candidates with 1 year of post-law school judicial clerkship experience	GS-12, step 1: \$ 60,274	\$74,872
Candidates who earn advanced law degrees with 1 year of post-law school full-time graduate law study (LLM or equivalent) or qualifying legal fellowship	GS-12, step 1: \$ 60,274	\$74,872
Candidates with 2 – 3 years of judicial clerkships, or combination of 2 – 3 years of post-law school clerkships, qualifying legal fellowship, or a full-time graduate law degree program.	(at the discretion of the hiring component) GS-13, step 1: \$ 71,674	\$89,033



Annual: USD 199,700.00  
 Monthly: USD 16,641.00  
 Weekly: USD 3,994.00  
 Daily: USD 798.00