

May 9, 2014
Special Meeting

PLEASE TAKE NOTICE that a Special Meeting will be held by the Board of Commissioners of the Town of West New York, New Jersey, on Friday, May 9, 2014 at 12:00 p.m. (No Work Session) in the Mayor's Conference Room, Municipal Building, 428 – 60th Street, West New York, New Jersey, for the purpose of considering the following business:

1. Resolution – Re: Approval of Professional Services agreement between Town of West New York and Corporate Counsel
2. Resolution – Re: Approval of Professional Services agreement between Town of West New York and Zoning Board Attorney

AND ANY OTHER MATTERS THAT MAY COME UP BEFORE THE BOARD OF COMMISSIONERS.

"ACTION MAY OR MAY NOT BE TAKEN ON THE FOREGOING"

Receipt is hereby acknowledged of due notice of the above special meeting and other or further notice thereof is hereby waived as unnecessary.

Commissioner FiorD'Aliza Frias
Commissioner Caridad Rodriguez
Commissioner Ruben Vargas
Commissioner Count J. Wiley
Mayor Felix E. Roque
Board of Commissioners

Attest: Carmela Riccie, RMC
Town Clerk

Present: Commissioners Frias, Rodriguez, Wiley, Vargas and Mayor Roque
Absent: None
Also Present: Town Clerk Carmela Riccie, Town Administrator Joseph De Marco and Corporation Counsel Donald Scarinci

Meeting commenced at 12:07 p.m.

Town Clerk Riccie made the following announcement and recorded the minutes of this meeting:

As presiding officer of this meeting I do hereby certify that the requirements of the Open Public Meetings Act pertaining to this meeting scheduled to be held this: Tuesday, May 9, 2014 at 12:00 p.m. (No Work Session) in the Mayor's Conference Room, Municipal Building have been satisfied by the delivery of the 48 hour notice to each of the newspapers circulating in the Town of West New York (The Jersey Journal and the Bergen Record); by posting in the Municipal Building on the Municipal Bulletin Board; and by filing with the Clerk of the Municipality with copies to all persons desiring the same.

Copies are available to the public in accordance with the law.

May 9, 2014
Special Meeting

Consent Agenda

It was regularly moved by Mayor Roque, seconded by Commissioner Vargas that the following Consent Agenda Items Nos. R-1 and R-2 be adopted, was carried by the following vote:

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

Note: At the request of Corporation Counsel Donald Scarinci prior to Consent Agenda vote, Town Clerk Riccio read each resolution aloud. Prior to vote, Comm. Wiley inquired as to what services will be rendered by Scarinci & Hollenbeck for \$335,000. Mr. Scarinci explained that the law department is being “privatized” and that his firm will render all services needed by the Town and will do everything except matters covered by insurance, tax appeals, board attorneys and municipal court matters. He advised that there will be no more “law department employees”. He further explained that he estimates annual fees to be \$450,000 but that he is charging \$335,000 for the remainder of this year. He introduced his staffs (who were present) as follows: Sean Dais, Esq. (Labor/employment/civil service matters); Laura Miller, Esq. (general corporate matters and works with Town Clerk on OPRA matters) and Sherri Siegelbaum, Esq. (contracts and public purchasing). He mentioned that another staff member, Bob Levy, Esq., is Special Liability Counsel and he will bill under a separate contract with the Town. He advised that 100% of his services prior to May 12th have been on “pro bono” basis. Comm. Wiley inquired as to whether liability counsel is paid through insurance to which Mr. Scarinci responded “yes, it is paid through self-insurance”. Comm. Wiley commented that he is “very happy and content” with the services already rendered by Mr. Scarinci’s firm and that they have been “very helpful” but he hopes that the fee is not increased. He commented that he feels the amount being charged is “fair” and that Mr. Scarinci and his staff have been “very professional”. Mr. DeMarco referred to attendance at commission meetings to which Mr. Scarinci explained that his fee includes attendance at all regularly scheduled commission meetings and that it is his opinion that attendance at meetings “is a privilege” and that he doesn’t charge for his appearance. He further advised that he doesn’t feel lawyers should charge during a transition when “getting up to speed” when taking over matters from other attorneys. Mayor Roque “welcomed” Mr. Scarinci and commented that WNY will be a new role model for how government should be run in the State. He complimented Mr. Scarinci’s “best practice policy” and new ideas and commented that it will save taxpayers money. Mr. Scarinci thanked the Mayor for his support and confidence.

May 9, 2014
Special Meeting

Consent Agenda (Cont.):

RESOLUTION
RE: APPROVAL OF PROFESSIONAL SERVICES AGREEMENT BETWEEN
TOWN OF WEST NEW YORK AND SCARINCI HOLLENBECK FOR
CORPORATION COUNSEL

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

WHEREAS, the Town of West New York issued a Request for Proposals for Corporation Counsel in accordance with the requirements of N.J.S.A. 19:44A-20, et. seq., on April 16th, 2014, for the provision of professional Services as Corporation Counsel; and

WHEREAS, the Town of West New York received and opened Proposals for Corporation Counsel on May 6th 2014; and

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

1. David Corrigan, Esq.
54 B West Front Street, Keyport, N.J. 07735

2. Scarinci Hollenbeck
Attorneys at Law
1100 Valley Brook Avenue P.O. Box 790
Lyndhurst, NJ 07071-0790

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

Scarinci Hollenbeck
Attorneys at Law
1100 Valley Brook Avenue P.O. Box 790
Lyndhurst, NJ 07071-0790

NOW, THEREFORE, BE IT RESOLVED, Mayor and Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey, that the following firm be and is hereby qualified to render services as Corporation Counsel on behalf of the Town of West New York for the next year:

Scarinci Hollenbeck
Attorneys at Law
1100 Valley Brook Avenue P.O. Box 790
Lyndhurst, NJ 07071-0790

BE IT FURTHER RESOLVED as follows:

1. The above recitals are incorporated as if fully set forth herein.
2. Donald Scarinci of the firm of Scarinci Hollenbeck shall be designated as corporation counsel for the Town of West New York and shall be paid pursuant to a contract between the Town of West New York and Scarinci Hollenbeck.
3. The law firm of Scarinci Hollenbeck is hereby retained to provide the legal services as corporation counsel for the Town of West New York

May 9, 2014
Special Meeting

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

4. The Mayor shall be and is hereby authorized to execute an agreement by and among the Town and Scarinci Hollenbeck, memorializing the scope of services to be performed and the compensation to be paid therefore, in the form acceptable to the Mayor, and satisfactory to the Town as evidenced by the Mayor's signature for Corporation Counsel, for the term from May 12, 2014 to December 31, 2014 in an amount not to exceed \$335,000.
5. This contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5.
6. The Chief Financial Officer's Certification that funds are available shall be on file at the Authority and made a part hereof.
7. This award is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
8. A copy of this resolution and the agreement detailing the terms of the retention of Scarinci Hollenbeck for the provision of Corporation Counsel shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.
9. A notice of this contract award shall be published in the form prescribed by law.

RESOLUTION

RE: APPROVAL OF PROFESSIONAL SERVICES AGREEMENT BETWEEN
TOWN OF WEST NEW YORK AND SHAIN, SCHAFFER, & RAFANELLO
ZONING BOARD ATTORNEY

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

WHEREAS, the Town of West New York issued a Request for Proposals for ZONING BOARD ATTORNEY in accordance with the requirements of N.J.S.A. 19:44A-20, et. seq., on APRIL 16TH, 2014 for the provision of professional ZONING BOARD ATTORNEY and

WHEREAS, the Town of West New York received and opened Proposals for ZONING BOARD ATTORNEY on MAY 6TH, 2014 and

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

1. SHAIN, SCHAFFER, & RAFANELLO
150 Morristown Road
Suite 105
Bernardsville, N.J. 07924

2. Eric M. Bernstein & Associates, LLC
34 Mountain Blvd., Bldg. A P.O Box 4922
Warren, N.J. 07059

May 9, 2014
Special Meeting

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

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

SHAIN, SCHAFFER, & RAFANELLO
150 Morristown Road
Suite 105
Bernardsville, NJ 07924

NOW, THEREFORE, BE IT RESOLVED, Mayor and Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey, that the following firm be and is hereby qualified to render as ZONING BOARD ATTORNEY on behalf of the Town of West New York for the next year:

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

BE IT FURTHER RESOLVED as follows:

1. The above recitals are incorporated as if fully set forth herein.
2. SHAIN, SCHAFFER, & RAFANELLO shall be and is hereby retained by the Town to provide ZONING BOARD ATTORNEY services to the Town, without further approval of the Board of Commissioners.
3. The Mayor shall be and is hereby authorized to execute an agreement by and among the Town and SHAIN, SCHAFFER, & RAFANELLO memorializing the scope of services to be performed and the compensation to be paid therefore, in the form acceptable to the Mayor and satisfactory to the Town as evidenced by the Mayor's signature for ZONING BOARD ATTORNEY, consulting, setup, programming, and training for the term from May 12, 2014 to December 31, 2014 in an amount not to exceed \$25,000.
4. This contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5.
5. The Chief Financial Officer's Certification that funds are available shall be on file at the Authority and made a part hereof.
6. This award is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
7. A copy of this resolution and the agreement detailing the terms of the retention of SHAIN, SCHAFFER, & RAFANELLO for the provision of ZONING BOARD ATTORNEY shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.
8. A notice of this contract award shall be published in the form prescribed by law.

May 9, 2014
Special Meeting

Note: Comm. Rodriguez exited meeting at 12:25 p.m.

Mayor Roque opened the Public Portion.

Public Portion:

1. **Carlos Betancourt, 6305 Jackson Street, WNY:**
Mr. Betancourt commented that he came to the meeting “knife in hand” but after hearing Mr. Scarinci’s presentation, his “fears have been quelled”. He thanked Senator Menendez for sending Mr. Scarinici to WNY.
2. **Patrick Cullen, 72 – 67th Street, WNY:**
Mr. Cullen expressed his concern over the membership of Planning Board during recent vote wherein Board Attorney Fausto Simoes, Esq. indicated that even though there were 5 members present, inasmuch as they had not attended a prior meeting they could not cast their votes. He commented about alleged conflicting zoning ordinances 414-15 and 414-25 pertaining to parking. He commented that developer of Seven eleven store will not pay for crossing guards in a congested traffic area. He commented about developer, Capadaglia, agreement with the Parking Authority and complained about Parking Authority Attorney Elnardo Webster’s salary. He inquired as to whether the Mayor appoints the Parking Authority Executive Director. Mr. Scarinci explained that Parking Authority members appoint the Executive Director and that the Mayor appoints the Parking Authority members. Mr. Scarinci commented that he viewed the recent Parking Authority Meeting video and Mr. Webster’s treatment of Mr. Cullen and he apologized on his behalf for Mr. Cullen being treated in that manner. He further commented that the public is entitled to an answer and that he will make sure this doesn’t occur in the future. Mr. Cullen thanked Mr. Scarinci and commented that he appreciates his hiring. Mr. Cullen commented that he feels Richard Rivera was “short cheated” in that no evaluation standards were set and that he was fired improperly. He commended Mr. Rivera for implementing an employee handbook which had not previously existed. He wanted to know why Mr. Rivera was fired. Mr. Scarinci explained that the Mayor is ultimately responsible for whatever occurs in Town even though he does not appoint the Executive Director. Discussion ensued between Mr. Cullen and Mr. Scarinci regarding the Parking Authority being an autonomous body and that not only the Commissioners but the public have a right to accountability. Mr. Cullen commented that Mr. Rivera was “black balled” and should not have been fired. He commented “He is a whistleblower and not a snitch.” Mr. Cullen referred to a poet which former Mayor DeFino had admired who said “To sin by silence when we should protest makes cowards out of men” and commented “Stand up to Sires and Turner”.
3. **John Heinis (Hudson County TV), 78 Montclair Avenue, Little Falls, NJ:**
Mr. Heinis inquired as to when is Gil Garcia’s last day as Town Attorney. Mr. Scarinci replied “When my first day begins”. He explained that the new Ordinance 1/14 abolishes all other positions in the law department and allows for legal services by contract.
4. **Doreen Auriemma, 6025 Hudson Avenue, WNY:**
Ms. Auriemma advised that she has recently formed a non-profit corporation “Women for West New York” for the purpose of helping with “community issues”. She handed each governing body member a flyer and advised that they intend to hold fundraisers in the future to assist families in need.
5. **Angel Barquin, 432 – 58th Street, WNY:**
Mr. Barquin extended his condolences to Mayor on the death of his uncle. He inquired as to who will be handling the tort claims on behalf of the Town. Mr. Scarinci advised that his firm will be handling only those lawsuits not covered by insurance so that there will be no duplication of services. He further explained that Mr. Garcia will retain the matters previously assigned to him by insurance carrier so as not to incur more expenses by switching lawyers, and that he (Scarinci) would be handling everything else. Mr. Barquin inquired as to when budgetary figures will be available, to which Mr. Scarinci replied “Stay tuned. You will hear very shortly; could be next regular commission meeting.”

May 9, 2014
Special Meeting

Public Portion (Cont.):

6. Comm. Wiley:

Mr. Wiley inquired as to whether he should receive legal representation as a Commissioner and be covered by Town's insurance to which Mr. Scarinci replied "Yes". Comm. Wiley discussed how his employees had been removed from his department last year, which he stated is "illegal" and that the parks have been neglected. He further discussed that his department is short of staff and that he is also working in the parks to help out. He commented that he was denied services of counsel for representation and that he had to personally retain his own attorney and paid him from his own pocket to contest the employee removal at the civil service department. He complained that there is no monies budgeted for parks department and that he met with CFO but that there are insufficient funds being budgeted for his department. He complained that this is hurting the taxpayers and that "retaliation doesn't belong in Town Hall". He complained that Gil Garcia prepared resolutions incorrectly. He inquired as to whether he should be reimbursed for monies incurred by him (\$5,000) for legal defense. Mr. Scarinici indicated that he would review the matter but that he "can't re-write history", to which Comm. Wiley replied "The history is very well documented here". Mr. Scarinci pointed out that the first thing was to restore the personnel to his department, which has been done, and that they can discuss other issues. He commented that Comm. Frias is working hard on the proposed budget. Comm. Wiley pointed out that there are additional activities during the summer which require funding for the parks for example mulch.

7. Daniel Alvarez, 4204 New York Avenue, Union City:

Mr. Alvarez inquired as to the total amount of bills for Gil Garcia for the past 12 months. Mr. Scarinci responded "I don't know but you are entitled that that information".

It was regularly moved by Comm. Frias, seconded by Mayor Roque, to **close public portion** of the meeting at 12:44 p.m., was carried by the following vote:

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

It was regularly moved by Comm. Frias, seconded by Mayor Roque, to **adjourn** the meeting at 12:44 p.m., was carried by the following vote:

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

Commissioner FiorD'Aliza Frias

Commissioner Caridad Rodriguez

Commissioner Ruben Vargas

Commissioner Count J. Wiley

Mayor Felix E. Roque
Board of Commissioners

Attest: _____

Carmela Riccie, RMC
Town Clerk