

May 21, 2014
Regular Meeting

Minutes of a regular stated meeting of the Board of Commissioners of the Town of West New York, in the County of Hudson, State of New Jersey, held in the Court Chambers, Municipal Building on Wednesday, May 21, 2014 at 7:00 p.m. (6:00 p.m. Work Session):

Present: Commissioners Frias, Rodriguez, Vargas, Wiley
Absent: Mayor Roque
Also Present: Town Clerk Carmela Riccie, Town Administrator Joseph DeMarco and Corporation Counsel Donald Scarinci

Meeting commenced 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 May 21, 2014 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 18, 2013. Said Resolution was transmitted by the Town Clerk to the Jersey Journal and the Bergen Record and publicly posted on the Municipal Bulletin Board, Town Hall, and filed with the Town Clerk.

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

Note: **Comm. Frias announced that she, as Commissioner of Revenue/Finance, wished to make a presentation to acknowledge a town employee for 25 years of service to the Town. She presented a plaque to Town Clerk Carmela Riccie and stated that she admires Mrs. Riccie's work and dedication to this Town and appreciates everything she has taught her. In addition, she expressed on behalf of Mayor Roque his recognition of Mrs. Riccie and congratulations even though he is not present tonight.**

Minutes of Previous Meeting:

It was regularly moved by Commissioner Rodriguez, seconded by Commissioner Vargas, that the Minutes of Regular Meeting: 4/16/14 (Regular & Work Sessions) and Special Meeting: 5/9/14 be approved as recorded, was carried by the following vote:

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

Claims: Dated 5/21/14 (Claims are available for public inspection in the Town Clerk's Office):

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

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

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Receipt of Financial Reports:

FINANCIAL REPORTS - MONTH OF APRIL 2014

1. From Construction Code Official Office, reporting the sum of \$50,514.00 collected for the month of April, 2014.
2. From Director Robert Antolos (Police Dept.) reporting the sum of \$2,853.47 Collected for the month of April, 2014
3. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$925.00 collected for Special Licenses collected for the month of April, 2014.
4. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$848.00 collected for Marriage/death certificates collected for the month of April, 2014.
5. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$319.60 Collected for Dogs Licenses collected for the month of April, 2014.
6. From (Revenue and Finance Department) reporting the sum of \$6,148,792.29 collected for the month of April, 2014
7. From Carmela Riccie, RMC, Town Clerk, reporting the sum of \$-0- collected for the month of April, 2014

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

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

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Communication
RFP results rec'd. 5/6/14
Re: Alternate Prosecutor

RFP PROPOSAL FORMATION

Proposal Receipt Date: May 6, 2014
Proposal Time: 9:30 a.m.
Location for proposal: Town Clerk's Office
Proposal for: Alternate Prosecutor
Personnel at Opening: Lisa Walsh
Remarks: Time to receive RFPS was closed at 9:35 a.m.
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Coviello & Legg, LLP
(Address) Oritani Bank Building
311 Fairview Ave., Fairview, N.J. 07022

RESPONDER #2 (Name) Irene Kim Asbury, Attorney At Law
(Address) 1919 Kennedy Boulevard, 2nd Floor
North Bergen, N.J. 07047

Communication
RFP results rec'd. 5/6/14
Re: Alternate Public Defender

RFP PROPOSAL FORMATION

Proposal Receipt Date: May 6, 2014
Proposal Time: 10:00 a.m.
Location for proposal: Town Clerk's Office
Proposal for: Alternate Public Defender
Personnel at Opening: Lisa Walsh
Remarks: Time to receive RFPS was closed at 10:05 a.m.
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Luis J. Amaro, Jr., LLC
(Address) 295 Newark Ave., Jersey City, N.J. 07302

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Communication
RFP results rec'd. 5/6/14
Re: Grant Writer

RFP PROPOSAL FORMATION

Proposal Receipt Date: May 6, 2014
Proposal Time: 10:30 a.m.
Location for proposal: Town Clerk's Office
Proposal for: Grant Writer
Personnel at Opening: Lisa Walsh
Remarks: Time to receive RFPS was closed at 10:35 a.m.
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Bruno Associates, Inc.
(Address) 1373 Broad Street, Suite #304
Clifton, N.J. 07013
RESPONDER #2 (Name) Krivit & Krivit, P.C.
(Address) 1000 Potomac St., Suite 250
Washington, D.C. 20007-3501
RESPONDER #3 (Name) PRS Consultants, Inc.
(Address) 6 Tuscany Circle, Manchester, N.J. 08759

Communication
RFP results rec'd. 5/6/14
Re: Zoning Board Attorney

RFP PROPOSAL FORMATION

Proposal Receipt Date: May 6, 2014
Proposal Time: 11:00 a.m.
Location for proposal: Town Clerk's Office
Proposal for: Zoning Board Attorney
Personnel at Opening: Lisa Walsh
Remarks: Time to receive RFPS was closed at 11:05 a.m.
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Eric M. Bernstein & Associates, LLC
(Address) 34 Mountain Blvd., Bldg. A, POB 4922
Warren, N.J. 07059
RESPONDER #2 (Name) Shain, Schaffer & Rafanello, Attys At Law
(Address) Suite 105, 150 Morristown Rd.
Bernardsville, N.J. 07924

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Communication
RFP results rec'd. 5/6/14
Re: Corporate Counsel

RFP PROPOSAL FORMATION

Proposal Receipt Date: May 6, 2014

Proposal Time: 11:30 a.m.

Location for proposal: Town Clerk's Office

Proposal for: Corporate Counsel

Personnel at Opening: Lisa Walsh

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

RESPONDER #1 (Name) David Corrigan, Esq.
(Address) 54 B West Front Street, Keyport, NJ 07735

RESPONDER #2 (Name) Scarinci Hollenbeck,
(Address) 1100 Valley Brook Avenue, POB 790
Lyndhurst, NJ 07071-0790

Communication
Re: Town Engineer's Monthly report dated 5/16/14

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: May 16, 2014

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.
 - The contractor has completed the project and we have prepared the final close-out pay estimate.
- FY2012 NJDOT Municipal Aid Grant and Road Program (67th St from JKF 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.
 - 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.

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Town Engineer's report (Cont.):

- Veterans Park Slope Remediation and Park Improvements
 - The Veteran's Park Slope Remediation and Park Improvements project generally consists of the construction of an approximately 700 LF precast concrete retaining wall to repair and prevent further erosion of the existing steep slopes that currently exist at the site. The improvements may also include but are not limited to the construction of ADA compliant walkways, reconstruction of existing walkways, soil stabilization, lighting and landscaping improvements, park amenities such as outdoor exercise equipment, benches and water fountains and the installation of security cameras.
 - The proposed retaining wall will be constructed, at its furthest point, approximately 100' east of the existing fence line at the park, adding approximately 30,000 additional square feet to the park area.
 - The project was advertised for the receipt of bids with the bid opening on March 11, 2014. The apparent low bid was submitted by Anselmi and DeCicco, Inc., of Maplewood, New Jersey, with a base bid of \$5,221,670.00. The bid price utilizing the deletion items for the amphitheater work was \$4,370,390.00. We have issued a letter with award recommendations.
 - The project is partially funded by a matching Green Acres grant and Hudson County Open Space grants.
 - We held a preconstruction meeting on May 6, 2014. The contractor will be mobilizing the week of May 19.
- 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:
 - 60th Street from Buchanan Place to Bergenline Avenue (2000'-Half Width).
 - 65th Street from Broadway Avenue to Park Avenue (675')
 - 51st Street from JFK West to Bergenline Avenue (615')
 - 66th Street from Hudson Avenue to JFK East (2060')
 - The project was advertised for the receipt of bids on December 27, 2013 with the bid opening on February 4, 2014. The apparent low bid was submitted by A.J.M. Contractors, Inc. of Clifton, New Jersey, with a bid of \$869,742.50. The project has been awarded and we have prepared the contracts for execution by the contractor. The Town has received an NJDOT grant in the amount of \$344,860.00. We have submitted the required information to the NJDOT.
 - We attended a preconstruction meeting for the project on April 2, 2014. The contractor has commenced working on the project and has completed the storm drainage work on 60th, 65th and 66th, has completed the concrete work on 60th and 65th and is currently working on the paver block handicap ramp installations on 60th and concrete work on 66th.
- Municipal Pool Renovations
 - As you are aware, the Town has received Green Acres funding for various renovations to the Municipal Pool Complex. The improvements proposed for the building include siding repairs, bathroom stall upgrades, new ventilation, ceiling fans and lighting, refinishing of the floors, exterior door replacement and other miscellaneous improvements. The exterior pool area improvements include new lighting, replacement of broken lighting, new security cameras, fencing replacement, replacement of picnic tables, removal of deteriorated landscape boxes, exterior shower, general landscaping improvements, parking lot improvements and other miscellaneous improvements.
 - The project was awarded on May 15 to the low bidder which was Rich Picerno Builders, LLC of Kenilworth, New Jersey, with a bid of \$500,000.00. We held a preconstruction meeting on June 11, 2013 and the contractor has commenced with the work.
 - We had issued construction plans, a preliminary assessment report and required forms to Green Acres for their review and approval. Green Acres has approved same and issued the signed agreement for the project.
 - The contractor has completed the majority of the interior building work and is currently working on the exterior improvements.

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Town Engineer's report (Cont.):

- Town Tax Map Revisions
 - We have completed a preliminary update of the Town's existing tax maps for a revaluation process. We are awaiting additional information from the Tax Assessor regarding two remaining properties. We anticipate submitting the revised tax maps to the state by the end of the week.
- 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.
 - We met with the Town's Security Camera contractor regarding security cameras for the park. They have provided us with a basic plan of where the cameras should be installed to provide coverage for the park and a cost estimate for their installation.
 - The project was advertised for the receipt of bids with the bid opening on April 2, 2014. The apparent low bid was submitted by Let It Grow, Inc. of River Edge, New Jersey, with a bid of \$537,344.81.
- 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 are currently working on conceptual plans for the park design.
- Miscellaneous Engineering
 - 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:
 - 60th Street from JFK Blvd West to Madison Avenue (1425')
 - 51st Street from Bergenline Avenue to Broadway Avenue (1575')
 - Gaw Place from 56th Street to Southern terminus. (200')
 - NJDOT Safe Routes to School and Transportation Alternatives Program Grants: The Grant applications are due June 30, 2014. We are currently assisting the Town Grant Coordinator with the preparation of the grant applications.

Consent Agenda

It was regularly moved by Commissioner Rodriguez, seconded by Commissioner Vargas that the following Consent Agenda Items Nos. R-1 through R-13 (with the exclusion of R-14 which was "tabled" during the regular session) be adopted, was carried by the following vote:

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

Note: **Comm. Frias read the titles of all Resolutions aloud. Resolution R-14 (Re: Authorizing a prepayment agreement with respect to annual service charges to be received from K. Hovnanian at Port Imperial Urban Renewal VI, LLC) was tabled to Special Commission Meeting scheduled for May 28, 2014.**

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Consent Agenda (cont.):

Resolution
Re: Establishing No Parking Loading Zone
for Condor Wine Company
6006-6008 Polk Street, West New York, NJ

WHEREAS, there exists in the vicinity of 6006-6008 Polk Street 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 , 6006-6008 Polk Street 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 Saturday 8:00 a.m. to 7:00 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 EAST SIDE OF POLK STREET, 82 FEET
NORTH FROM THE NORTH EAST CORNER OF 60TH STREET AND POLK
STREET, THEN 50 FEET NORTH THEREFROM

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

Resolution
Re: Establishing No Parking Loading Zone
for East Coast Fitness
323 – 62nd Street, West New York, NJ

WHEREAS, there exists in the vicinity of 323 – 62nd Street 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 , 323 – 62nd Street 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. and Saturday 9:00 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:

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Consent Agenda (cont.):
Resolution (cont.):

BEGIN AT A POINT ALONG THE SOUTH SIDE OF 62ND STREET, 15 FEET WEST FROM THE SOUTH WEST CORNER OF 62ND STREET AND MONROE STREET, THEN 95 FEET WEST THEREFROM

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

Amended Resolution
Re: Establishing restricted parking in front of one
(1) Residence for use by handicapped resident as follows:
162- 61st Street, WNY (Jenny Mina)

WHEREAS, it is necessary to amend the location of the restrictive parking space established for Jenny Mina, by Resolution adopted on 2/19/14, in front of one (1) residence located at 162 – 61st Street for 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.	Jenny Mina 162- 61 st Street West New York, NJ	South	Begin at a point, along the South side of 61 st Street, 15 feet East from the South East corner of 61 st Street and Broadway, then 22 feet East there from.

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

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

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

Resolution
Re: To Allow Filing of 2013 Recycling Tonnage Grant

Whereas, the Mandatory Source Separation and Recycling, Act P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

Whereas, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

Whereas, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

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Consent Agenda (cont.):
Resolution (cont.):

Whereas, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

Whereas, a resolution authorizing this municipality to apply for the 2013 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Board of Commissioners of the Town of West New York to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations;

Now, therefore, be it resolved by the Mayor and Board of Commissioners that the Town of West New York hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection; and

Be it further resolved that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Resolution
Re: Refunds of overpayments of taxes (\$9,720.43)

WHEREAS, taxes 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
GARY LAM	168.01/7.05 C0325	\$51.68	2014
PROVIDENT BANK	153/5 C003B	\$558.60	2013
US BK. CUST FOR TOWER DBW111	71/30	\$2,366.20	2013
DOVENMUEHLE MORTGAGE INC.	130/5.01 C0510	\$3,743.95	2014
HUDSON CITY	168.01/1.08 C0267	\$1000.00 (SVC) \$2,000.00 (SVC)	2013 2014
	Grand Total	\$9,720.43	

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Consent Agenda (cont.):

Resolution
Re: Refunds of Redemptions (\$542,315.30)

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

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

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

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

Name	Block/lot	Cert#	Amount
US BANK CUST FOR TOWER DBW	114/5	12-0559	\$42,231.83
	115/5	12-0562	\$8,897.15
	140/7	12-0637	\$7,293.02
	18/19	12-0092	\$5,920.57
	45/20	12-0251	\$12,482.39
MTAG SVC. AS CUST FOR ATCF II NJ LLC	84/20	13-0299	\$26,214.99
	71/31	12-0379	\$4,253.93
	74/4 C001B	12-0398	\$4,653.61
	62/14	13-0206	\$11,093.56
	64/28	13-0208	\$14,579.54
	56/18	13-0196	\$18,617.80
	82/29	12-0450	\$19,163.73
US BK. CUST FOR TOWER DBW111 TR2013	128/7	13-0431	\$8,559.96
	86/17	13-0307	\$5,575.98
	97/6	13-0332	\$4,433.40
	33/25.01	13-0112	\$5,182.05
	154/6	13-0512	\$3,431.38
	153/33	13-0509	\$4,516.67
	79/20	13-0262	\$4,572.28
	146/2	13-0483	\$10,835.57
	52/14	13-0183	\$8,356.19
	52/14	13-0183	\$5,356.19
US BANK CUST FOR PRO CAP III, LLC	86/45	13-0312	\$656.63
	23/1	13-0091	\$33,227.69
	85/13	13-0301	\$1,195.12
	149/5	13-0489	\$1,026.14
	8/11	13-0034	\$1,037.07
	142/14.02	13-0471	\$5,870.99
ISAAC MORADI	82/10.01	13-0284	\$2,004.53
	76/6	13-0258	\$512.36
PAM INVESTORS	81/9 C0401	13-0281	\$1,853.35
	168.01/7.06 C0505	13-0594	\$3,389.42
	157/8	13-0523	\$1,244.12
	45/4	13-0161	\$681.83
	36/24	13-0124	\$943.48
	49/20 C003D	12-0273	\$5,893.19
	32/29	11-0082	\$26,334.76
	32/29	12-0148	\$6,125.49
	143/3.02	13-0473	\$1,008.06
	79/29	12-0423	\$10,623.19

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Consent Agenda (cont.):
Resolution (cont.):

US BANK CUST FOR	113/2	13-0393	\$2,441.72
BV001 TRUST	168.01/1.35 C0428	13-0566	\$1,340.20
	160/15	13-0534	\$3,294.00
	115/8	13-0400	\$3,036.33
	100/15	13-0339	\$4,017.20
	51/1	13-0176	\$4,189.13
	126/3	13-0420	\$4,212.41
	48/17	13-0169	\$669.85
	17/20.01	13-0066	\$1,728.49
	82/14	13-0286	\$1,891.85
	120/40	13-0411	\$2,189.73
	165/2	13-0545	\$2,383.29
	120/38	13-0410	\$2,580.84
	168.01/1.34 C0438	13-0565	\$593.20
	82/12	13-0285	\$19,373.18
	73/14	13-0242	\$12,656.79
	33/2	13-0106	\$5,850.56
	40/6	13-0148	\$3,694.04
	80/32	13-0269	\$2,055.60
	71/31	13-0235	\$2837.89
US BANK CUST. FOR	160/15	12-0725	\$1,192.06
TLCF 2012A, LLC			
SUNSHINE ST CERT.	44/17	12-0246	\$60,387.22
IV,LLP,BK UNITEDT			
US BANK FOR PRO	126/15	13-0422	\$844.51
CAP III, LLC			
R. ROTHMAN	32/28	11-0081	\$62,142.86
SBMUNICUST C/O	5/20 C2002	10-008	\$5,219.53
LBNJ			
		GRAND TOTAL	\$542,315.30

Resolution
Re: Tax Corrections (Various properties)

WHEREAS, there is an overpayment on the 4th quarter 2013 land tax bill in the amount of \$314.64 and \$3,361.85 on the 4th quarter 2013 service charge for property located at 341 Oswego Court A/K/A block 168.01 lot 1.04 C0341 and;

WHEREAS, there is an overpayment on the 3rd quarter 2013 land tax bill in the amount of \$112.86 and \$3,195.33 on the 3rd quarter 2013 service charge for property located at 24 Avenue at Port Imperial A/K/A block 168.01 lot 8.01 C0235 and;

WHEREAS, the taxpayers are requesting that the credits be moved to credit their 2014 land and service charge Tax Bill.

THEREFORE, the Tax Collector is hereby authorized to move the said overpayment and to adjust the tax record accordingly.

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Consent Agenda (cont.):

Resolution
Re: Cancellation and refund of taxes
(647 – 60th Street) a/k/a Block 134 Lot 60 B01 (\$1,356.60)

WHEREAS, a billboard was placed on property located at 647- 60TH A/K/A block 134 lot 6 B01 in the year of 2005 and;

WHEREAS, the said billboard was removed in July 2013 and therefore it is necessary to cancel and refund \$1,356.60 which represents the amounts of the 1st and 2nd quarters of 2014.

THEREFORE, the Tax Collector is hereby authorize to cancel and refund the amounts of the 1st and 2nd quarters of 2014 totaling \$1,356.60 and to adjust the tax record accordingly.

NAME	BLOCK/LOT	AMOUNT	YEAR
AUTIE, J C/O CBS OUTDOOR	134/6 B01	\$1,356.60	2014
	GRAND TOTAL	\$1,356.60	

Resolution
Re: Refund of Premiums
(\$376,100.00)

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	84/20	13-0299	\$54,000.00
	71/31	12-0379	\$500.00
	62/14	13-0206	\$27,000.00
	64/28	13-0208	\$38,000.00
	56/18	13-0196	\$38,000.00
US BK. CUST FOR TOWER DBW111 TR2013	128/7	13-0431	\$8,100.00
	86/17	13-0307	\$7,400.00
	33/25.01	13-0112	\$5,100.00
	97/6	13-0332	\$1,000.00
	154/6	13-0512	\$900.00
	153/33	13-0509	\$6,800.00
	79/20	13-0262	\$5,000.00
146/2	13-0483	\$22,100.00	
US BANK CUST FOR PRO CAP III,LLC	86/45	13-0312	\$700.00
	23/1	13-0091	\$30,000.00
	85/13	13-0301	\$700.00
	8/11	13-0034	\$1,000.00
	149/5	13-0489	\$600.00
	142/14.02	13-0471	\$2,900.00
126/15	13-0422	\$700.00	

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Consent Agenda (cont.):
Resolution (cont.):

ISAAC MORADI	82/10.01	13-0284	\$1,200.00
PAM INVESTORS	81/9 C0401	13-0281	\$1,100.00
	168.01/7.06 C0505	13-0594	\$6,000.00
	157/8	13-0523	\$900.00
	36/24	13-0124	\$900.00
	45/4	13-0161	\$800.00
	143/3.02	13-0473	\$900.00
US BANK CUST FOR BV001 TRUST	113/2	13-0393	\$2,400.00
	168.01/1.35 C0428	13-0566	\$800.00
	160/15	13-0534	\$2,200.00
	168.01/1.34 C0438	13-0565	\$600.00
	120/38	13-0410	\$1,600.00
	165/2	13-0545	\$1,400.00
	120/40	13-0411	\$1,600.00
	82/14	13-0286	\$500.00
	17/20.01	13-0066	\$600.00
	48/17	13-0169	\$600.00
	126/3	13-0420	\$2,800.00
	51/1	13-0176	\$2,000.00
	100/15	13-0339	\$2,200.00
	115/8	13-0400	\$1,600.00
	82/12	13-0285	\$32,000.00
	73/14	13-0242	\$11,600.00
	33/2	13-0106	\$2,800.00
	40/6	13-0148	\$2,200.00
	80/32	13-0269	\$1,500.00
	71/31	13-0235	\$1,700.00
SUNSHINE ST CERT. IV,LLP,BK UNITED	44/17	12-0246	\$40,000.00
US BANK CUST FOR TOWER DBW	45/20	12-0251	\$1,000.00
SBMUNICUST C/O LBNJ	5/20 C2002	10-008	\$100.00
		GRAND TOTAL	\$376,100.00

Resolution
Re: Establishing No Parking-Drop off Zone
for Kiddie Land Learning Center
(214 – 61st Street, WNY, NJ)

WHEREAS, based upon the recommendation of the Traffic Division of the West New York Police Department in letter dated May 15, 2014, and in accordance with N.J.S.A. 39:4-197(3) (b), it is in the best interest of the Town of West New York to establish a “No Parking-Drop Off Zone” at the Kiddie Land Learning Center located at 214 - 61st Street, West New York, NJ; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Board of Commissioners of the Town of West New York, N.J. that a “No Parking-Drop off Zone” be and the same is hereby authorized and established, as follows:

1. No person shall stop or stand a vehicle between the hours specified on any day (except Saturdays, Sundays and public holidays) other than for the loading and unloading of students upon the following street or part of street described below.

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Consent Agenda (cont.):
Resolution (cont.):

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
214 – 61st Street West New York, NJ (Kiddie Land Learning Center)	East side of Fillmore Place	7:00 a.m. to 9:00 a.m. and 2:30 p.m. to 6:30 p.m. Monday to Friday	Begin at a point, along the East side of Fillmore Place, 15 feet North from the N.E. corner of 61st Street & Fillmore Place, then 90 feet North therefrom.

2. Appropriate markings and sign shall be located at said "No Parking-Drop off Zone" area according to law.

Resolution
Re: Establishing No Parking-Drop off Zone
for Fire House Kids Academy
(625 – 61st Street, WNY, NJ)

WHEREAS, based upon the recommendation of the Traffic Division of the West New York Police Department in letter dated May 15, 2014, and in accordance with N.J.S.A. 39:4-197(3) (b), it is in the best interest of the Town of West New York to establish a "No Parking-Drop Off Zone" at the Fire House Kids Academy located at 625 - 61st Street, West New York, NJ; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Board of Commissioners of the Town of West New York, N.J. that a "No Parking-Drop off Zone" be and the same is hereby authorized and established, as follows:

1. No person shall stop or stand a vehicle between the hours specified on any day (except Saturdays, Sundays and public holidays) other than for the loading and unloading of students upon the following street or part of street described below.

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
625 – 61st Street West New York, NJ (Fire House Kids Academy)	South side of 61 st Street	7:00 a.m. to 7:00 p.m. Monday to Friday	Begin at a point, along the South side of 61 st Street, 134 feet East from the S.E. corner of 61st Street & Washington Street, then 40 feet East therefrom.

2. Appropriate markings and sign shall be located at said "No Parking-Drop off Zone" area according to law.

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Consent Agenda (cont.):

Resolution

Re: Repealing Resolution adopted on 3/19/14 and Reinstating Resolution adopted on 2/18/09 (Restricted Parking for Handicapped Resident) as follows:
6606 Palisade Avenue (Eumelia R. Quiros)

Whereas, the governing body of the Town of West New York adopted a Resolution on February 18, 2009 establishing restricted parking for use by a handicapped resident (Eumelia R. Quiros) at 6606 Palisade Avenue; and

Whereas, as a result of being advised by the WNY Traffic Division that Eumelia R. Quiros no longer required use of said handicapped space, the governing body adopted a resolution on March 19, 2014 repealing the aforesaid Resolution; and

Whereas, via e-mail dated April 26, 2014, Sgt. Rana (WNY Traffic Division) has informed the Town Clerk that the person does require use of the handicapped space established via resolution on 2/18/09;

Now, therefore, be it resolved by the Mayor and Board of Commissioners of the Town of West New York that the Resolution adopted on March 19, 2014 is hereby repealed and Resolution adopted on February 18, 2009 is hereby reinstated:

	<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
1.	Eumelia R. Quiros 6606 Palisade Avenue WNY, NJ 07093	East	Begin at a point along the east side of Palisade Ave., 86 feet north from the north east corner of 66th Street and Palisade Avenue; then 24 feet north 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 re-post the appropriate marking and/or sign at said place.

RESOLUTION

RE: RESCINDING PARKING FOR HANDICAPPED RESIDENT (MATE STRBIC) AS FOLLOWS: 5601 BOULEVARD EAST (MATE STRBIC)

WHEREAS, the governing body of the Town of West New York previously established restricted parking for use by a handicapped resident (Mate Strbic) at 5601 Boulevard East; and

WHEREAS, via e-mail dated April 1, 2014, Sgt. Rana (WNY Traffic Division) has informed the Town Clerk that the person does not require use of the handicapped space;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Commissioners of the Town of West New York that the following location is no longer designated as restricted parking for a handicapped resident.

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

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RESOLUTION
Re: AUTHORIZING A PREPAYMENT AGREEMENT WITH RESPECT TO
ANNUAL SERVICE CHARGES TO BE RECEIVED FROM
K. HOVNANIAN AT PORT IMPERIAL URBAN RENEWAL VI, L.L.C.

Whereas, K. Hovnanian at Port Imperial Urban Renewal VI (the "Entity") has offered to prepay Two Million Five Hundred Thousand Dollars ("\$2,500,000") of the annual service charges that will accrue from the project to be completed at Parcel E—Port Imperial, Block 168.01, Lot 7.08 (the "Project"), in exchange for an agreement by the Town of West New York (the "Town") to repay said prepayment from annual service charges that will become due; and

Whereas, the Entity has agreed to a repayment of the \$2,500,000, without interest, by way of the Town's paying 25% of the aggregate annual services charges received by the Town, until said \$2,500,000 shall be repaid in full; and

Whereas, it is in best interest of the Town to accept the aforesaid prepayment of the annual service charges; and

Whereas, in order to permit the Town to properly anticipate, rely upon and account for the prepayment funds, the Town should approve the aforesaid prepayment arrangement and authorize the execution of an appropriately drafted prepayment agreement by the Mayor.

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

1. The Mayor is hereby authorized to execute a Prepayment Agreement with K. Hovnanian at Port Imperial Urban Renewal VI.
2. The Prepayment Agreement to be executed by the Mayor shall be in substantially the form attached hereto, subject to such further analysis, modification(s) and/or review as the Town of West New York's Attorneys or Business Administrator might deem appropriate and/or necessary; and
3. A copy of this resolution, and a copy of the Prepayment Agreement for execution by the Mayor, shall be placed on file and made available for public inspection in the Office of the Town Clerk.

It was regularly moved by Commissioner Wiley, seconded by Commissioner Frias to **table** the aforementioned resolution to **Special Commission Meeting to be held on 5/28/14 at 12:00 noon**, was carried by the following vote:

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

Note: Prior to vote, Comm. Wiley commented that this is an important issue which should be addressed at an evening meeting to allow public participation. Comm. Rodriguez inquired as to whether the public would be permitted to discuss this issue at tonight's meeting as well as on 5/28/14. Corporation Counsel Donald Scarinci explained that if Resolution is tabled now, discussion would take place on 5/28/14. Comm. Rodriguez advised that she was unavailable for a 12 noon meeting and wanted the special meeting to be held in the evening. Town Admin. DeMarco advised that an evening meeting would conflict with the Zoning Board meeting which is also scheduled for 5/28/14 in the evening in the court chambers. He indicated that he would try to relocate the Zoning Board meeting to another site. Mr. Scarinci advised that the Administrator would reach out to the Zoning Board's secretary to either relocate or reschedule that meeting and that the public would be notified.

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A Motion was made by Commissioner Wiley, Seconded by Commissioner Rodriguez **to hold a Special Commission Meeting on 5/28/14 at 6:00 p.m. (No Work Session)**, was carried by the following vote:

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

ORDINANCE #2/14

**Omnibus Ordinance regarding fines for illegal or prohibited parking
within the Town of West New York**

Note: Comm. Frias read the title of the foregoing Ordinance aloud.

It was regularly moved by Comm. Frias, seconded by Comm. Vargas, to **open the public hearing** on this Ordinance, was carried by the following vote:

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

The following persons wished to be heard:

1. Patrick Cullen, 72 – 67th Street, WNY:

Mr. Cullen inquired as to whether this Ordinance was published in its entirety prior to tonight's meeting. Town Clerk Riccie responded "Yes it was published in Jersey Journal". Mr. Cullen inquired as to the amount of the fines. Town Admin. DeMarco handed Mr. Cullen his copy of this Ordinance for review.

It was regularly moved by Comm. Rodriguez, seconded by Comm. Vargas, to **close the public hearing** on this Ordinance, was carried by the following vote:

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

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

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

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ORDINANCE #3/14

An Ordinance amending Chapter 284 of the Code of the Town of West New York regarding Peddling and Soliciting and creating a Farmer's Market

Note: Comm. Frias read the title of the foregoing Ordinance aloud.

It was regularly moved by Comm. Frias, seconded by Comm. Wiley, to **open the public hearing** on this Ordinance, was carried by the following vote:

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

The following persons wished to be heard:

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

Mr. Rivera inquired as to the fee for a table at the Farmer's Market. Mr. DeMarco advised "\$250.00". Mr. Rivera inquired about qualifications to which Mr. DeMarco advised that an applicant must apply to the Board of Health and supply a list of products to be sold. Comm. Wiley inquired if only agriculture products may be sold to which Mr. DeMarco responded "Yes fresh produce or pre-packaged; food carts were rejected." Mr. Rivera inquired if there are any other items allowed to be sold, to which Mr. DeMarco replied "No, this is not a flea market."

It was regularly moved by Comm. Frias, seconded by Comm. Vargas, to **close the public hearing** on this Ordinance, was carried by the following vote:

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

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

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

ORDINANCE #4/14

An Ordinance authorizing Financial Agreement with K. Hovnanian at Port Imperial Urban Renewal VI, LLC

Note: Comm. Frias read the title of the foregoing Ordinance aloud. Comm. Frias advised that public hearing on this Ordinance will take place tonight; however, action will be tabled until the Special Commission Meeting to be held on 5/28/14 at 6:00 p.m. At this point, Corporation Counsel Donald Scarinci recused himself and left the room due to "conflict of interest".

It was regularly moved by Comm. Frias, seconded by Comm. Vargas, to **open the public hearing** on this Ordinance, was carried by the following vote:

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

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The following persons wished to be heard:

1. Comm. Wiley:

Comm. Wiley advised that he had met with Brian O'Reilly concerning tax exemption calculations and commented that it was his opinion that the other governing body members had their own "political agendas" for wanting to grant this exemption. He further commented that he too is a taxpayer; that his heart lies in the future of WNY and that re-election is not his concern but that he is concerned with the people and their future for the next 15 yrs. as a result of the impact of this exemption. He commented that no school taxes are collected through this exemption. He recited monetary tax figures which would results if exemption is given as opposed to amount of taxes which would be collected if no exemption is granted. He indicated that currently 88 students who live on the waterfront attend WNY schools and that based upon calculations, another 9 more will attend as a result of this development. He made comparisons as to number of units valued over \$1 million as opposed to number of units valued under \$1 million and calculated that over the next 20 yrs. \$11 million would not be collected if exemption was approved. He further commented that approx. \$30 million would be uncollected in school taxes alone if exemption was approved totaling approx. \$60 million in lost revenue. He stated that the people "up on the hill" would bear the brunt of this revenue loss. He commented that if the exemption is denied and these revenues were collected, WNY could provide more programs to its youth, etc. He commented on how this exemption also affects the County grants given to WNY and that it only benefits the developer, not the Town or its residents. He pointed out the police, fire and other service calls would increase by virtue of this development and how the increase in police and fire salaries impacts the Town and its taxpayers. He requested his fellow Commissioners to "think long term" and not about themselves or their political future and to make the decision from their heart; that it's about the people of WNY and the impact on the taxpayers. He commented that the Mayor "disappeared" (i.e. not present) when the last abatement was granted. He said he would consider perhaps a lesser amount of years but that the current proposal is "not a good deal for the Town". He referred to a recent incident wherein an individual attempted to bribe a town official as "an embarrassment" and Comm. Frias asked him to "stay on the subject". Comm. Wiley replied "I will say what I want" and that the Mayor's absence was becoming "a habit" and that he (the Mayor) is not thinking about the future of WNY. Comm. Frias asked Brian O'Reilly to give his presentation. Mr. O'Reilly introduced himself and advised that he has handled many tax abatements and that Comm. Wiley's information is accurate but Mr. O'Reilly cleared up a few issues. He explained that annual gross revenue is "a formula" based on sales, etc. and that if interest rate goes up, the town collects more money. He further explained that the initial sale creates the "floor" to calculate minimum service charge. He further explained that currently Jacobs Ferry is at 80% of adjustment and that \$4 million is being paid this year. Comm. Wiley commented that the more the property is valued, the more taxes are collected. Discussion ensued about re-valuation settlement which had previously occurred for another property on the waterfront and Comm. Wiley commented that no one knows the full impact of what will happen in 20 yrs. Comm. Wiley made comment about loss of school taxes and Mr. O'Reilly agreed.

2. Patrick Cullen, 72 – 67th Street, WNY:

Mr. Cullen commended Comm. Wiley on his position regarding abatement, and thanked Mr. O'Reilly for taking time to explain. Mr. Cullen also commended Town Clerk Riccie for her assistance in providing documentation under OPRA. Mr. Cullen expressed his concern that Sunshine Law will be violated on May 28th if no public comments are allowed. Comm. Frias advised that he could make whatever comments he wants today. He disagreed and continued to allege a violation of Sunshine Law and Roberts Rules. Mark Raso, Esq. advised that the public hearing on Ordinance #4/14 is now. Mr. Cullen inquired as to whether the Mayor's absence tonight would prevent the Mayor from knowing what transpired at this meeting. Mr. Raso reiterated that this is the public hearing on this Ordinance and this is his opportunity to speak on this Ordinance. Mr. Cullen disagreed. Comm. Frias asked Mr. Cullen to be respectful of Mr. Raso and not to speak to him in that manner to which Mr. Cullen replied "I give what I get". Comm. Wiley joined conversation and said "I understand what you are saying" and proceeded to explain Mr. Cullen's position. Comm. Wiley inquired "Will they have the opportunity to tell the Mayor how

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they feel about this Ordinance?” Mr. Raso reiterated “Public portion is now and hearing will be closed tonight. I am here on limited capacity.” Mr. Cullen questioned Mr. Raso’s involvement in this Ordinance and inquired as to what law firm he is associated. Mr. Raso advised he has his own law firm. Comm. Rodriguez inquired as to whether hearing can be continued at the May 28th meeting. Mr. DeMarco advised that governing body can vote to re-open public hearing at next meeting. Comm. Rodriguez commented that governing body is not trying to hide anything and that public hearing on this Ordinance should continue at the 5/28/14 Special Commission Meeting. Comm. Frias agreed and indicated that this Ordinance should be tabled tonight and that public hearing continue at next meeting. Mr. Cullen apologized for “being out of line”.

Motion made by Comm. Frias, seconded by Comm. Rodriguez, to **table and continue with Public Hearing at Special Commission Meeting to be held on 5/28/14 at 6:00 p.m.**, was carried by the following vote:

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

Motion made by Comm. Frias, seconded by Comm. Wiley, to **open Public Portion of meeting**, was carried by the following vote:

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

Note: **Comm. Rodriguez exited meeting at 7:56 p.m.**

Public Portion:

The following persons wished to be heard:

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

Ms. Puerto expressed her concern that the commissioners’ special meeting and the zoning board meeting are both scheduled at the same time and requested that the zoning board meeting be cancelled as she is a board member and wants to attend the commissioners’ special meeting. Mr. DeMarco advised that he would contact the Zoning Board Attorney to either re-locate or reschedule the meeting but that he is not aware of their agenda. She again advised that she is a Zoning Board Member and wants to attend both meetings. Comm. Frias commented that it would be better to reschedule the Zoning Board Meeting to another date.

2. Gloria Cullen, 6800 Jefferson Street:

Ms. Cullen advised that she goes to the Senior Citizen building on Hudson Avenue between 60th and 61st Street two times per week to play bingo and that the elevator has been broken for a long time. She advised that other senior citizens cannot climb stairs and that the elevator needs to be fixed. Mr. DeMarco advised that it was fixed this morning and that it will be up and running today. He apologized for the delay in that it took time to obtain the necessary parts to repair it. Ms. Cullen complained that there is water coming out of the ground for months at intersection of 66th Street and Palisade Avenue which turned to ice during the winter and that she nearly fell while crossing the street. Mr. Demarco advised that the water company and Police Director Antolos are both aware of the situation but that the matter will be addressed after school finishes. She also complained that fire extinguishers, etc. should be checked in all senior citizen buildings. She further complained that the Firefighter statue in front of the Municipal Building is in disrepair and that he grandfather and father were both firefighters.

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Public Portion (cont.):

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

Mr. Rivera asked Comm. Frias to define “tax abatement”. Comm. Frias replied that “it is the process requested from a developer to collect taxes in a different manner”. Mr. Rivera inquired whether he could ask each Commissioner the same question. Corporation Counsel Donald Scarinci advised that he must ask about city business. Mr. Rivera commented that he is supposed to create jobs and income and inquired as to how many low income properties will be included in the abatement. Mr. Scarinici advised him that the public hearing has been carried to the next meeting and that he should ask his questions during the hearing on that Ordinance. Mr. Rivera inquired as to how many jobs will be created by this project and by the Jacobs Ferry project. Mr. DeMarco replied that there will be no low income housing and that he can’t calculate construction jobs or ancillary jobs. Mr. Rivera replied that those things should be considered and inquired as to what benefits abatements bring to the community. Comm. Frias responded that in her opinion, “in this type of an economy developers request abatements to obtain funding and these units will provide different levels of how the town moves forward. These projects bring value to the future of this town. We all have our opinions.” Mr. Rivera inquired as to what is Comm. Vargas’ opinion on this subject and that he deserves a response from him. Mr. Scarinci advised him to ask his questions through the Chairperson and not each individual Commissioner. Comm. Frias replied “I already answered your question”. Mr. Rivera inquired about the bus shelter at 51st Street & Park Ave. Comm. Wiley advised that it will be replaced. Mr. DeMarco added that the framework has been ordered but doesn’t know date of installation. Mr. Rivera inquired about broken traffic lights, Mr. DeMarco advised that he has received three (3) quotes and that it is in the process of being repaired. Discussion ensued about exact locations of lights and when they will be repaired. Mr. Rivera advised that the light on Hudson Avenue and 62nd Street near #4 School has not worked for many months. Comm. Frias advised that she personally counted the lights and spoke with Lou Cannao and that he will work with PSE & G to replace bulbs.

4. Patrick Cullen, 72 – 67th Street, WNY:

Mr. Cullen inquired as to whether the May 28th meeting is a Regular meeting to which Comm. Frias advised that it will be a Special meeting. Mr. Cullen inquired as to who proposed that date to which Mr. Scarinci advised that there are budget issues to be addressed and everyone agreed upon date. Mr. Cullen inquired as to whether Mr. Scarinici or the Commissioners were aware that there is also a Zoning Board meeting scheduled for said date. Mr. Scarinci explained that initially the Bd. of Commissioners planned on having a 12 noon special meeting but the time was changed during this meeting. Mr. Cullen commented that the Zoning Board meeting is to consider the property that the Planning Board heard previously and that the notification does not mention that the Parking Authority owns the property. Mr. Cullen commented that there are important parking issues to be discussed at the Zoning Board meeting and that the meetings should be held on different dates. Comm. Frias agreed. Discussion ensued about changing date and time of Zoning Board meeting and whether a vote is required to do so. Mr. Cullen commented about the 48 hour notice requirement. Mr. Cullen commented about the individual who was arrested yesterday and that developer, George Cappadaglia, Rolando Cribieiro and the Mayor appeared in a photograph with that individual. He further commented that once again, the Mayor is not present to respond, and that target letters were also issued.

5. Kevin Borrell, 5701 Blvd. East, WNY:

Mr. Borrell advised that there is something protruding from the ground at 5601 Park Avenue across from Overlook building. Comm. Vargas advised that he went to the scene but that PSE & G must repair it as it is an electrical problem. Mr. Borrell recommended that a sign, barricade or some type of notification be posted. Mr. DeMarco replied that the Police will investigate.

6. Doreen Auriemma, 6025 Hudson Avenue and Ana Cerquiera, 5200 Park Avenue:

Ms. Auriemma and Ms. Cerquiera advised that they have formed a women’s association to address issues in town. At their first meeting, the majority of women complained about lack of garbage cans in town and that more garbage pickups near schools are required. Discussion ensued about locations for additional garbage cans. Ms. Auriemma advised that

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Public Portion (cont.):

they intend to walk through the streets each week and make notations about issues which need to be addressed. Comm. Vargas commented that he would take care of the matter. Ms. Auriemma and Ms. Cerquiera both suggested that in addition to adding more receptacles that a “litter campaign” be started. In addition, Ms. Auriemma advised that the plastic bags for dog litter are empty. Comm. Frias advised that she would notify the Health Dept.

7. Ramon Morejon, 158 – 51st Street, WNY:

Mr. Morejon complained that garbage cans have not been replaced at Bd. of Education for the past 2 years. Comm. Vargas advised that he went to that location but the problem is that residents are placing their household garbage in said containers. Mr. Morejon responded that additional containers should be placed there. He complained that Union City has a lot of containers but when you reach WNY, there are no containers. Mr. Morejon commented that the Special Commission Meeting and Zoning Board Meeting scheduled for 5/28/14 will be addressing the same issue i.e. tax abatement for developer. Discussion ensued between Mr. Morejon and Mr. DeMarco about requirements of statute as it relates to requirement that plan must be approved before abatement is given. Mr. Morejon discussed loading zone for 61st Street Daycare (Resolution #R-11) which was approved this evening but that the facility is already in operation despite the fact that the Zoning Board required the loading zone prior to operation. Mr. DeMarco said it was a “technical point” as the loading zone has to be approved by the Commissioners and that Zoning or Planning Boards do not make it contingent upon approval. Mr. Morejon disagreed and advised that he is a member of the Zoning Board and that drop off zone was required prior to opening business. Mr. DeMarco indicated he would speak to Zoning Board Attorney regarding same.

8. Charles Betancourt, 6305 Jackson Street, WNY:

Mr. Betancourt commented about the Mayor’s absence and that he “plays turtle”. He complained that the public never receives an answer to their questions and stated “We have an inept and absent government”.

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

He inquired as to when the property located at 6200-6300 Hudson Avenue, which is adjacent to DPW garage, went before the Planning Board. Mr. Scarinci replied that at the last meeting, Mr. Alvarez asked the same question. Mr. Scarinci then advised Mr. Alvarez that he is reviewing Gil Garcia’s invoices from 2012, which Mr. Alvarez had requested through an OPRA request, and that he will receive the documentation shortly. Mr. Alvarez inquired as to whether the application regarding the above address came before the Planning Board. Mr. Scarinci advised that he would get that information for him. Comm. Frias advised him that he should address those issues to the Planning Board and items on this agenda should be discussed here.

10. Jose Munoz, 6112 Harrison Place, WNY:

Mr. Munoz inquired as to whether the generator taken by Mr. DeMarco was owned by the Town or the School Board to which Mr. DeMarco replied “Town”. Mr. Munoz commented that he reviewed gas receipts during Hurricane Sandy which he obtained through an OPRA request and inquired about the receipt which referred to the Middle School generator – 2 gallons of gas. Mr. DeMarco replied that the generator was assigned to the Middle School for citizens to charge their cell phones, laptops, etc. Mr. Munoz inquired as to where Mr. DeMarco obtained gas for the generator brought to his home. Mr. DeMarco advised that he would get gas and fill it himself. Mr. Munoz replied “How many times did you do that?” and he referred to there being only 1 gas receipt. He inquired if there are more gas receipts. Discussion ensued as to how many generators town owns, and from where Mr. DeMarco obtained the gas. Mr. DeMarco indicated that he purchased the gas himself. Mr. Munoz inquired as to a policy for taking resources from the town to Mr. DeMarco’s home. Mr. Scarinci replied “I haven’t seen it yet.” Mr. Munoz stated “The Town Administrator took the generator home and no disciplinary action was taken against him. He didn’t reimburse the Town.” Mr. Scarinci replied “I don’t know that there was no disciplinary action and we can’t discuss it.” Mr. Munoz responded “he said no action was taken”. Mr. Scarinci

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Public Portion (cont.):

reiterated “We can’t discuss it”. Mr. Munoz inquired as to whether the public relations person, Pablo Fonseca, works for the Town. Comm. Frias replied “Correct”. Mr. Munoz inquired as to how Mr. Fonseca is being paid for the work being done on behalf of Comm. Rodriguez who is running for Freeholder. Mr. Scarinci explained that Mr. Fonseca works for the Town and also represents other clients which include candidates for public office. Mr. Munoz commented that election reports will show it. Mr. Scarinci responded “The City doesn’t contribute to Freeholder campaigns”. Mr. Munoz referred to campaign literature mailed by Comm. Rodriguez showing a photograph of her, new police cars, two (2) police officers and the Police Director and he inquired as to whether the police officers were on duty working when photograph was taken. Discussion ensued between Mr. Munoz and Mr. Scarinci regarding circumstances under which photograph was taken and whether it is a political question. Mr. Munoz disagreed with Mr. Scarinci and commented that the Police Director and the two police officers were being used for “political purposes” and that they were being paid by the Town when photograph was taken. He inquired as to whether they were being paid by Comm. Rodriguez’s campaign or by the Town. Mr. Scarinci replied that he didn’t know but would get back to him. Police Director Antolos explained that photograph was taken during a press conference and that he was proud to receive four (4) new police vehicles. He further explained that he was not aware the photograph would be used on a political flyer and that he and the two officers were working when photograph was taken. Mr. Munoz commented that the candidate (Comm. Rodriguez) should reimburse the Town. Discussion ensued between Mr. Munoz and Mr. Scarinci that photograph is “fair to use by anyone” and that photograph was taken to promote acquisition of police vehicles. Mr. Munoz commented about similar situation which occurred in Jersey City. Mr. Scarinci stated that police officers were not being used for political campaign and that it was about the vehicles and that photograph can be used by anyone.

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

Ms. Kellerman commented that currently West New York is an “Abbott District” and inquired if the Commissioners have considered that this new development may impact the Town receiving fewer funds from the State. She expressed her concern that the Town may be “re-evaluated” and no longer be considered an Abbott District and would become more dependent upon taxpayers. Comm. Frias commented that the Dept. of Education makes that decision. Comm. Wiley commented that only 88 children attend our schools and that her question was a great question. Discussion ensued about impact on future, etc. Comm. Wiley commented that he thinks it is “politically motivated to fill the budget gap”. Discussion ensued as to whether anyone was present from the waterfront community and whether they shop in WNY, etc. Mr. DeMarco joined conversation and explained that the Master Plan is considering combining waterfront and land on top of cliffs.

12. Corporation Counsel Donald Scarinci:

Mr. Scarinci stated that he wanted to clarify his previous answer in response to Mr. Munoz and that Mr. Fonseca just advised him that photograph was not taken by a town photographer but by campaign photographer paid by the campaign, and that anyone can use town photos. Mr. Munoz inquired “Don’t they need permission to use photographs with uniformed officers?” Mr. Scarinci responded “No, but they can’t sell them.” Mr. Munoz disagreed and discussion ensued. Mr. Scarinci disagreed with Mr. Munoz’s position and stated “Photo was taken in public”. Mr. Munoz responded that it was a “staged press conference”; that Comm. Rodriguez was in her official capacity as Commissioner of Public Safety and that it gives the appearance that the Police Director and the two police officers are endorsing her. He further commented that she should have obtained authorization from them and referred to a similar situation which had occurred concerning New York Mayor De Blasio. He complained that she is running for office and using photos in her capacity without the authorization from the Police Director, who just confirmed it, and that it is not fair to use it for politics as he doesn’t do that in the County. Mr. Scarinci replied “But you could if you choose to do it with your own photographer”. Mr. Munoz commented that it is “unethical” what she did.

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Public Portion (cont.):

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

Ms. Puerto inquired as to when the Master Plan will be completed. Comm. Frias advised that it is on the next Planning Bd. meeting agenda. Ms. Puerto inquired as to whether the public commentary portion regarding the Master Plan is finished. Comm. Frias replied "Yes it is but one more time for input from public". Ms. Puerto inquired as to whether the Master Plan considers tax abatements to which Comm. Frias responded "no". Ms. Puerto questioned Mr. O'Reilly about tax abatement and the amount the County receives. Mr. DeMarco advised that it is "5% by statute". Ms. Puerto referred to a 2010 report made by Matthew Boxer wherein there is "little State oversight and over abused" regarding abatements. Ms. Puerto inquired about the requirement of Zoning Board to provide annual report to the Commissioners and the last time report was provided. Mr. DeMarco replied "I don't know". Mr. Scarinci replied "We will find out and let you know". Ms. Puerto responded "Probably years ago; should be done annually". Comm. Frias agreed. Ms. Puerto inquired as to when new chairperson will be elected. Comm. Frias advised her to discuss it with Board Secretary Maria Varela. Mr. DeMarco advised that there should be an annual reorganization meeting; discussion ensued as to when that would occur and why it hasn't occurred yet. Mr. Scarinci advised that he will speak to new Zoning Bd. attorney and will have him speak with Ms. Puerto and that if that does not occur, she should contact him (Mr. Scarinci). Discussion ensued as to how members are appointed to the Zoning Board and that she had submitted her resume. She commented that the other members are "friends of the Mayor or Silvio Acosta" and wanted to know what procedure or "protocol" is followed to be appointed. Mr. Scarinci replied that there is no proper protocol and that people are asked to serve or if they are interest in serving and willing to serve. Comm. Frias added that process was changed and now every member gets interviewed by the Commissioners before appointment. Mr. Scarinci added that interview process was recently implemented. Ms. Puerto complained about insufficient number of garbage cans and that cameras should be installed to fine people who violate rules as to curbing their dogs. Comm. Vargas advised that tomorrow he will go through the town to determine locations where more garbage cans are needed.

14. Ronald Scheurle, 6119 Tyler Place, WNY:

Mr. Scheurle inquired about status of Minutes of 1/15/14 meeting. Mr. Scarinci advised that Minutes have not been approved yet. Town Clerk Riccie explained that due to departure of former Deputy Town Clerk, who took the notes for said meeting, the Minutes have not been finalized and that it is not the Town Clerk's fault. She further commented that the former and current town attorneys and the Board of Commissioners are fully aware of the circumstances. Mr. Scheurle thanked Mrs. Riccie for "trying to do your job". Mr. Scheurle commented about town employees picking up Type 13 recyclable materials and that Galaxy was contracted to perform those services. He further commented that the former town attorney and current town administrator told him that practice had stopped; he wanted to know if Galaxy was paid when it was not performing the duty. He commented that there is a similar situation in North Bergen and is in litigation. Discussion ensued between Mr. Scheurle, Mr. DeMarco and Mr. Scarinci wherein Mr. DeMarco advised that the name of that company is "Eagle Recycling". Mr. Scarinci advised that he would look into the matter and get back to Mr. Scheurle. Mr. Scheurle commented that "I will be a witness for the employee". Mr. Scheurle complained once again about the missing Liberty Bell at 61st & Blvd. East and that another statue has been put in its place and that freedom is important and should be preserved. Comm. Frias advised that after he brought this issue to the governing body's attention at the last meeting, she took the liberty of speaking to Lou Cannao to determine what had happened to the Liberty Bell. She further advised that she was told that it had been removed during the time when the entire area was being remodeled, placed in storage and then disappeared approx. 10 yrs. ago and space had been vacant for over 10 yrs. Mr. DeMarco added that it had been stored at Miller Stadium and was discarded. Mr. Scheurle replied "Then replace it with another Liberty Bell. It represents freedom". Mr. Scheurle inquired as to whether the generator was returned to DPW garage, to which Mr. DeMarco responded "Yes. I did." Mr. Scheurle inquired as to whether a vendor from the Board of Education was present at time Mr. DeMarco returned it. Discussion ensued between them as to who was present when generator was returned and whether gas was put in Mr. DeMarco's wife's car.

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Public Portion (cont.):

Note: A brief recess was taken at 9:05 a.m. Meeting resumed at 9:12 p.m.

15. Dana Winternheimer, 6701 Blvd. East, WNY:

Mr. Winternheimer referred to house located at 74 – 67th Street as “burned out” and inquired as to whether the Town can force the owner to raze, seize or auction it. Comm. Vargas advised that it will be taken care of “soon”. Mr. Winternheimer inquired as to who owns the parking lot on 66th & Park Avenue to which Comm. Frias responded “WNY Parking Authority”. He questioned whether the Parking Authority is a separate agency or is it controlled by the Commissioners to which Comm. Frias explained that it is an autonomous body with its own members. He inquired whether it can sell property without any oversight to which Mr. Scarinci responded “Yes”. He commented that the Zoning and Planning Boards have “lax oversight” and inquired as to who is responsible for their oversight as it pertains to selection of members, etc. Mr. Scarinci explained that they too are autonomous bodies and have their own attorneys and operate on their own and that he doesn’t think lax oversight is an issue. Discussion ensued about oversight and Mr. Scarinci explained that the attorneys for each board insure compliance with the statutes. Mr. Winternheimer inquired as to what recourse the citizens have. Mr. Scarinci replied “I am not hearing that they are not complying with the statutes.” Discussion ensued about how the boards function. Mr. Scarinci explained that the Board of Commissioners appoints and re-appoints the members to each board and that if a term expires, a member can be a “holdover” until re-appointment. Mr. Winternheimer inquired as to whether “holdover members” can vote and Mr. Scarinci replied “yes”.

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

Ms. Palermo commented that if Zoning Board will not change the date of their meeting, will the Board of Commissioners change its meeting as there are important issues to be addressed at both meetings. Mr. Scarinci advised “This Board took the vote establishing the date and time and notice of the meeting will go out. It will be on 5/28/14 at 6:00 p.m.” She replied “Then your answer is no?” Discussion ensued about rescheduling the Board of Commissioners meeting so that it does not conflict with Zoning Board meeting. Mr. Scarinci advised that it is not up to him. Comm. Frias explained that the original intent was to schedule the Commissioners meeting at 12 noon so as to separate the meetings but that due to request from the public to have an evening meeting, it was changed to 6:00 p.m. Ms. Palermo commented that the Commissioners can re-open the vote to change the time. Comm. Frias replied that this Board already voted and that Zoning Board should move their meeting. Ms. Palermo complained that the public will have to choose which meeting to attend and that it not appropriate. Discussion went back and forth as to alternate dates and time for Zoning Board meeting. Mr. Scarinci joined conversation and said “You are not hearing the answer you want but the answer will not change. We will attempt to change the Zoning Board date but you have to choose.” She disagreed with his explanation. Comm. Frias commented that “we changed this meeting once. Give us time to find a way to change the other meeting.” Ms. Palermo changed the subject and referred to Minutes from last year and inquired as to why a court reporter cannot make an official transcript of each meeting. She complained that Minutes taken in March 2014 by a substitute Clerk in Mrs. Riccie’s absence were inaccurate as “names were unrecognizable and statements made were incorrect” and that it was a “poor job and didn’t represent what had occurred”. Mr. Scarinci replied “The Clerk does an excellent job. The January 15th (2014) Minutes will be put together and passed by the Governing Body.” He commented that there is no need to spend money for a court reporter to record the Minutes. Town Clerk Riccie explained that if there is ever any dispute about contents of Minutes, that upon notification she (the Town Clerk) will advise the Governing Body who have the final decision whether to change the Minutes or not. She requested that if this should ever occur again, that Ms. Palermo notify her immediately. She further advised that since being appointed Town Clerk in 1991, there has never been any question about contents of Minutes taken by her.

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Public Portion (cont.):

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

Mr. Barquin inquired about Resolution R-4 (Recycling grant) as to whether we do this every year and is this why Joe Rodriguez gets paid \$20,000. Mr. DeMarco explained that Mr. Rodriguez is responsible for preparing the Recycling Tonnage report; that he keeps track of recycling and compiles the numbers, etc. and then submits it to the State of NJ. Mr. Barquin responded "Is that the only work he does all year?" Mr. DeMarco replied "No, he has other responsibilities...monthly reports and then submits them to the State." Mr. Barquin then commented about the size of the generator borrowed by Mr. DeMarco during the hurricane and inquired as to how it was transported to Mr. DeMarco's home. Mr. DeMarco advised that he transported it in his van. Discussion ensued as to weight and size of generator, etc. Mr. Barquin inquired as to whether the tax rate will be lowered in the budget being introduced on 5/28/14. Comm. Frias replied "You will find out on May 28th. CFO will give a presentation." Mr. Barquin replied "Up or down?" to which Comm. Frias responded "CFO will give the final number." Discussion ensued about "purging employees" and Silvio Acosta's name was mentioned by Mr. Barquin. Mr. Scarinci commented "Silvio Acosta is not an appointing authority. Is your question whether people have been removed from the payroll?" Mr. Barquin responded "Yes, from DPW and Health Dept." He commented about Manny Diaz's wife's position being created at a salary of \$80,000 and two employees were hired for dog litter but that there have been no results and no enforcement. Comm. Frias advised Mr. Barquin that his time to speak has expired. Mr. Barquin made a comment that in 365 days, the dictatorship will end and the Town will be free.

Note: At this point, Patrick Cullen attempted to speak again but Comm. Frias advised him that he already had his opportunity to speak.

A motion was made by Commissioner Frias, seconded by Commissioner Vargas, **to close the Public Portion** was carried by the following vote:

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

A motion was made by Commissioner Frias, seconded by Commissioner Vargas, **to Adjourn the meeting at 9:34 p.m.** was carried by the following vote:

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

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