

**May 28, 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 Wednesday, May 28, 2014 at 6:00 p.m. (No Work Session) in the Court Chambers, Municipal Building, 428 – 60<sup>th</sup> Street, West New York, New Jersey, for the purpose of considering the following business:

1. Introduction of Ordinance #5/14 An Ordinance to exceed the municipal budget appropriation limits and to establish CAP Bank (N.J.S.A 40A:4-45.14)
2. Resolution – Re: Introduction of Municipal Budget calendar year 2014
3. Resolution – Re: To approve Interdepartmental cooperation for compliance with Town Budget
4. Resolution – Re: To approve Hiring Freeze
5. Resolution – Re: Purchasing Procedures and Practices and authorizing Town Clerk to advertise to receive RFPs for a Professional Services Contract for “Financial and Purchasing Consultant” on Friday June 13, 2014 at 10:00 a.m. in Town Clerk’s Office
6. Continuation of Hearing and Final Adoption of Ordinance #4/14 An Ordinance authorizing Financial Agreement with K. Hovnanian at Port Imperial Urban Renewal VI, LLC

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, Vargas, Wiley and Mayor Roque  
Absent: None  
Also Present: Town Clerk Carmela Riccie, Town Administrator Joseph De Marco, Corporation Counsel Donald Scarinci, Brian O’Reilly (representative of Tax Office), and Mark Raso, Esq.

Meeting commenced at 6:17 p.m.

Town Clerk Carmela Riccie made the following announcement:

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: Wednesday, May 28, 2014 at 6:00 p.m. (No Work Session) in the Court Chambers, 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.

**Note:** Corporation Counsel Donald Scarinci suggested that a Motion be made to suspend the Consent Agenda and take items out of order and place in the following order (He read all titles): Ordinance #4/14, Ordinance #5/14, Resolutions R-5, R-1, R-2, R-3, and R-4.

**May 28, 2014**  
**Special Meeting**

Motion was made by Mayor Roque, seconded by Comm. Frias to change order of items listed on agenda as follows: O-2, O-1, R-5, R-1, R-2, R-3 and R-4, was carried by the following vote:

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

**Note:**        **At this point, Mr. Scarinici advised that he was leaving the court chambers in order to continue the hearing on Ordinance #4/14 (Re: Authorizing Financial Agreement with K. Hovnanian at Port Imperial Urban Renewal VI, LLC). Mark Raso, Esq. filled in for Mr. Scarinici and called for a motion to open the hearing.**

Motion was made by Mayor Roque, seconded by Comm. Frias to **open the hearing on Ordinance #4/14**, was carried by the following vote:

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

**ORDINANCE #4/14**  
**AN ORDINANCE AUTHORIZING FINANCIAL AGREEMENT**  
**WITH K. HOVNANIAN AT PORT IMPERIAL URBAN RENEWAL VI, LLC**

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

**1. Daniel Alvarez, 4204 New York Avenue, Union City:**

Mr. Alvarez referred to a spread sheet Column 5) and commented about previous interest rate of 4.5 %; that the Federal Reserve's policy injects more money into the system which will lead to increases across the board and that 5% is a more reasonable assumption for the interest rate. He recited per unit figures and estimated \$1 million left on table. Brian O'Reilly advised that state statute promulgates this amount for consideration but that if interest rate is higher, the town gets more money. He referred to NJSA 40A:20-14 which refers to sales price at time of closing and mortgage rate. He reiterated that if the interest rate increases, the town receives more money and that these are only "floors".

**2. Patrick Cullen, 72 – 67<sup>th</sup> Street, WNY:**

Mr. Cullen inquired as to the Block and Lot numbers involved in this Ordinance. Mr. O'Reilly replied "Block 168.01 Lot 7.07" Mr. Cullen inquired as to whether Lot 5 is also included to which Mr. O'Reilly replied "No, Lot 7.08". Mr. Cullen commented that he knows more about abatements than most people and referred to a report written by former State Comptroller Boxer wherein Mr. Boxer compared abatements to "cronyism with zero state taxes". He further commented that Jersey City was sued by three towns because they did not pay their fair share to the County. Mr. Cullen stated "Waterfront is prime real estate. We shouldn't continue abatements". He further advised that in 2009 the abated properties rate didn't increase due to Pilot Program. He indicated he has lived in WNY Since 1969 and that two years ago, Mayor Roque complained that former Mayor Vega dealt you a "hot hand". Mayor Roque replied "I don't recall that". He referred to DPW Garage and that former Mayor Sires inherited a \$100 million MUA debt and that former Mayor Vega inherited the DPW Garage sale. He complained that this is a budgetary gimmick; that he requested through OPRA the debt statements from 2000-2010; that there is \$49 million municipal debt and \$43 million school debt and that we are an Abbot School District and don't need abatements. He called upon Comm. Rodriguez to recuse herself from voting on this Ordinance as she was the confidential secretary to former Mayor Sires and called upon her to "do the right thing". Mr. O'Reilly indicated that he had read Mr. Boxer's report and that despite staying on the job for 3 more years, Mr. Boxer made "zero recommendations to change the law". Mr. Cullen inquired as to whether school board trustees or members from the County were asked to be on this board. Mr. O'Reilly advised

**May 28, 2014**  
***Special Meeting***

that the legislation enables this as it is done by State and that the WNY is following the law. Mr. Cullen commented that Comm. Rodriguez's husband is employed by Mr. Turner and referred to Mr. Turner as an "interloper". At this point, Mayor Roque advised Mr. Cullen that his time to speak had expired.

**3. Humberto Ortega, 6040 Blvd. East (#29G), WNY:**

He thanked Mr. O'Reilly for meeting with him to discuss the abatement issues and referred to data given to him by Mr. O'Reilly and inquired as to how much money would the Town receive in taxes by not granting the abatement as opposed to granting the abatement. He recited different calculations and commented that developers "don't need encouragement to build" in WNY. He commented that the demand is there and that Town is getting nothing in return for granting this abatement. He stated "Does benefits justify detriment?" At this point, Daniel Alvarez yelled out "Is Lot 5 included?" to which Mr. DeMarco responded "No".

**4. Rose Puerto, 6600 Blvd, East, WNY:**

Ms. Puerto advised that "I am not opposed to development but it should be done fairly". She referred to certain language contained within the Ordinance dating back to 1996. Mr. O'Reilly explained that the Planning Board had done a "blight study" which was required by the Board of Commissioners in 1996; that it is a 40 yr. plan and that 1996 Ordinance allowed for development to continue. Ms. Puerto inquired as to how many units were permitted by Ordinance 16/96 to which Mr. O'Reilly responded 2419 units and 88 students go to our school district". She continued to read language contained in Ordinance and commented that in her opinion the same standards do not apply today. She asked "Do you think the development wouldn't be built without the abatement?" Mayor Roque commented that there are other developers in other towns; that there is a lot of competition but believes the abatement makes the difference. Mr. O'Reilly commented that there is a need to create incentives because it would have been built at height of market. She commented that the property is very expensive and developer will make a lot of money and disagreed with Mr. O'Reilly's position. Discussion ensued between Ms. Puerto, Mr. O'Reilly and Mr. DeMarco about reducing length of abatement. Mr. DeMarco gave example that by reducing from 30 yrs. to 20 yrs., "It got the Town higher rate of return." Ms. Puerto directed her next comment to Comm. Rodriguez and inquired as to how the County will be affected by this abatement. Comm. Rodriguez replied "I will let the expert answer who has been through this process". Comm. Wiley commented to Comm. Rodriguez that she should know the answer as she is running for Freeholder. Mr. O'Reilly joined conversation and said "I don't want to speak for Comm. Rodriguez but in 2003 amendments were made and the State agreed to 5%". He further commented that the current Board of Freeholders is now suing us.

**5. Humberto Ortega, 6040 Blvd. East (#29G), WNY:**

Mr. Ortega advised that even though he doesn't have children that he pays his fair share of taxes and that the County will get less money with this Pilot Program. He commented that developers didn't build before because real estate market wasn't attractive but that now there is a market incentive to build. He commented that WNY should not be compared to Bayonne as it is not the same. He demanded an answer as to how much the Town will realize in taxes if this abatement is granted. Mr. O'Reilly replied "I explained to you when we met. These are minimums. Jacobs Ferry, we collected \$2.4 million per year. Now we make 60-80% returns and now we get more money." Discussion ensued about Riviera Towers Co-op, 1991 re-valuation and tax rate in 1991. Mr. Ortega disagreed with Mr. O'Reilly's position and Mr. O'Reilly disagreed with his position.

**6. Charles Betancourt, 6305 Jackson Street, WNY:**

Mr. Betancourt said "This hyperbole is very educational but poppy cock. We are giving this away. We are still paying for the last abatement. Get the appropriate developer for this property and give no abatement. Why don't you see that? The town has been bludgeoned and raped and you are doing nothing about it. You are gone in May 2015; that is a guarantee."

**May 28, 2014**  
***Special Meeting***

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

Mr. Barquin commented that Mr. Turner has only granted one (1) abatement in Weehawken and it is only for 10 yrs. He further commented that there is no middle or low income housing, only for “high class people”. He further commented that in 1991 WNY and Weehawken’s tax rate were the same and why doesn’t this Administration lower taxes without giving abatements. Mayor Roque replied “I don’t know what Turner does, I worry about WNY. We are keeping taxes stable.” Discussion ensued about taxes being stable for last three years and that this year there will be a 0% increase. Mayor commented “We owe it to the taxpayers and Pilot Program helps us do that. Do you have a better plan?”

**8. Linda Kellerman, 6600 Blvd. East, WNY:**

Ms. Kellerman commented that the Town pays \$2,000 per student but the State pays \$12,000. Mr. O’Reilly commented “I don’t know what the State pays. I called the School Board Administrator and did the numbers.” She commented that the State Board of Education grades each district on economic status and stated “What prevents them from re-evaluating our status and we get less money from the State and more burden on taxpayers?” Mr. O’Reilly responded “I am not familiar with funding system with school board.” She commented that WNY is an Abbott District Grade A lowest status and may be upgraded and receive less money from State.

**9. Comm. Wiley:**

Comm. Wiley inquired that if the town receives \$2.5 million, will taxes have to be raised? CFO Cherone replied “Yes, would be raised with loss of revenue.” Comm. Wiley commented that this abatement is important to Mayor Roque for his political agenda. Mr. DeMarco attempted to close public hearing but Comm. Wiley continued speaking. Comm. Wiley commented that if the abatement is not approved, taxes will be raised. He further commented that Comm. Rodriguez is running for Freeholder and this will affect the County if she gets elected. He further commented that the Town will lose school taxes with this abatement approx. \$30 Million over next 30 yrs.; that programs are currently lacking in this Town. He further commented that the student population will increase, new teachers, etc. will be necessary and that this Board should consider the future impact of granting this abatement. He advised that “We are responsible for our actions now; don’t think about this particular budget only. A small raise is better than being selfish.” He pointed out that Green Acres Open Space, North Hudson Action programs, etc. will be affected.” He said “Look at the bigger picture” and did a comparison with how much money would be lost over 20 yrs. if this abatement is granted. He referred to Mayor Turner being an “intelligent man” but that he has only approved one (1) abatement on Weehawken waterfront. He stated “What does he know that we don’t know?” He referred to a hotel which is being built on Weehawken waterfront. He commented that we should not rely on being an Abbott District alone and when will this Town stand on its own. He stated “Remember, everything not collected on waterfront will be collected through other parts of Town. My vote is No and I hope some of the other Commissioners will vote differently. I don’t agree with political decisions. Take a recess and think about it.” Mayor Roque replied “Very eloquent words. My question is...raise taxes 2-3%?” CFO Cherone joined conversation and commented that \$2.5 million is 4% increase or \$370 per property. Mayor Roque commented that his father came from Cuba and saved money to buy a house and it wasn’t easy to pay the taxes. He said he doesn’t want a tax increase and taxpayers don’t deserve it. He further advised that he is running WNY like he runs his business and that many people cannot afford a 2% tax increase. Comm. Wiley commented that next year \$2.4 million will not be here and that this is a tough decision to make. Mayor commented that this Administration ran on promise of no tax increase as former Administration had raised taxes by 48% and that so far this Administration has been successful in keeping taxes stable. Comm. Wiley disagreed and commented that nobody expects taxes to be stable for 10 yrs. and that this is only for this year and that future is not looking good. He further commented that the Mayor is “pushing” approval of this abatement and that no one is fooled.

**May 28, 2014**  
***Special Meeting***

Motion was made by Comm. Frias, seconded by Comm. Vargas to **close the hearing on Ordinance #4/14**, was carried by the following vote:

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

Motion was made by Mayor Roque, seconded by Comm. Frias to **adopt Ordinance #4/14**, was carried by the following vote:

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

**Note: At this point, Town Administrator DeMarco recommended that a Motion be made to address Resolution R-5 (Re: Authorizing prepayment agreement with respect to annual service charges to be received from K. Hovnanian) before Ordinance #5/14 (CAP Ordinance)**

Motion was made by Mayor Roque, seconded by Comm. Frias to **take Resolution R-5 out of Order and place it before Ordinance #5/14**, was carried by the following vote:

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

**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

**May 28, 2014**  
***Special Meeting***

**Resolution (Cont.):**

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.

Motion was made by Mayor Roque, seconded by Comm. Vargas **to adopt** the foregoing Resolution, was carried by the following vote:

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

**Note:** Comm. Wiley stated “Not due to this Administration’s skills but he sold out the Town.” Mr. Raso left the meeting and Mr. Scarinci returned at 7:25 p.m.

**ORDINANCE #5/14**

**RE: MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

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

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

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

**Note:** Comm. Wiley referred to certain language contained within the Ordinance and asked for an explanation. Town Administrator DeMarco explained the purpose of this Ordinance and that it is required to establish a “CAP bank” for emergencies if necessary. He further commented that it is a formality the State requires of us should we need it or it is deemed waived. CFO Cherone explained that CAP bank Ordinance provides appropriations that we can reserve in a bank in case appropriations inside CAP are in excess of amount State allows. She further commented that WNY doesn’t have problem with appropriations inside CAP and that CAP goes on for two more years and that we can’t raise taxes to cover excess spending such as police salaries, etc. if it goes over what is allowed.

May 28, 2014  
*Special Meeting*

**Notice**  
**Ordinance #5/14**

**RE: MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on May 28, 2014 and ordered published, and will be further considered before final passage at a public hearing on June 18, 2014 at 12:00 p.m. at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

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

**RESOLUTION**  
**RE: Introduction of Municipal Budget 2014**

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Calendar Year 2014; and

BE IT RESOLVED, that said Budget be published in the Jersey Journal in the issue of June 06, 2014; and

The Governing Body of the Town of West New York does hereby approve the following as the Budget for the year 2014:

**Recorded Vote:**

	Com. Frias		
	Com. Rodriguez	ABSTAINED:	Comm. Wiley
AYES:	Com. Vargas	ABSENT:	NONE
	Mayor Roque	NAYS:	NONE

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Board of Commissioners of the Town of West New York, County of Hudson on May 28, 2014.

A Hearing on the Budget and Tax Resolution will be held at the Municipal Building, on June 26, 2014 at 6:00 o'clock (p.m.) at which time and place objections to said Budget and Tax Resolution for the Calendar year 2014 may be presented by taxpayers or other interested persons.

It was regularly moved by Comm. Frias, seconded by Mayor Roque, to adopt to foregoing Resolution, was carried by the following vote:

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

**(See Introduced Budget attached hereto)**

May 28, 2014  
*Special Meeting*

**RESOLUTION**  
**RE: APPROVE INTERDEPARTMENTAL**  
**COOPERATION FOR COMPLIANCE WITH TOWN BUDGET**

WHEREAS, the Mayor and Commissioners of the Town of West New York want to establish a fiscally responsible and viable budget for the Town of West New York; and

WHEREAS, the Mayor and Commissioners have determined that it is necessary to implement strict purchasing practices and to seek interdepartmental cooperation and consultation to help control expenses; and

WHEREAS, the Town of West New York seeks to control spending and to run an efficient and responsible municipality that stays within the budget established; and

WHEREAS, in the Commission form of government there are five commissioners which control the various departments within the Town and each department must work with the other departments to create an efficient and effective municipal government; and

WHEREAS, the Mayor and Commissioners have determined to establish an interdepartmental group consisting of the following persons which shall meet weekly or as needed to review all expenditure and activities within the departments:

- 1) Town Administrator
- 2) Representatives of All department Directors
- 3) Chief Financial Officer
- 4) Town attorney or his representative

NOW THEREFORE BE IT RESOLVED as follows;

- A) There is hereby created an interdepartmental group consisting of the following persons;
  - 1) Town Administrator
  - 2) Representatives of All Department Directors
  - 3) Chief Financial Officer
  - 4) Town Attorney or his representative
- B) This group shall meet once a week initially or as needed, to coordinate the expenses of the departments in order to comply with the budget constraints set by the Town.

BE IT FURTHER RESOLVED, that the Business Administrator shall be responsible for setting up this group and the meetings to implement the interdepartmental cooperation.

It was regularly moved by Comm. Frias, seconded by Mayor Roque, to adopt to foregoing Resolution (with below amendments), was carried by the following vote:

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

**Note: Prior to vote, Mr. Scarinci advised that he wished Resolution amended to reflect technical amendments as follows: #1 should read: Town Administrator; #2 should read: representatives of all department directors; #4 should read: Town attorney or his representative. Town Clerk Riccio read aloud the amendments to assure accuracy. Mr. Scarinci approved. Vote was taken to adopt resolution with aforesaid amendments.**

May 28, 2014  
*Special Meeting*

**RESOLUTION**  
**RE: TO APPROVE HIRING FREEZE**

WHEREAS, the Mayor and Commissioners of the Town of West New York want to establish a fiscally responsible and viable budget for the Town of West New York; and

WHEREAS, the Mayor and Commissioners have determined that property taxes need to be stabilized and a fiscally responsible budget established for the Town; and

WHEREAS, the Town of West New York seeks to control spending and to run an efficient and responsible municipality that stays within the budget established; and

WHEREAS, a significant portion of the Town's budget is the salary and benefits of the Town employees; and

WHEREAS, the Mayor and Commissioners have explored all possible avenues for controlling expenses and have determined that an immediate hiring freeze is a necessary action for controlling expenses for the Town.

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

- 1) The Town shall impose an immediate hiring freeze for all Town employees.
- 2) The hiring freeze shall extend until December 31, 2014 and the Mayor and Commissioners shall review the hiring freeze at that time to determine if it shall be continued.
- 3) Essential personnel, employees required by statute or Town ordinance and positions already funded in the Municipal budget Calendar Year 2014, introduced on May 28, 2014, are excluded from this resolution.

It was regularly moved by Mayor Roque, seconded by Comm. Frias, to adopt to foregoing Resolution, was carried by the following vote:

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

**Note:** Town Clerk Riccie read the entire Resolution aloud. Prior to vote, Comm. Wiley announced that he is voting "Yes" as he is short on personnel in his department but additional hires are already provided for in the budget and that is why he is one of the exceptions.

**RESOLUTION**  
**RE: PURCHASING PROCEDURES AND PRACTISES AND**  
**AUTHORIZING TOWN CLERK TO ADVERTISE TO RECEIVE RFP'S**  
**FOR A PROFESSIONAL SERVICES CONTRACT FOR FINANCE AND**  
**PURCHASING CONSULTANT ON FRIDAY JUNE 13, 2014 AT 10AM IN**  
**THE TOWN CLERK'S OFFICE**

WHEREAS, the Mayor and Commissioners of the Town of West New York have identified a need for a structured and efficient purchasing system for all departments; and

WHEREAS, the Mayor and Commissioners have determined that there is a need to retain the services of a purchasing consultant to help the Town and all of the departments to formalize the purchasing process so that they can run an efficient Town and stay within the budgetary constraints established; and

**May 28, 2014**  
***Special Meeting***

**Resolution (Cont.):**

WHEREAS, the Town of West New York seeks to control spending and to run an efficient and responsible municipality that stays within the budget established; and

WHEREAS, with the help and guidance of a purchasing consultant the Town can finalize, implement and disseminate to the Town officials and employees a comprehensive system for purchasing goods and services for the Town in order to stay within the budget established for the Town.

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

- 1) The Town shall authorize the acceptance of proposals for a finance and purchasing consultant on June 13, 2014 at 10 a.m. in the Town Clerk's Office.
- 2) The Town shall draft, implement and disseminate effective and comprehensive purchasing practices and procedures once they are finalized with the help and guidance of the purchasing financial consultant.

It was regularly moved by Comm. Frias, seconded by Mayor Roque, to adopt to foregoing Resolution, was carried by the following vote:

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

**Note: Town Clerk Riccio read the entire Resolution aloud. Prior to vote, Comm. Wiley commented that the Town has a Q.P.A. (Qualified Purchasing Agent) and why does it need a Finance and Purchasing Consultant? Town Administrator DeMarco explained that the consultant will assist CFO and offer suggestions to do audit and offer recommendations. Comm. Wiley commented that the Q.P.A. takes classes and this position is not necessary. Mr. DeMarco advised that this will be a "specialist from outside" and that "No man is a profit in its own house". Comm. Wiley inquired as to how much this person will be paid to which Mr. DeMarco replied "Don't know yet. First step is to advertise to receive RFPs." CFO Cherone commented that "It will only enhance what we do currently to standardize procedures. It will enhance internal controls. We can control spending." Mr. Scarinci commented that "This package of resolutions will fundamentally change and modernize the way WNY functions financially and changes practices which have gone on for over a decade." He explained that it will be a professional from outside who will make recommendations to make changes that are fundamental and WNY will then be prepared for the 21<sup>st</sup> century.**

Motion was made by Comm. Frias, seconded by Comm. Vargas to **open the public portion of the meeting at 7:42 p.m.**, was carried by the following vote:

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

**May 28, 2014**  
***Special Meeting***

**Public Portion:**

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

Ms. Kellerman complained that “sidewalks are ripped up and it is difficult to get around” and that she must walk in the street or between parked cars. She inquired as to when the work will be completed. Mayor Roque apologized for “chaos” but explained that the sidewalks were not handicapped accessible and she should have patience. Mr. DeMarco advised that entire project will be done by end of July. She inquired as to whether the police will inform the public of street closings to which Mr. DeMarco replied “yes”. She expressed her concerns about safety of school children crossing the streets.

**2. Humberto Ortega, 6040 Blvd. East, WNY:**

He echoed comments made by Ms. Kellerman. He suggested barriers be placed and that this is no way to run a project. Mayor advised Mr. DeMarco to advise the project manager of same. Mr. Ortega inquired about the qualifications needed for Finance and Purchasing Consultant. Mr. Scarinci explained that we are looking for a consultant who knows both procedures and guidelines; someone or entity qualified to evaluate all practices and update and bring in line with current state guidelines. Mr. Ortega replied “What criteria will be used?” Mr. Scarinci explained RFP process and that there are consultants who perform these services. Mr. Ortega inquired as to whether the public can review the RFP results prior to award to which Mr. Scarinci replied “Everything is Opra-able. We are following best practices procedures; scoring sheets and review committee.” Mr. Ortega inquired as to whether he can review RFP proposal prior to receipt of proposals to which Mr. DeMarco advised that RFP proposal will be posted on town’s website. He further advised that the committee consists of Comm. Frias, the QPA and Town Administrator. He commented about the state approved scoring sheets, analysis of proposals received, recommendation by review committee and then Commissioners vote. At that point, Mr. Ortega can request copies of proposals which were submitted. Mr. Scarinci added that it will be advertised and that if he is aware of anyone, he can point them to our website so that the Town receives as many proposals as possible for evaluation. Mr. Scarinci also explained RFP process but Mr. Ortega didn’t seem to accept his response. Mayor advised Mr. Ortega that he has exceeded his time to speak. Mr. Ortega inquired what will happen if public doesn’t agree with qualifications to which Mr. Scarinci explained that he may express his opinion after vote is taken to award.

**Note: At 7:50 p.m., Comm. Wiley briefly left the meeting but returned at 7:58 p.m.**

**3. Patrick Cullen, 72 – 67<sup>th</sup> Street, WNY:**

Mr. Cullen pointed out the Comm. Wiley left the meeting and was not present to hear his comments. He again discussed waterfront abatement and agreed with Comm. Wiley’s previous comments. He commented that former Mayor Vega was forced to raise taxes due to what he inherited from former Mayor Sires. He also inquired as to whether various boards have “oversight”. He commented that Jorge Dones was hired to oversee various boards. He complained that there have been alleged violations of Land Use law by Planning Board. Mr. Scarinci advised that it will be resolved by next regular meeting and that it was raised at the last meeting. Mr. Cullen commented that the Capodaglia project is coming up soon before the Zoning Board and that Mr. Capodaglia appears in a Hudson County TV video with Mayor Roque, Rolando Cribeiro, etc. regarding a Super Pac and that Super Pac doesn’t have to divulge from whom it receives funds. He inquired of Mayor Roque “Is Capodaglia contributing to you?” Mayor Roque replied “This is not city business. I went as a speaker and have not received any money from any Super Pac.” Mr. Cullen referred to application of 7 Eleven, which will be on Planning Board agenda in June. He commented that Comm. Frias is a member of the Planning Board and that he will not take back what he previously said i.e. that she is on the County Payroll and should remove herself from vote as it is a conflict. Mayor Roque commented that he had made a promise to the people that he would not take a salary as Mayor as taxes were high and that he has upheld his promise. Comm. Frias stated “Help me understand your question.” She referred to her new position, which is to assist the Hispanic community, and inquired as to whether that is what he means by a conflict with her serving on the Planning Board.

**May 28, 2014**  
***Special Meeting***

**Public Portion (cont.):**

She urged him to review all of her votes on Planning Board and that there has been no influence. Mr. Cullen referred to the “major shakeup at Parking Authority” and that Richard Rivera was fired and that Comm. Frias “is part of that”. He stated “You, Comm. Vargas and Comm. Rodriguez are beholden to the Mayor as to how to vote. Comm. Wiley has no family members on payroll. You three violate state ethics act.”

**4. Depak Bajaj, 75 – 68<sup>th</sup> Street, Guttenberg:**

He referred to parking lot located on 67<sup>th</sup> Street and Park Avenue and wanted a guarantee that there will be no vibration generated from construction and the foundation of his home will be affected. Mayor advised that there is no construction yet. Mr. DeMarco advised that an application has been filed with the Zoning Board for that project and that Mr. Bajaj should voice his concerns to the Zoning Board members. Mr. DeMarco further advised that he is unaware of the scheduled date of hearing and recommended that Mr. Bajaj contact the Zoning Board secretary.

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

Mr. Barquin referred to yearly Audit Report and commented that there have been “many breaches in purchasing department” at the beginning of this Administration’s term. He further commented that the cost of Audit is \$140,000 and breaches were never corrected by this Administration. He referred to former Mayor Vega’s request in 2010 to have State Comptroller take over Town’s finances and correct improper procedures in Purchasing Dept., Building Dept., etc. He complained that the Town now is deciding to hire a Finance and Purchasing Consultant for the same issues when the current QPA has been licensed for many years. He complained that more taxpayers’ money is being spent for same issues. Comm. Frias advised that she took the liberty of taking the Audit Report and reviewed each breach, called the CFO and Town Administrator and worked on each issue one at a time. She indicated that the current Audit Report should reflect “significant changes” from the past report for 2012-2013. CFO Cherone advised that when she started working for WNY in 2012, she asked for different corrective actions but that redundancies and same mistakes and lack of supervision continued. She further advised that the QPA is involved with many internal controls and that every purchase requires a requisition. She further advised that the Town needs a “uniform written policy and procedures to enhance Statutes and to educate all employees”. Mr. Barquin thanked her for the explanation. Mayor Roque advised him that his time to speak has expired.

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

He inquired about Minutes for January 15, 2014 Commission Meeting. Mr. Scarinci replied “You raised the same question last week and you will have an answer by the next regular meeting in two weeks. We will talk about it then.” Mr. Scheurle referred to Hiring Freeze Resolution and commented that the Town has had that many times but people are still being hired. He stated “Residency Ordinance has been forgotten”. He complained that people are being hired, who do not reside in WNY and stated “Your hiring freeze is a bunch of bull”.

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

Ms. Puerto referred to Veterans Park on 60<sup>th</sup> & Blvd. East. Mr. DeMarco commented that Veterans Park and Donnelly Park blend together. She was referring to the park where there is an issue with the retaining wall and inquired as to what is being proposed for that area. Mr. DeMarco advised that an amphitheater is being proposed but is not yet included in plan. She commented about possible concerts being held in that area. Mr. DeMarco advised that it is still under review and construction will be to the upper and lower walkways to stop expansion and to increase park space.

**8. Israel Batista, 332 – 61<sup>st</sup> Street, WNY:**

Mr. Batista complained about traffic light posts at 61<sup>st</sup> Street between Palisade & Monroe and Palisade & Tyler are not working. He advised that he works for Newark Airport even though many people think he works for the Town of WNY and that is why they complain to him.

**May 28, 2014**  
***Special Meeting***

**Public Portion (cont.):**

**9. Lara Hicks, 6701 Blvd. East, WNY:**

Ms. Hicks stated "I am not anti-development but responsible development". She referred to development in Weehawken and Hoboken and inquired whether there could be a park placed on the pier. Comm. Frias indicated that it is being looked into as it would add value to the Town.

Motion was made by Comm. Frias, seconded by Mayor Roque to **close the public portion of the meeting at 8:40 p.m.**, was carried by the following vote:

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

Motion was made by Comm. Frias, seconded by Comm. Vargas to **adjourn the meeting at 8:40 p.m.**, was carried by the following vote:

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

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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