

June 26, 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 Thursday, June 16, 2014 at 6:00 p.m. (No Work Session) in the Court Chambers, Municipal Building, 428 – 60th Street, West New York, New Jersey, for the purpose of considering the following business:

1. Resolution – Re: To amend 2014 Municipal Budget
2. Resolution – Re: Hearing and Adoption of Municipal Budget Calendar Year 2014 with amendments
3. Introduction of Ordinance #9/14 An Ordinance amending Chapter 69 Section 36 of the Code of the Town of West New York regarding the term of the Deputy Town Clerk
4. Resolution – Re: Resolution to authorize shared services agreement with Secaucus for health officer services
5. Resolution – Re: Resolution to authorize shared services agreement with Guttenberg for health officer services
6. Resolution – Re: Resolution to authorize shared services agreement with North Bergen for health officer services
7. Resolution – Re: Resolution to authorize shared services agreement with Weehawken for health officer services
8. Resolution – Re: Resolution to authorize shared services agreements with the West New York Board of Education for various services
9. Resolution – Re: Resolution to authorize shared services agreement with Bayonne for health officer services
10. Resolution – Re: Resolution to authorize shared services agreement with Harrison for health officer services

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,

Meeting commenced at 6:06 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: Thursday, June 26, 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.

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Note: Town Clerk Riccie announced that the Budget hearing would take place first.

Motion was made by Comm. Frias, seconded by Comm. Vargas, **to open the hearing on the Municipal Budget Calendar Year 2014**, was carried by the following vote:

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

The following persons wished to be heard:

1. Comm. Wiley:

Comm. Wiley inquired as to whether the Signal Bureau is in his budget; CFO Cherone advised that it is not.

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

Mr. Cullen addressed his questions to Corporation Counsel Donald Scarinci. He stated “Do you have answers for me?” Mr. Scarinci advised him that this portion of meeting is for the hearing on the budget and that he would address his other questions during the Public Portion of the meeting. Mr. Cullen inquired about percentage of tax and Pilot revenue and if it is put into the budget. CFO asked whether his question is “How much of the Town tax revenue is dedicated to pay debt service?” and Mr. Cullen confirmed that it is “part” of his question. CFO Cherone explained shared agreements and that it is not dedicated to general revenues and that nothing is dedicated from revenues to pay off debt service. Mr. Cullen inquired “Where is it coming from then?” CFO Cherone explained that general capital revenue is generated from bond sales and note sales. Discussion ensued about her explanation and Mr. Cullen stated “You are borrowing from Peter to pay Paul”. CFO disagreed and stated “No, it is a revenue”. She explained that she is following state statutes and that it is not a dedicated revenue and that there are other dedicated revenues but this is not one. Mayor advised Mr. Cullen that he has limited time to speak. Mr. Cullen complained that the Mayor was not allowing him more time to speak and that he (Mayor) was prohibiting the CFO from answering his questions regarding the budget.

3. Comm. Wiley:

Comm. Wiley expressed his concern about the safety of town employees and conditions existing in the municipal building. He referred to recent inspection approx. 1 month ago by a State representative and by Safety Delegate Damarys Gonzalez about conditions that exist and which he has not been permitted to address. He inquired “What money do I have for town hall improvements?” He referred to previous budgets and advised that \$100,000 was allocated in 2014 and 2015 and that \$50,000 was allocated for 2016 for a total of \$250,000 and wanted to know what repairs he can do this year. He complained that the numbers in the budget do not match the figures he was given. He pointed to peeling paint on walls in court chambers, mold issues in Mayor’s office, etc. CFO Cherone explained that the safety inspection that was conducted is a result of a change in self-insurance joint fund which took place at beginning of this year wherein there was a change in the administration and overview process and that is the reason for the “intense inspection process”. She commented “We will incorporate that with other work that needs to be done.” CFO also advised that the Capital Bond which will be adopted at the next regular meeting will provide money to spend on repairs, etc. but that everything cannot be completed in 1 yr. Mr. DeMarco joined conversation and advised that there is possibly money from prior Capital Bond Ordinances which are available to fix some of these problems. Comm. Wiley commented about water seepage on second floor which must be corrected and referred to several e-mails he sent to Sheri Siegelbaum regarding quotes he received. He commented that “It is my responsibility to take care of these things”. He inquired as to why nothing is being done. He again expressed his concerns for employee safety. He pointed out past problems at Hudson Hall and in police locker room. Mr. DeMarco explained that funds were expended from prior Bond Ordinance to reseal town hall roof, patch leaks in Mayor’s Office, roof repair near Tax Office, etc.

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Budget Hearing (Cont.):

He commented that the leakage in Fire Prevention Office requires “pointing” on outside of building. He further advised that sheetrock replacement will be covered by new bond ordinance which is to be adopted next month. Discussion ensued regarding purposes for which the new Bond Ordinance money will be used. Comm. Wiley disagreed with Mr. DeMarco as to where and how the money is being spent. Mr. DeMarco pointed out that the new pickup truck and green machine in Comm. Wiley’s department were purchased through bond monies and explained that capital projects are different process. Comm. Wiley replied “Why don’t I get the money I need to make repairs, etc.? Repairs are not being done and health and safety of employees are at risk.” He complained that his department had been removed from him and returned in bad condition. He reiterated that he doesn’t understand where and how the bond money is being spent and that the money set aside for purchase of a sweeper has been reduced. He stated “It has been 3 yrs. and nothing is being done”. He advised that he had spoken to QPA over 3 months ago and provided 3 quotes to her but that nothing is getting done as she is very often not at work. He stated “Who is running the show? I am not getting anything done.”

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

Mr. Barquin inquired about total amount of “Long term debt”. CFO Cherone advised that it is approx. \$7 million which includes interest but no principal and suggested that he review sheet 27 of Budget. She said \$6,915,160.00 is current amount we are paying for this year. Mr. Barquin replied that total debt is \$46 or \$47 million; CFO advised that it is approx. \$33 million “net debt”.

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

Mayor recommended that Mr. Cullen “pace yourself and talk slowly”. Mr. Cullen inquired of Mr. Scarinci, “Do you have my figures for me?” CFO Cherone also referred him to sheet 27 of Budget and stated “That is the amount we are paying this year”. Mr. Demarco handed him sheet 27. Mr. Cullen stated “Hope we don’t saddle future generations with debt.”

Motion was made by Mayor Roque, seconded by Comm. Vargas, **to close the hearing on the Municipal Budget Calendar Year 2014**, was carried by the following vote:

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

Consent Agenda

It was regularly moved by Mayor Roque, seconded by Commissioner Wiley that the following Consent Agenda Items Nos. R-1 through R-7 be adopted, 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 titles of all Resolutions aloud.

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Consent Agenda (cont.):

RESOLUTION
Authorizing Shared Services Agreements with the
West New York Board of Education for Various Services

Whereas, the Town of West New York (“Town”) and the West New York Board of Education (“Board”) share various services which is beneficial economically and efficient for both entities; and

Whereas, the Town and Board have agreed to share maintenance and preparation of a recreation area, police officers for school security, use of Town recreational facilities, refuse removal, fuel, use of Board facilities for the Recreation Department, use of the Bus Garage, use of school buses for transportation, and use of the Board Black Board Connect System for 2014-2015, and

Whereas, the West New York Board of Education has approved of these shared services agreements for 2014-2015; and

Whereas, N.J.S.A. 40A:65-1 et. seq. allows the Town and the Board to enter into shared services agreements.

NOW THEREFORE BE IT RESOLVED, that the Town of West New York does hereby agree to enter into the shared services agreement with the West New York Board of Education for the following and the Board agrees to reimburse the Town for these services in the amounts stated;

- 1) Maintenance and Preparation of Recreational Area-\$64,100.00
- 2) Reimbursement of the Costs of Police Officers for the Purposes of School Security-\$515,568.00
- 3) Use of Town Recreational Facilities-\$627,584.00
- 4) Refuse Removal from Board Facilities-\$195,416.00
- 5) Use of the Board of Education Facilities for the Recreation Department-\$1
- 6) Use of the Bus Garage Juvenile Division-\$1
- 7) Use of the School Bus for Transportation-\$1
- 8) Use of the West New York Black Board Connect System-\$1
- 9) Reimbursement for Costs of fuel-\$100,000.00

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

- 1) The Mayor and Town Clerk are hereby authorized to execute shared service agreements as set forth above in items one through nine for a total amount of \$1,502,672.00.
- 2) A copy of this resolution and the shared services agreements listed above shall be provided to the Board of Education and the Division of Local Government Services.

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Consent Agenda (cont.):

RESOLUTION

RE: Authorizing a shared services agreement with Secaucus for Health Officer Services

WHEREAS, the state of New Jersey requires each municipality to maintain a health department; and

WHEREAS, the Town of Secaucus does not employ a licensed Health Officer; and

WHEREAS, the Town of West New York has offered to enter into a shared services agreement to share the services of their Health Officer, Vincent Rivelli; and

WHEREAS, the Town of Secaucus has offered to compensate the Town of West New York in connection with the agreement; and

WHEREAS, it is in the best interest of the Town of West New York and the Town of Secaucus to enter into the agreement for the calendar year 2014; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. allows the municipalities to enter into a shared services agreement.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York that the Mayor is authorized to execute a shared services agreement with the Town of Secaucus for the services of the Health Officer for an amount not to exceed Twenty Thousand Dollars and No Cents (\$20,000.00).

RESOLUTION

RE: Authorizing a shared services agreement with Guttenberg for Health Officer Services

WHEREAS, the state of New Jersey requires each municipality to maintain a health department; and

WHEREAS, the Town of Guttenberg does not employ a licensed Health Officer; and

WHEREAS, the Town of West New York has offered to enter into a shared services agreement to share the services of their Health Officer, Vincent Rivelli; and

WHEREAS, the Town of Guttenberg has offered to compensate the Town of West New York in connection with the agreement; and

WHEREAS, it is in the best interest of the Town of West New York and the Town of Guttenberg to enter into the agreement for the calendar year 2014; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. allows the municipalities to enter into a shared services agreement.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York that the Mayor is authorized to execute a shared services agreement with the Town of Guttenberg for the services of the Health Officer for an amount not to exceed Fifteen Thousand Dollars and No Cents (\$15,000.00).

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Consent Agenda (cont.):

RESOLUTION

RE: Authorizing a shared services agreement with North Bergen for Health Officer Services

WHEREAS, the state of New Jersey requires each municipality to maintain a health department; and

WHEREAS, the Township of North Bergen does not employ a licensed Health Officer; and

WHEREAS, the Town of West New York has offered to enter into a shared services agreement to share the services of their Health Officer, Vincent Rivelli; and

WHEREAS, the Township of North Bergen has offered to compensate the Town of West New York in connection with the agreement; and

WHEREAS, it is in the best interest of the Town of West New York and the Township of North Bergen to enter into the agreement for the calendar year 2014; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. allows the municipalities to enter into a shared services agreement.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York that the Mayor is authorized to execute a shared services agreement with the Township of North Bergen for the services of the Health Officer for an amount not to exceed Thirty Five Thousand Dollars and No Cents (\$35,000.00).

RESOLUTION

RE: Authorizing a shared services agreement with Weehawken for Health Officer Services

WHEREAS, the state of New Jersey requires each municipality to maintain a health department; and

WHEREAS, the Town of Weehawken does not employ a licensed Health Officer; and

WHEREAS, the Town of West New York has offered to enter into a shared services agreement to share the services of their Health Officer, Vincent Rivelli; and

WHEREAS, the Town of Weehawken has offered to compensate the Town of West New York in connection with the agreement; and

WHEREAS, it is in the best interest of the Town of West New York and the Town of Weehawken to enter into the agreement for the calendar year 2014; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. allows the municipalities to enter into a shared services agreement.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York that the Mayor is authorized to execute a shared services agreement with the Town of Weehawken for the services of the Health Officer for an amount not to exceed Fifteen Thousand Dollars and No Cents (\$15,000.00).

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Consent Agenda (cont.):

RESOLUTION

RE: Authorizing a shared services agreement with Bayonne for Health Officer Services

WHEREAS, the state of New Jersey requires each municipality to maintain a health department; and

WHEREAS, the City of Bayonne does not employ a licensed Health Officer; and

WHEREAS, the Town of West New York has offered to enter into a shared services agreement to share the services of their Health Officer, Vincent Rivelli; and

WHEREAS, the City of Bayonne has offered to compensate the Town of West New York in connection with the agreement; and

WHEREAS, it is in the best interest of the Town of West New York and the City of Bayonne to enter into the agreement for the calendar year 2014; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. allows the municipalities to enter into a shared services agreement.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York that the Mayor is authorized to execute a shared services agreement with the City of Bayonne for the services of the Health Officer for an amount not to exceed Thirty Five Thousand Dollars and No Cents (\$35,000.00).

RESOLUTION

RE: Authorizing a shared services agreement with Harrison for Health Officer Services

WHEREAS, the state of New Jersey requires each municipality to maintain a health department; and

WHEREAS, the Town of Harrison does not employ a licensed Health Officer; and

WHEREAS, the Town of West New York has offered to enter into a shared services agreement to share the services of their Health Officer, Vincent Rivelli; and

WHEREAS, the Town of Harrison has offered to compensate the Town of West New York in connection with the agreement; and

WHEREAS, it is in the best interest of the Town of West New York and the Town of Harrison to enter into the agreement for the calendar year 2014; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. allows the municipalities to enter into a shared services agreement.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York that the Mayor is authorized to execute a shared services agreement with the Town of Harrison for the services of the Health Officer for an amount not to exceed Thirty Five Thousand Dollars and No Cents (\$35,000.00).

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ORDINANCE #9/14

An Ordinance Amending Chapter 69 Section 36 of the Code of the Town of West New York regarding the term of the Deputy Town Clerk

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

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

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

Notice
Ordinance #9/14

An Ordinance Amending Chapter 69 Section 36 of the Code of the Town of West New York regarding the term of the Deputy Town clerk

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 June 26, 2014 and ordered published, and will be further considered before final passage at a public hearing on July 16, 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 Riccie read the foregoing aloud.

Motion was made by Mayor Roque, seconded by Comm. Vargas to **open the public portion of the meeting at 6:33 p.m.**, was carried by the following vote:

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

Public Portion:

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

Mr. Borrell thanked Comm. Vargas for resolving a matter previously mentioned by Mr. Borrell in a past meeting. Mr. Borrell commented that he had heard that Mr. DeMarco was served with paperwork this morning by the FBI and inquired as to whether he is a "target". Corporation Counsel Scarinci commented that it is an ongoing investigation and cannot comment at this time but advised that Mr. DeMarco is not a "target". Mr. Borrell commented about recent indictment of Mr. Coca and that Mayor had attended his birthday party. Mr. Scarinci advised that this has nothing to do with city business. Mr. Borrell disagreed and stated "Yes it does. He is the Mayor." Mr. Scarinci advised that Mr. Coca has been indicted, that it is an ongoing investigation and the town is cooperating fully and is providing whatever is required. Mr. Borrell inquired as to whether Mr. Scarinci had attended the Super Pac fundraiser to which Mr. Scarinci replied "State your question. This forum is for city business." Mayor advised Mr. Borrell that his time to speak had expired. Mr. Borrell inquired "How much have they donated to your campaign? Mr. Scarinci advised him that this is not city business.

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Public Portion (cont.):

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

Mr. Cullen inquired of Mr. Scarinci “Do you have my answers?” Mr. Scarinci replied “Yes I do.” He explained that Mr. Cullen had forwarded him correspondence regarding the legality of an appointment to Planning Board made at the last meeting, which was a town employee who was not a resident of the town. Mr. Scarinci advised that the appointment is valid. Mr. Scarinci further advised Mr. Cullen that with reference to his inquiry regarding a conflict with Comm. Vargas voting on the appointment of said employee that no conflict exists as the statute contemplates that a city employee will hold that class membership. He further advised that regarding residency requirement, it has nothing to do with the Planning Board appointment but deals with residency at the time of his employment. Mr. Scarinci further advised that residency ordinances have been deemed to be invalid and that he is still looking into the matter and doesn’t have an answer for Mr. Cullen tonight but will have one by the next meeting. Mr. Cullen referred to questions he asked at previous commission meeting which he had presented to town clerk. Mr. DeMarco handed him a copy of the budget. Mr. Cullen commented about Comm. Frias recusing herself from voting on the appointment of Sior Mirabal to Planning Board at a prior meeting. Discussion ensued between Comm. Frias and Mr. Cullen as to why she recused herself. Comm. Frias explained that Ms. Mirabal worked for the town during the summer and disagreed with Mr. Cullen as to why he claimed she (Comm. Frias) recused herself. Mr. Cullen commented about wall, which fell down on Seven Eleven site, which was issued by Manny Fernandez and that Comm. Vargas was “covering up” by having Mr. Hepperle investigate the matter. He commented about Pay to Play requirements. Comm. Wiley joined conversation and commented about Comm. Vargas owning property that hasn’t been built and that Mr. Hepperle is his employee and now a member of the Planning Board and that it would be a conflict for Comm. Vargas. He commented that another employee should be appointed instead of Mr. Hepperle.

3. Ron Scheurle, 6119 Tyler Place, WNY:

Prior to Mr. Scheurle speaking, Mr. Scarinci advised him that he was ready to answer questions previously asked by Mr. Scheurle. With reference to Eagle Recycling lawsuit, Mr. Scarinci handed Mr. Scheurle paperwork filed 1/31/14 for summary judgment dismissing the case. With reference to status of labor negotiations, on 4/30/14 one of his attorneys met with the union and could not come to terms so union has filed “impasse with PERC” and we are awaiting PERC’s decision. Mr. Scheurle complained that the municipal employees have not had a contract for 4 yrs. and that they are being subjected to harassment by having to pay “huge medical increases”. He commented that the police and teachers unions have contracts but not the municipal employees and that “this Administration is anti-union and trying to hurt these people”. Mr. Scheurle referred to town’s residency ordinance and commented that he would rather have WNY resident appointed and employed as there are too many “out of towners and not enough residents” being hired.

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

Mr. Alvarez referred to budget and commented that the garbage contract allocation is \$600,000 higher than last year and wanted to know why. CFO Cherone explained that expenses were raised, contract expired and that we are in process of bidding so the town had to accommodate for potential increases.

5. Angel Barquin, 432 – 58th Street, WNY

Mr. Barquin commented that there is a problem with “dog feces” throughout town and wanted to know what is being done about this problem. He commented that an additional Health Official and 2 additional employees have been hired but that nothing is being done. Mayor Roque responded that as a doctor, he too is concerned about contamination from animal waste and that even though summonses are being issued; it is a matter of educating the public. Mr. Barquin inquired about Ms. Gina Diaz’s appointment and duties. Mayor Roque explained that she does numerous things in addition to dog feces issue. Mr. Barquin inquired as to whether the position was created for her to which the Mayor replied “No, there are many shared services agreements”. The Mayor asked Mr. Santini (Animal

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Public Portion (cont.):

Control Officer) who was in attendance to explain the summons process, etc. Mr. Santini explained that numerous warnings and summonses have been issued but that person has to be “caught in the act” before a summons can be issued. Mr. Barquin inquired as to how many people have been fined in the past month. Mr. Santini responded “10. It is not easy.” Comm. Frias joined conversation by advising that the town has placed plastic bags in green bins in numerous locations, which costs a lot of money, and that other steps have been taken. Mr. Barquin agreed that education and cooperation are necessary.

Motion was made by Mayor Roque, seconded by Commissioner Rodriguez to **close the public portion of the meeting at 6:55 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 Mayor Roque to **adjourn the meeting at 6:55 p.m.**, was carried by the following vote:

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

Commissioner FiorD’Aliza Frias

Commissioner Caridad Rodriguez

Commissioner Ruben Vargas

Commissioner Count J. Wiley

Mayor Felix E. Roque
Board of Commissioners

Attest: _____
Carmela Riccio, RMC
Town Clerk