

July 2, 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, July 2nd, 2014 at 8:00 a.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: Authorizing Emergency Temporary Appropriation for the year 2014

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 (arrived at 8:15 a.m.) and Mayor Roque

Absent: None

Also Present: Town Administrator Joseph De Marco, Corporation Counsel Donald Scarinci
CFO Margaret Cherone, Adelinn Plaza representative for Town Clerk's Office

Meeting commenced at 8:05 a.m.

Town Administrator Joseph DeMarco 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, July 2nd, 2014 at 8:00 a.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: Minutes were taken and transcribed by Adelinn Plaza. Commissioner Wiley arrived at the meeting at 8:15am after a Roll Call was performed by Town Administrator Joseph DeMarco.

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RESOLUTION
RE: RESOLUTION AUTHORIZING EMERGENCY TEMPORARY
APPROPRIATIONS FOR THE YEAR 2014

WHEREAS, an emergent condition has arisen in that the Town of West New York is expected to enter into contracts, commitments or payments prior to the adoption of the 2014 budget and no adequate provision has been made in the 2014 temporary budget for the aforesaid purposes; and

WHEREAS, N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose; and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2014 pursuant to the provision of Chapter 96, P.L. 1951 (NJSA 40A:4-20) including this resolution total \$30,761,911.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the Board of Commissioners of the Town of West New York, County of Hudson (not less than two-thirds of all members thereof affirmatively concurring), that in accordance with the provisions of N.J.S. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made in the amount of \$17,022,266.00 as follows:

Dir. of Public Affairs - S&W	16,952
Dir. of Public Affairs - O.E.	7,880
Town Clerk's Office S/W	30,349
Town Clerk's Office	300
Legal Advertising & Publicatio	5,329
Town Clerk Off - Codification	965
Elections	4,020
Elections	8,685
Board of Health S/W	114,013
Board of Health - O.E.	8,179
Prosecutor S/W	12,267
Prosecutor	1,318
Public Relations	10,454
Rent Control Board S/W	15,140
Rent Control Board	720
Town Funding Program	9,417
Housing Inspection	44

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Resolution (Cont.):

Tenant Relations	5,456
Law Department	54,250
Supervised Play Activity S/W	152,759
Supervised Play Activity	27,738
Senior Citizens S/W	22,091
Senior Citizens	6,292
Administrative Office S/W	6,796
Administrative Office	995
Personnel Department S/W	706
Personnel Department	3,003
Zoning Board	442
Planning Board S/W	8,598
Planning Board	2,744
North Hudson Regional Council	6,288
North Hudson Council of Mayors	1,800
Urban Enterprise Zone	1,287
Community Development - S & W	18,656
Community Development O.E.	16
Director of R & F - S/W	1,314
Director's Office	4,463
Treasurer's Office S/W	83,395
Treasurer's Office - Annual F	156,378
Treasurer's Office -Payroll Se	9,712
Assessment of Taxes S/W	55,036
Assessment of Taxes	3,015
Collection of Taxes S/W	42,667
Collection of Taxes	4,664
Group Insurance- Employees	2,597,661
Health Waiver	10,358

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Resolution (Cont.):

Other Insurance - Unemployment	15,467
Other Insurance - Workers Comp	100,508
Other Insurance - Liability	105,620
Purchasing Agent S/W	33,055
Purchasing Agent	5,325
Director of Public Safety -S/W	63,770
Director's Office	20,804
NHRFR	2,295,624
Police S/w	2,682,130
Police Department - O.E.	126,687
Juvenile Aid	643
Ambulance Squad S/W	160,354
Ambulance Squad	56,194
Automotive Maintenance & Repair	38,970
Director of Public Works - S/W	78,856
Director's Office DPW - O.E.	2,312
Streets & Sewers S/W	128,112
Streets & Sewers	45,033
Snow Removal	6,433
Street Lighting	105,345
Fire Hydrant Rental	36,268
Recycling	92,000
Garbage & Trash S/W	26,471
Garbage & Trash - O.E.	48,783
Garbage & Trash - Contractual	799,200
Director Pks & Pub. Prop. -S/W	7,372
Director's Office	1,447
Division of Parks S/W	222,651
Division of Parks	7,333

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Resolution (Cont.):

Celebration of Public Events	7,479
Building Department S/W	73,667
Building Department	14,067
Light & Power	89,070
Centralized Postage	10,450
Fuel	64,404
Telephone & Telegraph	33,775
Water	25,622
Sewerage	27,483
Signal Bureau	3,169
Uniform Construction Code S/W	81,565
Uniform Construction Code	8,042
Special Emergency Authorization	573,327
Contribution to Social Security	165,262
PFRS Admin Fee	404
Municipal Court S/W	129,251
Municipal Court - O.E.	12,022
Public Defender	4,440
JUDGEMENTS	8,000
Reserve for Appeals	51,792
Maint. of Free Public Library	181,232
Blood Borne Pathogens	804
Reimb. for Hlth Svces-Weehawken	2,412
Reimb. for Hlth Svcs -Secaucus	300
Reimb for Hlth Svces-Guttenberg	5,329
North Bergen	1,341
North Bergen	4,289
Reimb for Hlth Svcs-Ch 226 Non	1,955
Board of Health - Bayonne	1,341

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Resolution (Cont.):

Board of Health - Bayonne	4,289
Board of Health - Harrison	1,341
Board of Health - Harrison	4,289
LOCAL MATCH	6,181
GRANT RECEIVABLES	142,931
CAPITAL IMPROVEMENT FUND	34,762
Payment of Bond Principal	2,691,537
Interest on Bonds	690,186
Principal on Notes	40,552
Interest on Notes	25,675
Lease Payable NHRFR - Debt Ser	606,048
Green Trust Loan Program P + I	46,855
Casino Reinvestment Develop Au	15,870
School Bond Principal	110,000
Interest on School Bonds	85,074
Res for Uncollected Taxes	<u>87,008</u>
Total	<u><u>\$17,022,266</u></u>

Note: Corporation Counsel Donald Scarinci apologized to the public and Board of Commissioners for a typographical error found on the Resolution “R-1” being introduced. He further stated that the word “Appropriations” should be “Appropriation”.

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

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

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

YEAS - Commissioners Frias, Vargas, Wiley and Mayor Roque
NAYS - None
ABSENT - Commissioner Wiley (arrived at 8:15 a.m.)

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Public Portion:

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

Mr. Cullen questioned Mayor Roque as to why the 2014 data sheet does not contain the cumulative debt that the Town of West New York has. CFO Cherone explained that the budget for the Town of West New York does not contain this information and she would gladly provide it, if he wished, to which he responded “I will hold you to that, thank you”. He expressed his concerns about abated properties. (Mr. Cullen was informed of his remaining time to speak and was granted a couple more minutes to express his concerns to the Board of Commissioners.) Mr. Cullen directed his comments to Corporate Counsel Donald Scarinci regarding his and his firm’s involvement with water front development and then intertwined the subject with pilot arrangements, and compared the Town of West New York to other towns. Mr. Cullen commented that in an Ordinance adopted by the Town of West New York, the Building Department was under Commissioner Ruben Vargas and that the appointment of David Hepperle to the Planning Board was a conflict of interest due to Mr. Hepperle’s employment in Commissioner’s department. Mr. Cullen further commented that Manny Fernandez failed to sanction when an incident happened at Seven Eleven. Corporate Counsel Donald Scarinci informed Mr. Cullen that there isn’t any conflict of interest with the appointment of David Hepperle as Class II member to the Planning Board and therefore, Commissioner Vargas had a right to vote; however, David Hepperle being employed in Commissioner Vargas’s department will necessitate him to recused himself from voting at a Planning Board meeting if it pertains to issues that will affect Commissioner Vargas. Mr. Cullen then responded “I truly hope that the two lawyers here earn their salaries and work on this issue because Commissioner Ruben Vargas does not have the ethical turpitude to step up to the plate.” Mayor Roque wished him a good day to which Mr. Cullen responded “I will, thank you sir”.

2. Tony Defino, 6600 Boulevard East, WNY:

Mr. Defino asked Mayor Roque for the opportunity to address Corporate Counsel Donald Scarinci, to which request the Mayor consented. Mr. Defino stated that he honors Donald Scarinci and believes he is an esteemed attorney. Mr. Defino asked “it’s not a conflict of interest for this board to ask for appropriations from the company K. Hovnanian and in the same breathe give them a tax abatement?” Donald Scarinci expressed that he didn’t understand his question and he needed some clarification. Mr. Defino clarified “you don’t find it to be a conflict of interest that you’re asking for money from an entity that is requesting tax abatement?” Mr. Defino referenced a loan and proceeded to question Donald Scarinci “Why are you requesting appropriations in a bond; why didn’t you just ask K. Hovnanian for more money?” Mr. Defino further added “I’m against you asking private company for money to use for bonds.” Mr. Defino commented that he had not been up at the podium for a year and a half and apologized if he was being direct and expressed he was a bit nervous. Mr. Defino again reiterated and specified “Isn’t it a conflict of interest when some private entity lends you money for your Town’s budget and at that same breathe they ask you for a tax abatement and you grant it?” Mr. Scarinci began to answer and proceeded to explain to Mr. Defino about tax abatements; however, Mr. Defino interrupted Counsel and stated “It’s a simple yes or no though sir; I know where you’re going with this.” Mr. Scarinci began to speak and once again Mr. Defino stated that he asked Mr. Scarinci directly because he knew counsel wasn’t going to respond to his question. Mr. Defino further added “Here is the first question; who chose this ungodly hour for this meeting?” Mr. Scarinci clarified that this meeting was strictly for the one item on the agenda. Mr. Defino stated that he understood and requested to go

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Public Portion (cont):

back to the original question initially asked. Mr. Scarinci informed Mr. Defino that there weren't any conflicts and Mr. Defino informed Mr. Scarinci that he was "shocked". Mr. Defino also asked "why appropriate money for incidentals instead of asking K. Hovnanian for an extra million dollars?" Mr. Scarinci answered this question; however, Mr. Defino excused himself and stated that he wanted Mayor Roque to answer the question and not corporate counsel. Mayor Roque informed Mr. Defino that he didn't have any answers for him. Mr. Defino stated "I didn't think so". Mr. Patrick Cullen, from the back of the courtroom, shouted that counsel answered questions about tax abatements; however, recused himself from speaking at previous meetings but respected the answer given by Mr. Scarinci.

3. Javier Colon, 6308 Dewey Avenue, WNY:

Mr. Colon approached the podium and asked Mayor Roque if there was another part of this meeting to ask questions. Mr. Scarinci clarified that the Public Portion was the only section where constituents were allowed to ask any particular questions. Mr. Joseph DeMarco intervened and asked Mr. Colon to state his name and address for the record. Mr. Colon advised Mr. DeMarco of his name and address and added "that's all".

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

Mr. Barquin was greeted by Town Administrator Joseph DeMarco and in turn Mr. DeMarco was greeted by Mr. Barquin. Mr. Barquin commended Mr. DeMarco on his accomplishments and successes in Bayonne, New Jersey. Mr. Barquin proceeded to ask Mayor Roque for permission to ask a question pertaining to rumors regarding the FBI visiting city hall last week "Is that true?" Mayor Roque informed Mr. Barquin that rumors are rumors and that he wasn't able to confirm or deny the rumors. Mr. Barquin turned to Mr. Scarinci to ask him "if he had any answers for this?" Mr. Scarinci informed Mr. Barquin that the Town of West New York is assisting the U.S. Attorney's Office in their investigation regarding an alleged bribe that occurred involving building inspector. Mr. Scarinci also reassured Mr. Barquin that the Town is fully assisting and cooperating with the ongoing investigation and that the Town has had contact with the FBI with respect to bribery. Mr. Barquin inquired if Gilberto Garcia, Esq. was involved in the investigation to which Mr. Scarinci replied "not that I am aware of". Lastly, Mr. Barquin asked "Is the Town of West New York losing Town Administrator to Bayonne, New Jersey and is Brian O'Reilly going to be the next Town Administrator?" Mr. DeMarco replied "unless you want the job." Mr. Barquin replied "I don't have the qualifications for the position." Mr. Barquin thanked the Board of Commissioners and returned to his seat.

5. Commissioner Wiley:

Commissioner Wiley inquired about the Town of West New York's accumulated debt. CFO Margaret Cherone informed Commissioner Wiley that the Town's outstanding debt is currently \$33 Million. Commissioner Wiley referenced allocations for special emergencies authorization on page 3 of the introduced budget and asked for a better explanation of what special emergencies entail. CFO Cherone informed Commissioner Wiley "What's in the special emergencies is the portions of different emergencies that we raised from last year's budget into this one and there was a rollover of insurance." Commissioner Wiley took a couple seconds to gather his thoughts and then asked Mayor Roque about the all the studies and meetings done the previous year

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Public Portion (cont):

regarding the Town's Master Plan. The Mayor informed Commissioner Wiley that Commissioner Frias has been involved in the process and she would be able to further explain the plan. Commissioner Frias informed Commissioner Wiley that the studies have been completed and the Board has taken into consideration all of the public's comments and opinions regarding the Master Plan. Mr. Wiley wanted clarification as to who "these people were" to which Commissioner Frias answered "Planning Board Members". Each member of the Planning Board wrote down their comments and concerns and compared them to those submitted by the public. Furthermore, Commissioner Frias explained that although the plan is not finalized that part of the plan is improving Bergenline Avenue in hopes of creating a more tourist, restaurant, and retail friendly area as well as beautification of the avenue i.e. plants. One of the improvements would be enlarging the sidewalks by approximately 1 foot in order to allow restaurants to provide the public with a dining "al fresco" experience. In addition, instead of Bergenline Avenue having 4 lanes the Town will be converting back to 2 lanes. Commissioner Frias informed Commissioner Wiley that there has been three meetings and Town Administrator intervened and added that in these three meetings there has been roughly 15-20 people. At this time Mr. Scarinci interrupted Commissioner Wiley and informed him that the meeting taking place was a special meeting regarding the budget and this topic should be discussed during the next commissioners meeting on July 16, 2014. Commissioner Wiley told Mr. Scarinci "You got me here at 8:00 a.m." Mr. Demarco informed Commissioner Wiley of the process of establishing a master plan. Mr. Demarco explained that a recommendation is first made and then presented to the Planning Board and review, the Board of Commissioners would then have their meetings (3 meetings) to further discuss the plan and then would vote to adopt. Commissioner Wiley inquired about if the Town would be using Tax Payers money to carry out this Master Plan and Mr. DeMarco informed Commissioner Wiley that this was just a plan and therefore didn't require any revenue from the Town. It was further explained by Commissioner Frias that if the Plan was to be adopted then the Town would rely on grants.

It was regularly moved by Mayor Roque, seconded by Commissioner Rodriguez, to **close public portion** of the meeting at **8:30 a.m.**, was carried by the following vote:

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

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It was regularly moved by Mayor Roque, seconded by Commissioner Frias, to **adjourn** the meeting at **8:31 a.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 Riccie, RMC
Town Clerk