

**July 16, 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, July 16, 2014 at 12:00 p.m. (No Work Session):

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

Meeting commenced at 12:15 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 July 16, 2014 at 12:00 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:** Town Clerk Carmela Riccie announced that the Mayor would like a Moment of Silence for slain Jersey City Police Officer Melvin Santiago. Corporation Counsel Donald Scarinci announced that the governing body will address the entire agenda including Ordinances and intends to go into Closed Executive Session to discuss litigation. He further advised that two (2) Commissioners are needed in a conference call at 2:00 p.m. so it is necessary to recess the meeting at 2:00 p.m. and it will resume at 3:00 p.m. for the purpose of conducting the Public Portion of the meeting. He advised that anyone who has something to say at the Public Portion can return at 3:00 p.m.

**Minutes of Previous Meeting:**

It was regularly moved by Mayor Roque, seconded by Commissioner Frias, that the Minutes of Regular Meeting: 6/18/14 (Regular & Work Sessions); Special Meetings: 6/26/14 and 7/2/14 and Regular Meeting: 1/15/14 (Regular & Work Sessions) be approved as recorded, was carried by the following vote:

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

**Claims: Dated 7/16/14 (Claims are available for public inspection in the Town Clerk's Office):**

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

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

**July 16, 2014**  
**Regular Meeting**

**Receipt of Financial Reports:**

**FINANCIAL REPORTS - MONTH OF JUNE 2014**

1. From Construction Code Official Office, reporting the sum of \$67,377.00 collected for the month of June, 2014.
2. From Director Robert Antolos (Police Dept.) reporting the sum of \$14,715.85 Collected for the month of June, 2014
3. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$25,795.00 collected for Special Licenses collected for the month of June, 2014.
4. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$718.00 collected for Marriage/death certificates collected for the month of June, 2014.
5. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$129.20 Collected for Dogs Licenses collected for the month of June, 2014.
6. From (Revenue and Finance Department) reporting the sum of \$567,360.65 collected for the month of June, 2014
7. From Carmela Riccie, RMC, Town Clerk, reporting the sum of \$90.00 collected for the month of June, 2014

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

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

**Communication**

**RFP results rec'd. 6/13/14**

**Re: Finance & Purchasing Consultant (2<sup>nd</sup> occasion)**

RFP PROPOSAL FORMATION

Proposal Receipt Date: July 9, 2014

Proposal Time: 10:00 a.m.

Location for proposal: Town Clerk's Office

Proposal for: Finance & Purchasing Consultant (2<sup>nd</sup> occasion)

Personnel at Opening: Carmela Riccie and Adelinny Plaza

Remarks: Time to receive RFPS was closed at 10:05 a.m.  
Reserved decision pending review by review committee.

**NO RFP'S RECEIVED**

**Communication**

**Re: West New York Police Department report  
regarding concerns by residents in West New York**

**Note:** See documentation attached to end of these Minutes.

**July 16, 2014**  
**Regular Meeting**

**Communication**  
**Re: Town Engineer's Monthly report dated 7/11/14**

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: July 11, 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 (67<sup>th</sup> 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.
- 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 has been working on the retaining wall excavation and the retaining wall concrete foundation. They anticipate completing the retaining wall portion of the project by November 2014 and returning in the spring of 2015 to complete the park improvement work.
- 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:
    - 60<sup>th</sup> Street from Buchanan Place to Bergenline Avenue (2000'-Half Width).
    - 65<sup>th</sup> Street from Broadway Avenue to Park Avenue (675')
    - 51<sup>st</sup> Street from JFK West to Bergenline Avenue (615')
    - 66<sup>th</sup> Street from Hudson Avenue to JFK East (2060')

**July 16, 2014**  
**Regular Meeting**

**Town Engineer's report (Cont.):**

- 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 work on the project and has completed the storm drainage and handicap ramp work on the majority of the roadways, has installed the base and top course pavement on 66<sup>th</sup> and 65<sup>th</sup> and on 51<sup>st</sup>, and has completed the speed hump work.
- They anticipate finishing the remaining handicap ramp and top course paving work on 60<sup>th</sup> within the next two (2) weeks.
- 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, 2013 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.
  - 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 interior and exterior improvements and we have issued a punchlist for the project.
- Town Tax Map Revisions
  - We have completed the update of the Town's existing tax maps for a State revaluation process. We have submitted the tax maps to the State for review.
- Improvements to Washington Park
  - The Town has received a CDBG in the amount of \$400,000 for this project.
  - 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. Let It Grow has agreed to an extension of time for award of the project until July 31, 2014.
- 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 which received a grant in the amount of \$399,610.00:
    - 60<sup>th</sup> Street from JFK Blvd West to Madison Avenue (1425')
    - 51<sup>st</sup> Street from Bergenline Avenue to Broadway Avenue (1575')
    - Gaw Place from 56<sup>th</sup> Street to Southern terminus. (200')
  - NJDOT Safe Routes to School and Transportation Alternatives Program Grants: The Grant applications were due June 30, 2014. We assisted the Town Grant Coordinator with the preparation of the grant applications.

**July 16, 2014**  
***Regular Meeting***

**Note:**

**Darren Mazzei appeared on behalf of Town Engineer Rob Russo (CME Associates) and inquired as to whether any of the governing body members had questions regarding his report. Comm. Frias inquired as to when the paving will be completed to which Mr. Mazzei advised that 51<sup>st</sup>, 55<sup>th</sup> & 56<sup>th</sup> Streets are done and the remaining streets will be completed in two (2) weeks. He explained that the additional work on 51<sup>st</sup> Street will be done with no increase in cost. Comm. Frias inquired about area of Little League. Mr. Mazzei advised that speed humps were installed. Mayor Roque commented that they did a great job with handicapped ramps. Comm. Wiley commented about the Washington Park project which should have been completed in June. He inquired as to status. Mr. Mazzei advised that the \$450,000 grant from Hudson County Community Development is insufficient to complete project and that bids were received, being reviewed and C.F.O. needs to certify additional funds. Corporation Counsel Donald Scarinci commented that the award of this project is being added to this agenda and handed the resolution to Town Clerk Riccio who identified it for the record as Resolution #R-22. She in turn handed a copy to each Commissioner. Comm. Wiley briefly explained what the project entails i.e. handicapped swings, new basketball court and a half court added, soccer court with two (2) nets, etc. He advised that the plans are in his office for viewing. He further advised that he plans to renovate park next to Housing project on 50<sup>th</sup> Street similar to renovations done at Dewey Avenue Park. Mayor Roque commented that Comm. Wiley is the “innovator of the fantastic idea to name the area after Michael Stetson who died of cancer. It will be one of the few handicapped parks in the State.” Comm. Wiley added “It was a collaborative effort”.**

**July 16, 2014**  
***Regular Meeting***

**Communication**  
**Re: Letter of resignation of Silvio Acosta as Deputy Mayor**

4D.

JUL 16 2014

July 7, 2014

Mayor Dr. Felix Roque  
Municipal Building  
428 60<sup>th</sup> Street  
West New York, NJ 07093

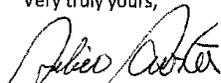
Dear Mayor Felix Roque

Pressing time commitments make it impossible for me to continue to serve as your Deputy Mayor. Unfortunately I must resign this position effective today.

It has been a pleasure to work with you in the capacity and to help move West New York forward during the first years of your administration. You have my support.

Thank you for giving me the opportunity to serve the people of this great city as your Deputy Mayor.

Very truly yours,

  
Silvio Acosta

Date 7-7-14

---

**July 16, 2014**  
**Regular Meeting**

**Public Hearing**

**Re: Application to the NJDEP's Green Acre Program for Assistance with Renovation and Improvement of Public Open Space and Recreation Facilities**

**Note:** Town Clerk Riccio announced that a Public Hearing would take place regarding the above matter. Grant Writer, Nathan Burroughs (Bruno Associates), apologized to the governing body for “late notice” and advised that there is a need to request an extension of the previous grant, which in 2010 the Town received \$900,000 for Veterans Park. He further advised that additional funds are needed for this project to defray Town’s cost. He further advised that if the scope of work had not been broadened, we would not require a resolution; however, we can request \$700,000 additional funds by letter signed by the Mayor which must be sent prior to Sept. 1st. Resolution is only needed now as scope and cost have expanded. He referred to an e-mail he received from Philip Collins from State of NJ, which he handed to Town Clerk and which is attached to end of these Minutes and advised that the State confirmed that this is not an additional financial burden for the Town and that Town does not have to bond for these funds as we already have matching funds (See attached Notes at end of these Minutes). Comm. Frias inquired whether funds have to be used for this project to which Mr. Burroughs responded “Yes, whatever we apply for. We could give a letter for additional funds or apply for a new grant with a new application and new funding source.” Mayor Roque commented “What are we waiting for?” Mr. Burroughs responded “your approval”. Comm. Frias commented that if we want to use the funds for another park, a new application is needed. Mr. Burroughs reiterated that he needs a signed letter from the Mayor prior to September 1<sup>st</sup> and that \$4.5 million is the current cost of this project as the scope expanded. Comm. Wiley inquired whether the Town can use the extra money, if received, for “outdoor workout equipment”. Mr. Burroughs replied “If approved and there is money left over and it is in the scope, yes”. (Inasmuch as there were no further questions/comments by governing body, Town Clerk Carmela Riccio opened the hearing to the public for commentary. No one wished to speak on this subject. Motion was made to close this Public Hearing.)

Motion was made by Mayor Roque, seconded by Comm. Frias, to close the Public Hearing regarding Green Acres Application, was carried by the following vote:

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

**Note:** Mr. Scarinci advised Town Clerk to remove Resolutions R-13 (Re: Authorizing temporary contracts for municipal court professional services) and R-21 (Re: Authorizing Closure of Executive Session) from the Consent Agenda list. Comm. Wiley commented about Resolution R-8 (Approval of loading zone for 567 – 52<sup>nd</sup> Street) and inquired of the Mayor as to why a realtor would need a loading zone. Mayor Roque did not know the reason and Mr. Scarinci commented that former Town Administrator DeMarco might know. Comm. Wiley recommended either rejecting this request or pulling this resolution from the agenda pending further investigation. Mr. Scarinci recommended tabling this resolution until August 20<sup>th</sup> meeting. (Vote taken to table) Comm. Wiley referred to Resolution R-12 (Appointing Brian O’Reilly as Acting Town Administrator) and commented that in the past we have had other people more qualified and experienced to perform these duties and that he doesn’t feel that Mr. O’Reilly should be appointed. He recommended not rushing into any

**July 16, 2014**  
**Regular Meeting**

appointment for Town Administrator until the right person is found and commented that Mr. O'Reilly is not qualified for this job. Mayor Roque responded "I respect your comments. We are frantically searching and have interviewed two (2) persons. This is temporary appointment and will relieve the stress on me. We need someone." Mr. Scarinci advised that Resolution R-14 (Re: Establishing search committee for Business Administrator) indicates that the committee established will report to the governing body by the August 20<sup>th</sup> meeting with recommendations and that Mr. O'Reilly agreed to be custodian in this position until full time Administrator is appointed. Comm. Wiley commented that he is concerned about any decisions that will be made by Mr. O'Reilly in the interim. Mr. Scarinci advised that he and Mayor discussed the length of temporary appointment, etc.; that he contacted the NJ League of Municipalities and obtained information as to who is available to fill this position and that there is a range of people available with the experience and talent. He further advised that the problem we are facing is that we have a May 2015 Municipal election and a Business Administrator prefers longevity that we cannot guarantee at this time so there will be some difficulty in filling the position. He stated "West New York has amazing things to offer to people from other towns, etc. West New York affords a lot...it's fun and challenging." Comm. Rodriguez commented that Mr. O'Reilly is the "middleman" not a custodian, and that he will not be making decisions on his own. Mr. Scarinci affirmed that Mr. O'Reilly has to get approval from the Commissioners and can't make his own decisions. He stated "He is a tool and reports to you". Comm. Wiley referred to Resolution R-19 (Re: Appointing a Right to Know Coordinator and Assistant Coordinator) and commented about Mr. Hepperle writing summonses for the Town. He commented that when he was Commissioner of Public Works Dept., the purpose of issuing summonses is to ensure compliance, not just for the sake of writing summonses and that there should be a warning system prior to issuance of summons. Comm. Wiley commented that Mr. Hepperle is "bragging" about issuing 1000 summonses and that it forces people to lose time and money to appear in court. He requested that Mr. Hepperle be advised to "slow down" as he is "too aggressive" and attempt to give warnings first. Comm. Vargas responded that he has already discussed this matter (issuing warnings first) with Mr. Scarinci. Comm. Wiley stated he would vote "no" on Resolution R-19 and commented "Don't we have other people to do this?" Comm. Vargas advised that Mr. Hepperle and Alex Navas will be serving in that capacity. Comm. Wiley responded that he is receiving a lot of complaints about the amount of summonses being issued. Comm. Vargas agreed. Comm. Wiley requested that Resolution #R-8 (Re: Establishing No Parking Loading Zone for Kopelman Realty, LLC at 567 – 52<sup>nd</sup> Street) not be placed on the Consent Agenda and that he intends to "abstain" on Resolution R-12 (Re: Authorizing appointment of Brian O'Reilly as Acting Administrator). Comm. Frias recommended that Resolution #R-8 be pulled or tabled and Mayor agreed. Comm. Wiley advised that he would vote "No" on Resolution R-19 (Re: Appointing Right to Know Coordinator and Assistant Coordinator).

At this point, Mr. Scarinci advised that a vote should be taken to "table" Resolution R-8 until 8/20/14 meeting.

Motion was made by Mayor Roque, seconded by Comm. Rodriguez, to "table" Resolution R-8 (Re: Establishing No Parking Loading Zone for Kopelman Realty, LLC at 567 – 52<sup>nd</sup> Street), was carried by the following vote:

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

**July 16, 2014**  
**Regular Meeting**

**Comm. Frias referred to Resolution #R-11 (Re: Authorizing Town Clerk to re-advertise to receive RFPs for “Finance and Purchasing Consultant – 3<sup>rd</sup> occasion) and inquired as to how many RFP proposals were received on 7/9/14 to which Town Clerk Riccie advised that no proposals were received and that is why we are re-advertising for the 3<sup>rd</sup> time.**

**Consent Agenda**

It was regularly moved by Mayor Roque, seconded by Commissioner Frias that the following Consent Agenda Items Nos. R-1, R-2, R-3, R-4, R-5, R-7, R-9, R-10, R-11, R-12, R-14, R-15, R-16, R-17, R-18, R-19, R-20 and R-22 (with the exclusion of R-8 which was tabled, R-13 and R-21) 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 (as referred to above) and advised that Resolution R-8 was tabled and that Resolutions R-13 and R-21 will be voted upon separately. Comm. Wiley advised that he would “abstain” on Resolution R-12 (Re: Appointment of Brian O’Reilly as Acting Administrator) and vote “no” on Resolution R-19 (Re: Appointing Right to Know Coordinator and Assistant Coordinator).**

**Resolution**

**Re: AUTHORIZATION FOR THE TOWN OF WEST NEW YORK TO CONTINUE IN THE PARTICIPATION WITH THE COUNTY OF HUDSON COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND TO CONTINUE AS A MEMBER OF THE HUDSON COUNTY URBAN COUNTY FOR THE FISCAL YEARS 2015-2017**

WHEREAS, Town West New York is an active participant within the Hudson County Community Development Block Grant ( CDBG) Program and the present Cooperation Agreement will expire on June 30<sup>th</sup>, 2015; and

WHEREAS, it is the desire of the Town of West New York to continue membership in the Hudson County Urban County for purposes of CDBG funding by entering into a new Cooperation Agreement for the fiscal years 2015-2017; and

WHEREAS, continued participation in the Hudson County Urban County automatically qualifies the municipality as a member of the Hudson County Consortium for purposes of the Home Investment Partnerships (HOME) Program and the Hudson County Emergency Solutions Grant (ESG) program; and

WHEREAS, that the above cited programs benefits the health , welfare and wellbeing of the residents of The Town of West New York;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of The Town of West New York, do hereby approve the continued participation of West New York within the Hudson County Urban County for fiscal years 2015-2017 with the option to automatically renew for three consecutive year terms upon Municipal and County Approval.

1. Appropriate officials are hereby authorized and directed on behalf of the Town of West New York to continue in the participation with the County of Hudson Community Development Block Grant Program and to continue as a member of the Hudson County Urban County into a Cooperation Agreement for Fiscal 2015-2017.

**July 16, 2014**  
**Regular Meeting**

**Consent Agenda (cont.):**

**RESOLUTION**  
**Re: Refund of Premiums (\$55,700.00)**

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
US BANK CUST FOR PRO CAP III, LLC	110/5 C0305	13-0378	\$600.00
	41/12	13-0150	\$700.00
	110/5 C0410	13-0388	\$700.00
	44/2	13-0159	\$700.00
	110/5 C0307	13-0380	\$600.00
	110/5 C0303	13-0377	\$500.00
	110/5 C0301	13-0376	\$500.00
	33/17	13-0109	\$700.00
US BANK CUST FOR TOWER DBW	36/3	11-0092	\$7,000.00
	79/24	12-0422	\$1,800.00
US BANK CUST FOR CRESTAR CAPITAL LL	110/5 C0306	13-0379	\$800.00
	110/5 C0308	13-0381	\$600.00
US BANK CUST FOR BV001 TRUST	41/25	13-0151	\$1,700.00
	109/22 C0104	13-0369	\$800.00
	26/8	13-0099	\$5,600.00
	168.01/8.03 C0235	13-0580	\$9,400.00
	60/8	13-0202	\$1,600.00
	145/2	13-0479	\$1,000.00
PAM INVESTORS	36/7	13-0122	\$700.00
US BK. CUST FOR TOWER DBW111 TR2013	38/9 C005C	13-0140	\$2,500.00
US BANK CUST/EMP VI	16/49	13-0062	\$15,000.00
ISAAC MORADI	110/5 C0204	13-0373	\$1,000.00
	110/5 C0309	13-0382	\$600.00
	110/5 C0401	13-0386	\$600.00
	GRAND TOTAL		\$55,700.00

**July 16, 2014**  
**Regular Meeting**

**Consent Agenda (cont.):**

**Resolution**  
**Re: Tax Sale Certificate (Block 76 Lot 5)**

WHEREAS, the Tax Collector sold a Tax Sale Certificate# 10-141 at a Tax Sale held on June 28, 2010 to US Bank cust for Crestar Capital, and

WHEREAS, the Collector has received the following amount \$63,559.70 for Tax Sale Certificate# 10-141. However this amount was insufficient funds to redeem said Certificates in accordance with N.J.S.A 54:5-60 The Tax Collector is required to collect the full amount to redeem the said Tax Sale Certificate.

NOW, THEREFORE, BE IT RESOLVED that the Collector is hereby authorized to issue a refund for the partial payment made on the listed Tax Sale Certificate.

<u>Name</u>	<u>Block/Lot</u>	<u>Cert#</u>	<u>Amount</u>
CROWN BANK	76/5	10-141	\$63,559.70
		Grand total	\$63,559.70

**Resolution**  
**Re: Refunds of Overpayments of Taxes (\$9,256.79)**

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
US BANK CUST FOR TOWER DBW	115/11	\$3634.71	2013
CITIMORTGAGE, INC.	96/11 C00C5	\$775.20	2014
WELLS FARGO	130/5.01 C0504	\$3,743.95	2014
HUNTLEY, RICHARD	42/41 C0007	\$1,102.93	2014
	GRAND TOTAL	\$9,256.79	

**July 16, 2014**  
**Regular Meeting**

**Consent Agenda (cont.):**

**Resolution**  
**Re: Refund of Redemptions (\$166,219.65)**

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 PRO CAP III, LLC	110/5 C0305	13-0378	\$864.07
	41/12	13-0150	\$1,766.72
	110/5 C0410	13-0388	\$1,129.99
	44/2	13-0159	\$1,003.00
	110/5 C0307	13-0380	\$1,179.17
	110/5 C0303	13-0377	\$687.86
	110/5 C0301	13-0376	\$963.12
	33/17	13-0109	\$730.88
TERESA U ORIGENES	74/1 C0007	13-0247	\$1,653.36
US BANK CUST FOR TOWER DBW	36/3	11-0092	\$62,524.61
	36/3	12-0171	\$1,324.97
	79/24	12-0422	\$3,951.49
US BANK CUST FOR CRESTAR CAPITAL LL	110/5 C0306	13-0379	\$1,817.53
	110/5 C0308	13-0381	\$1,670.15
US BANK CUST FOR BV001 TRUST	41/25	13-0151	\$3,788.45
	109/22 C0104	13-0369	\$752.87
	26/8	13-0099	\$6,683.98
	168.01/8.03 C0235	13-0580	\$15,761.26
	60/8	13-0202	\$2,690.43
	145/2	13-0479	\$2,365.21
PAM INVESTORS	36/7	13-0122	\$464.24
	159/4	12-0719	\$23,748.35
US BK. CUST FOR TOWER DBW111 TR2013	38/9 C005C	13-0140	\$485.72
US BANK CUST/EMP VI MTAG SVC. AS CUST FOR ATCF II NJ LLC	16/49	13-0062	\$8,346.98
	168.01/7.06 C0417	12-0790	\$4,344.72
	39/13 C00D5	12-0220	\$1,112.15
TERESA U ORIGENES	74/1 C0007	12-0390	\$6,327.08
ISAAC MORADI	110/5 C0204	13-0373	\$926.36
	110/5 C0309	13-0382	\$337.30
	110/5 C0401	13-0386	\$890.69
US BANK, CUSTODIAN EMPIRE V	126/11	12-0586	\$13,907.68
		GRAND TOTAL	\$166,219.95

**July 16, 2014**  
**Regular Meeting**

**Consent Agenda (cont.):**

**RESOLUTION**

**Re: Tax Corrections (various Properties) \$1,102.93**

WHEREAS, a payment in the amount of \$1,102.93 was received in the Tax Office for payment of 4th quarter 2008 property taxes for property located at 6120 Fillmore Place A/K/A block 42 lot 41 C0007 and

WHEREAS, the said payment in the amount of \$1,102.93 was credited to the wrong property located at 6307 Broadway A/K/A block 26 lot 12 C0005 and

NOW THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to move the said payment to be credited to the correct account.

**Resolution**

**Re: Establishing No Parking Loading Zone**

**for Prime Uniform**

**420-51<sup>st</sup> Street, West New York, NJ**

WHEREAS, there exists in the vicinity of 420-51st 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 , 420-51st 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 5:00 a.m. to 6:00 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 NORTH SIDE OF 51<sup>ST</sup>  
STREET, 225 FEET WEST FROM THE N.W. CORNER OF 51<sup>ST</sup>  
STREET AND PALISADE AVENUE. THEN 75 FEET THERE  
FROM.

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

**July 16, 2014**  
**Regular Meeting**

**Consent Agenda (cont.):**

**STATE OF NEW JERSEY**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**GREEN ACRES ENABLING RESOLUTION**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Town of West New York desires to further the public interest by obtaining funding in the amount of \$1,392,445 from the State to fund the following project(s): Expanding the scope of the previously Green Acres-awarded project entitled Rehabilitation of Donnelly and Veterans Parks, due to conditions encountered in the field during the preliminary design phase. The amended scope of work includes construction of a 560 linear foot wall, extensive soil stabilization, installation of concrete foundation in the bedrock of the park’s slope, and the creation of approximately 30,000 square feet of new park area; all to be constructed at the already contracted cost of \$4,584, 890.

NOW, THEREFORE, the governing body/board resolves that Brian O’Reilly or the successor to the office of Town Administrator is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE \_Mayor and Commissioners of the Town of West New York

1. That the Town Administrator of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as \_Rehabilitation of Donnelly and Veterans Parks;
2. That the applicant will have its matching share of the project, if a match is required, in the amount of \$1,392,445.
3. That, in the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

July 16, 2014  
Regular Meeting

**Consent Agenda (cont.):**

**RESOLUTION**  
**REJECTING BIDS FOR SNOW REMOVAL AND**  
**AUTHORIZING RE-BID**

WHEREAS, the Town of West New York received bids for snow removal services on February 21, 2014; and

WHEREAS, the Town of West New York determined not to award a contract for these services; and

WHEREAS, the Town of West New York has determined to reject all bids and to return any bid bonds or deposits submitted with these bids; and

WHEREAS, the Town has determined to re-bid these snow removal services for the coming Winter.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York that the bids for the snow removal services shall be rejected and all bid deposits or bid bonds shall be returned to the bidders.

BE IT FURTHER RESOLVED that the Clerk is hereby authorized to re-bid for these snow removal services for the Winter.

**Resolution**  
**Re: Authorizing the Town Clerk to re-advertise**  
**to receive RFP for "Finance and Purchasing Consultant (3<sup>rd</sup> occasion)"**  
**on Friday August 8, 2014 at 10:00 a.m. in Town Clerk's Office**

Whereas, on July 9, 2014, 2014 after public notice, no RFPs were received by the Town Clerk's Office for "Finance and Purchasing Consultant" (2<sup>nd</sup> Occasion);

Now, therefore, be it resolved that the Town Clerk be and she is hereby authorized and directed to re-advertise for the receiving of RFPs on Friday, August 8, 2014 at 10:00 a.m. in the Town Clerk's Office for: "Finance and Purchasing Consultant (3<sup>rd</sup> occasion)" for the Town of West New York in accordance with specifications on file in the Town Clerk's Office.

**RESOLUTION**  
**AUTHORIZING THE APPOINTMENT OF BRIAN O'REILLY AS THE ACTING**  
**MUNICIPAL ADMINISTRATOR**  
**OF THE TOWN OF WEST NEW YORK**

WHEREAS, a vacancy exists in the position of Town of the West New York Municipal Administrator; and

WHEREAS, Section 69-103 of the Code of the Town of West New York authorizes an appointment by the Mayor and the Board of Commissioners of a Municipal Administrator; and

WHEREAS, there exists a need for an Acting Municipal Administrator to serve until such time as a permanent Municipal Administrator is selected and appointed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Board of Commissioners of the Town of West New York that Brian O'Reilly is temporarily appointed as Acting Municipal Administrator to serve until such time that a permanent Municipal Administrator is selected and appointed.

BE IT FURTHER RESOLVED, that the Mayor and the Board of Commissioners of the Town of West New York are authorized to enter into an employment contract with Brian O'Reilly establishing a compensation arrangement and terms.

**Note:**      **Comm. Wiley "abstained" on this Resolution.**

**July 16, 2014**  
**Regular Meeting**

**Consent Agenda (cont.):**

**RESOLUTION**  
**ESTABLISHING SEARCH**  
**COMMITTEE FOR BUSINESS ADMINISTRATOR**

WHEREAS, the business administrator for the Town of West New York has resigned and the Town seeks to hire a new administrator; and

WHEREAS, the Town of West New York seeks to establish a committee to conduct a comprehensive and extensive search to find the best administrator for West New York; and

WHEREAS, the Town of West New York is appointing a temporary administrator but asks the committee to review possible candidates and to make recommendations to the Commissioners for a new administrator by August 20, 2014; and

WHEREAS, the committee consists of the Mayor, Town Attorney, Commissioner of Revenue and Finance and a member of the public; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York that a committee is hereby established to make recommendations to the Commissioners for hiring of a new business administrator.

BE IT FURTHER RESOLVED, that the committee shall be comprised of the Mayor, Town Attorney, Commissioner of Revenue and Finance and member of the public, (to be selected by the Mayor).

BE IT FURTHER RESOLVED, that the committee shall present their recommendation of a candidate to fill the position of business administrator on or before the August 2014 meeting of the Board of Commissioners.

**RESOLUTION**  
**REJECTING PROPOSALS FOR THIRD PARTY AMBULANCE BILLING, EXTENDING**  
**CURRENT CONTRACT AND AUTHORIZING RE-BID OF CONTRACT**

WHEREAS, the Town of West New York received proposals for providing third party ambulance billing services; and

WHEREAS, the Town of West New York determined that the bid specifications for this contract must be revised and pursuant to N.J.S.A. 40A:11-13.2 the proposals can be rejected; and

WHEREAS, the Town of West New York has determined to reject all proposals and to return any bid bonds or deposits submitted with these proposals; and

WHEREAS, the Town has determined to re-bid these third party ambulance bidding services once the specifications have been revised.

WHEREAS the Town of West New York has a current contract for these services with Revenue Guard which shall be extended under the same terms and conditions until December 31, 2014 to allow the Town to re-bid this contract.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York that the proposals for the third party ambulance billing shall be rejected and all bid deposits or bid bonds shall be returned...

BE IT FURTHER RESOLVED that the Clerk is hereby authorized to re-bid for these third party ambulance billing services with the revised bid specifications.

BE IT FURTHER RESOLVED that the current contract with Revenue Guard shall be extended until December 31, 2014.

**July 16, 2014**  
**Regular Meeting**

**Consent Agenda (cont.):**

**RESOLUTION**  
**TO AWARD CONTRACT FOR MARKETING OF**  
**RECYCLABLE MATERIALS**

WHEREAS, the Town of West New York sought proposals for the marketing of the recyclable materials; and

WHEREAS, the Town of West New York received proposals for the marketing of recyclable materials on April 15, 2014; and

WHEREAS, two proposals were received for this contract, one from Atlantic Coast Fibers and the other from Waste Management of New Jersey Inc.; and

WHEREAS, N.J.S.A. 40A:11-5 allows the Town to seek proposals for this contract since it is exempt from bidding and the Committee reviewed these proposals and determined that the proposal from Atlantic Coast Fibers best serves the needs of West New York and provides the best price for the recyclable materials.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of West New York that the Mayor and Town Clerk are authorized to execute an agreement with Atlantic Coast Fibers for marketing of commingled recyclables and mixed paper recyclables for one year with the Town of West New York having an option to extend this contract for a second and third year.

BE IT FURTHER RESOLVED that the Mayor and Town clerk are authorized to execute this contract which will not take effect until the contract for the garbage and recycling collection has been approved and has commenced.

**RESOLUTION**  
**TO EXTEND CONTRACT FOR SOLID WASTE AND RECYCLING COLLECTION**

WHEREAS, the Town of West New York has awarded a contract to Atlantic Coast Fibers on July 16, 2014 for the marketing of the recyclable materials which contract will take affect once the new contract for solid waste and recycling collection has been awarded; and

WHEREAS, the Town of West New York must now seek bids for the collection of solid waste and recycling which will be marketed by Atlantic Coast Fibers; and

WHEREAS once the bid specifications are prepared for the collection of solid waste and recycling then the Town must allow 60 days for receipt of bids pursuant to N.J.S.A. 40A:11-23.; and

WHEREAS, N.J.S.A. 40A:11-15 allows the Town to extend a current contract while the Town is bidding the new contract.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of West New York that the Mayor and Town Clerk are authorized to execute an addendum to the agreement with Joseph Smentkowski Inc. for an amount not to exceed \$53,369.58 per month for solid waste collection and \$15,000 for recycling collection service from August 1, 2014 until December 31, 2014.

**July 16, 2014**  
**Regular Meeting**

**Consent Agenda (cont.):**

**Resolution**

**Re: Authorizing the Town of West New York to seek Fair and Open Process in compliance with the Pay to Play Statutes for the retention of various services**

WHEREAS, N.J.S.A. 19:44A-20.4 et seq. mandates a municipality to comply with Pay to Play requirements; and

WHEREAS, the Mayor and Board of Commissioners wish to receive and consider proposals for legal services as may be needed by the Town of West New York, including but not limited to legal/professional services as:

Alternate Public Defender (2 <sup>nd</sup> occasion)	August 8, 2014 10:30 am
Alternate Prosecutor (2 <sup>nd</sup> occasion)	August 8, 2014 11:00 am
Public Relations	August 8, 2014 11:30 am
Public Space Recycling System	August 8, 2014 12:00 noon
Grant Writing Services (2 <sup>nd</sup> occasion)	August 8, 2014 12:30 pm

WHEREAS, the Town has previously committed itself to utilizing a Fair and Open Process for the solicitation and review of proposals and qualifications for professional services, including legal/professional services,

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

1. The aforesaid recitals are incorporated herein as though fully set forth at length;
2. The Town Clerk is authorized and directed to publish and advertise a Request for Proposals for the for various legal/professional services as may be needed by the Town, for each separate board or entity requiring separate legal counsel including but not limited to:

Alternate Public Defender (2<sup>nd</sup> occasion)  
Alternate Prosecutor (2<sup>nd</sup> occasion)  
Public Relations  
Public Space Recycling System  
Grant Writing Services (2<sup>nd</sup> occasion)

3. Such Request for Proposals (s) shall be published and advertised in accordance with a Fair and Open Process at least ten (10) days in advance, of the opening of the responses to the Requests for Proposals received such opening to take place on or before the next regularly scheduled meeting of the Board of Commissioners, on or before which time all Statements of Proposals must be submitted by interested parties, for consideration by the Review Committee herein established; and
4. The Commissioner of Revenue and Finance, with the Town Administrator and Qualified Purchasing Agent both in an advisory capacity, will review all Statements of Proposals and to make recommendations to the Mayor and Board of Commissioners prior to its next regularly scheduled meeting.

July 16, 2014  
Regular Meeting

Consent Agenda (cont.):

**RESOLUTION**  
**APPOINTING A “RIGHT TO KNOW” COORDINATOR AND**  
**ASSISTANT “RIGHT TO KNOW” COORDINATOR**

WHEREAS, all employees of the Town of West New York must be notified of certain State of New Jersey Policies and Safety Standards required by the State of New Jersey; and

WHEREAS, the Town of West New York seeks to appoint a “Right to Know” Coordinator and Assistant “Right to Know” Coordinator, which appointees will be responsible for all activities necessary in the handling and execution of the State of New Jersey Policies and Safety Standards requirements; and

WHEREAS, the “Right to Know” Coordinator will also have the power to write warning or summons pertaining to illegal dumping, or any other dumping offense; and

WHEREAS, the appointments of the “Right to Know” Coordinator and Assistant “Right to Know” Coordinator will not result in any additional stipends or salary; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York that David Hepperle, Assistant Director of the Town of West New York’s Department of Public Works, is hereby appointed as the Town of West New York’s “Right to Know” Coordinator and Alex Navas, whose title is “Clerk” with the Town of West New York, is hereby appointed as the Town of West New York’s Assistant “Right to Know” Coordinator.

**RESOLUTION**  
**TO APPROVE THE HIRING OF DAVID CORRIGAN, ESQ. ON A TEMPORARY**  
**BASIS TO COMPLETE THE LEGAL SERVICES IN CONNECTION WITH THE**  
**MATTER OF MELENDEZ AND PEREZ V. TOWN OF WEST NEW YORK**

WHEREAS, the Town of West New York awarded a contract to David Corrigan which contract expired on December 31, 2013 for the handling of various legal matters involving the Town, including Melendez and Perez v. Town of West New York, currently pending in the Office of Administrative Law; and

WHEREAS, the matter of Melendez and Perez v. Town of West New York is not yet concluded; and

WHEREAS, the Town of West New York requires the legal services of David Corrigan, Esq. to conclude these matters, whose services shall not exceed \$5,000.00; and

WHEREAS, because the Town of West New York is hiring David Corrigan, Esq. on a temporary basis in an amount not to exceed \$5,000.00 the contract is below the Pay to Play threshold and can be awarded without using a fair and open process.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of West New York that the Mayor and Town Clerk are authorized to execute an agreement with David Corrigan, Esq., for an amount not to exceed \$5,000.00 for all work to be performed, with no additional costs or expenses, beginning July 17, 2014 until December 31, 2014, for the sole and exclusive purpose of resolving the matter of Melendez and Perez v. Town of West New York.

**July 16, 2014**  
**Regular Meeting**

**Consent Agenda (cont.):**

**Resolution**

**Re: Award of Contract for Improvements to Washington Park to Let It Grow**

WHEREAS, publicly bid contracts are in compliance with the fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq; and

WHEREAS, on prior occasion, upon advertisement and pursuant to specifications, the Town solicited bid proposals for Improvements to Washington Park, pursuant to and in accordance to the contract for Improvements to Washington Park; and

WHEREAS, on April 2<sup>nd</sup>, 2014 the Town did receive the following bids on the contract for Improvements to Washington Park

Company	Amount
Let It Grow 52 Ackerson St. River Edge, NJ	\$537,344.81
Max Adamo Construction 569 Prospect Avenue, Ridgefield, NJ	\$540,337.50
Zenith Construction 365 Thomas Boulevard, Orange NJ	\$548,925.00
Rich Pacerno Builders 200 Market St., Kenilworth, NJ	\$560,912.00
Z-Tech Contracting 114 Baltrusal Rd., Summit, NJ	\$583,646.18
Abbot Contracting 36 Elizabeth Street, Hackensack, NJ	\$588,055.00
JC Landscaping Construction 8 Industrial Road, Pequannock, NJ	\$899,437.90

WHEREAS, the Town's Engineer Rob Russo (CME), in consultation with the Town Attorney, has recommended the award of the contract for Improvements to Washington Park, in the amount of \$537,344.81 as the bid submitted by Let It Grow is the lowest responsible bid for Improvements to Washington Park; and

WHEREAS, publicly bid contracts are in compliance with the fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq; and

WHEREAS, the Certificate of Available Funds, maintained on file at the Town, sets forth and sufficient funds for the subject procurement have been allotted on the Town's budget and that such funds have been appropriated.

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

The bid of Let It Grow, 52<sup>nd</sup> Ackerson St. River Edge, NJ 07661 in the amount of \$537,344.81 is hereby accepted. The quantities bid shall renew upon the anniversary of the contract in accordance with the bid proposals.

1. Appropriate officials are hereby authorized and directed on behalf of the Town of West New York to enter into a contract for Improvements to Washington Park with Let It Grow.
2. The Chief Financial Officer's Certification that funds are available shall be on file at the Town and made a part hereof.
3. The Town Clerk shall forward a copy of this Resolution to each bidder on this Contract.

July 16, 2014  
Regular Meeting

ORDINANCE #6/14

**An Ordinance repealing a portion of Ordinance #49/95 entitled”  
“An Ordinance establishing restricted parking in front of one (1)  
Residence for use by handicapped resident” (Various locations)  
(Gonzalo Cruz, 404 – 61<sup>st</sup> Street)**

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

It was regularly moved by Mayor Roque, seconded by Comm. Vargas, to **open the public hearing** on this Ordinance, 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. Patrick Cullen, 72 – 67<sup>th</sup> Street, WNY:**

Mr. Cullen inquired as to whether a person can have more than one handicapped space assigned, to which Town Clerk Riccie explained that this Ordinance is repealing an ordinance which originally had established more than one location for several persons and now rescinds one space for one person only. She further advised that no one person has more than one handicapped space assigned.

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

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

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

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

**Note:** Town Clerk Riccie advised that Bond Counsel advised her this morning that the Town’s application before the Local Finance Board has been approved and that the Town can proceed with adopting the Bond Ordinances.

BOND ORDINANCE #7/14

**An Ordinance of the Town of West New York, in the County  
of Hudson, New Jersey providing for road improvement projects  
in the Town of West New York and appropriating \$675,000 therefor,  
and providing for the issuance of \$275,390 in Bonds or Notes  
of the Town of West New York to finance the same**

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

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

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

**July 16, 2014**  
**Regular Meeting**

The following persons wished to be heard:

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

Mr. Cullen inquired whether anyone who has any type of abatement has to pay towards bonding when Town has to pay bonds. Mr. Scarinci advised that interest on bonds will be paid every year and as to abated properties, it depends on date of expiration and terms of abatement. Mr. Cullen commented that everyone should pay for borrowed money and should share in “sacrifice” including the abated properties. Mr. Cullen suggested that any future abatements should contain written requirement that bond payments should be distributed amongst all property owners including abated properties. He commented why he feels abatements “are not fair”.

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

Mr. Ortega inquired about the “scope of projects” covered under Bond Ordinances 7/14 and 8/14. He inquired whether the scope is \$1 million in improvements or as an appropriation. Mr. Scarinci advised that the amounts contained in the Bond Ordinances are “not to exceed amounts”. Discussion ensued about amount of obligation. Mr. Scarinci referred Mr. Ortega to section 8 of the ordinance which indicates the amount of \$675,000 and explained how bonding works. Comm. Frias advised that section 3 explains the purpose of the bonds.

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

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

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

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

**BOND ORDINANCE #8/14**

**An Ordinance of the Town of West New York, in the County  
of Hudson, New Jersey providing for various capital improvements  
for the Town of West New York and appropriating \$400,000 therefor,  
and providing for the issuance of \$380,000 in Bonds or Notes  
of the Town of West New York to finance the same**

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

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

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

**July 16, 2014**  
**Regular Meeting**

The following persons wished to be heard:

**1. Vipal Parekh, 6507 Hudson Avenue, WNY:**

Mr. Parekh inquired as to whether this Ordinance includes roadways. Comm. Frias responded “yes” and she read aloud the streets. Mr. Parekh showed the governing body of photo of a hole in the street at 61<sup>st</sup> Street and Jackson and also at 61<sup>st</sup> & Broadway. He also complained about inoperable traffic lights at 61<sup>st</sup> & Hudson Avenue and 61<sup>st</sup> & Broadway by the DPW Garage. Mayor Roque responded by advising that four (4) months ago his tire exploded and that the Town has been repaving the potholes. He thanked Mr. Parekh for bringing these matters to his attention. The Mayor advised him to contact the town’s toll free phone line and also directed him to town’s website. Mr. Parekh advised that he has done that but has received no responses.

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

Mr. Cullen inquired as to whether each Commissioner has a detailed Ordinance in front of them. Mayor responded “Yes”. Mr. Cullen was confused about the publication process for Ordinances. Town Clerk Riccie explained the publication requirements required by law; that Bond Summaries are published in Jersey Journal and that every Ordinance is also posted in full on town’s bulletin board in Municipal Bldg. She further advised that all Ordinances are posted on town’s website as well. Mr. Cullen complained about receiving “more specific verbiage” before the Ordinance hearings take place. Mr. Scarinci advised him to go on the internet to town’s website where the entire text of each Ordinance is posted or he may request a copy of any Ordinance from the Town Clerk’s office.

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 and Mayor Roque
NAYS	- None
ABSENT	- None

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

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

**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 Comm. Frias, to **open the public hearing** on this Ordinance, was carried by the following vote:

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

**No one wished to be heard.**

**July 16, 2014**  
**Regular Meeting**

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

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

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

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

**ORDINANCE #10/14**

**An Ordinance amending Ordinance #25/13 and Chapter 93 of the Code of the Town of West New York regarding Salaries and Compensation**

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

It was regularly moved by Mayor Roque, seconded by Comm. Vargas, 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 #10/14**

**An Ordinance amending Ordinance #25/13 and Chapter 93 of the Code of the Town of West New York regarding Salaries and Compensation**

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 July 16, 2014 and ordered published, and will be further considered before final passage at a public hearing on August 20, 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.

**July 16, 2014**  
**Regular Meeting**

**RESOLUTION**  
**AUTHORIZING TEMPORARY CONTRACTS FOR**  
**MUNICIPAL COURT PROFESSIONAL SERVICES**

WHEREAS, the Town of West New York has required the services of a public defender, prosecutor, and municipal court judge in emergent situations when the persons with contracts to provide these services were unavailable; and

WHEREAS, the Town of West New York seeks to pay these persons for the professional services rendered for the Town of West New York; and

WHEREAS, the Town of West New York is hiring these professionals on a temporary basis in order to pay them for services previously rendered to the Town of West New York Municipal Court; and

WHEREAS, the services provided were professional services which were below the pay to play threshold and therefor did not have to be procured under a fair and open process.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York that the following persons are hired on a temporary basis to provide the services requested by the Town of West New York Municipal Court and to process the vouchers for payment for these services.

BE IT FURTHER RESOLVED that the payments for these services are as follows:

- 1) Armando Hernandez Esq.- Public Defender services- \$2,700.00
- 2) Michael Cifelli Esq.-Prosecutor services-\$450.00
- 3) Kenneth Lindenfelser Esq.-Municipal Court judge-\$1,800.00
- 4) Luis Amaro Esq.-Public Defender-\$450.00
- 5) Luis Amaro Esq.-Public Defender-\$2,250.00
- 6) Michael Bukatman Esq.- Public Defender-\$1,350.00

BE IT FURTHER RESOLVED, that the Chief Financial Officer shall take all necessary action to process payments for these services.

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

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

**Note:**       **Mr. Scarinci recused himself and stated “Mike Cifelli owed money that predated my employment.” (Mr. Scarinci left the court chambers at 1:15 p.m.) Comm. Wiley inquired (before he voted) “Is this back money?” Comm. Frias responded “correct”. Mr. Scarinci returned at 1:16 p.m. after vote was taken.**

July 16, 2014  
Regular Meeting

**RESOLUTION**  
**RE: AUTHORIZING CLOSURE OF EXECUTIVE SESSION**  
**PURSUANT TO N.J.S.A. 10:4-12(b)**

BE IT RESOLVED by the Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey, that the Board of Commissioners hereby declares this executive session closed to the public for discussion of N.J.S.A. 10:4-12(b)(7) the discussion of pending litigation:

- (1) Perez v. West New York
- (2) Melendez v. Town of West New York
- (3) O'Malley v. Town of West New York et. al.
- (4) Geneux v. West New York

BE IT FURTHER RESOLVED that the minutes of this closed session shall be available to the public as per N.J.S.A. 10:4-13(a) at such time as the matter necessitating the discussion of pending litigation or personnel matters have been resolved, to the extent disclosure is not prohibited by other law.

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

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

**Note:** Mr. Scarinci again explained that the governing body was going into executive session and would resume regular meeting at 3:00 p.m. He further commented that after the conclusion of the executive session and a brief recess, the Public Portion of the meeting would commence at 3:00 p.m. Closed Session started at 1:21 p.m.

A Motion was made by Comm. Frias, seconded by Comm. Rodriguez to reconvene regular meeting at 3:29 p.m., was carried by following vote:

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

**Note:** Closed Session ended at 1:55 p.m. and recess was taken to allow conference call with State (as referred to on page 1 of these Minutes). Comm. Frias advised that conference call had been delayed until 3:00 p.m. which resulted in reconvening this portion of meeting at 3:29 p.m. The public returned to the Court Chambers at 3:29 p.m. Town Clerk Riccio explained that during the Executive Session, the matter of O'Malley and Geneux v. Town of WNY was discussed and as a result a Resolution (being marked R-23) is being added to the agenda now.

July 16, 2014  
Regular Meeting

**RESOLUTION**  
**AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT IN**  
**MATTERS KNOWN AS TOM O'MALLEY V. TOWN OF WEST NEW YORK ET. AL.**  
**AND KIM GENEUX V. WEST NEW YORK ET.AL.**

WHEREAS, the Town of the West New York is involved in 2 civil actions in the Superior Court captioned Tom O'Malley v. West New York et. al. with Docket Number HUD-L-2307-12 and Kim Geneux v. West New York et. al. with Docket Number HUD-L-3321-12; and

WHEREAS, the City admits no wrong doing or liability; and

WHEREAS, the City has settled the litigated matter and the settlement proceeds shall be paid to the plaintiffs' attorney in accordance with the settlement agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of West New York, that the Mayor, Town Clerk, Counsel for West New York and any other appropriate officer are hereby authorized and directed to take such actions, as are necessary to effectuate the terms of this resolution, including but not limited to the execution of the settlement agreement in a form acceptable to Corporation Counsel for West New York and implementation of the executory provisions thereof.

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

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

Motion made by Comm. Vargas, seconded by Comm. Rodriguez, **to open Public Portion of meeting at 3:29 p.m.**, was carried by the following vote:

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

**Public Portion:**

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

**1. Doreen Auriemma, 6025 Hudson Avenue, WNY:**

Ms. Auriemma commented that more garbage cans are needed near food stores. She further commented that speed bumps are needed at 51<sup>st</sup> & Park Avenue near Lollypop Daycare and that half of the street belongs to WNY and the other half to Weehawken. Discussion ensued between Ms. Auriemma, Comm. Frias and Comm. Rodriguez as to exact location. Ms. Auriemma also complained that the stairway to soccer field does not permit stroller access and that it is dangerous to walk along River Road. She inquired as to whether there would be a ramp installed. Comm. Frias commented that the same issue came up 4-5 months ago and is pending and based on needs in the future. Ms. Auriemma requested that the governing body consider reinstating park security and installing cameras due to graffiti etc. Comm. Wiley commented that in the past 1 month, Director Antolos has made a lot of arrests for drugs, graffiti, etc. and that he agrees with Ms. Auriemma. Ms. Auriemma commented that there were always park security guards in the past and that they are needed now.

**July 16, 2014**  
**Regular Meeting**

**Public Portion (cont.):**

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

Mr. Ortega commented that from his apartment he can view that the upper third of the stairway leading down to soccer field is lit but the rest is very dark. He advised that he sent a letter to former Mayor Vega and Mayor Roque regarding same to no avail. He further commented that he made mention of same at recent Planning Board meeting and was told “it’s not our property and the developer may entertain these requests”. Comm. Wiley commented that he would add this item to next year’s wish list.

**Note: Mayor Roque and Mr. Scarinci returned to meeting at 3:37 p.m.**

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

Mr. Cullen inquired as to when Resolution R-12 (Re: Appointment of Acting Town Administrator) will be effective. Mr. Scarinici responded “Today”. Mr. Cullen inquired if today is Mr. DeMarco’s last day to which Mr. Scarinici replied “Official day was day he was appointed in Bayonne...July 1<sup>st</sup>”. Mr. Cullen inquired as to who is on the search committee for Town Administrator. Mayor Roque replied “Humberto Ortega. Comm. Frias, Town Attorney and Mayor”. Mr. Cullen commented “Don’t re-invite Mr. Turner back as Town Administrator.” He complained about debt, previous tax increases, etc. as a result of Mr. Turner’s “practices”. Mr. Cullen inquired as to whether Mr. Hepperle will be the Right to Know Coordinator to which Mr. Scarinici replied “yes. No pay for either. Assistant Coordinator is Alex Navas.” Mr. Cullen inquired as to what duties will be performed to which Mr. Scarinici advised that they will issue tickets for garbage. Discussion ensued about the criteria to serve in these capacities and whether these duties will be performed during normal course of work day. Mr. Cullen complained about Comm. Vargas’ home located next door to his, which is not boarded up and that teenagers are hanging out at the back of the property; He commented that security protection is needed and that house should be boarded up. Mayor Roque replied “He who has glass windows shouldn’t throw stones”. Mr. Cullen asked the Mayor as to what he was referring by that comment; Mayor did not respond. Mr. Cullen commented about a Planning Board matter regarding 224 – 61<sup>st</sup> Street, which he claimed is relative of Dr. Roque. Comm. Frias advised that the application is for a daycare center. Discussion ensued as to who owns the property and whether it is a relative of Comm. Wiley’s running mate i.e. the father of Myrli Sanchez and whether Comm. Frias should recuse herself as it is a potential conflict. Comm. Frias stated “My decisions are based on law and facts and not personal agendas. If it were one of my relatives, then yes I would recuse myself.” Mr. Cullen made a comment about the Local Government Ethics Law.

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

Mr. Barquin requested that the letter of resignation of Silvio Acosta as Deputy Mayor be read aloud including the effective date, and inquired as to whether he is leaving or retiring by the end of this year. Mr. Scarinici responded “This is a personnel matter and can’t be discussed. Resignation is effective as of the date of the letter.” Town Clerk Riccie advised that the date of the letter is July 7, 2014. Mr. Barquin inquired as to whether there is any possibility that the former Town Administrator Ernesto Munoz would be “coming back”. Mr. Scarinici advised that a committee has been formed today and is going to meet to establish search parameter and qualifications and will advertise for the position; and that anyone can apply with credentials. Mr. Barquin commented that Mr. Munoz has a lawsuit against the Town due to his termination and inquired about the status of same. Mr. Scarinici replied “I don’t know but will find out. What is your concern? That he not apply?” Mr. Barquin responded “He was fired before termination of his contract.” Mr. Scarinici again advised that anyone can apply for the position; that people already had expressed an interest when Mr. DeMarco said he may be leaving and that he had contacted the League of Municipalities and other Administrators to get a feel as to what is out there. He further advised that “it is in the very early stage of process”. Mr. Barquin inquired as to whether Ordinance 25/13 is posted to which Town Clerk Riccie responded “Yes, it is on the website”.

**July 16, 2014**  
**Regular Meeting**

**Public Portion (cont.):**

**5. Frank Ferreiro, 5206 Bergenline Avenue, WNY:**

Mr. Ferreiro commented "I love the search committee idea. It is what we have been fighting for...input from our residents. We need a committee for police manning issues." He advised that we only have one police officer per car and that more police officers are needed and requested that the governing body "look into it". Mayor Roque replied "Your comments are being well taken".

A motion was made by Commissioner Frias, seconded by Commissioner Vargas; **to close the Public Portion at 3:54 p.m.** was carried by the following vote:

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

A motion was made by Commissioner Frias, seconded by Mayor Roque; **to adjourn the meeting at 3:54 p.m.** was carried by the following vote:

YEAS - Commissioners Frias, 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