

September 17, 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, September 17, 2014 at 7:00 p.m. (6:00 pm Work Session):

Present: Commissioners Frias, Rodriguez, Vargas, Wiley and Mayor Roque
(Comm. Rodriguez and Comm. Wiley arrived at 7:15 p.m.)
Absent: None
Also Present: Corporation Counsel Donald Scarinci; Town Clerk Carmela Riccie; Acting Town Administrator Brian O'Reilly and New Town Administrator Brian Watkins

Meeting commenced at 7:12 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 September 17, 2014 at 7:00 p.m., I do hereby publicly announce, and I direct that this announcement shall be placed in the minutes of this meeting, and that the Notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given by the Board of Commissioners in the Resolution dated and adopted on December 18, 2013. Said Resolution was transmitted by the Town Clerk to the Jersey Journal and the Bergen Record and publicly posted on the Municipal Bulletin Board, Town Hall, and filed with the Town Clerk.

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

Claims: Dated 9/17/14 (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, Vargas and Mayor Roque
NAYS - None
ABSENT - Comm. Rodriguez and Wiley

Receipt of Financial Reports:

FINANCIAL REPORTS - MONTH OF AUGUST 2014

1. From Construction Code Official Office, reporting the sum of \$186,242.00 collected for the month of August, 2014.
2. From Director Robert Antolos (Police Dept.) reporting the sum of \$7,184.70 Collected for the month of July, 2014
3. From Director Robert Antolos (Police Dept.) reporting the sum of \$7,001.85 Collected for the month of August, 2014
4. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$7,865.00 collected for Special Licenses collected for the month of August, 2014.
5. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$444.00 collected for Marriage/death certificates collected for the month of August, 2014.
6. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$149.60 Collected for Dogs Licenses collected for the month of August, 2014.
7. From (Revenue and Finance Department) reporting the sum of \$1,998,755.48 collected for the month of August, 2014
8. From Carmela Riccie, RMC, Town Clerk, reporting the sum of \$0.00 collected for the month of August, 2014

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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, Vargas and Mayor Roque
NAYS - None
ABSENT - Comm. Rodriguez and Wiley

Communication
Re: Town Engineer's Monthly report dated 9/15/14

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: September 15, 2014

RE: General Engineering and Capital Project Status Report
 West New York, New Jersey

- FY2012 NJDOT Municipal Aid Grant and Road Program (67th St from JFK 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. 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. The project was awarded to Anselmi and DeCicco, Inc. in the amount of \$4,584,890.00.
 - 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, the retaining wall concrete foundations and retaining wall pre-cast structures. 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.
 - We have prepared a change order for the project which allows for construction of the modified wall and foundation design based on actual field conditions encountered and provides for various additions to the project which were previously deleted as indicated above. The Change Order provides for a reduction in the original contract amount.
 - We obtained Hudson County Planning Board approval at their August 20, 2014 meeting.
- FY2013 NJDOT Municipal Aid Grant and 2013 Road Program
 - We had prepared and submitted the FY2013 NJDOT Municipal Aid Grant application to the NJDOT for the following roads:
 - 60th Street from Buchanan Place to Bergenline Avenue (2000'-Half Width).
 - 65th Street from Broadway Avenue to Park Avenue (675')
 - 51st Street from JFK West to Bergenline Avenue (615')
 - 66th Street from Hudson Avenue to JFK East (2060')
 - The project was advertised for the receipt of bids on December 27, 2013 with the bid opening on February 4, 2014. The apparent low bid was submitted by A.J.M. Contractors, Inc. of Clifton, New Jersey, with a bid of \$869,742.50. The project has been awarded and we have prepared the contracts for execution by the contractor. The Town has received an NJDOT grant in the amount of \$344,860.00. We have submitted the required information to the NJDOT.

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Town Engineer's report (Cont.):

- 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 66th and 65th and on 51st, and has completed the speed hump work.
- The contractor is scheduled to perform the pavement milling and base repair on 60th Street this week with the top course paving scheduled for Monday and Tuesday night of next week. The pavement milling and top course paving are scheduled for at night.
- **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 an updated punchlist for the project.
 - Once the contractor completes the punchlist, we will perform a final review of the project and proceed with the close-out.
- **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 and the State has issued review comments. We addressed the comments and resubmitted to the State.
- **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. The project was awarded to Let It Grow, Inc. in the amount of \$537,344.81 at the July 14, 2014 meeting.
 - We have prepared the contracts which the contractor and Town have executed.
 - A preconstruction meeting was held on August 19, 2014. The contractor has provided a schedule which we are reviewing. The schedule indicates the construction will start in October with construction finishing in March of 2015.
- **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:
 - 60th Street from JFK Blvd West to Madison Avenue (1425')
 - 51st Street from Bergenline Avenue to Broadway Avenue (1575')
 - Gaw Place from 56th Street to Southern terminus. (200')

Communication
RFP results rec'd. 9/12/14
Re: Financial Advisor

RFP PROPOSAL FORMATION

Proposal Receipt Date: September 12, 2014
Proposal Time: 10:00 a.m.
Location for proposal: Town Clerk's Office
Proposal for: Financial Advisors
Personnel at Opening: Town Clerk Carmela Riccie and Adelinnny Plaza

Remarks: Time to receive RFPS was closed at 10:05 a.m.
NO RFP(s) RECEIVED

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Proclamation
Re: Honoring Kerlyn Espinal

WHEREAS, the Mayor and Board of Commissioners of the Town of West New York being ever so mindful of the contributions of the townspeople of the Town of West New York and recognizing their duties and obligations to honor all individuals on behalf of the townspeople of the Town of West New York; and

WHEREAS, Kerlyn Espinal, a Native of El Salvador, arrived in the United States in February 1988 and received her Bachelor's degree from Felician College graduating with first honors in Business Administration with a minor in Political Science; and

WHEREAS, Kerlyn Espinal was presented with the Community Leadership Award for her outstanding commitment in assisting the constituents of New Jersey; and

WHEREAS, on October 3, 2010 KERLYN ESPINAL was chosen by The Board of Directors of Save Latin America to receive Role Model Recognition Award for the outstanding job and contributions she has made to the Reaching Our Dreams Program.

WHEREAS, on March 8th, 2012 Kerlyn Espinal earned The Successful Women of the United States Award while representing the great State of New Jersey.

NOW, THEREFORE, BE IT PROCLAIMED, that I, Mayor Felix E. Roque, M.D. of the Town of West New York and the Board of Commissioners do hereby proclaim that the Town recognizes Kerlyn Espinal for her outstanding dedication and devotion to the Salvadorian community and join with all of those of Salvadorian heritage and all of our residents to give recognition thereto.

Consent Agenda

It was regularly moved by Commissioner Frias, seconded by Mayor Roque that the following Consent Agenda Items Nos. R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-9, R-10, R-11, R-12, R-13, R-14, R-15, R-16, R-17, R-20, R-21, R-22, R-23 and R-24 (with the exclusion of R-18 and R-19) be adopted, was carried by the following vote:

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

Note: Town Clerk Carmela Riccie read the titles of all Resolutions aloud (as referred to above) and advised that Resolutions R-18 and R-19 are excluded from Consent Agenda and will be voted upon separately. Comm. Wiley advised that he would vote "No" on Resolutions R-1, R-14 and R-16 (Re: Authorizing investigation into potential shared services agreement with another municipality for enforcement/regulation of NJ Uniform Construction Code; Appointment of Planning Board Alternate Jose Alcantara; and Approving amendment to Public Relations Services Contract). Corporate Counsel Donald Scarinci advised that an additional title was added to Resolution R-24 (Authorizing receipt of various RFPs) and that the services are for the year 2015. He further advised that Resolution R-19 (authorizing settlement in matter of Dario, Yacker, Suarez & Albert, LLC v. Town of WNY) would not be on Consent Agenda as it will not be addressed until after conclusion of Closed Executive Session which is referred to in Resolution R-18 and that he does not expect Closed Executive Session to last more than 15-20 minutes. He further advised that Resolution R-18 includes two (2) litigations, one of which is the Dario matter and the other is Wiley v. Roque.

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Consent Agenda (cont.):

**RESOLUTION AUTHORIZING AN INVESTIGATION INTO THE POTENTIAL
FOR A SHARED SERVICES AGREEMENT WITH ANOTHER MUNICIPALITY
FOR ENFORCEMENT AND REGULATION OF THE NEW JERSEY
UNIFORM CONSTRUCTION CODE**

WHEREAS, the Construction Code Department of the Town of West New York performs many functions for the City, including assisting the Construction Code Official in the review of permit applications and the issuance of construction and subcode permits, the issuance of certificates of occupancy, the inspection of development projects, and the issuance of notices for violations of the New Jersey Uniform Construction Code (the "UCC") in connection with the enforcement thereof; and

WHEREAS, the Construction Code Department is, in part, a self-funding department whereby the fees and fines issued and collected by the Department assist with payment for its operation and allows the Town to hire additional personnel to better operate and oversee the Town construction; and

WHEREAS, in an effort to more efficiently and cost effectively operate the Construction Code Department, the Town of West New York seeks to investigate whether it would be beneficial to share the expertise of another municipality in performing its functions.

NOW THEREFORE, BE IT RESOLVED that the Town of West New York hereby authorizes investigation into the potential for a shared services agreement with another municipality to assist the Town in more effectively and cost efficiently operating its Construction Code Department.

BE IT FURTHER RESOLVED that once a municipality is selected, the Board of Commissioners shall review and adopt a separate resolution authorizing the negotiation, preparation and execution of a shared services agreement and any additional action that may be required in connection therewith.

Note: **Comm. Wiley voted "No" on this Resolution.**

**RESOLUTION APPROVING CHANGE ORDER
FOR VETERAN'S PARK IMPROVEMENTS**

WHEREAS the Town of West New York ("Town") entered into a contract with Anselmi & DeCicco, Inc. for the Veteran's Park improvements; and

WHEREAS, initial phases of the contract have commenced with additional field investigative work including excavations down to the bedrock which have indicated that a modified wall and foundation design has been developed; and

WHEREAS, the contractor has agreed to construct the modified wall and foundation which will result in a cost savings to the Town and will therefore allow the Town to complete construction of the upper decorative patio areas which will provide approximately 6,500 square feet of additional seating and observation area with shade trees and lighting

WHEREAS, the Change Order Number 1(attached hereto) which reduces the contract by \$20,750.00, has been reviewed and approved by the Town engineer; and

WHEREAS, pursuant to N.J.A.C. 5:30-11.8(c)1 change orders that are under 20% of the original contract price are permitted as long as they fit within the requirements of the Regulations and the Town engineer has determined that these changes were appropriate.

NOW, THEREFORE, BE IT RESOLVED that the Commissioners of the Town of West New York do hereby approve of change order Number 1 which is a decrease in the contract price by \$20,750.00 which will change the original contract amount of \$4,584,890.00 to \$4,564,140.00.

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Consent Agenda (cont.):

RESOLUTION
RE: APPROVING THE CORRECTIVE ACTION PLAN
FOR THE YEAR 2013 AUDIT REPORT

WHEREAS, the Division of Local Government Services requires the Chief Financial Officer to prepare, with assistance from other officials affected by the audit finding and recommendations, and to file a “Corrective Action Plan” outlining the actions to be taken by the Town relative to the finding and recommendations in the Annual Audit Report; and

WHEREAS, said “Corrective Action Plan” is required to be approved by the governing body and maintained in the office of the Town Clerk for public inspection;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Commissioners of the Town of West New York hereby approve the “Corrective Action Plan” for the 2013 Audit Report.

NOTE: SEE CORRECTIVE ACTION PLAN APPENDED TO END OF THESE MINUTES.

RESOLUTION OF THE TOWN OF WEST NEW YORK, IN
THE COUNTY OF HUDSON, STATE OF NEW JERSEY
(THE “LOCAL UNIT”) AUTHORIZING THE LOCAL
UNIT’S PARTICIPATION IN THE POOLED NOTE
FINANCING PROGRAM OF THE HUDSON COUNTY
IMPROVEMENT AUTHORITY

WHEREAS, the Town of West New York, in the County of Hudson, State of New Jersey (the “Local Unit”), has previously duly adopted: (i) various bond ordinances authorizing the issuance of bonds or notes to finance the costs of various capital improvements (the “Capital Improvement Projects”) and (ii) a resolution authorizing the making of a special emergency appropriation to meet certain extraordinary expenses incurred by reason of damage caused by Hurricane Sandy and has heretofore issued special emergency notes pursuant to said resolution (the “Sandy Special Emergency Notes”); and

WHEREAS, the Local Unit either has issued or desires to issue notes to temporarily finance and refinance the Capital Improvement Projects and to refund the Sandy Special Emergency Notes; and

WHEREAS, the Local Unit believes that the recent financial crisis in the United States has caused extreme volatility in the short term note market for municipalities resulting in the following problems: (1) market access problems due to the liquidity issues of traditional investors, (2) shrinking investor pools to purchase municipal notes, (3) a reduced number of bids and in some instances no bids at municipal note sales, (4) unpredictable interest rates causing interest rate risk and budgeting problems and (5) increased costs due to investors unwilling to purchase unrated municipal notes and municipal notes without disclosure, causing municipalities to have municipal notes rated and disclosure documents prepared: and

WHEREAS, the Local Unit has reviewed the Pooled Note Financing Program proposed by The Hudson County Improvement Authority (the “HCIA”), whereby the Local Unit would either rollover its existing notes and/or issue new notes (collectively, the “Local Unit Notes”) through the Pooled Note Financing Program of the HCIA; and

WHEREAS, the Local Unit believes that the HCIA’s Pooled Note Financing Program cures many of the problems of the volatile note market by providing (1) market access to sell the Local Unit Notes, (2) a certain investor pool to purchase the Local Unit Notes, (3) a guaranteed purchaser of the Local Unit Notes, (4) a more predictable interest rate, whereby the Local Unit will benefit from reduced interest costs as a result of a guaranty by the County of Hudson, State of New Jersey (the “County Guaranty”) on the debt service of the HCIA Pooled Note Financing Program, and (5) decreased costs due to all the local units in the Pooled Note Financing Program sharing in the costs of the HCIA Pooled Note Financing Program; and

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

WHEREAS, the Local Unit further believes that any savings the Local Unit can achieve for its taxpayers, especially during this time of financial crisis, is of utmost importance to its community and accordingly, the Local Unit desires to issue its Local Unit Notes through the Pooled Note Financing Program of the HCIA; and

WHEREAS, such Local Unit Notes shall be issued in accordance with the provisions of the Local Bond Law, *N.J.S.A. 40A:2-1 et seq.* and/or the Local Budget Law, *N.J.S.A. 40A:4-1 et seq.*

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF WEST NEW YORK THAT:

Section 1. The Local Unit hereby authorizes the Local Unit's participation in the HCIA Pooled Note Financing Program.

Section 2. The Local Unit consents to the HCIA's application to the Local Finance Board of the Division of Local Government Services, in the New Jersey Department of Community Affairs (the "Local Finance Board") in connection with the Pooled Note Financing Program.

Section 3. The Chief Financial Officer of the Local Unit is hereby authorized to, or direct the appropriate party to, enter into one or more loans with the HCIA and is further authorized to execute one or more note purchase contracts, loan agreements and any and all documents, certificates, opinions and other instruments that are necessary and as may be reasonably required by the Authority in connection with such loan, after consultation with counsel to the Local Unit.

Section 4. This resolution shall take effect immediately.

RESOLUTION AUTHORIZING SHARED SERVICES
AGREEMENT WITH GUTTENBERG FOR TAX ASSESSOR SERVICES

WHEREAS, the state of New Jersey requires each municipality to have a tax assessor; and

WHEREAS, the Town of Guttenberg does not employ a licensed tax assessor; and

WHEREAS, the Town of West New York has offered to enter into a shared services agreement to share the services of their tax assessor; and

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

WHEREAS, it is in the best interest of the Town of West New York and the Town of Guttenberg to enter into the agreement from June 1, 2014 until December 31, 2015; and

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

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York that the Mayor is authorized to execute a shared services agreement with the Town of Guttenberg for the services of the Tax Assessor for an amount not to exceed Twenty-Seven Thousand Seven Hundred Dollars and No Cents (\$27,700.00).

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Consent Agenda (cont.):

RESOLUTION AUTHORIZING SHARED SERVICES
AGREEMENT WITH GUTTENBERG FOR SUMMER RECREATION PROGRAM

WHEREAS, there is a need for Guttenberg to use a facility with a swimming pool for the Guttenberg Summer Recreation Program and

WHEREAS, the Town of Guttenberg does not have a facility with a swimming pool but West New York does have a pool which Guttenberg can use; and

WHEREAS, the Town of West New York has offered to enter into a shared services agreement to share the municipal pool; and

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

WHEREAS, it is in the best interest of the Town of West New York and the Town of Guttenberg to enter into the agreement for the Summer of 2014 and 2015 ; and

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

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York that the Mayor is authorized to execute a shared services agreement with the Town of Guttenberg for the use of the West New York municipal pool for an amount not to exceed Fifteen Hundred Dollars and No Cents per year (\$1,500.00).

Resolution
Re: Refunds of Overpayments of Taxes

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
437 60 th ST HOLD LLC	67/10	\$2441.50	2013
	GRAND TOTAL	\$2,441.50	

Resolution
Re: Refund of Redemptions

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.

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

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 BK. CUST. FOR TOWER DBW111 TR2013	120/45	13-0412	\$15,987.06
PAM INVESTORS	137/17	13-0455	\$496.82
	70/19.01 C0015	13-0227	\$5,424.86
US BANK CUST FOR BV001 TRUST	152/1	13-0498	\$2,184.66
	108/38	13-0366	\$7,425.91
	34/28	13-0117	\$6,757.08
US BANK CUST FOR CRESTAR CAPITAL LL	130/2 C0304	13-0438	\$6,521.62
US BANK CUST FOR TOWER DBW	130/2 C0201	12-0604	\$3,748.99
	128/25	12-0599	\$30,932.16
	134/9	12-0616	\$15,768.87
GRAND TOTAL			\$95,248.03

RESOLUTION
RE: REFUND OF PREMIUMS

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 BK. CUST. FOR TOWER DBW111 TR2013	120/45	13-0412	\$4,800.00
PAM INVESTORS	137/17	13-0455	\$600.00
US BANK CUST FOR BV001 TRUST	152/1	13-0498	\$300.00
	108/38	13-0366	\$2,800.00
	34/28	13-0117	\$3,000.00
US BANK CUST FOR CRESTAR CAPITAL LLC	130/2 C0304	13-0438	\$6,000.00
US BANK CUST FOR TOWER DBW	128/25	12-0599	\$8,000.00
	134/9	12-0616	\$9,000.00
PAM INVESTORS	70/19.01 C0015	13-0227	\$3,500.00
GRAND TOTAL			\$38,000.00

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Consent Agenda (cont.):

RESOLUTION
Re: State Court Tax Appeals

WHEREAS, the following property owners have appealed to the Tax Court of New Jersey for a reduction in the Tax Assessment levied upon their properties:

WHEREAS, the Tax Court of New Jersey by their judgment has reduced the said assessments levied upon the said properties; and;

WHEREAS, said judgment of reduction in the Tax Assessment has caused an overpayment of taxes collected by the Town of West New York, relating to said properties, and whereas the Municipality has paid the below amounts:

NOW, THEREFORE, BE IT RESOLVED that said payment of taxes be and the same are hereby affirmed to the property owners in the following amounts for the years noted pursuant to N.J.S.A. 54:3-21 & 54:3-27.2.

NAME	BLOCK-LOT	AMOUNT	YEAR
McKirdy & Riskin Atty. For	110/1	\$72,332.23	2010
A.J. Richard & Sons		\$73,290.94	2011
		\$47,022.34	2012
		\$35,105.35	2013
	Grand Total	\$227,750.86	

Resolution
Re: Repealing Resolution adopted on 8/16/2006
(Restricted Parking for Handicapped Resident) as follows:
6114 Highland Place, WNY (Eileen M. Hopkins)

Whereas, the governing body of the Town of West New York adopted a Resolution on August 16, 2006 establishing restricted parking for use by a handicapped resident; and

Whereas, the handicapped person involved has moved since implementation of above mentioned resolution;

Now, therefore, be it resolved by the Mayor and Board of Commissioners of the Town of West New York that the above resolution is hereby repealed:

6114 Highland Place, WNY (Eileen M. Hopkins)

Be it further resolved that the Department of Public Safety is directed to remove all signage for the spaces as directed by this resolution.

Be it further resolved that this resolution shall take effect immediately upon passage.

Resolution
Re: Repealing Resolution adopted on 7/16/2003
(Restricted Parking for Handicapped Resident) as follows:
404 67th Street, WNY (Marie & William Hutnik)

Whereas, the governing body of the Town of West New York adopted a Resolution on July 16, 2003 establishing restricted parking for use by handicapped resident (s); and

Whereas, the handicapped person (s) involved has moved since implementation of above mentioned resolution;

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

Now, therefore, be it resolved by the Mayor and Board of Commissioners of the Town of West New York that the above resolution is hereby repealed:

404 67th Street, WNY (Marie & William Hutnik)

Be it further resolved that the Department of Public Safety is directed to remove all signage for the spaces as directed by this resolution.

Be it further resolved that this resolution shall take effect immediately upon passage.

RESOLUTION APPOINTING MATTHEW WATKINS
AS FUND COMMISSIONER FOR THE PUBLIC ENTITY JOINT INSURANCE FUND

WHEREAS the Town of West New York (“Town”) is a member of the Public Entity Joint Insurance Fund; and

WHEREAS, Joseph DeMarco had been appointed along with Marge Cherone (Alternate Fund Commissioner) as a Fund Commissioner but since Joseph DeMarco is no longer the Business Administrator the Town seeks to appoint a new Fund Commissioner; and

WHEREAS, the Town seeks to appoint the new Business Administrator for the Town of West New York as the Fund Commissioner.

NOW, THEREFORE, BE IT RESOLVED that the Commissioners of the Town of West New York do hereby approve of the appointment of Matthew Watkins as the Fund Commissioner for the Public Entity Joint Insurance Fund commencing September 22, 2014.

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the Public Entity Joint Insurance Fund.

RESOLUTION
RE: APPOINTMENT OF ALTERNATE NO. 1
TO THE TOWN OF WEST NEW YORK PLANNING BOARD

WHEREAS, the Board of Commissioners of the Town of West New York are responsible for the appointment of alternate members to the Planning Board of the Town; and

WHEREAS, the seat of Alternate No. 1 to the Planning Board is currently vacant; and

WHEREAS, Jose M. Alcantara, of 6006 Palisade Avenue, has demonstrated that he is qualified to be appointed as Alternate No. 1 to the Planning Board pursuant to N.J.S.A. 40:55D-23.1.

NOW, THEREFORE, be it resolved by the Board of Commissioners of the Town of West New York that Jose M. Alcantara is hereby appointed a two year term as Alternate No. 1 to the Planning Board of the Town of West New York, to take effect September 17, 2014, and to run through September 15, 2016.

Note: **Comm. Wiley voted “No” on this Resolution.**

September 17, 2014
Regular Meeting

Consent Agenda (cont.):

AMENDED RESOLUTION
APPROVING ALTERNATE PUBLIC DEFENDER SERVICES CONTRACTS FOR
SEPTEMBER 1, 2014 TO DECEMBER 31, 2014

WHEREAS, on August 20, 2014 the Town of West New York (“Town”) approved various Contracts via Resolution for the provision of alternate public defender services for the term September 1, 2014 to December 31, 2014; and

WHEREAS the Resolution approving these Contracts mistakenly included the Law Office of Rose Tubito, Esq. as an awardee of a Contract for public defender services for the term September 1, 2014 to December 31, 2014 and omitted Mechan & Quirk, LLC as having been determined by the Town’s “Best Practices” Committee to meet the selection criteria reflected in the RFP for public defender services for the term September 1, 2014 to December 31, 2014; and

WHEREAS, the Town seeks to amend the original Resolution to omit the Law Office of Rose Tubito, Esq. as a recipient of an award of Contract for alternate public defender services for the period September 1, 2014 to December 31, 2014 at a rate not to exceed \$300.00 per court appearance and to add Mechan & Quirk, LLC as a recipient of an award of Contract for alternate public defender services for the period September 1, 2014 to December 31, 2014 at a rate not to exceed \$300.00 per court appearance in accordance with the RFP; and

NOW, THEREFORE, BE IT RESOLVED that the Commissioners of the Town of West New York do hereby approve of an amended Resolution to omit the Law Office of Rose Tubito, Esq. as a recipient of an award of Contract for alternate public defender services for the period September 1, 2014 to December 31, 2014 at a rate not to exceed \$300.00 per court appearance and to add Mechan & Quirk, LLC as a recipient of an award of Contract for alternate public defender services for the period September 1, 2014 to December 31, 2014 in accordance with the RFP.

BE IT FURTHER RESOLVED, that the Mayor and Town Clerk are authorized to execute the agreement for these alternate public defender services.

AMENDED RESOLUTION
APPROVING PUBLIC RELATIONS SERVICES CONTRACT
FOR SEPTEMBER 1, 2014 TO DECEMBER 31, 2014

WHEREAS, on August 20, 2014 the Town of West New York (“Town”) approved a contract via Resolution for the provision of public relations services for the term September 1, 2014 to December 31, 2014; and

WHEREAS the Resolution approving this contract mistakenly reflected the cost of these services as “not to exceed” \$4,000.00 for the entire term of the contract and did not accurately reflect the cost of these services as \$4,000.00 for each month of the term of the contract; and

WHEREAS, the Town seeks to amend the original Resolution to change the cost of payment for public relations services from \$4,000.00 for the entire term of the contract to \$4,000.00 for each month of the term of the contract; and

NOW, THEREFORE, BE IT RESOLVED that the Commissioners of the Town of West New York do hereby approve of an amended Resolution to change the cost of payment for public relations services from \$4,000.00 for the entire term of the contract to \$4,000.00 for each month of the term of the contract .

BE IT FURTHER RESOLVED, that the Mayor and Town Clerk are authorized to execute the agreement for these public relations services.

Note: **Comm. Wiley voted “No” on this Resolution.**

September 17, 2014
Regular Meeting

Consent Agenda (cont.):

RESOLUTION
RE: APPOINTMENT OF DEPUTY TOWN CLERK

WHEREAS, the Town of West New York requires a Deputy Town Clerk to assist the Town Clerk in her duties and to act as Town Clerk in the absence of the Town Clerk Carmela Riccie for such time and period as Carmela Riccie may be absent due to vacation, sick days or other reasons and;

WHEREAS, pursuant to N.J.S.A. 40A:9-135 and Ordinance No. 784, the Town has established the position of Deputy Town Clerk and;

WHEREAS, the term of the Deputy Town Clerk will be for a period of one (1) year and the position is currently vacant and;

WHEREAS, Lisa Walsh has demonstrated the ability to perform the duties of Deputy Town Clerk.

NOW, THEREFORE, be it resolved by the Board of Commissioners of the Town of West New York that Lisa Walsh is hereby appointed Deputy Town Clerk for a one (1) year term to take effect September 17, 2014.

RESOLUTION
RE-APPOINTING
MUNICIPAL COURT JUDGE

WHEREAS, the Commissioners appointed Amarilis “Amy” Diaz as a judge in the West New York Town Municipal Court for a three year term; and

WHEREAS, this term expired on August 17, 2014 but according to N.J.S.A.2B:12-4 Judge Diaz holds over in the appointment until her successor is approved; and

WHEREAS, the Commissioners have determined to re-appoint Amarilis “Amy” Diaz to a new 3 year term; and

WHEREAS, the statute requires that the new term should run from the date of re-appointment and not from the end of the prior term and therefore the new three year term begins on September 17, 2014 and ends on September 16, 2017.

NOW, THEREFORE, BE IT RESOLVED that the Commissioners of the Town of West New York do hereby approve of a new three year term of appointment for Amarilis “Amy” Diaz as judge in the West New York Town Municipal Court which term shall commence on September 17, 2014 and expire on September 16, 2017.

BE IT FURTHER RESOLVED that the Mayor and Town Clerk are hereby authorized to take all necessary action to advise the assignment judge for Hudson County, of the term of office of municipal court judge Amarilis “Amy” Diaz.

September 17, 2014
Regular Meeting

Consent Agenda (cont.):

RESOLUTION
AUTHORIZING NEGOTIATION AND EXECUTION
OF A SHARED SERVICES AGREEMENT WITH THE
BOARD OF EDUCATION TO PROTECT THE SAFETY OF
WNY SCHOOL CHILDREN

WHEREAS the Town of West New York (“Town”) seeks to negotiate and execute a shared services agreement with the West New York Board of Education to protect the safety of WNY school children; and

WHEREAS, the Board of Commissioners hereby requests that the Corporation Counsel negotiate with the attorney for the Board of Education to finalize an agreement to protect the safety of WNY school children; and

WHEREAS, this agreement may commit funding from the Town of West New York to the West New York Board of Education not to exceed \$100,000 for additional school busing.

NOW, THEREFORE, BE IT RESOLVED that Corporation Counsel is hereby authorized to negotiate a shared services agreement with the West New York Board of Education counsel pursuant to N.J.S.A. 40A:65-1 et. seq.

BE IT FURTHER RESOLVED, that the agreement for the school busing may commit funds not to exceed \$100,000.00 from the Town of West New York to protect the safety of WNY school children.

BE IT FURTHER RESOLVED that a copy of the agreement, when executed, shall be forwarded to the Department of Community Affairs for filing.

Resolution

Re: Authorizing the Town Clerk to advertise to receive bid for “Office Supplies” on Tuesday, October 28, 2014 at 10:00 a.m. in Town Clerk’s Office

NOW, THEREFORE, BE IT RESOLVED that the Town Clerk be and she is hereby authorized and directed for the receiving of bids for “Office Supplies” on Tuesday, October 28, 2014 at 10:00 a.m. in the Town Clerk’s Office in accordance with the specifications on file in the Town Clerk’s Office.

Resolution

Re: Authorizing the Town Clerk to advertise to received bid for “Garbage and Recycling Services” on Tuesday, December 2, 2014 at 10:00 a.m. in Town Clerk’s Office

NOW, THEREFORE, BE IT RESOLVED that the Town Clerk be and she is hereby authorized and directed for the receiving of bids for “Garbage and Recycling Services” on Tuesday, December 2, 2014 at 10:00 a.m. in the Town Clerk’s Office in accordance with the specifications on file in the Town Clerk’s Office.

September 17, 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:

Engineering Services	October 8, 2014 9:30 am
Special Counsel	October 8, 2014 10:00 am
Special Hearing Officer	October 8, 2014 10:30 am
Special Counsel – Bond	October 8, 2014 11:00 am
ABC Prosecutor	October 8, 2014 11:30 am
Tax Appeal Expert	October 8, 2014 1:30 pm
Tax Appeal Counsel	October 8, 2014 2:00 pm
Conflict Counsel – Zoning Board	October 8, 2014 2:30 pm
Counsel to Library Board	October 8, 2014 3:00 pm
Conflict Counsel – Planning Board	October 8, 2014 3:30 pm
General Counsel – Rent Control Board	October 9, 2014 9:30 am
General Counsel – Planning Board	October 9, 2014 10:00 am
Tenant’s Advocacy Attorney	October 9, 2014 10:30 am
Insurance Fund Administrator	October 9, 2014 11:00 am
Zoning Board Attorney	October 9, 2014 11:30 am
Corporation Counsel	October 9, 2014 1:30 pm
Alternate Prosecutor	October 9, 2014 2:00 pm
Alternate Public Defender	October 9, 2014 2:30 pm
Grant Consultant – Federal/State	October 9, 2014 3:00 pm
Webmaster/website Maintainer	October 9, 2014 3:30 pm
Financial Consultant	October 10, 2014 9:30 am
Police Physician	October 10, 2014 10:00 am
Workers Compensation Attorney	October 10, 2014 10:30 am
Animal Control Officer	October 10, 2014 11:00 am
Special Construction Code Litigation Counsel	October 10, 2014 11:30 am
Risk Manager for Property and Casualty Insurance	October 10, 2014 1:30 pm
Auditing Services	October 10, 2014 2:00 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:

Engineering Services
Special Counsel
Special Hearing Officer
Special Counsel – Bond
ABC Prosecutor
Tax Appeal Expert

September 17, 2014
Regular Meeting

Consent Agenda (cont.):

Resolution (cont.):

Tax Appeal Counsel
Conflict Counsel – Zoning Board
Counsel to Library Board
Conflict Counsel – Planning Board
General Counsel – Rent Control Board
General Counsel – Planning Board
Tenant’s Advocacy Attorney
Insurance Fund Administrator
Zoning Board Attorney
Corporation Counsel
Alternate Prosecutor
Alternate Public Defender
Grant Consultant – Federal/State
Webmaster/website Maintainer
Financial Consultant
Police Physician
Workers Compensation Attorney
Animal Control Officer
Special Construction Code Litigation Counsel
Risk Manager for Property and Casualty Insurance
Audit Services

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.

RESOLUTION
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 legal matters:

- (1) Dario, Yacker, Suarez and Albert, LLC v. West New York
- (2) Wiley v. Roque

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 the pending legal matter has been resolved, to the extent disclosure is not prohibited by other law.

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

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

September 17, 2014
Regular Meeting

Note: Corporate Counsel Donald Scarinci announced at 7:22 p.m. that the governing body intends to go into Closed Executive Session. He further advised that it would not take more than 15-20 minutes and upon resumption of Regular Meeting, the Governing Body would address the Ordinances and another Resolution depending upon outcome of Executive Session and then go into the Public Portion of the Meeting. The public was then asked to exit the Court Chambers.

A Motion was made by Comm. Frias, seconded by Mayor Roque to **reconvene regular meeting at 7:55 p.m.**, was carried by following vote:

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

Note: Closed Executive Session ended at 7:51 p.m. The public returned to the Court Chambers at 7:55 p.m.

ORDINANCE #11/14

An Ordinance authorizing a Guaranty of the Town of West New York in the County of Hudson, New Jersey, securing payment of principal of and interest on certain Bonds, Notes or other obligations of the Parking Authority of the Town of West New York in an amount not to exceed \$8,500,000

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

It was regularly moved by Comm. Frias, seconded by Comm. Rodriguez, 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 – 67th Street, WNY:

Mr. Cullen commented that he would like to know what over sight the Town of WNY has over the Parking Authority. Mr. Scarinci advised that the Town appoints the members but that the Parking Authority acts autonomously. Mr. Cullen replied “Why then are they allowed to go into debt without over sight?” Mr. Scarinci explained that there will be a savings of money and that this is not additional debt. Mr. O’Reilly joined conversation and explained that this is a re-finance of existing debt to lower interest rate which will save substantial amount of money. He further explained that the Town has to back the debt but that this is not new debt. Mr. Cullen inquired if the Town is responsible for the original debt to which Mr. O’Reilly responded “Town is still responsible”. Mr. Cullen replied “Why?” Mr. Scarinci explained that no autonomous body has independent ability to incur debt or issue Bonds. It is done through the municipality and when debt is incurred the Town agreed to it. He reiterated that this is not new debt and this Ordinance will reduce the payments. Mr. Cullen responded “It is a symbiotic relationship between the Town and the Parking Authority. I am grateful Town decided to distance itself from the agreement signed by Mr. Schroeder to sell the parking lot on 67th Street. There needs to be over sight by the Town of the Parking Authority. I encourage the Town to consider the needs of the people. Drive past 67th Street area; there is no parking.”

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

Mr. Alvarez inquired whether anyone is aware of an investigation of Jaclyn 400 LLC. Mr. Scarinci advised him that the hearing is for this Ordinance solely and that he can speak during Public Portion.

September 17, 2014
Regular Meeting

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. Vargas 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 #12/14

**An Ordinance approving a Five (5) Year Tax Exemption for Five (5) Story Multi-Family building constructed by Jaclyn 40, LLC pursuant to the provisions of the Five (5) Year Exemption and Abatement Law, NJSA 40A:21-1 et. Seq. and Section 7 of Ordinance 11/07
An Ordinance entitled Five Year Tax Abatement Ordinance**

Note: Town Clerk Riccie read the title of the foregoing Ordinance aloud. Town Clerk announced that Hearing and Final Adoption of this Ordinance will be tabled and carried to the October 15, 2014 meeting.

It was regularly moved by Mayor Roque, seconded by Comm. Frias, **to table and carry this Ordinance until the October 15, 2014 meeting**, was carried by the following vote:

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

ORDINANCE #14/14

An Ordinance amending Chapter 254 Section 9 of the Town of West New York Municipal Code regarding the fee for applications filed for a Mobile or Street Vendor License

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

It was regularly moved by Mayor Roque, seconded by Comm. Frias, 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

September 17, 2014
Regular Meeting

Notice
Ordinance #14/14

An Ordinance amending Chapter 254 Section 9 of the Town of West New York Municipal Code regarding the fee for applications filed for a Mobile or Street Vendor License

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 September 17, 2014 and ordered published, and will be further considered before final passage at a public hearing on October 15, 2014 at 7:00 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.

Note: **Mr. Scarinci announced that as a result of Closed Executive Session, Resolution R-19 was added to agenda. He read the title of the Resolution and explained that governing body is authorizing to settle matter for \$41,032.16 for billing that was incurred prior to this Administration and that payment was not made pursuant to the Boxer State Report dated June 2013.**

RESOLUTION
AUTHORIZING THE EXECUTION OF A
SETTLEMENT AGREEMENT IN THE MATTER OF
DARIO, YACKER, SUAREZ AND ALBERT, LLC V. TOWN OF WEST NEW YORK

WHEREAS, the Town of the West New York is involved in a legal action pending in the New Jersey Superior Court, specifically Dario, Yacker, Suarez and Albert, LLC v. Town of West New York; and

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

WHEREAS, the Town has settled the litigated matter and the settlement proceeds in the amount of forty-one thousand thirty two dollars and sixteen cents (\$41,032.16) to be paid to Dario, Yacker, Suarez and Albert, LLC;

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.

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

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

September 17, 2014
Regular Meeting

Motion made by Mayor Roque, seconded by Comm. Frias, **to open Public Portion of meeting at 8:07 p.m.**, was carried by the following vote:

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

Public Portion:

The following persons wished to be heard:

1. Wayne Cook, 6131 Jackson Street, WNY:

Mr. Cook complained about traffic light at 62nd & Hudson not working and advised he had photographs depicting same. He complained about empty lot at 61st & Madison and 47 – 61st Street which he said is filthy. He commended Comm. Wiley for doing a good job in Parks Dept. He advised that he is present this evening to support Police Director Antolos as his character is being attacked and stated that he feels he is the best Police Director West New York has had. He further advised that he attended school with him, that he is a good father and a great hardworking man. Mr. O'Reilly advised that he signed a requisition to repair the traffic light and that Lou Cannao is working to have all lights repaired. Mayor Roque commented that this Administration hired Bob Antolos upon Comm. Rodriguez's recommendation and stated "We love him and are in full support of him." Comm. Wiley commented that he has heard rumors of Mr. Antolos being replaced and hopes they are not true as he is doing a "fantastic job". Comm. Rodriguez stated "That will not happen under my term".

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

Ms. Kellerman inquired as to whether anyone in the audience lives in Jacob's Ferry or Bulls Ferry or on the waterfront. No one responded. She continued by stating that "They get tax abatements but don't participate in Town meetings. They don't consider themselves part of WNY." She further commented that she read an article in August that they want to put a charter school on the waterfront but that if you live in Town you should integrate with everyone else and that the children who live on the waterfront should attend the public schools as her son does.

3. Rianna Bryceland, 6600 Blvd. East, WNY:

Ms. Bryceland thanked everyone for "democracy at play". She advised that while her sister visited from Pennsylvania, she walked through the neighborhood and complained about the condition of our streets i.e. cans, bottles, dog feces, etc. which "decorate our sidewalks". She complained that garbage receptacles are overflowing and that some of garbage ends up in the street or on the sidewalk. She stated "You want to make WNY the new Hoboken; I think that is great idea. They have had a renaissance. I choose to move from Manhattan to WNY in 1998. Hoboken's success lies west of view to manufacturing structures which exist and are being converted. It preserves architectural essence and beauty. We have same thing, a rich manufacturing history... filthy spaces with gigantic structures. The whole Town needs a face lift." She commented that the only thing Hoboken did wrong was to ignore the parking problem. She advised that she pays for parking and that at the last Zoning Board meeting the developer's representative said they are not going to have onsite parking but you can use St. Joseph's Church and School to park. She commented that Ms. Kellerman inquired as to whether they had received the permission from the Church and the developer's representative said No. She further commented that WNY does not have rapid transit options like Hoboken; we only have buses. She further commented that when she goes to work she has to walk north to Summit House to get on the bus and that the commuter vans are dangerous and NY Waterway is too expensive. She advised that the waterfront community has bus service provided by NY Waterway but that the upper part of WNY does not. She commented that there is a giant rental property being proposed by the developer and stated "If we shift focus from home ownership, we change the attitude of citizens to transiency."

September 17, 2014
Regular Meeting

Public Portion (cont.):

4. Robin Veteri, 5204 Fairview Terrace, WNY and Former Mayor of Montclair Gerry Fried:

Ms. Veteri thanked the governing body, Brian O'Reilly and Robert Cabana for permitting her to make a presentation for "Town in Motion". She introduced the former Mayor of Montclair Gerry Fried who advised as follows. He explained "complete streets policy" which advocates for pedestrians and bicyclists. He handed the Mayor and Commissioners a letter of introduction dated 9/17/14 and his reasons for requesting the governing body to consider a resolution to adopt the "Complete Streets policy" in West New York (which are attached to the end of these Minutes). He compared New York City's program to West New York and how we could more efficiently use our public space. He commented how young people want to live in "walkable areas". He commented that's the State of NJ has its own policy and that 105 towns have adopted municipal policies and that Hudson County is one of them. He held up his computer laptop to show examples of what Montclair has done when he was Mayor from 2008-2012. He introduced Nora Shepherd who offered her assistance for safe routes to school program. Comm. Frias commented that as part of West New York's proposed Master Plan, they are proposing to expand Bergenline Avenue to look like "Complete Streets" policy and that Ms. Veteri has offered her services to be on that committee. Mayor Roque thanked Mr. Fried and advised that a meeting would be scheduled to discuss this issue further.

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

Mr. Barquin referred to Budget adopted on 9/9/14 and inquired how a "zero tax increase" could be correct when the Hudson County Board of Taxation issued a new rate of 66.92 when it was 66.50 last year. He stated "How can you explain that?" Mayor Roque replied "That is the County rate not our rate". Mr. O'Reilly explained that there are several components of a tax bill i.e. library, open space, School, Town and County. He stated that Town did not raise its share but that if ratables drop or there is a slight increase in tax appeals, there may be a difference. He said he would look into it and get back to him. Mr. Scarinci added "Municipal tax increase is zero". Mr. Barquin disagreed. Mr. O'Reilly commented that the amount to be raised by taxation did not increase but that School and County may have gone up and ratables can go down. Mr. Barquin again disagreed and replied "Show me the numbers". Mr. Scarinci advised that School rate increased 20%. Mr. Barquin recited different rates/numbers. Mayor Roque requested that Mr. O'Reilly meet with Mr. Barquin to review all figures. Mr. Barquin complained that since 1981 taxes have been rising and services are not being supplied and commented that New York City pays less taxes than we do in West New York. He also commented about alleged violations on property owned by School Board President Steven Rodas and commented that Mr. Rodas "is in a political pattern of lying" as Mr. Rodas allegedly stated in March 2014 that he lives in WNY but his driver's license doesn't coincide. (At this point, Mr. O'Reilly and audience member, Ralph Martell, engaged in a shouting match.)

6. Cesar Sabino, 223 – 60th Street, WNY:

Mr. Sabino complained about the new coin machines in WNY parking lots and that the machines are "robbing the people" by not giving change. Comm. Frias inquired "Did you address this to the Parking Authority Director?" Mr. Sabino complained that Parking Authority meetings are held at 8:00 a.m. and he cannot attend at that time, and stated "I am addressing this Board who oversees everything". Mr. O'Reilly inquired "What is the address?" Mr. Sabino advised that he is referring to 62nd Street lot next to #1 School. Mayor Roque replied "He is right. Miami is the same thing." He recommended that Mr. Sabino speak to the Parking Authority. Mr. Sabino complained that meters only allow for 2 hour parking maximum and that he is a teacher and can't leave classroom to put more money. He also complained about the street sweeping hours being from 9 am to 12 noon on one side and 12:00 to 3:30 pm on the other thereby requiring teachers to move their vehicles during school hours, and requested that the teachers be "given a break". Discussion ensued between Mr. Sabino and Comm. Frias about sweeper hours. He recommended that hours be changed to 3:30 pm to 5:00 p.m. Mayor Roque agreed and asked Mr. Sabino to meet with him on Friday. Mr. Sabino referred to Ordinance 12/14 (5 yr. tax abatement for Jaclyn 40 LLC) being tabled and carried to Oct. 15th and commented that most revenue goes to County and Town and not Schools. He inquired whether it can be distributed to Schools also. He referred to prior comments made against tax abatements

September 17, 2014
Regular Meeting

Public Portion (cont.):

6. Cesar Sabino (cont):

and complained that Board of Education is over spending. Mayor Roque explained that Town made an offer regarding busing and it is up to Mr. Fauta to take action. Mr. O'Reilly explained that with long term abatements, the Town receives 95% and the County receives 5%. He further advised that if legislation is changed, monies could be re-distributed to include Schools. Mayor requested to meet with Mr. Sabino on Friday.

7. Comm.Wiley:

Comm. Wiley referred to Resolution R-21 (re: busing of students) and stated "I am not happy and this is not sufficient to me". He relayed that he also has children in school and that there is "finger pointing" going on and that it is a "weak effort on the Town's part". He referred to the wording of resolution which was modified during Work Session. He commented that the solution is to retain the children until 5:00 pm to allow parents to pick them up. He commented that the Town is not doing enough to resolve the problem and about the parents who lost a day's pay from work to protest this issue. He again stated that he is not happy with the Resolution adopted and said "I would have done more". He addressed Mayor Roque and said "You and the Superintendent should get together. Your politics are affecting the children and this is not being handled properly. You are the Mayor and should be a leader to make peace with the Board of Education. Your cronies are disappointing."

8. Sheila Dunne, 117 – 61st Street, WNY:

Ms. Dunne complained that the streets are not being cleaned and green machines are not being operated properly. She commented "We pay a lot of taxes. I have complained before. The town employees are at fault."

9. Nancy Arum, 6600 Blvd. East, WNY:

Ms. Arum stated "I am not against development but it needs to be responsible and not over developed. She complained about overcrowded buses and the increase in traffic and noise the proposed project on 67th & Blvd. East would bring. She referred to current zoning laws, and commented about the "Meridia debacle" which has occurred due to members of that board. Mayor Roque commented that it is difficult to get people to serve on these boards. She replied that people have applied to be members but received no response. She complained that the initial hearings took 13 months and that not one of the Zoning Board members asked any questions but still voted Yes, and that it was "an insult to us". Comm. Wiley agreed with her comments and complained that another member has been appointed tonight to Planning Board, who he has never met. (The other Commissioners indicated that they have met the new appointee.) Comm. Wiley complained about the appointment process and advised Ms. Arum "I will be there for you".

10. Natalie Breakstone, 6701 Blvd. East, WNY:

Mrs. Breakstone referred to the new 13 story development proposal for corner of 67th Street & Blvd. East and commented that they have half the space which is required under the Zoning laws. She referred to the project as "outrageous" and will "damage the quality of life in the neighborhood". She commented how it will affect traffic, parking, bus transportation, etc. Comm. Rodriguez inquired as to whether she has attended the Zoning Board meetings. Mrs. Breakstone replied "Yes for the past 2 yrs. and have asked questions". She complained that the Zoning Board members do not ask any questions. Comm. Rodriguez inquired "What is the status?" Mrs. Breakstone informed her that the 2nd application is to be heard tomorrow and now they are asking for 157 units instead of 123 units. She again complained about the quality of life and commented that the Zoning laws should be followed to preserve quality of life and control population. She stated "Don't compare us to New York City. There are other ways to increase the economy of our Town. We need parking, shopping, etc." She referred to a color coded map marked in red and in yellow and commented that money generated from the areas marked in yellow benefits other Towns. She commented that the "Zoning Board is a mockery" and so are the Zoning laws.

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Public Portion (cont.):

11. Margaret Gaffney, 6600 Blvd. East, WNY:

Ms. Gaffney complained about Meridia project on Park Avenue, the proposed project at 67th Street & Blvd. East and a project further north in Guttenberg which will create over development of the area and increase population. She referred to impact these projects will have on the existing sewerage treatment plant which she claims is already at full capacity. She commented that no study was conducted as to impact these projects will have on schools and she expressed her concern as to how these projects will affect the re-sale of her property. She commented that the Zoning Board members must consider all factors prior to rendering their decision. She further complained that the Zoning Board members are not asking any questions and continue to vote “yes” thereby having an appearance of a “payoff” and that they are “rolling over”. She commented that “we need active participation of the members” and that the members must ask questions and force concessions by developer. She stated “It is turning the Zoning Laws upside-down. We are not being listened to, nothing changes”. Comm. Wiley stated “I feel and understand you.” He complained that abatements are being granted “one after another” and \$65 million in uncollected taxes. He further commented that the Schools do not receive any portion of the abated revenue and “you bear burden and I am against this”. He further commented that Jaclyn LLC is coming back for another 5 yr. abatement when that building is already completed. He stated “They will continue as long as this Administration is here. He (the Mayor) doesn’t take responsibility and is doing nothing.” Comm. Wiley addressed the Mayor and told him to take time from his day to meet with the people and accused him of not being present when protest took place.

12. Nicholas Santos, 107 – 65th Street, WNY:

Mr. Santos discussed the issue of students being bused. He referred to a letter dated 9/3/14 from Mayor Roque to Superintendent John Fauta wherein Mayor refers to “serious matter regarding public safety of our children”. Mr. Santos read aloud some of the content of said letter. He advised that Mr. Fauta sent a reply letter on 9/8/14 and inquired as to whether Mayor Roque had met with Mr. Fauta. Mayor Roque replied “Yes we did”. Mr. Scarinci advised that since that letter, he has had conversations and attempted to negotiate with the Superintendent of Schools and prefaced his remarks by saying that “Chief School Administrator has sole discretion to recommend what is done”. He further stated “We have offered to pay some money. They don’t seem to want to do this.” He explained that on tonight’s agenda, a resolution was adopted to do something even if the Superintendent chooses to do nothing. He further explained that Mr. Fauta indicated that he has “communicated” with all parents but hasn’t met with them and that Mr. Fauta’s solution to this issue is not busing the students but keeping students in “wrap around program” which would allow parents to pick them up at the end of their work day. He further advised that Mr. Fauta wants to utilize the town’s money for that purpose and not for busing. Mr. Santos once again referred to the Mayor’s letter and stated that by law, the Mayor has the power to do something about this problem and inquired why hasn’t the Mayor done so. Mr. Santos advised that parents asked for crossing guards and were told there is no money and commented “Why do you have money now, because an election is coming?” Mr. Scarinci advised that there is a hiring freeze in effect but the town can re-deploy the crossing guards and have additional police presence. Mr. O’Reilly advised that the police department re-deployed 5 crossing guards and also replaced some of them and that a patrol car has been dispatched to the area. He further advised that he has personally met with Mr. Fauta on 5 occasions but he (Mr. Fauta) “keeps putting up barriers”. Mr. Santos again stated “We were told there is no money for crossing guards”. Mr. O’Reilly commented that it is not just a crossing guard issue. Mr. Scarinci explained that we can’t hire more people until after 12/31/14. He recommended that Mr. Santos review the School Board’s budget. He advised that the Town cannot hire buses, teachers, etc. and the only one that can do that is the Board of Education with the recommendation of the Superintendent. Mr. Scarinci stated “We took away their excuse for not doing it”. Mr. Santos inquired whether the parents can meet with the Superintendent and Town representatives so that all sides can be heard and the matter resolved. Mr. Scarinci replied “I requested that today....that parents be brought in to meet and discuss all issues and not just send a letter”.

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Public Portion (cont.):

13. Connie Lizarazo, 60 – 63rd Street, WNY:

Ms. Lizarazo advised that she is here on behalf of the parents who can't be present this evening but are watching this meeting on Hudson View. She inquired "Has the Town paid the Board of Education for buses for Port Imperial?" Mayor Roque replied "NO". Ms. Lizarazo stated "If you haven't paid for transportation, how do you have the money now for buses?" Mayor replied "We have shared services agreement". (Mr. O'Reilly attempted to respond but audience members shouted "We want the Mayor to answer".) Mayor replied that he is a "figurehead" and commented that he relies on others with those areas of expertise to respond. (Several audience members shouted negative remarks about the use of the word "figurehead".) Mayor instructed Mr. O'Reilly to respond. Mr. O'Reilly explained that as part of the Shared Services Agreement, the Town reimburses school for transportation for Port Imperial so the answer is "yes". Ms. Lizarazo responded "The Board of Education hasn't been paid for one (1) year." Mr. O'Reilly advised that he would check into whether they were paid or not. Mr. Scarinci added "We received no notice of default".

14. Ron Scheurle, 6119 Tyler Place, WNY:

Mr. Scheurle inquired as to when the tax bills will be mailed. Mr. O'Reilly advised "in about 1 week". Mr. Scheurle responded "Do we have to pay within 20 days?" Mayor Roque replied "I don't know the answer to that". Mr. O'Reilly advised that 3rd & 4th quarters are due at the same time. Mr. Scheurle inquired "Why are you holding them back? People can't come up with all that money." Mr. O'Reilly explained the due dates for payment of taxes. Mr. Scheurle commented "This is a ridiculous government." He complained about Board of Education President Steven Rodas' violations on property he owns and said "This reminds me of Silvio Acosta and what he did. Have a nice day; I hope you can sleep at night".

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

Mr. Cullen requested clarification of responses given to the questions posed by Connie Lizarazo as to whether the Town paid the Board of Education for busing of students from Port Imperial and stated "Your answer is yes?" Mr. O'Reilly replied "Yes". Mr. Cullen commented that the use of the word "figurehead" is the wrong reference as the Mayor is the "top elected official" and should be able to answer the questions and not rely upon Mr. Scarinci or Mr. O'Reilly. Mayor replied "I have staff and they are the experts". Mr. Cullen responded "You were elected, not your staff". He also complained that instead of the citizens having to vacate the room during Executive Session that the Board of Commissioners should leave. He also commented that Steven Rodas was appointed by the Mayor and that he campaigned on behalf of candidates who didn't win in January School Board Election. He requested that the Mayor "look into his fines/violations" and mentioned Silvio Acosta owing \$500,000 in fines and that Zoning Board approved his illegal apartments. He also commented about the DPW Commissioner and stated "He is not your staff" and that he owes \$10,000 in fines for property on Grant Place. He commented "The Zoning Board blessed it" and that elected or appointed officials should be required to pay their fines. Mayor Roque replied "I don't know what you are talking about." Mr. Cullen referred to previous presentation by former Mayor Gerry Fried regarding Complete Streets Program; made a comment that it is a coincidence that Master Plan is being revised and that New York City is not like West New York. Mayor advised Mr. Cullen that his five (5) minutes to speak had expired. Mr. Cullen replied "I am the first person you said that to." Mayor permitted him to continue. Mr. Cullen commented that Mr. Fried's proposal is for "wealthy people who have parking" and those who don't will be penalized. He commented about "tax abated properties" and that Comm. Wiley is on the record being against abatements. He commented about Judge Barry Albino disbaring former Hoboken Mayor Peter Camarano and stated "An elected official who sells his office betrays a solemn trust". He referred to photograph in which Mayor Roque appeared with Rolando Cribeiro and others and made various comments about WNY PAC, Mayor Roque and Silvio Acosta and alleged \$9,000 contribution made to PAC. He inquired of the Mayor "Did you accept any money from WNY Future Vision?" Mayor Roque replied "It is fun to be rich but I have not received money from anyone. I don't take money from anyone." Mr. Cullen referred to a Redeveloper Agreement and that Mr. Scarinci was the attorney at that time for Port Imperial. He further commented that nothing contained in that

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Public Portion (cont.):

15. Patrick Cullen (cont.):

Agreement required the Town to reimburse for busing and stated “Fauta can’t transport by law. You are unfairly making Fauta a villain”.

16. Ralph Sanchez, 5907 Buchanan Place, WNY:

Mr. Sanchez stated that he is not against development. He explained that he is not a rich person and that he owns two (2) properties but that the Zoning hearings keep getting postponed for months as there is lack of quorum. He advised that he is required to pay additional fees each and every time the hearing is postponed and that he finally gave up and purchased another property. He stated “I am following rules as a regular person. A regular person cannot win in West New York. I believe in the American dream and investing back into my community. The message is...the little guy can’t win in West New York in the legal way. I am writing the check to the wrong person.” He explained how much it has cost him during this process and that he was charged an escrow fee twice for the same property. He stated “I am trying to play with the big boys and get kicked to the side.” He further stated “We need a transparent government”. He inquired “As part of the Master Plan, how are we going to take care of the people?” Mayor responded “What you are saying is very true. I want you to dream and be positive. I was like you. I kept taxes stable.” Comm. Wiley joined conversation and stated “And what has that cost this Town...your politics are too dirty.” The Commissioner commented that “it is always the same developer over and over again.” Mayor replied “Come May you will have a voice to say what you want to do. Don’t ask me to come back.”

17. Ralph Martell, 6001 Monroe Place, WNY:

Mr. Martell stated “I think you are a gentleman Mr. Scarinci. You have a herculean task.” He then directed his comments to the Mayor. He stated “You ran on stabilizing taxes and this Town is corrupt. The previous Mayor was not indicted, you were. Your Commissioners abuse their power and use town vehicles. It is a violation to use a police car. He is lying to you, Donald. The Mayor knew in February but didn’t care. This is politics...to blame John Fauta, shame on you. The FBI won’t let him do that. By Statute, he can’t pay for buses.” He commented that the cost of busing the students would be over \$600,000. He stated “Resign if you have any decency”.

18. James Natale, 6031 Monitor Place, WNY:

Mr. Natale commented “I have fought overdevelopment for 10 yrs. I have lived here for 20 yrs. I am against the Meridia project.” He referred to the Park Avenue project which was approved and that there is a “big red M shining in my window 24 hours a day. It never goes off. They say it is for marketing. Who the hell is looks at it at 3:00 a.m.?” He commented that he sees Comm. Wiley walking the streets “saying things are going to get better”. He complained that the “Zoning Board is taking matters into their own hands” and that the “variances being approved are crazy”. He referred to the new application for 67th & Blvd. East which is for a higher density and that it is the same project with the same developer for the same property. He commented “I was told that it is a done deal. My lawyer says they are a rubber stamp.”

19. Carlos Betancourt, 6503 Jackson Street, WNY:

Mr. Betancourt stated “Gentrification in this area is inevitable. We are complaining about how it is being done.” He complained that people are being overtaxed, the traffic light at 60th & Jackson is still not working and that there should be more oversight and exploration of alternate parking, etc. He commented “It is out of the box thinking that wins at the end of the day.” He commented about the current complaints being made about the waterfront residents not participating in meetings and that in the past Boulevard East was faced with the same thing i.e. now they participate and the waterfront will do likewise. He stated “We need appropriate leadership.” He commented about Mr. Martell’s reference to Silvio Acosta using a police vehicle with police lights, etc. and that it is illegal to use same.

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Public Portion (cont.):

20. Frank Ferreiro, 5206 Bergenline Avenue, WNY:

Mr. Ferreiro referred to the Jaclyn Heights Ordinance and was advised that said Ordinance is being carried to the October 15th Commission Meeting. Mr. Ferreiro commented that abatements are “good things” and that in North Bergen, it created parks and jobs. He inquired whether the Town can negotiate with representatives of Jaclyn Heights for contribution of \$25,000 per yr. to be used for Town’s Recreation Dept.

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

Mr. Alvarez referred to Jaclyn Heights luxury rentals and commented “something is shady”. He inquired “Is anyone here aware of any ongoing investigation with Dean Mon or Jaclyn LLC of improprieties of misuse of grants?” Mr. Scarinci replied “Are you are of something we should be aware of?”

A motion was made by Commissioner Frias, seconded by Mayor Roque; **to close the Public Portion at 10:12 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 Commissioner Wiley; **to adjourn the meeting at 10:12 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