

***Town of West New York
Hudson County, New Jersey***

***Minutes of Special Meeting
(Regular Session)
June 23, 2017***

***Commissioner Cosmo A. Cirillo
Commissioner Susan M. Colacurcio
Commissioner Margarita Guzman
Commissioner Gabriel Rodriguez
Mayor Felix E. Roque
Board of Commissioners***

***ATTEST: CARMELA RICCIE, RMC
TOWN CLERK***

June 23, 2017
Special Meeting

PLEASE TAKE NOTICE that a Special Meeting will be held by the Board of Commissioners of the Town of West New York, New Jersey, on Friday, June 23, 2017 at 12:00 p.m. (No Work Session) in the Court Chambers, Municipal Building, 428 – 60th Street, Room #18, West New York, New Jersey, for the purpose of considering the following business:

1. RESOLUTION – RE: Hearing and Adoption of the 2017 Municipal Budget
2. RESOLUTION – RE: Award of Summer Food Program 2017
3. RESCINDING RESOLUTION – RE: To approve contract for bond counsel services with Decotiis, Fitzpatrick, & Cole
4. RESCINDING RESOLUTION – RE: Awarding contract to Decotiis, Fitzpatrick, & Cole, LLP for Tax Appeal Counsel Services
5. RESCINDING RESOLUTION – RE: Awarding Contract to Decotiis, Fitzpatrick, Cole, & Giblin, LLP for Labor Counsel Services
6. RESCINDING RESOLUTION – RE: Awarding Contract to Decotiis, Fitzpatrick, Cole, & Giblin, LLP and Pashman, Stein, Walder, Hayden PC for Worker’s Compensation Counsel Services
7. RESOLUTION – RE: To approve contract for bond counsel services with Decotiis, Fitzpatrick, & Cole, LLP
8. RESOLUTION – RE: Awarding contract to Decotiis, Fitzpatrick, & Cole, LLP for Tax Appeal Counsel Services
9. RESOLUTION – RE: Awarding Contract to Decotiis, Fitzpatrick, Cole, & Giblin, LLP for Labor Counsel Services
10. RESOLUTION – RE: Awarding Contract to Decotiis, Fitzpatrick, Cole, & Giblin, LLP and Pashman, Stein, Walder, Hayden PC for Worker’s Compensation Counsel Services

Receipt is hereby acknowledged of due notice of the above special meeting and other or further notice thereof is hereby waived as unnecessary.

Commissioner Cosmo A. Cirillo
Commissioner Susan M. Colacurcio
Commissioner Margarita Guzman
Commissioner Gabriel Rodriguez
Mayor Felix E. Roque
Board of Commissioners

Attest: Carmela Riccio, RMC
Town Clerk

Present: Commissioners Cirillo, Colacurcio, Guzman, Rodriguez, and Mayor Roque
Absent: None
Also Present: Town Clerk Carmela Riccio, Town Administrator James Cryan, and Corporation Counsel Angelo Auteri

Meeting commenced at 12:27 P.M.

Town Clerk Carmela Riccio made the following announcement:

As presiding officer of this meeting I do hereby certify that the requirements of the Open Public Meetings Act pertaining to this meeting scheduled to be held this: Friday, June 23, 2017 at 12:00 p.m. (No Work Session) in the Court Chambers, Municipal Building, have been satisfied by the delivery of the 48 hour notice to each of the newspapers circulating in the Town of West New York (The Jersey Journal and the Bergen Record); by posting in the Municipal Building on the Municipal Bulletin Board; and by filing with the Clerk of the Municipality with copies to all persons desiring the same. Copies are available to the public in accordance with the law.

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RESOLUTION
RE: HEARING AND ADOPTION OF THE 2017 MUNICIPAL BUDGET

BE IT RESOLVED by the Board of Commissioners of the Town of West New York, County of Hudson that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) 36,982,360.00 (Item 2 below) for municipal purposes and,
- (b) 0.00 (Item 3 below) for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,
- (c) 278,023.00 (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) 0.00 (Item 43 Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) 889,770.00 (Item 5 below) Minimum Library Tax

Summary of Revenues

1.	General Revenues	
	Surplus Anticipated	\$5,400.00.00
	Miscellaneous Revenues Anticipated	\$37,975,628.00
	Receipts from Delinquent Taxes	\$93,400.00
2.	Amount to be raised by taxation for municipal purposes (item 6(a), sheet 11)	\$36,982,360.00
3.	Amount to be raised by taxation for schools in Type I School Districts Only: Item 6, Sheet 42	0.00
4.	To be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR <u>SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY</u> : Item 6(b), Sheet 11 (N.J.S. 40A:4-14)	\$278,023.00
5.	Amount to be raised by taxation minimum library levy	\$889,770.00
	Total Revenues	\$81,619,181.00

Summary of Appropriations

5.	General Appropriations	
	Within "CAPS"	
	(a&b) Operations including contingent	\$52,517,173.00
	(e) Deferred Charges and Statutory Expenditures – Municipal	\$5,205,000.00
	(g) Cash Deficit	\$0.00
	Excluded from "CAPS"	
	(a) Operations – Total operations excluded from "CAPS"	\$15,907,008.00
	(c) Capital Improvements	\$125,000.00

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Resolution (cont.):

(d) Municipal Debt Service	\$6,266,977.00
(e) Deferred Charges – Municipal	\$0.00
(f) Judgments	\$320,000.00
(n) Transferred to Bd. of Education for use of local schools	\$0.00
(g) Cash Deficit	\$0.00
(k) For Local District School Purposes	\$278,023.00
(m) Reserved for Uncollected Taxes	\$1,000,000.00
6. School Appropriations – Type I School Districts only	\$0.00
Total Appropriations	\$81,619,181.00

A motion was made by Comm. Colacurcio, seconded by Comm. Rodriguez, **to open the hearing on 2017 Budget**, was carried by the following vote:

YEAS - Commissioners Cirillo, Colacurcio, Guzman, Rodriguez and Mayor Roque
NAYS - None
ABSENT - None

Note: Town Clerk Riccie read the Resolution and total appropriations and revenues aloud. She announced that if anyone wished to be heard regarding the 2017 Budget, that the Hearing is now open, and that he or she must state his or her name and address for the record prior to addressing the governing body. Town Clerk further announced that the Town's Budget had been cleared for adoption by the State Division of Local Government Services. No one wished to be heard.

Inasmuch as No one wished to be heard, a Motion was made by Commissioner Colacurcio, seconded by Commissioner Rodriguez, **to close the hearing and adopt** the foregoing Resolution, was carried by the following vote:

AYES - Commissioners Cirillo, Colacurcio, Guzman, Rodriguez, and Mayor Roque
NAYS - None
ABSENT - None

RESOLUTION

RE: APPROVING CONTRACT WITH NU-WAY CONCESSIONAIRES, INC. FOR THE SUMMER FOOD PROGRAM FOR SUMMER 2017

WHEREAS, bids were sought for the summer food program contract and two bids were received; and

WHEREAS, the bid submitted by the lowest bidder, Feed Our Children, was deficient and incomplete in that it did not contain another copy of the Bid Bond as required by the State of New Jersey Department of Agriculture; and

WHEREAS, the next lowest bidder, Nu-Way Concessionaires, Inc., submitted a bid and that bid was reviewed and approved by New Jersey Department of Agriculture, which funds this contract; and

WHEREAS, the bid from Nu-Way Concessionaires, Inc. proposed a price of \$1.69 per breakfast and \$2.59 per lunch for a total bid price not to exceed \$65,428.50;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Town of West New York do hereby reject the bid of Feed Our Children for the aforesaid reason and

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Resolution (cont.):

approve of the contract with Nu-Way Concessionaires, Inc. for the Summer food program for a total contract price not to exceed \$65,428.50 and in accordance with the bid prices for breakfast and lunch.

BE IT FURTHER RESOLVED, that the Mayor and Town Clerk are authorized to execute this contract.

BE IT FURTHER RESOLVED that the exact line item appropriation to be charged is Calendar Year 2017 Budget (Summer Food Program acct #02-117-03-501-017).

Motion was made by Commissioner Colacurcio, seconded by Commissioner Cirillo, to adopt the foregoing Resolution, was carried by the following vote:

AYES - Commissioners Cirillo, Colacurcio, Guzman, Rodriguez, and Mayor Roque
NAYS - None
ABSENT - None

Consent Agenda:

It was regularly moved by Commissioner Colacurcio, seconded by Commissioner Cirillo that the following Consent Agenda Items Nos. R-3 through R-6 be adopted, was carried by the following vote:

AYES - Commissioners Cirillo, Colacurcio, Guzman, and Rodriguez
NAYS - None
ABSENT - None

Note: **Town Clerk Riccie read the titles of all Resolutions aloud. The Governing Body wished to place Resolutions #R-3 through R-6 (Re: Rescinding Resolutions approving award of contracts to DeCotiis, Fitzpatrick & Cole, LLP for Bond Counsel, Tax Appeal Counsel, Labor Counsel and Workers Compensation Counsel) on the Consent Agenda, to which they all agreed. Mayor Roque “abstained” on voting on these four (4) Resolutions.**

RESCINDING RESOLUTION
RE: TO APPROVE CONTRACT FOR BOND COUNSEL SERVICES
WITH DECOTIIS FITZPATRICK & COLE

WHEREAS, the Town of West New York (“Town”) sought proposals for a contract for bond counsel services pursuant to a fair and open process; and

WHEREAS, the Town received proposals for these services and the proposals were reviewed and it was determined that the proposal from DeCotiis Fitzpatrick, & Cole provided the professional services required by the Town; and

WHEREAS, the Contractor proposes to be paid from the bond ordinance proceeds as set forth in the proposal’s fee structure (attached), and a total contract amount not to exceed \$25,000.00; and

WHEREAS, the Town of West New York does hereby award a contract for bond counsel services to DeCotiis Fitzpatrick, & Cole for a contract to commence on January 1, 2017 and ending on December 31, 2017.

NOW, THEREFORE, BE IT RESOLVED that DeCotiis Fitzpatrick, & Cole shall be paid for services provided from proceeds from the bond ordinance and as set forth in the proposal’s

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

fee structure (attached) for a total contract amount not to exceed \$25,000, for the year commencing January 1, 2017 and ending on December 31, 2017.

BE IT FURTHER RESOLVED, that the Mayor and Town clerk are hereby authorized to execute the agreement with DeCotiis Fitzpatrick, & Cole for these services.

A certification of funds for this contract amendment is on file in the Clerk's office and incorporated herein by reference.

Note: Mayor Roque abstained from voting on this resolution.

RESCINDING RESOLUTION
RE: AWARDING CONTRACT TO DECOTIIS, FITZPATRICK & COLE, LLP
FOR TAX APPEAL COUNSEL SERVICES

WHEREAS, the Town West New York solicited proposals under a fair and open process for a contract for tax appeal counsel services; and

WHEREAS, several proposals were received and the Town of West New York evaluated these proposals and determined that DeCotiis, Fitzpatrick & Cole, LLP will provide the tax appeal counsel services in a cost effective manner for the Town; and

WHEREAS, the proposal for these services provided a rate of \$ 150.00 per hour for a total contract not to exceed \$40,000.00 per year; and

WHEREAS, this contract will commence on January 20, 2017 and continue until December 31, 2017.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York do hereby authorize a contract with DeCotiis, Fitzpatrick & Cole, LLP, for tax appeal counsel services commencing January 1, 2017 until December 31, 2017.

BE IT FURTHER RESOLVED, the Town shall pay DeCotiis, Fitzpatrick & Cole, LLP \$150.00 per hour, not to exceed yearly cap of \$40,000.00.

BE IT FURTHER RESOLVED, that the Mayor and Town clerk are authorized to execute a contract for these tax appeal counsel services.

BE IT FURTHER RESOLVED that the Chief Financial Officer's certification of funds shall be on file at the Town Clerk's Office and incorporated herein by reference.

Note: Mayor Roque abstained from voting on this resolution.

RESCINDING RESOLUTION
RE: AWARDING CONTRACT TO DECOTIIS, FITZPATRICK, COLE &
GIBLIN, LLP FOR LABOR COUNSEL SERVICES

WHEREAS, the Town West New York solicited proposals under a fair and open process for a contract for Labor Counsel Services; and

WHEREAS, several proposals were received and the Town of West New York evaluated these proposals and determined that the following firm can provide the Labor Counsel services, as needed, in a professional and cost effective manner for the Town; and

WHEREAS, the request for proposals for these services provided a rate of \$150 per hour

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

for these services; and

WHEREAS, a contract will commence on June 19, 2017 and continue until June 18, 2018

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York do hereby authorize a contract with the following firm commencing June 19, 2017 until June 18, 2018:

DeCotiis, FitzPatrick, Cole & Giblin, LLP
Glenpointe Centre West
500 Frank W. Burr Boulevard, Suite 31
Teaneck, New Jersey 07666

BE IT FURTHER RESOLVED, the Town shall pay \$150 per hour compensation for Labor Counsel Services provided with a do not exceed limit of \$150,000.

Note: Mayor Roque abstained from voting on this resolution.

RESCINDING RESOLUTION
RE: AWARDING CONTRACT TO DECOTIIS, FITZPATRICK, COLE & GIBLIN, LLP
AND PASHMAN, STEIN, WALDER, HAYDEN PC FOR
WORKERS COMPENSATION COUNSEL SERVICES

WHEREAS, the Town West New York solicited proposals under a fair and open process for a contract for workers compensation counsel services; and

WHEREAS, several proposals were received and the Town of West New York evaluated these proposals and determined that the following firms can provide the workers compensation counsel services, as needed, in a professional and cost effective manner for the Town; and

WHEREAS, the request for proposals for these services provided a rate of \$150 per hour for these services; and

WHEREAS, these contracts will commence on May 19, 2017 and continue until December 31, 2017.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York do hereby authorize contracts with the following firms commencing May 18, 2017 until December 31, 2017:

DeCotiis Fitzpatrick Cole & Giblin LLP
Glenpointe Center West
500 Frank W. Burr Boulevard, Suite 31,
Teaneck, New Jersey, 07666

Pashman, Stein, Walder, Hayden PC
21 Main Street. Suite 200
Hackensack, NJ 07601

BE IT FURTHER RESOLVED, the Town shall pay \$150 per hour for workers compensation counsel services provided.

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

BE IT FURTHER RESOLVED, that the Mayor and Town clerk are authorized to execute the contracts for these workers compensation counsel services.

BE IT FURTHER RESOLVED that the Chief Financial Officer's certification of funds shall be on file at the Town Clerk's Office and incorporated herein by reference.

Note: Mayor Roque abstained from voting on this resolution.

RESOLUTION
RE: TO APPROVE CONTRACT FOR BOND COUNSEL SERVICES
WITH DECOTIIS FITZPATRICK & COLE

WHEREAS, the Town of West New York ("Town") sought proposals for a contract for bond counsel services pursuant to a fair and open process; and

WHEREAS, the Town received proposals for these services and the proposals were reviewed and it was determined that the proposal from DeCotiis Fitzpatrick, & Cole provided the professional services required by the Town; and

WHEREAS, the Contractor proposes to be paid from the bond ordinance proceeds as set forth in the proposal's fee structure (attached), and a total contract amount not to exceed \$25,000.00; and

WHEREAS, the Town of West New York does hereby award a contract for bond counsel services to DeCotiis Fitzpatrick, & Cole for a contract to commence on January 1, 2017 and ending on December 31, 2017.

NOW, THEREFORE, BE IT RESOLVED that DeCotiis Fitzpatrick, & Cole shall be paid for services provided from proceeds from the bond ordinance and as set forth in the proposal's fee structure (attached) for a total contract amount not to exceed \$25,000, for the year commencing January 1, 2017 and ending on December 31, 2017.

BE IT FURTHER RESOLVED, that the Mayor and Town clerk are hereby authorized to execute the agreement with DeCotiis Fitzpatrick, & Cole for these services.

A certification of funds for this contract amendment is on file in the Clerk's office and incorporated herein by reference.

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

AYES - Commissioners Cirillo, Colacurcio, Guzman, and Rodriguez
NAYS - None
ABSENT - None

Note: Mayor Roque abstained from voting on this resolution.

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RESOLUTION
RE: AWARDING CONTRACT TO DECOTIIS, FITZPATRICK & COLE, LLP
FOR TAX APPEAL COUNSEL SERVICES

WHEREAS, the Town West New York solicited proposals under a fair and open process for a contract for tax appeal counsel services; and

WHEREAS, several proposals were received and the Town of West New York evaluated these proposals and determined that DeCotiis, Fitzpatrick & Cole, LLP will provide the tax appeal counsel services in a cost effective manner for the Town; and

WHEREAS, the proposal for these services provided a rate of \$ 150.00 per hour for a total contract not to exceed \$40,000.00 per year; and

WHEREAS, this contract will commence on January 20, 2017 and continue until December 31, 2017.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York do hereby authorize a contract with DeCotiis, Fitzpatrick & Cole, LLP, for tax appeal counsel services commencing January 1, 2017 until December 31, 2017.

BE IT FURTHER RESOLVED, the Town shall pay DeCotiis, Fitzpatrick & Cole, LLP \$150.00 per hour, not to exceed yearly cap of \$40,000.00.

BE IT FURTHER RESOLVED, that the Mayor and Town clerk are authorized to execute a contract for these tax appeal counsel services.

BE IT FURTHER RESOLVED that the Chief Financial Officer's certification of funds shall be on file at the Town Clerk's Office and incorporated herein by reference.

Motion was made by Commissioner Colacurcio, seconded by Commissioner Cirillo, to adopt the foregoing Resolution, was carried by the following vote:

AYES - Commissioners Cirillo, Colacurcio, Guzman, and Rodriguez
NAYS - None
ABSENT - None

Note: Mayor Roque abstained from voting on this resolution.

RESOLUTION
RE: AWARDING CONTRACT TO DECOTIIS, FITZPATRICK, COLE &
GIBLIN, LLP FOR LABOR COUNSEL SERVICES

WHEREAS, the Town West New York solicited proposals under a fair and open process for a contract for Labor Counsel Services; and

WHEREAS, several proposals were received and the Town of West New York evaluated these proposals and determined that the following firm can provide the Labor Counsel services, as needed, in a professional and cost effective manner for the Town; and

WHEREAS, the request for proposals for these services provided a rate of \$150 per hour for these services; and

WHEREAS, a contract will commence on June 19, 2017 and continue until June 18, 2018

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York do hereby authorize a contract with the following firm

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Resolution (cont.):

commencing June 19, 2017 until June 18, 2018:

DeCotiis, FitzPatrick, Cole & Giblin, LLP
Glenpointe Centre West
500 Frank W. Burr Boulevard, Suite 31
Teaneck, New Jersey 07666

BE IT FURTHER RESOLVED, the Town shall pay \$150 per hour compensation for Labor Counsel Services provided with a do not exceed limit of \$150,000.

Motion was made by Commissioner Colacurcio, seconded by Commissioner Cirillo, to adopt the foregoing Resolution, was carried by the following vote:

AYES - Commissioners Cirillo, Colacurcio, Guzman, and Rodriguez
NAYS - None
ABSENT - None

Note: Mayor Roque abstained from voting on this resolution.

RESOLUTION

**RE: AWARDING CONTRACT TO DECOTIIS, FITZPATRICK, COLE & GIBLIN, LLP
AND PASHMAN, STEIN, WALDER, HAYDEN PC FOR
WORKERS COMPENSATION COUNSEL SERVICES**

WHEREAS, the Town West New York solicited proposals under a fair and open process for a contract for workers compensation counsel services; and

WHEREAS, several proposals were received and the Town of West New York evaluated these proposals and determined that the following firms can provide the workers compensation counsel services, as needed, in a professional and cost effective manner for the Town; and

WHEREAS, the request for proposals for these services provided a rate of \$150 per hour for these services; and

WHEREAS, these contracts will commence on May 19, 2017 and continue until December 31, 2017.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York do hereby authorize contracts with the following firms commencing May 18, 2017 until December 31, 2017:

DeCotiis Fitzpatrick Cole & Giblin LLP
Glenpointe Center West
500 Frank W. Burr Boulevard, Suite 31,
Teaneck, New Jersey, 07666

Pashman, Stein, Walder, Hayden PC
21 Main Street. Suite 200
Hackensack, NJ 07601

BE IT FURTHER RESOLVED, the Town shall pay \$150 per hour for workers compensation counsel services provided.

BE IT FURTHER RESOLVED, that the Mayor and Town clerk are authorized to execute the contracts for these workers compensation counsel services.

BE IT FURTHER RESOLVED that the Chief Financial Officer's certification of funds

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Resolution (cont.):

shall be on file at the Town Clerk's Office and incorporated herein by reference.

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

AYES - Commissioners Cirillo, Colacurcio, Guzman, and Rodriguez
NAYS - None
ABSENT - None

Note: Mayor Roque abstained from voting on this resolution.

A Motion was made by Commissioner Colacurcio, seconded by Commissioner Rodriguez, to **open Public Portion of meeting at 12:35 P.M.**, was carried by the following vote:

AYES - Commissioners Cirillo, Colacurcio, Guzman, Rodriguez, and Mayor Roque
NAYS - None
ABSENT - None

Public Portion:

No one wished to be heard.

A motion was made by Commissioner Colacurcio, seconded by Commissioner Cirillo, to **close the Public Portion and adjourn the Meeting at 12:35 P.M.**, was carried by the following vote:

AYES - Commissioners Cirillo, Colacurcio, Guzman, Rodriguez, and Mayor Roque
NAYS - None
ABSENT - None

Commissioner Cosmo A. Cirillo

Commissioner Susan M. Colacurcio

Commissioner Margarita Guzman

Commissioner Gabriel Rodriguez

Mayor Felix E. Roque
Board of Commissioners

Attest: _____
Carmela Riccie, RMC
Town Clerk