

January 31, 2012
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 Tuesday, January 31, 2012 at 1:00 p.m. (No Work Session) in Mayor's Conference Room, Municipal Building, 428 – 60th Street, West New York, New Jersey, for the purpose of considering the following business:

1. Resolution- Re: Approving a Professional Services Agreement for Services of A.B.C. Prosecutor
2. Resolution- Re: Approving a Professional Services Agreement for Services of Internal Accounting Services
3. Resolution- Re: Approving a Professional Services Agreement for Services of Labor Counsel
4. Resolution- Re: Approving a Professional Services Agreement for Services of Municipal Prosecutor
5. Resolution- Re: Approving a Professional Services Agreement for Services of Legal/Liability Attorney/Special Counsel
6. Resolution- Re: Approving a Professional Services Agreement for Services of Legal/Liability Counsel
7. Resolution- Re: Approving a Professional Services Agreement for Services of Professional Planning Services
8. Resolution- Re: Approving a Professional Services Agreement for Services of Web Design Consulting Services
9. Resolution- Re: Approving a Professional Services Agreement for Services of Planning Board Attorney
10. Resolution- Re: Approving a Professional Services Agreement for Services of Public Defender
11. Resolution- Re: Approving a Professional Services Agreement for Services of Rent Control Board Attorney
12. Resolution- Re: Approving a Professional Services Agreement for Services of Tenant Advocacy Attorney
13. Resolution- Re: Approving a Professional Services Agreement for Services of Town Engineer
14. Resolution- Re: Approving a Professional Services Agreement for Services of Tax Attorney
15. Resolution- Re: Approving a Professional Services Agreement for Services of Workmen's Compensation Attorney
16. Resolution- Re: Approving a Professional Services Agreement for Services of Zoning Board Attorney
17. Resolution- Re: Approving a Professional Services Agreement for Services of Plan Administrator for Deferred Compensation for Town Employees

AND ANY OTHER MATTERS THAT MAY COME UP BEFORE THE BOARD OF COMMISSIONERS.

"ACTION MAY OR MAY NOT BE TAKEN ON THE FOREGOING"

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

Commissioner FiorD'Aliza Frias
Commissioner Caridad Rodriguez
Commissioner Ruben Vargas
Commissioner Count J. Wiley
Mayor Felix E. Roque
Board of Commissioners

Attest: Carmela Riccie, RMC
Town Clerk

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Present: Commissioners Frias, Rodriguez, Vargas, Wiley and Mayor Roque
Absent: None
Also Present: Town Attorney Gilberto Garcia, Assistant Town Attorney Joseph DeMarco,
Town Administrator Ernie Munoz, and Town Clerk Carmela Riccie

Meeting commenced at 1:28 p.m.

At the request of Mayor Roque, Town Clerk Carmela Riccie made the following announcement:

As presiding officer of this meeting I do hereby certify that the requirements of the Open Public Meetings Act pertaining to this meeting scheduled to be held this: Tuesday, January 31, 2012 at 1:00 p.m. (No Work Session) in the Mayor's Conference Room, Municipal Building have been satisfied by the delivery of the 48 hour notice to each of the newspapers circulating in the Town of West New York (The Jersey Journal and the Bergen Record); by posting in the Municipal Building on the Municipal Bulletin Board; and by filing with the Clerk of the Municipality with copies to all persons desiring the same.

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

Note: Town Clerk Carmela Riccie read the titles and item numbers included on the Consent Agenda.

Consent Agenda

It was regularly moved by Commissioner Frias, seconded by Mayor Roque that the following Consent Agenda Item 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-18, R-19, R-20, R-21, and R-22 be adopted, was carried by the following vote:

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

Resolution

**RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF RENT CONTROL BOARD ATTORNEY**

WHEREAS, Anthony R. Suarez, Esq., Dario, Yacker, Suarez & Albert, LLC, 345 Union Street, Hackensack, NJ 07601 has submitted a proposal to serve as Rent Control Board Attorney, dated, January 13, 2012, in response to a, Request for Qualifications for Rent Control Board Attorney and

WHEREAS, the Mayor as Commissioner of the Department of Public Safety has duly appointed Anthony R. Suarez, Esq., as Rent Control Board Attorney; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of Anthony R. Suarez, Esq. to serve as Rent Control Board Attorney and enter into a contract with Anthony R. Suarez, Esq., to provide for the services of Rent Control Board Attorney and

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional legal services may be awarded without competitive bidding as a "professional service"; and

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Consent Agenda (Cont.):
Resolution (Cont.):

WHEREAS, the contractual agreement will have been awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.5 et seq. through a publicly advertised Request for Qualifications;

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and Anthony R. Suarez, Esq., for the services as Rent Control Board Attorney, and for an amount to be stated in the agreement.
2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on January 13, 2012, and in accordance with N.J.S.A. 19:44A-20.5 et seq.
4. The initial authorization of this contract shall be for the period 1/31/12-12/31/12, and for an amount to be contained in the agreement but not to exceed \$12,000.
5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of Anthony R. Suarez, Esq., as Rent Control Board Attorney shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

RESOLUTION
RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF PLANNING BOARD ATTORNEY

WHEREAS, Carlos Rendo, Esq., as member of the law firm of Mulkay & Rendo, of 700-79th Street, North Bergen, New Jersey, 07047, has submitted a proposal to serve as Planning Board Attorney, dated, January 13, 2012, in response to a, Request for Qualifications for Town Attorney; and

WHEREAS, the Mayor as Commissioner of the Department of Public Safety has duly appointed Carlos Rendo, Esq. as Planning Board Attorney; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of Carlos Rendo, Esq. to serve as Planning Board Attorney, and enter into a contract with Mulkay & Rendo to provide for the services of Carlos Rendo Esq.; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional legal services may be awarded without competitive bidding as a “professional service”; and

WHEREAS, the contractual agreement will have been awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.5 et seq. through a publicly advertised Request for Qualifications;

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Consent Agenda (Cont.):
Resolution (Cont.):

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and Mulkay & Rendo, for the services of Carlos Rendo, Esq., as Planning Board Attorney, and for an amount to be stated in the agreement.
2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on January 13, 2012, and in accordance with N.J.S.A. 19:44A-20.5 et seq.
4. The initial authorization of this contract shall be for the period 1/31/12-12/31/12, and for an amount to be contained in the agreement but not to exceed \$12,000.
5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of Carlos Rendo, Esq., as Planning Board Attorney shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

RESOLUTION

RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF WORKERS COMPENSATION ATTORNEY

WHEREAS, William J. Netchert, Esq., as member of the law firm of Netchert, Dineen & Hillmann, Esqs., of 294 Harrington Avenue, Suite 3, Closter, New Jersey, 07624, has submitted a proposal to serve as Workers Compensation Attorney, dated, January 13, 2012 in response to a, Request for Qualifications for Town Attorney; and

WHEREAS, the Mayor as Commissioner of the Department of Public Safety has duly appointed William J. Netchert, Esq., as Workers Compensation Attorney; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of William J. Netchert, Esq., to serve as Workers Compensation Attorney, and enter into a contract with Netchert, Dineen & Hillmann, Esqs., to provide for the services of William J. Netchert, Esq.; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional legal services may be awarded without competitive bidding as a “professional service”; and

WHEREAS, the contractual agreement will have been awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.5 et seq. through a publicly advertised Request for Qualifications;

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and Netchert, Dineen &

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Consent Agenda (Cont.):
Resolution (Cont.):

Hillmann, Esqs. for the services of William J. Netchert, Esq. as Workers Compensation Attorney, and for an amount to be stated in the agreement.

2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.

3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on January 13, 2012, and in accordance with N.J.S.A. 19:44A-20.5 et seq.

4. The initial authorization of this contract shall be for the period 1/31/12-12/31/12, and for an amount to be contained in the agreement but not to exceed \$35,000.

5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.

6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of William J. Netchert, Esq. as Workers Compensation Attorney shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

RESOLUTION
RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF LEGAL LIABILITY COUNSEL

WHEREAS, Joseph R. Mariniello, Sr., Esq., as member of the firm of Mariniello & Mariniello, Attorneys At Law, 265 Columbia Avenue, Fort Lee, New Jersey 07024 has submitted a proposal to serve as Legal Liability Counsel dated, January 12, 2012, in response to a, Request for Qualifications for Town Attorney, and

WHEREAS, the Mayor as Commissioner of the Department of Public Safety has duly appointed Joseph R. Mariniello, Sr., Esq. as Legal Liability Counsel; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of Joseph R. Mariniello, Sr., Esq. to serve as Legal Liability Counsel and enter into a contract with Mariniello & Mariniello, Attorneys At Law, to provide for the services of Joseph R. Mariniello, Sr., Esq.; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional legal services may be awarded without competitive bidding as a “professional service”; and

WHEREAS, the contractual agreement will have been awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.5 et seq. through a publicly advertised Request for Qualifications;

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and Mariniello & Mariniello Attorneys At Law, for the services of Joseph R. Mariniello, Sr., Esq. as Legal Liability Counsel, and for an amount to be stated in the agreement.

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Consent Agenda (Cont.):
Resolution (Cont.):

2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on January 12, 2012 and in accordance with N.J.S.A. 19:44A-20.5 et seq.
4. The initial authorization of this contract shall be for the period 1/31/12-12/31/12, and for an amount to be contained in the agreement but not to exceed \$50,000.
5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of Joseph R. Mariniello, Sr., Esq as Legal Liability Counsel shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

RESOLUTION
RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF LEGAL LIABILITY COUNSEL

WHEREAS, Edward J. Florio, Esq., as member of the firm of Florio & Kenny, LLP, 5 Marine View Plaza, Suite 103, Hoboken, New Jersey 07030 has submitted a proposal to serve as Legal Liability Counsel dated, January 12, 2012, in response to a, Request for Qualifications for Town Attorney, and

WHEREAS, the Mayor as Commissioner of the Department of Public Safety has duly appointed Edward J. Florio, Esq. as Legal Liability Counsel; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of Edward J. Florio, Esq. to serve as Legal Liability Counsel and enter into a contract with Florio & Kenny, LLP, to provide for the services of Edward J. Florio, Esq.; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional legal services may be awarded without competitive bidding as a “professional service”; and

WHEREAS, the contractual agreement will have been awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.5 et seq. through a publicly advertised Request for Qualifications;

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and Florio & Kenny, LLP, for the services of Edward J. Florio, Esq. as Legal Liability Counsel, and for an amount to be stated in the agreement.
2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on January 12, 2012 and in accordance with N.J.S.A. 19:44A-20.5 et seq.

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Consent Agenda (Cont.):
Resolution (Cont.):

4. The initial authorization of this contract shall be for the period 1/31/12-12/31/12, and for an amount to be contained in the agreement but not to exceed \$50,000.

5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.

6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of Edward J. Florio, Esq., as Legal Liability Counsel shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

RESOLUTION
RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF LEGAL LIABILITY COUNSEL

WHEREAS, Luis Amaro, Jr., Esq., as member of the firm of Luis Amaro, Jr. LLC, 6121 Kennedy Boulevard, North Bergen, New Jersey 07047 has submitted a proposal to serve as Legal Liability Counsel dated, January 12, 2012, in response to a, Request for Qualifications for Town Attorney, and

WHEREAS, the Mayor as Commissioner of the Department of Public Safety has duly appointed Luis Amaro, Jr., Esq. as Legal Liability Counsel; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of Luis Amaro, Jr. Esq. to serve as Legal Liability Counsel and enter into a contract with Luis Amaro, Jr. LLC, to provide for the services of Luis Amaro, Jr., Esq.; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional legal services may be awarded without competitive bidding as a “professional service”; and

WHEREAS, the contractual agreement will have been awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.5 et seq. through a publicly advertised Request for Qualifications;

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and Luis Amaro, Jr. LLC, for the services of Luis Amaro, Jr., Esq. as Legal Liability Counsel, and for an amount to be stated in the agreement.

2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.

3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on January 12, 2012 and in accordance with N.J.S.A. 19:44A-20.5 et seq.

4. The initial authorization of this contract shall be for the period 1/31/12-12/31/12, and for an amount to be contained in the agreement but not to exceed \$50,000.

5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.

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Consent Agenda (Cont.):
Resolution (Cont.):

6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of Luis Amaro, Jr. Esq., as Legal Liability Counsel shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

RESOLUTION
RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF LEGAL LIABILITY SPECIAL COUNSEL

WHEREAS, Joseph R. Mariniello, Sr., Esq., as member of the firm of Mariniello & Mariniello, Attorneys At Law, 265 Columbia Avenue, Fort Lee, New Jersey 07024 has submitted a proposal to serve as Legal Liability Special Counsel dated, January 12, 2012, in response to a, Request for Qualifications for Town Attorney, and

WHEREAS, the Mayor as Commissioner of the Department of Public Safety has duly appointed Joseph R. Mariniello, Sr., Esq., as Legal Liability Special Counsel; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of Joseph R. Mariniello, Sr., Esq to serve as Legal Liability Special Counsel and enter into a contract with Mariniello & Mariniello, Attorneys At Law to provide for the services of Joseph R. Mariniello, Sr., Esq.; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional legal services may be awarded without competitive bidding as a “professional service”; and

WHEREAS, the contractual agreement will have been awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.5 et seq. through a publicly advertised Request for Qualifications;

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and Mariniello & Mariniello, Attorneys At Law for the services of Joseph R. Mariniello, Sr., Esq. as Legal Liability Special Counsel, and for an amount to be stated in the agreement.

2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.

3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQ’s received on June 14, 2011, and in accordance with N.J.S.A. 19:44A-20.5 et seq.

4. The initial authorization of this contract shall be for the period 1/3/12-12/31/12, and for an amount to be contained in the agreement but not to exceed \$50,000.

5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.

6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of Joseph R. Mariniello, Sr., Esq., as Legal Liability Special Counsel shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

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Consent Agenda (Cont.):

**RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF LEGAL LIABILITY SPECIAL COUNSEL**

WHEREAS, Edward J. Florio, Esq., as member of the firm of Florio & Kenny, LLP, 5 Marine View Plaza Suite 103, Hoboken, NJ 07030 has submitted a proposal to serve as Legal Liability Special Counsel dated, January 12, 2012, in response to a, Request for Qualifications for Town Attorney, and

WHEREAS, the Mayor as Commissioner of the Department of Public Safety has duly appointed Edward J. Florio, Esq., as Legal Liability Special Counsel; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of Edward J. Florio, Esq. to serve as Legal Liability Special Counsel and enter into a contract with Florio & Kenny, LLP to provide for the services of Edward J. Florio, Esq.; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional legal services may be awarded without competitive bidding as a “professional service”; and

WHEREAS, the contractual agreement will have been awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.5 et seq. through a publicly advertised Request for Qualifications;

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and Florio & Kenny, LLP for the services of Edward J. Florio, Esq. as Legal Liability Special Counsel, and for an amount to be stated in the agreement.

2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.

3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on January 12, 2012, and in accordance with N.J.S.A. 19:44A-20.5 et seq.

4. The initial authorization of this contract shall be for the period 1/3/12-12/31/12, and for an amount to be contained in the agreement but not to exceed \$50,000.

5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.

6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of Edward J. Florio, Esq., as Legal Liability Special Counsel shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

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Consent Agenda (Cont.):

RESOLUTION
RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF LEGAL LIABILITY SPECIAL COUNSEL

WHEREAS, Luis Amaro Jr., Esq., as member of the firm of Luis Amaro Jr. LLC, 6121 Kennedy Boulevard North Bergen, NJ 07047 has submitted a proposal to serve as Legal Liability Special Counsel dated, January 12, 2012, in response to a, Request for Qualifications for Town Attorney, and

WHEREAS, the Mayor as Commissioner of the Department of Public Safety has duly appointed Luis Amaro Jr., Esq. as Legal Liability Special Counsel; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of Luis Amaro Jr., Esq. to serve as Legal Liability Special Counsel and enter into a contract with Luis Amaro Jr. LLC to provide for the services of Luis Amaro Jr., Esq.; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional legal services may be awarded without competitive bidding as a “professional service”; and

WHEREAS, the contractual agreement will have been awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.5 et seq. through a publicly advertised Request for Qualifications;

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and Luis Amaro Jr. Esq. LLC for the services of Luis Amaro Jr. Esq. as Legal Liability Special Counsel, and for an amount to be stated in the agreement.
2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on January 12, 2012, and in accordance with N.J.S.A. 19:44A-20.5 et seq.
4. The initial authorization of this contract shall be for the period 1/3/12-12/31/12, and for an amount to be contained in the agreement but not to exceed \$50,000.
5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of Luis Amaro Jr. Esq., as Legal Liability Special Counsel shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

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Consent Agenda (Cont.):

RESOLUTION
RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF LEGAL LIABILITY SPECIAL COUNSEL

WHEREAS, Lawrence Leven, Esq., as member of the firm of Lawrence Leven Attorneys at Law, 175 Fairfield Ave. #1C West Caldwell, NJ 07006 has submitted a proposal to serve as Legal Liability Special Counsel dated, January 12, 2012, in response to a, Request for Qualifications for Town Attorney, and

WHEREAS, the Mayor as Commissioner of the Department of Public Safety has duly appointed Lawrence Leven, Esq, as Legal Liability Special Counsel; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of Lawrence Leven, Esq. to serve as Legal Liability Special Counsel and enter into a contract with Lawrence Leven, Attorneys at Law to provide for the services of Lawrence Levin, Esq.; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional legal services may be awarded without competitive bidding as a “professional service”; and

WHEREAS, the contractual agreement will have been awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.5 et seq. through a publicly advertised Request for Qualifications;

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and Lawrence Leven, Attorneys at Law for the services of Lawrence Leven, Esq. as Legal Liability Special Counsel, and for an amount to be stated in the agreement.

2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.

3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on January 12, 2012, and in accordance with N.J.S.A. 19:44A-20.5 et seq.

4. The initial authorization of this contract shall be for the period 1/3/12-12/31/12, and for an amount to be contained in the agreement but not to exceed \$50,000.

5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.

6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of Lawrence Leven, Esq., as Legal Liability Special Counsel shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

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Consent Agenda (Cont.):

RESOLUTION
RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF LEGAL LIABILITY SPECIAL COUNSEL

WHEREAS, Lori A. Dvorak, Esq., as member of the firm of Dvorak & Associates, LLC, Attorneys at Law, 390 George St. 8th Floor New Brunswick, NJ 08901 has submitted a proposal to serve as Legal Liability Special Counsel dated, January 12, 2012, in response to a, Request for Qualifications for Town Attorney, and

WHEREAS, the Mayor as Commissioner of the Department of Public Safety has duly appointed Lori A. Dvorak, Esq, as Legal Liability Special Counsel; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of Lori A. Dvorak, Esq. to serve as Legal Liability Special Counsel and enter into a contract with Dvorak & Associates, LLC, Attorneys at Law to provide for the services of Lori A. Dvorak, Esq.; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional legal services may be awarded without competitive bidding as a “professional service”; and

WHEREAS, the contractual agreement will have been awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.5 et seq. through a publicly advertised Request for Qualifications;

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and Dvorak & Associates, LLC Attorneys at Law for the services of Lori A. Dvorak, Esq. as Legal Liability Special Counsel, and for an amount to be stated in the agreement.

2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.

3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on January 12, 2012, and in accordance with N.J.S.A. 19:44A-20.5 et seq.

4. The initial authorization of this contract shall be for the period 1/3/12-12/31/12, and for an amount to be contained in the agreement but not to exceed \$50,000.

5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.

6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of Lori A. Dvorak, Esq., as Legal Liability Special Counsel shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

January 31, 2012
Special Meeting

Consent Agenda (Cont.):

RESOLUTION
RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF ZONING BOARD ATTORNEY

WHEREAS, the George L. Garcia member of the law firm of G&T Garcia Turula, LLC of Harborside Plaza 10 Suite 1201, 3 2nd Street Jersey City, NJ, has submitted a proposal to serve as Zoning Board Attorney dated, January 13, 2012, in response to a, Request for Qualifications for Zoning Board Attorney; and

WHEREAS, the Mayor as Commissioner of the Department of Public Safety has duly appointed the George L. Garcia, Esq.; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of the George L. Garcia, Esq. to serve as Zoning Board Attorney and enter into a contract with the G&T Garcia Turula, LLC. to provide for the services of Zoning Board Attorney; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional legal services may be awarded without competitive bidding as a “professional service”; and

WHEREAS, the contractual agreement will have been awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.5 et seq. through a publicly advertised Request for Qualifications;

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and the George L. Garcia, Esq. for the services of Zoning Board Attorney, and for an amount to be stated in the agreement.

2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.

3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on January 13, 2012, and in accordance with N.J.S.A. 19:44A-20.5 et seq.

4. The initial authorization of this contract shall be for the period 1/31/12-12/31/2012), and for an amount to be contained in the agreement but not to exceed \$12,000.

5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.

6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of the George L. Garcia, Esq. as Zoning Board Attorney shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

January 31, 2012
Special Meeting

Consent Agenda (Cont.):

RESOLUTION
RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF ABC PROSECUTOR

WHEREAS, Marlene Caride Esq., member of the law firm of Gonzalez & Caride Esq., of 545-547 39th Street, Union City, New Jersey 07087, has submitted a proposal to serve as ABC Prosecutor dated January 12, 2012, in response to a Request for Qualifications for ABC Prosecutor; and

WHEREAS, the Mayor as Commissioner of the Department of Public Safety has duly appointed the law firm of Gonzalez & Caride Esq.; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of the law firm of Gonzalez & Caride Esq., to serve as ABC Prosecutor and enter into a contract with the law firm of Gonzalez & Caride Esq., to provide for the services of ABC Prosecutor; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional legal services may be awarded without competitive bidding as a “professional service”; and

WHEREAS, the contractual agreement will have been awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.5 et seq. through a publicly advertised Request for Qualifications;

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and the law firm of Gonzalez & Caride Esq., for the services of the law firm of Gonzalez & Caride Esq., for the services of ABC Prosecutor, and for an amount to be stated in the agreement.

2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.

3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on January 12, 2012, and in accordance with N.J.S.A. 19:44A-20.5 et seq.

4. The initial authorization of this contract shall be for the period 1/31/12-12/31/2012), and for an amount to be contained in the agreement but not to exceed \$12,000.

5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.

6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of the law firm of Gonzalez & Caride Esq., as ABC Prosecutor shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

January 31, 2012
Special Meeting

Consent Agenda (Cont.):

RESOLUTION

**Re: Professional Services Contract with Law Offices of William N. Gonzalez for the
Provision of Professional Services – Municipal Court
Public Defender (Term: 1/31/12-12/31/12)**

WHEREAS, N.J.S.A. 40A:11-1 *et seq.* (Local Public Contracts Law) provides that contracts for professional services may be entered by the governing body without advertising for bids; and

WHEREAS, Law Offices of William N. Gonzalez has submitted a Statement of Qualifications to serve as Municipal Court Public Defender, in response a publicly advertised Request for Qualifications for the provision of legal services – Municipal Court Public Defender, on or before January 18, 2011 for the services of public defender under the direction of William Gonzalez; and

WHEREAS, William N. Gonzalez has sufficient experience in the provision of Professional Legal Services – Municipal Court Public Defender; and

WHEREAS, on the basis of the review of the Statement of Qualifications submitted by Law Offices of William N. Gonzalez , the Board of Commissioners deemed the firm qualified to provide legal services to the Town as Municipal Court Public Defender in January 13, 2012; and

WHEREAS, the Board of Commissioners of the Town of West New York are desirous of awarding a contract for the compensation of William N. Gonzalez, as Municipal Court Public Defender; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to retain William N. Gonzalez, to provide Professional Legal Services – Municipal Court Public Defender, pursuant to the terms of the draft form of agreement attached hereto; and

WHEREAS, this award was made without competitive bids; and

WHEREAS, the award of a contract to Law Offices of William N. Gonzalez, for the provision of Professional Legal Services – Municipal Court Public Defender is a result of a fair and open process, adopted by the Board of Commissioners pursuant to N.J.S.A. 19:44A-20.5 et seq. through a publicly advertised Request for Qualifications in December 2010 and January 2011; and

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

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

1. A contract between the Town of West New York and Law Offices of William N. Gonzalez for services provided from 1/19/2011 through 12/31/2011 is hereby ratified and approved.

2. The Mayor shall be and is hereby authorized to execute an agreement in substantially the same form as the current contract with the Municipal Court Public Defender, by and between the Town and Law Offices of William N. Gonzalez, for the services of William N. Gonzalez, as Municipal Court Public Defender, in a form satisfactory to the Town as evidenced by his signature thereon.

3. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.

4. The initial authorization of this contract shall be for the period 1/31/12-12/31/2012), and for an amount to be contained in the agreement but not to exceed \$30,000.

January 31, 2012
Special Meeting

Consent Agenda (Cont.):
Resolution (Cont.):

5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.

6. Notice of this award shall be published as may be required by law.

7. Copy of this Resolution, and a copy of the contract for upon execution by the Town, shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

8. The Chief Financial Officer's Certification that funds are available shall be on file at the Town and made a part hereof.

RESOLUTION
RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF LEGAL LIABILITY/ SPECIAL COUNSEL/LABOR

WHEREAS, David F. Corrigan, Esq., of 54B West Front St. Keyport, NJ 07735, has submitted a proposal to serve as Legal Liability/Special Counsel/Labor, dated, January 12, 2012, in response to a, Request for Qualifications for Town Attorney, and

WHEREAS, the Mayor as Commissioner of the Department of Public Safety has duly appointed David F. Corrigan, Esq., as Legal Liability/Special Counsel/Labor; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of David F. Corrigan, Esq., to serve as Legal Liability/Special Counsel/Labor and enter into a contract with Edward J. Florio, Esq., to provide for the services as Legal Liability/Special Counsel/Labor; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional legal services may be awarded without competitive bidding as a "professional service"; and

WHEREAS, the contractual agreement will have been awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.5 et seq. through a publicly advertised Request for Qualifications;

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and David F. Corrigan, Esq., for the services as Legal Liability/Special Counsel/Labor and for an amount to be stated in the agreement.

2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.

3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on January 12, 2012, and in accordance with N.J.S.A. 19:44A-20.5 et seq.

4. The initial authorization of this contract shall be for the period 1/31/12-12/31/12, and for an amount to be contained in the agreement but not to exceed \$50,000.

January 31, 2012
Special Meeting

Consent Agenda (Cont.):
Resolution (Cont.):

5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.

6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of David F. Corrigan, Esq., as Legal Liability/Special Counsel/Labor shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

RESOLUTION
RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF LEGAL LIABILITY/ SPECIAL COUNSEL/LABOR

WHEREAS, Edward J. Florio, Esq., as member of the firm of Florio & Kenny, LLP Marine View Plaza, Suite 103, Hoboken, New Jersey 07030, has submitted a proposal to serve as Legal Liability/Special Counsel/Labor, dated, January 12, 2012, in response to a, Request for Qualifications for Town Attorney, and

WHEREAS, the Mayor as Commissioner of the Department of Public Safety has duly appointed Edward J. Florio, Esq., as Legal Liability/Special Counsel/Labor; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of Edward J. Florio, Esq., to serve as Legal Liability/Special Counsel/Labor and enter into a contract with Edward J. Florio, Esq., to provide for the services as Legal Liability/Special Counsel/Labor; and

WHEREAS, N.J.S.A. 40A:11-1, et seq. provides that a contract for professional legal services may be awarded without competitive bidding as a “professional service”; and

WHEREAS, the contractual agreement will have been awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.5 et seq. through a publicly advertised Request for Qualifications;

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and Edward J. Florio, Esq., for the services as Legal Liability/Special Counsel/Labor and for an amount to be stated in the agreement.

2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.

3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on January 12, 2012, and in accordance with N.J.S.A. 19:44A-20.5 et seq.

4. The initial authorization of this contract shall be for the period 1/31/12-12/31/12, and for an amount to be contained in the agreement but not to exceed \$50,000.

5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.

January 31, 2012
Special Meeting

Consent Agenda (Cont.):
Resolution (Cont.):

6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of Edward J. Florio, Esq., as Legal Liability/Special Counsel/Labor shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

RESOLUTION
Re: Award of Web Design Consultant Services Contract to:
Alpha Dog Solutions

WHEREAS, Alpha Dog Solutions, submitted a proposal for web design, consulting, setup and programming in January 12, 2012 to the town for the term of a year, which proposal has been reviewed and determined to be fair and reasonable by the Municipal Administrator; and

WHEREAS, the Municipal Administrator recommends that the proposal of Alpha Dog Solutions ("Proposal") be accepted as the most advantageous proposal, price and other factors considered including prior experience with the Town; and

WHEREAS, this contract is awarded through a fair and open process, pursuant to N.J.S.A. 19:44A-20.4 et seq. through a publicly advertised request for proposals, and Alpha Dog Solutions responded to the town's publicly advertised request for proposals;

WHEREAS, the Board of Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to enter into a contract with Alpha Dog Solutions for web design and maintenance services;

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

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

1. The above recitals are incorporated as if fully set forth herein.
2. Alpha Dog Solutions shall be and is hereby retained by the Town to provide Web Consulting Services to the Town, without further approval of the Board of Commissioners.
3. The Mayor shall be and is hereby authorized to execute an agreement by and among the Town and Alpha Dog Solutions, memorializing the scope of services to be performed and the compensation to be paid therefore, in the form acceptable to the Mayor, and satisfactory to the Town as evidenced by the Mayor's signature for web design, consulting, setup, programming, and training for the term of 1/31/12-12/31/12 of a in an amount not to exceed \$30,000.
4. This contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5.
5. The Chief Financial Officer's Certification that funds are available shall be on file at the Town Clerks office and made a part hereof.
6. This award is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.

January 31, 2012
Special Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

7. A copy of this resolution and the agreement detailing the terms of the retention of Alpha Dog Solutions, shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.
8. A notice of this contract award shall be published in the form prescribed by law.

Note: **Discussion ensued between Mayor Roque, Asst. Town Attorney DeMarco, and Town Clerk Riccie regarding Mayor's concerns with current services being provided by Alpha Dog. Mr. DeMarco explained that if we advertise to receive RFQ's for the third time, there would be legal issues unless scope of services is expanded again. Mayor inquired whether contract can be terminated during term of contract to which Mr. DeMarco explained that there is a legal option to cancel any Town contract at any point during term of contract. Mr. DeMarco recommended a meeting in the future with Michael Melham of Alpha Dog to discuss additional modifications we would like done to town's website.**

Resolution

Re: Adopting AXA Equitable's Specimen 457 Plan Document

Whereas, in order to attract and retain qualified employees there exists a need to adopt and implement a DEFERRED COMPENSATION PLAN for the employees of the Town of West New York (hereinafter referred to as "Employer"), which will provide employees the opportunity to enhance their financial security at retirement through savings of compensation on a deferred basis as provided by Section 457 of the Internal Revenue Code of 1986, as amended ("Code"); and

Whereas, there is no direct financial cost to the Employer to adopt and implement both a DEFERRED COMPENSATION PLAN and Service Agreement; and

Whereas, the Employer made written requests for proposals from two or more approved contractors, including AXA Equitable Life Insurance Company (hereinafter referred to as "AXA Equitable), and Lincoln National Life Insurance Company for the administration of the investments of funds under a DEFERRED COMPENSATION PLAN including providing Prototypical Plans and Service Agreements that meet the requirements of the Municipal, County and Authority Deferred Compensation Programs Rule N.J.A.C. 5:37; and

Whereas, the AXA Equitable submitted a written proposal:

Whereas, the Town of West New York reviewed the proposal and met with representatives of the responding contractors of deferred compensation services; and

Whereas, it was determined that AXA Equitable has the ability to: (1) maintain complete records of accounts; (2) manage accounts with absolute fidelity; (3) provide advice concerning various categories Of investments: and (4) provide continuing consultation to participants;

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

- (a) Effective as of the date of this resolution the DEFERRED COMPENSATION PLAN provided by AXA Equitable and assigned the plan identifier: 66-PDEquitable-053107 by the New Jersey Division of Local Government Services, is hereby adopted and signed by the Employer.

January 31, 2012
Special Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

It is hereby acknowledged that the said DEFERRED COMPENSATION PLAN is substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provisions added by reason of The Small Business Job Protection Act of 1996 (United States Public Law No. 104-188), the Tax payer Relief Act of 2001 (United States Public Law No. 105-34), and the Economic Growth and Tax Relief Reconciliation Act of 2001 (United States Public Law No. 107-16), and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Code Section 457 including pertinent applicable Treasury Regulations. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not be considered precedent.

- (b) The Town Administrator is authorized to execute the Service Agreement (bearing the identifier: 79-SAEquitable- 051811 assigned by the New Jersey Division of Local Government) with AXA Equitable for the provision of administrative and investment services. There has been no collusion, or evidence or appearance of collusion, between any local official and a representative of AXA Equitable in the selection of AXA Equitable as contractor for the administration of the Service Agreement pursuant to N.J.A.C. Section 5:37-5.7.
- (c) The Town Administrator is hereby designated as Local Plan Administrator for the administration of the DEFERRED COMPENSATION PLAN.

A certified copy of this resolution and all necessary required documents shall be submitted to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval.

Resolution

**Re: Authorizing the Town Clerk to advertise
to receive bids for "Printing Services" on Wednesday, February 22, 2012 at 10:00 a.m.**

NOW, THEREFORE, BE IT RESOLVED that the Town Clerk be and she is hereby authorized and directed to advertise for the receiving of bids in the Town Clerk's Office for: "Printing Services" for the Town of West New York on Wednesday, February 22, 2012 at 10:00 a.m. in Town Clerk's Office in accordance with specifications on file in the Town Clerk's Office.

Note: **Comm. Frias inquired as to what is included. Asst. Town Attorney DeMarco explained that it is for various printing exclusive of printing required for elections.**

Resolution

**Re: Authorizing the Town Clerk to advertise
to receive bids for "Office Supplies" on Wednesday, February 22, 2012 at 10:30 a.m.**

NOW, THEREFORE, BE IT RESOLVED that the Town Clerk be and she is hereby authorized and directed to advertise for the receiving of bids in the Town Clerk's Office for: "Office Supplies" for the Town of West New York on Wednesday, February 22, 2012 at 10:30 a.m. in Town Clerk's Office in accordance with specifications on file in the Town Clerk's Office.

January 31, 2012
Special Meeting

Consent Agenda (Cont.):

Resolution
Re: Award of Contract for “Snow Removal” to
New West Express Inc.

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

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

WHEREAS, on January 13, 2012, the Town did receive the following bids on the contract for Snow Removal.:

Company	Amount
DiClemente Contractors Inc.	\$410
New West Express Inc.	\$305
Amerna Corp.	\$400
Montana Construction Corp. Inc.	\$485

WHEREAS, the Town’s Qualified Purchasing Agent has recommended the award of the contract for Snow Removal to New West Express Inc. in the amount of \$305 per hour for equipment and manpower as stated in the bid submitted by New West Express Inc. which is the lowest responsible bid for Snow Removal; and

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

WHEREAS, the award of this Contract is necessary for the efficient operation of the Town; and

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

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

1. The bid of New West Express Inc., 5901 Hudson Ave. West New York , N. J. 07093, on the bid for Snow Removal in the amount of \$80 per truck, \$175 per loader and \$25 per hour for a total base bid price of \$305 be and the same is hereby accepted, SUBJECT to Receipt of Proof of Compliance with P.L. 1975 - Chapter 127, as the lowest complying and responsible bid.
2. Appropriate officials are hereby authorized and directed on behalf of the Town of West New York to enter into a contract for Snow Removal with New West Express Inc.
3. The Chief Financial Officer’s Certification that funds are available shall be on file at the Town and made a part hereof.
4. The Town Clerk shall forward a copy of this Resolution to each bidder on this contract.
5. The bid security of unsuccessful bidders shall be returned as per the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.
6. A Copy of this resolution and the contract when executed shall be kept on file for public inspection in the Office of the Municipal Clerk.

Note: Mayor inquired of Comm. Wiley as to whether he was in agreement with awarding this Resolution, to which Comm. Wiley indicated that he is.

January 31, 2012
Special Meeting

Consent Agenda (Cont.):

Resolution

Re: Shared Services Agreement between the Town of West New York and the West New York Housing Authority for the Position of Purchasing Agent

WHEREAS, the Town of West New York's Business Administrator Ernesto Munoz is qualified to act as the Purchasing Agent for the West New York Housing Authority; and

WHEREAS, the West New York Housing Authority is in need of a Purchasing Agent; and

WHEREAS, the West New York Housing Authority has agreed to compensate the Town of West New York the amount of \$15,000 per year for the services of the Business Administrator to act as Purchasing Agent; and

WHEREAS, the West New York Housing Authority has entered into an agreement with the Town of West New York for a period of one (1) year to allow Ernesto to act as the Purchasing Agent for the Authority; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. allows the Town and the Authority to enter into a shared service agreement for the use of the aforementioned services.

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 West New York Housing Authority for the aforementioned services pursuant to the attached shared services agreement.

Note: **Comm. Frias inquired about contents of this Resolution. Asst. Town Attorney Demarco explained that Town Administrator is also the Purchasing Agent at the WNY Housing Authority and that there is an agreement that they will pay the Town \$15,000 per year for those services.**

Mayor opened the Public Portion.

Public Portion:

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

Mr. Barquin commented that the current town website "is a disaster" in that it contains outdated information. Town Clerk Riccio explained that it is not the fault of the company as they post what is provided and that the Town is responsible to provide current information. Discussion ensued between Mr. Barquin and Mayor Roque regarding Mr. Barquin providing us with his recommendations to improve it. Mr. Barquin commented about Matthew Cheng's alleged RFQ proposal. Asst. Town Attorney DeMarco and Town Attorney Garcia explained RFQ process and that Mr. Cheng did not submit a recent proposal. Mr. Barquin inquired about status of former Code Official Thomas O'Malley. Mayor commented that he had been terminated and that the town is currently looking into shared services to save the town money. Mr. Barquin inquired as to Mr. O'Malley's legal rights to regain his employment. Town Attorney Garcia explained that everyone has a legal right to institute litigation.

January 31, 2012
Special Meeting

It was regularly moved by Commissioner Rodriguez, seconded by Mayor Roque, **to close public portion and adjourn** the meeting at 1:50 p.m., was carried by the following vote:

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

Commissioner FiorD'Aliza Frias

Commissioner Caridad Rodriguez

Commissioner Ruben Vargas

Commissioner Count J. Wiley

Mayor Felix E. Roque
Board of Commissioners

Attest:

Carmela Riccio, RMC Town Clerk