

January 20, 2010
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, January 20, 2010 at 7:00 p.m. (6:00 p.m. Work Session).

Present: Commissioners Lange, Lopez, Riccardi, Rodriguez and Mayor Vega
Absent: None
Also Present: Town Attorney Daniel Horgan, Town Administrator Joseph McConnell, and Town Clerk Carmela Riccie

Meeting commenced at 7:00 p.m.

At the request of Mayor Vega, 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 **January 20, 2010 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 November 23, 2009. Said Resolution was transmitted by the Town Clerk to the Jersey Journal and the Bergen Record and publicly posted on the Municipal Bulletin Board, Town Hall, and filed with the Town Clerk.

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

Note: At the request of Mayor Vega, Town Clerk Carmela Riccie read aloud the titles of all items on the agenda.

Minutes of Previous Meeting:

It was regularly moved by Commissioner Riccardi, seconded by Commissioner Lopez, that the Minutes of Special Meeting: 12/21/09 (Regular Session); Regular Meeting: 12/23/09 (Regular Session) and Special Meeting: 1/11/10 (Regular Session) be approved as recorded, was carried by the following vote:

YEAS - Commissioners Lange, Lopez, Riccardi, Rodriguez, and Mayor Vega
NAYS - None
ABSENT - None

Claims: Dated 1/20/10 (Claims are available for public inspection in the Town Clerk's Office):

It was regularly moved by Commissioner Lange, seconded by Commissioner Rodriguez, that the claims be approved, was carried by the following vote:

YEAS - Commissioners Lange, Lopez, Riccardi, Rodriguez, and Mayor Vega
NAYS - None
ABSENT - None

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Receipt of Financial Reports:

FINANCIAL REPORTS - MONTH OF DECEMBER 2009

1. From Construction Code Official Office, reporting the sum of \$45,148.00 collected for the month of December, 2009.
2. From Deputy Director Albert L. Bringa (Police Dept.) reporting the sum of \$5,663.25 collected for the month of December, 2009.
3. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$485.00 Special Licenses collected for the month of December, 2009.
4. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$600.00 for Marriage/death certificates collected for the month of December, 2009.
5. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$13.60 Dogs Licenses Issued for the month of December, 2009.
6. From Frederick J. Tomkins, Acting CFO (Revenue and Finance Department) reporting the sum of \$1,265,605.99 collected for the month December, 2009.
7. From Carmela Riccie, RMC, Town Clerk, reporting the sum of \$265.50 collected for the month of December, 2009.

It was regularly moved by Commissioner Lange, seconded by Commissioner Lopez that the financial reports be approved, was carried by the following vote:

YEAS	- Commissioners Lange, Lopez, Riccardi, Rodriguez, and Mayor Vega
NAYS	- None
ABSENT	- None

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RFP Results
Re: Workers Compensation Clinical services

RFP PROPOSAL FORMATION

Proposal Receipt Date: January 13, 2010
Proposal Time: 10:00 a.m.
Location for proposal: Town Clerk's Office
Proposal for: Workers Compensation Clinical Services
Department of: Public Affairs
Personnel at Opening: Town Clerk Carmela Riccie and Cosmo Cirillo
Remarks: Time to receive RFPs was closed at 10:05 a.m.

RESPONDER #1 (Name) Englewood Knee & Sports Medicine
(Address) 317 – 60th Street, WNY, NJ 07093
370 Grand Avenue, Englewood, NJ

RESPONDER #2 (Name) Concentra Medical Centers
(Address) 30 Seaview Drive, Secaucus, NJ 07094

It was regularly moved by Commissioner Rodriguez, seconded by Commissioner Lopez that the following Consent Agenda Item Nos. R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, and R-9, be adopted, was carried by the following vote:

YEAS - Commissioners Lange, Lopez, Riccardi, Rodriguez, and Mayor Vega
NAYS - None
ABSENT - None

Note: At the request of Mayor Vega, Town Clerk Carmela Riccie read the titles and item numbers included on the Consent Agenda. The Mayor advised all Resolutions, are being placed on the Consent Agenda.

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Consent Agenda

Resolution
Re: Bingo & Raffles

BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York that the following applications for Bingo/Raffles are hereby granted:

<u>Name</u>	<u>Date</u>	<u>License #</u>
Our Lady of Libera Church 5808 Kennedy Blvd West New York, NJ 07093 (50/50 Off Premise Raffle)	March 14, 2010	RL 1807
Our Lady of Libera Church 5808 Kennedy Blvd West New York, NJ 07093 (50/50 Off Premise Raffle)	July 11, 2010	RL 1808

RESOLUTION
Re: Hudson County Board of Taxation Tax Appeals

WHEREAS, the following property owners have appealed to the Hudson County Board of Taxation for a reduction in Tax Assessment levied upon their respective properties;

WHEREAS, the Hudson County Board of Taxation 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 respective properties.

NOW, THEREFORE BE IT RESOLVED that said overpayments of taxes be and the same are hereby to be paid and refunded to the said property owners in the following amounts:

NAME	BLOCK-LOT	AMOUNT	FY
Gary Gordon Atty for 55 & Madison LLC	112/4	\$10,390.50	2010
Maria Gesualdi, Atty for Mier,R&M & Enilda Perez/Est J	28/29.01	\$3,080.86	2010
Maria Gesualdi, Atty for Meir, Robert & Maritza	28/29	\$2,666.90	2010
Maria Gesualdi, Atty for Suarez, Roberto & Hilda	16/16	\$1,062.60	2010
Maria Gesualdi, Atty for Cotoia, Costanzo & Severina	17/2	\$668.30	2010
Nashel & Nashel,Trust A/C	23/2	\$2,004.90	2010

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

Schreitmueller, William	2/4	\$4,156.20	2010
Shariot & Deliyanns Atty. Taormina, Anthony & Vanessa Rom	16/41	\$1,406.18	2010
Nashel & Nashel Trust A/C	18/6	\$5,195.25	2010
Mario Blanch Atty. for Montero, Carmen Milagros	18/35	\$668.30	2010
Blanch, Mario & Rosa	18/45.02	\$1,731.75	2010
Seung Y Nam & Chang S Go	19/51	\$4,490.98	2010
Diaz Alicia	8/11	\$349.66	2010
Barkovich, Anton	11/20 C0005	\$91.50	2010
Paredes, Juana & Herminia, Reyes	33/2	\$467.51	2010
Ramirez, Niurka & Jenny Jimenez	36/5	\$265.72	2010
Mena, Juan & Elizabeth Barone	36/15	\$366.00	2010
Rivera, Eva	68/23	\$294.51	2010
Parrales, Jorge	72/46	\$395.28	2010
Chow, Andrew & Wendy	83/7 C0051	\$193.50	2010
Cornielle, Norma Sanchez &	104/22.01	\$231.80	2010
Suarez-Anaya, Esperanza & Varouj	130/2 C0412	\$200.82	2010
Venino & Venino Atty. for Esteban, Olga Y	53/16 C001D	\$1,316.13	2010

Grand Total \$41,695.15

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Consent Agenda (Cont.):

Resolution
Re: Refunds of Overpayment 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	SFY
Gray, Tonia	81/3 C00B6	\$397.42	2010
Amador, Lylia	138/16.02	\$371.47	2010
First America Commercial	52/8.02	\$11,742.43	2008
First America Commercial	108/18	\$4,893.95	2008
Martens, Joseph & Bertica	53/16 C002E	\$654.10	2007
Degut-Cadet, Enelio	30/10	\$2,382.37	2007
	Grand Total	\$20,441.74	

RESOLUTION
Re: Tax Correction Re: 294 Roslyn Court

WHEREAS, property located at 400 Kingston Court, A/K/A block 168.01 lot 1.01 C0400 was inadvertently credited in the amount of \$300.06 on the 2nd quarter of 2009 tax bill and should have been applied to the 4th quarter 2009 tax bill for property located at 294 Roslyn Court, A/K/A block 168.01 lot 1.07 C0294.

NOW THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to move the said payment to the correct accounts and waive any interest due to this error.

RESOLUTION
Re: Tax Corrections for Various Properties

WHEREAS, check in the amount of \$2,644.42 was previously forwarded from Valley National Bank for payment of the 3rd 2009 tax bill for property located at 6512 Palisade Avenue, a/k/a block 17 lot 5 ; and

WHEREAS, a check in the amount of \$14,554.24 was previously forwarded from TD Bank for payment of the 3rd quarter 2009 tax bill for properties located at 5200 Bergenline Avenue, a/k/a block 96 lot 1, 213 60th Street, a/ka block 61 lot 15 and 6121 Bergenline Avenue, a/k/a block 139 lot 6;

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

WHEREAS, the said check was damaged and returned by United States Postal Service to Valley National Bank and reissued, since the grace period has expired it is necessary to accept payment without interest.

WHEREAS, the said check was lost in the Tax Office and since the grace period has expired it is necessary to accept payment without interest.

Now, Therefore, Be It Resolved, that the Tax Collector is hereby authorized to adjust her tax records accordingly and waived any interest as a result of this error.

RESOLUTION
Re: Refunds of Tax Lien 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
RUTHERFORD DEVEL.	7/29	09-008	\$1,000.00
	55/36	09-081	\$300.00
	53/22	09-078	\$2,100.00
PAM INVESTORS	70/19.01	09-098	\$100.00
	C0011		
	33/17	09-050	\$200.00
PLYM PK. TAX SRVS.	64/32	09-088	\$1,100.00
	113/8	09-153	\$100.00
	154/16	09-218	\$5,100.00
	37/13	09-057	\$200.00
SFS, LLC	165/6	09-232	\$9,000.00
ISAAC MORADI	55/4	09-079	\$100.00
U.S. BANK CUST FOR	149/34	09-205	\$100.00
ROYAL TAX LIEN SVC.,LLC	16/16	09-021	200.00
		GRAND TOTAL	\$19,700.00

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Consent Agenda (Cont.):

Resolution
Re: Refunds of Tax Lien 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.

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
Isaac Moradi	146/13	09-198	\$417.81
	137/2.02	09-183	\$252.86
	33/41	09-052	\$393.96
	55/4	09-079	\$516.55
SFS, LLC	165/6	09-232	\$11,308.16
PLYM PK. TAX SRVS.	64/32	09-088	\$1,559.60
	113/8	09-153	\$1,277.21
	154/16	09-218	\$8,264.11
	37/13	09-057	\$1,913.25
PAM INVESTORS	70/19.01 C0011	09-098	\$700.74
	33/17	09-050	\$850.17
CARRIER SERVICES	98/10 C0009	09-140	\$466.91
RUTHERFORD DEVEL.	7/29	09-008	\$1,216.56
	55/36	09-081	\$869.99
	53/22	09-078	\$3,450.98
U.S. BANK CUST FOR CCTS CAPITAL,LLC	109/9	09-150	\$1,461.90
	149/34	09-205	\$833.12
ROYAL TAX LIEN SERVICES,LLC	16/10	09-021	\$337.14
		GRAND TOTAL	\$36,091.02

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Consent Agenda (Cont.):

RESOLUTION –

Re: Acknowledgment Of Approval Of Future Recognition Agreement Re: Assignment of Lease Agreement Between The Town of West New York, Landlord, And Romano B. Cipolat, Tenant, Dated December 14, 1988 to Bernabe Cabara Abel Hernandez and/or an Entity Formed as Between Bernabe Cabara and Abel Hernandez – River Play, LLC

Whereas, pursuant to a Lease Agreement entered into on December 14, 1988, between the Town of West New York as Landlord, and the Assignor, Romano B. Cipolat, as Tenant, (“Lease”) the Assignor acquired the right to utilize the Landlord’s Property known as Block 38, Lot 12 (incorrectly referred to as Lot 11 in the Lease) on the Tax Map of the Town of West New York (hereinafter referred to as the “Demised Property”) as more particularly set forth in the Lease Agreement; and

Whereas, such lease was authorized by resolution of the Town of West New York dated November 23, 1988; and

Whereas, in connection with the sale of lands adjacent to the Demised Property, owned by Faustina Cipolat (who received such adjacent lands from Assignor on May 22, 2000) to Bernabe Cabara, Abel Hernandez, and/or an Entity Formed as between Bernabe Cabara and Abel Hernandez or such persons’ successors or assigns (hereinafter collectively and individually Buyer or Assignee), the Buyer requires an assignment of the Lease, such assignment being subject to consent by the Town; and

Whereas, such lease continues in force; and

Whereas, by resolution of November 2009, (“November Resolution”) the Town consented to the Assignment of the Lease to Bernabe Cabara, Abel Hernandez, and/or an Entity Formed as between Bernabe Cabara and Abel Hernandez (now known as River Play, LLC) or such persons’ successors or assigns (hereinafter collectively and individually Buyer or Assignee), subject to conditions contained in the November Resolution; and

Whereas, Buyer is taking a purchase money loan from Bank of New Jersey, whose address is 1365 Palisade Avenue, Fort Lee, New Jersey 07024; and

Whereas, Bank of New Jersey has asked that the Buyer deliver a Recognition Agreement to it in connection with the Lease from the Town of West New York

Whereas, Bank of New Jersey has requested that the Buyer receive recognition from the Town of West New York that the Town of West New York will permit the Bank of New Jersey to cure any default on the lease on behalf of the Borrower; and

Whereas the Board of Commissioners has determined in light of the transaction at issue, that such request is not detrimental to the interests of the Town;

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

1. After the execution of an appropriate assignment of the Lease to Assignee by the Town, as per the terms of the November resolution, the Town shall provide Bank of New Jersey and its successors and assigns an opportunity to cure on the part of the Assignee, as may be appropriate under the terms of the Lease.

2. All proper Town officials are authorized to take such action as may be necessary to effectuate the terms of this resolution.

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

3. The Town Clerk shall retain the original documents from Assignor and Assignee together with a certified copy of the Assignment authorized

Resolution
Re: Repealing Resolution adopted on 6/29/06
(Restricted Parking for Handicapped Resident) as follows:
233 - 59TH Street, WNY (Olwyn McGuire)

Whereas, the governing body of the Town of West New York adopted a Resolution on December 16, 1998 establishing restricted parking for use by a handicapped residents; and

Whereas, the handicapped person involved has either moved or died 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:

233 - 59th Street, WNY (Olwyn McGuire)

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.

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Ordinance #31/09

**An Ordinance amending Ordinance #18/02 entitled:
“Ordinance of the Town of West New York, County of Hudson, State of New Jersey
to add a new Chapter to the Code of the Town of West New York pertaining to fees
for copies of public records”**

Note: At the request of Mayor Vega, Town Clerk Carmela Riccie read the title of the foregoing Ordinance aloud.

The foregoing Ordinance having been presented according to law, Mayor Vega called for a hearing thereon.

No one wished to be heard.

Since no one wished to be heard, it was regularly moved by Commissioner Riccardi, seconded by Commissioner Lopez, to **reject** the foregoing Ordinance, was carried by the following vote:

YEAS - Commissioners Lange, Lopez, Riccardi, Rodriguez, and Mayor Vega
NAYS - None
ABSENT - None

Ordinance #1/10

**An Ordinance amending Ordinance #12/08 entitled:
“An Ordinance prohibiting the consumption of intoxicating alcoholic beverages
in retail premises without a liquor license”**

Note: At the request of Mayor Vega, Town Clerk Carmela Riccie read the title of the foregoing Ordinance aloud.

It was regularly moved by Commissioner Riccardi seconded by Commissioner Lopez to adopt the introduction of the foregoing Ordinance was carried by the following vote:

YEAS - Commissioners Lange, Lopez, Riccardi, Rodriguez and Mayor Vega
NAYS - None
ABSENT - None

**Notice
Ordinance #1/10**

**An Ordinance amending Ordinance #12/08 entitled:
“An Ordinance prohibiting the consumption of intoxicating alcoholic beverages
in retail premises without a liquor license”**

The foregoing Ordinance was adopted on first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey on January 20, 2010 and ordered published, and will be further considered before final passage at a public hearing on February 17, 2010 at 7:00 p.m. at the Court Chambers, Municipal Building, West New York, New Jersey. 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, New Jersey.

Note: Town Clerk Carmela Riccie read the foregoing Notice aloud.

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Ordinance #2/10

**An Ordinance amending Chapter 161 Section 2 of the Code
of the Town of West New York regarding Construction Code fees**

Note: At the request of Mayor Vega, Town Clerk Carmela Riccie read the title of the foregoing Ordinance aloud.

It was regularly moved by Commissioner Riccardi seconded by Commissioner Lopez to adopt the introduction of the foregoing Ordinance was carried by the following vote:

YEAS - Commissioners Lange, Lopez, Riccardi, Rodriguez and Mayor Vega
NAYS - None
ABSENT - None

Notice
Ordinance #2/10

**An Ordinance amending Chapter 161 Section 2 of the Code
of the Town of West New York regarding Construction Code fees**

The foregoing Ordinance was adopted on first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey on January 20, 2010 and ordered published, and will be further considered before final passage at a public hearing on February 17, 2010 at 7:00 p.m. at the Court Chambers, Municipal Building, West New York, New Jersey. 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, New Jersey.

Note: Town Clerk Carmela Riccie read the foregoing Notice aloud.

Note: Mayor Vega inquired as to whether there is any other business to which Town Clerk responded "Not to my knowledge".

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Mayor opened the Public Portion.

Public Portion:

No one wished to be heard.

Note: Mayor Vega wished everyone a Happy New Year.

At 7:07 p.m., a motion was made by Commissioner Riccardi, seconded by Commissioner Lopez to close the public portion and adjourn the meeting, was carried by the following vote:

YEAS	- Commissioners Lange, Lopez, Riccardi, Rodriguez, and Mayor Vega
NAYS	- None
ABSENT	- None

Commissioner Gerald A. Lange, Jr.

Commissioner Michelle Fernandez Lopez

Commissioner Lawrence Riccardi

Commissioner Alberto Rodriguez

Mayor Silverio A. Vega
Board of Commissioners

Attest: _____
Carmela Riccie, RMC
Town Clerk