

February 17, 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, February 17, 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: Jorge DeArmas, Esq. on behalf of 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 **February 17, 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 Rodriguez, seconded by Commissioner Lopez, that the Minutes of Regular Meeting: 1/20/10 (Work and Regular Sessions) 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 2/17/10 (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 JANUARY 2010

1. From Construction Code Official Office, reporting the sum of \$30,775.00 collected for the month of January, 2010.
2. From Deputy Director Albert L. Bringa (Police Dept.) reporting the sum of \$6,305.25 collected for the month of January, 2010.
3. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$1,985.00 Special Licenses collected for the month of January, 2010.
4. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$453.00 for Marriage/death certificates collected for the month of January, 2010.
5. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$0 for Dogs Licenses Issued for the month of January, 2010.
6. From Frederick J. Tomkins, Acting CFO (Revenue and Finance Department) reporting the sum of \$1,048,148.26 collected for the month January, 2010.
7. From Carmela Riccie, RMC, Town Clerk, reporting the sum of \$227.00 collected for the month of January, 2010.

It was regularly moved by Commissioner Lange, seconded by Commissioner Riccardi 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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Competitive Bid Results
Re: Multi Systemic Services Provider/Social Service/Counseling

COMPETITIVE BID PROPOSAL FORMATION

Proposal Receipt Date: January 29, 2010 Budgeted Amount: \$
Proposal Time: 10:00 a.m. Estimated Amount: \$
Location for proposal: Town Clerk's Office
Proposal for: Multi Systemic Services Provider/Social Service/Counseling
Department of:
Personnel at Opening: Town Clerk Carmela Riccie and Deputy Town Clerk Luisa Gomez
Remarks: Time to receive competitive bids was closed at 10:05 a.m.
 Reserved decision pending review by Evaluation Committee
 (Comm. Lange, Joseph McConnell, Janet Passante)
BIDDER #1 (Name) Youth Consultation Service Cost: \$147,180.00
 (Address) 235 Main Street, Hackensack, NJ 07601
Bid Bond: Not required

RFP Results
Re: Risk Management Consulting Services

RFP PROPOSAL FORMATION

Proposal Receipt Date: February 12, 2010
Proposal Time: 10:00 a.m.
Location for proposal: Town Clerk's Office
Proposal for: Risk Management Consulting Services
Department of: Insurance Fund Commission
Personnel at Opening: Town Clerk Carmela Riccie and
 Deputy Town Clerk Luisa S. Gomez
Remarks: Time to receive RFPs was closed at 10:05 a.m.
RESPONDER #1 (Name) Scirocco
 (Address) 777 Terrace Avenue, Hasbrouck Heights, NJ 07604

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RFP Results
Re: Claims Administrator Services

RFP PROPOSAL FORMATION

Proposal Receipt Date: February 12, 2010

Proposal Time: 10:35 a.m.

Location for proposal: Town Clerk's Office

Proposal for: Claims Administrator Services

Department of: Insurance Fund Commission

Personnel at Opening: Town Clerk Carmela Riccie and
Deputy Town Clerk Luisa S. Gomez

Remarks: Time to receive RFPs was closed at 10:35 a.m.

RESPONDER #1 (Name) Cannon Cochran Management Services, Inc.
(Address) 3535 Rt. 66, Building 6, Neptune, NJ 07753

RFP Results
Re: Insurance Fund Administrator Services

RFP PROPOSAL FORMATION

Proposal Receipt Date: February 12, 2010

Proposal Time: 11:00 a.m.

Location for proposal: Town Clerk's Office

Proposal for: Insurance Fund Administrator Services

Department of: Insurance Fund Commission

Personnel at Opening: Town Clerk Carmela Riccie and
Deputy Town Clerk Luisa S. Gomez

Remarks: Time to receive RFPs was closed at 11:05 a.m.

RESPONDER #1 (Name) Peter Soriero
(Address) 3 Cypress Point Lane, Monroe Twsp., NJ 08831

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Communication
Re: Appointment of Assistant Town Attorney



OFFICE OF THE MAYOR

SILVERIO A. VEGA
Mayor

February 17, 2010

FEB 17 2010

APPOINTMENT OF ASSISTANT TOWN ATTORNEY

Ms. Carmela Riccie
Town Clerk
Municipal Building
428 60th Street
West New York, New Jersey 07093

RECEIVED
2010 FEB 17 P 3:43
TOWN CLERK'S OFFICE
WEST NEW YORK, N.J.

Dear Ms. Riccie:

As noted in my correspondence of August 6, 2009, a Statement of Qualifications by Joseph Andresini, Esq. of Chasan, Leyner & Lamparello, P.C., to provide legal services as Assistant Town Attorney, in response to the Town of West New York Request for Qualifications Legal Services – Assistant Town Attorney, the publication of which occurred in June, 2009, has been received and reviewed. After due consideration, I, on the basis of the foregoing, did appoint Joseph Andresini, Esq. of Chasan, Leyner & Lamparello, P.C. as Assistant Town Attorney. However, in the interim, Mr. Andresini, Esq., was appointed to the New Jersey Tax Court, and is therefore no longer part of Chasan Leyner & Lamparello, P.C. We wish Mr. Andresini the best in his new capacity as a judge of the State of New Jersey.

Appointment

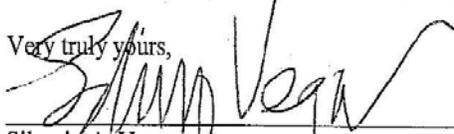
As a result of Mr. Andresini's resignation from Chasan, Leyner & Lamparello, P.C., and appointment to the Tax Court, and based upon consultation with Chasan, Leyner & Lamparello, and the Town Attorney, I hereby appoint Anthony V. D'Elia Assistant Town Attorney of the Town of West New York ("the Town") in the Department of Public Affairs as provided by law, as of February 17, 2010. Mr. D'Elia has provided competent services to the Town during this past year.

Compensation

Assistant Town Attorney shall receive fair compensation in accordance with the compensation set out by the Board of Commissioners by resolution.

A copy of this Appointment will be forwarded to the Board of Commissioners.

Very truly yours,


Silverio A. Vega
Department of Public Affairs
Mayor of the Town of West New York

c: Daniel E. Horgan, Esq. 525755

428 60th Street, West New York, NJ 07093-2231 • (201) 295-5100 • Fax: (201) 861-2797

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Communication
Re: Proposed Zoning Ordinance #005-10
of the Town of Guttenberg

TOWN OF GUTTENBERG

MUNICIPAL BUILDING
6808 Park Avenue
Guttenberg, N.J. 07093



Tel: (201) 868-2315
Fax: (201) 868-9332

4 F

FEB 17 2010

RESPOND TO:

February 8, 2010

Town of West New York
Clerk's Office
428-60th Street
West New York, New Jersey 07093

RECEIVED
2010 FEB 11 A 10:56
TOWN CLERK'S OFFICE
WEST NEW YORK, N.J.

RE: Ordinance for adoption

VIA CERTIFIED MAIL: #7008 3230 0001 8009 1233

Dear Sir/Madam:

Enclosed herein is a copy of Ordinance #005-10, of the Town of Guttenberg "Chapter 28 Zoning" which was read for a first time at a public meeting held on January 25, 2010, and is schedule for final passage by said Mayor and Council on March 1, 2010, at 8:00PM in the Municipal Building of the Town of Guttenberg located at 6808 Park Avenue, Guttenberg, New Jersey.

This letter is sent to you in accordance with N.J.S.A. 40:55D-15, to afford you the opportunity to attend the public meeting before the possible adoption.

If I may be of further assistance I may be reached at the 201-868-2315.

Very truly yours,

Alberto Cabrera
Acting Municipal Clerk

2/12/10 photocopy
Given to:

- ① Tom Atty Horgan
 - ② Maria Paula Zoning Secty.
- (en)

(See proposed Ordinance attached to end of Minutes.)

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Proclamation
Re: Honoring the Boy Scouts of America

Whereas, The Boy Scouts of America was established on February 8, 1910 and for one hundred years has focused on the characteristics of leadership, service, and community for America's youth all across the country; and

Whereas, The Boy Scouts of America provides our youth with opportunities that build strong character, responsible citizenship, and personal fitness; and

Whereas, The Boy Scouts of America offers various ranks at which scouts encounter new challenges, new adventures, and new friends; and

Whereas, The Boy Scouts of America alumni carry with them the skills they learn and characteristics they develop throughout their entire lives.

Now, Therefore, I, Silverio A. Vega, Mayor, and the Board of Commissioners of the Town of West New York, on behalf of the residents of the municipality do hereby honor the Boy Scouts of America and its West New York Chapter, Troop #1, Robert Gorman, Troop Leader, and join with all persons in honoring this most important day and call upon all of our residents to give recognition thereto.

It was regularly moved and seconded by the Board of Commissioners to adopt the foregoing Proclamation, by the following vote:

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

It was regularly moved by Commissioner Lange, seconded by Commissioner Riccardi 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, R-22, R-23 and R-24 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. Town Clerk Riccie advised that all Resolutions are being placed on the Consent Agenda.**

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Consent Agenda

RESOLUTION

Re: Acknowledging Approval of FY2010 Town of West New York Budget by the Local Finance Board and directing its filing with the Municipal Clerk

WHEREAS the Local Finance Board of the Division of Local Government Services, Department of Community Affairs adopted a budget for the Town of West New York for the Fiscal Year 2010 on January 13, 2010; and

WHEREAS the Board of Commissioners acknowledges the adoption of the Budget for the Fiscal Year 2010 by the Local Finance Board and desires that it be kept on file for public inspection by the office of the Municipal Clerk for the benefit of the public;

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

1. The Municipal Clerk is hereby directed to make such budget, a copy of which is attached hereto, as finally adopted, available for public inspection in the manner and to the extent required by law.

(SEE APPROVED BUDGET ATTACHED AT END OF MINUTES.)

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Consent Agenda (Cont.):

RESOLUTION
RE: REQUESTING APPROVAL OF AN ITEM OF REVENUE
AND APPROPRIATION PER NJS 40A:4-87 FOR
2010 STATE HEALTH SERVICES GRANT

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Town of West New York, in the County of Hudson, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the fiscal year 2010 in the sum of \$195,994 which is now available from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:

State and Federal Revenues Off-set with
Appropriations:

2010 State Health Services Grant

in the amount of \$195,994.

BE IT FURTHER RESOLVED that the like sum of \$195,994 is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS
State and Federal Programs Off-Set by
Revenues:

2010 State Health Services Grant

Other Expenses

BE IT FURTHER RESOLVED, that the above is the result of funds from the State of NJ Department of Health and Senior Services in the amount of \$195,994.

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Consent Agenda (Cont.):

RESOLUTION
RE: REQUESTING APPROVAL OF AN ITEM OF REVENUE
AND APPROPRIATION PER NJS 40A:4-87
FOR ENERGY EFFICIENCY COMMUNITY BLOCK GRANT

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Town of West New York, in the County of Hudson, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the fiscal year 2010 in the sum of \$182,800 which is now available from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:

State and Federal Revenues Off-set with

Appropriations:

Energy Efficiency Community Block Grant

in the amount of \$182,800.

BE IT FURTHER RESOLVED that the like sum of \$182,800 is hereby appropriated under the caption of:

General Appropriations:

(b) Operations Excluded from CAPS

State and Federal Programs Off-Set by

Revenues:

Energy Efficiency Community Block Grant

Other Expenses

BE IT FURTHER RESOLVED, that the above is the result of funds from the United States Department of Energy in the amount of \$182,800.

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Consent Agenda (Cont.):

RESOLUTION
RE: REQUESTING APPROVAL OF AN ITEM OF REVENUE
AND APPROPRIATION PER NJS 40A:4-87 FOR
UEZ BERGENLINE AVENUE INSTALLMENT LOAN YEAR 11

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Town of West New York, in the County of Hudson, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the fiscal year 2010 in the sum of \$140,000 which is now available from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:

State and Federal Revenues Off-set with

Appropriations:

UEZ Bergenline Avenue Installment Loan Year 11

in the amount of \$140,000.

BE IT FURTHER RESOLVED that the like sum of \$140,000 is hereby appropriated under the caption of:

General Appropriations:

(c) Operations Excluded from CAPS

State and Federal Programs Off-Set by

Revenues:

UEZ Bergenline Avenue Installment Loan Year 11

Other Expenses

BE IT FURTHER RESOLVED, that the above is the result of funds from the State of NJ Department of Community Affairs in the amount of \$140,000.

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Consent Agenda (Cont.):

RESOLUTION

**Re: Authorizing an Extended Grace Period for the Payment of Estimated Tax Bills
for the First Billing Quarter of 2010 until March 10, 2010**

Whereas, the First Quarter Tax Bills were mailed to residents and businesses by February 12, 2010; and

Whereas, since the due date for the First installment is February 1, 2010, the Tax Collector is recommending an extension of the grace period until March 10, 2010 for the collection of Taxes without interest; and

Whereas, it is desirous of the Town of West New York Board of Commissioners to extend the grace period for the estimated tax bills for 25 days to March 10, 2010;

Now, therefore, be it resolved by the Mayor and Board of Commissioners of the Town of West New York that the grace period for the collection of taxes for the first installment of 2010 be extended for 25 days to March 10, 2010.

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> |
|---|---------------|------------------|
| St. Joseph's of Home School Association 6401 Palisade Avenue West New York, NJ 07093 (Tricky Tray On Premise) | May 2, 2010 | RL 1809 |
| St. Joseph of the Palisades Church 6401 Palisade Avenue West New York, NJ 07093 (50/50 Raffle Off Premise) | June 13, 2010 | RL 1810 |

Resolution
Re: Adoption of form to Request Public Records

Whereas, the Open Public Records Act (OPRA) N.J.S.A. 47:1A-f.f provides that the custodian of records "shall adopt a form for the use of any person who requests access to a government record held or controlled by the public agency"; and

Whereas, in March of 2006, this Board did approve of an OPRA Request form for use by the Town of West New York; and

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

Whereas, the custodian of records has recommended that the form currently being employed be modified as attached on the basis that such changes are necessary and prudent given recent developments in OPRA compliance requirements, and actual experience in the use of the form since its adoption;

Now, therefore, be it resolved by the Mayor and Board of Commissioners of the Town of West New York, County of Hudson, that the attached form is adopted for use in requesting public records in order to satisfy the requirements of OPRA.

TOWN OF WEST NEW YORK - TOWN CLERK'S OFFICE
428-60TH STREET, WNY, NJ 07093
Tel (201) 295-5090 Fax (201) 861-2576

Tracking

REQUEST FOR PUBLIC RECORDS

Requestor's Name: _____ Company: _____

Address: _____

Telephone: _____ Fax: _____

E-mail address: _____

Copy of Minutes [specify board or entity, date, topic or other identifying information]

Copy of Ordinance/Resolution [specify board or entity, date, topic or other identifying information]

License Information [specify type, name, number, and location]

Information on a Specific Property [specify address, block number/lot number, information sought and time period]

Other [specify]

The Applicant hereby acknowledges receipt of a copy of this form with the date on which the information is expected to be available. You will be notified of the cost. The applicant hereby certifies that he or she has not been convicted of any indictable offense under the laws of this State, or any other State of the United States and it is not seeking government records containing personal information pertaining the victim or victim's family as provided by N.J.S.A. 47:1A-1 et seq.

A request for access to or for a copy of Government Records pursuant to OPRA should be submitted on this form, which has been adopted by the Municipal Clerk as the Custodian of Records, or in a letter that describes the public records sought with specificity indicating that such request is made pursuant to OPRA. Some records will be immediately available during normal business hours. Some records will require time to compile and to make the copies requested, but will normally be available during normal business hours and within seven (7) business days. If any document or copy which has been requested is not a public record or cannot be provided within the seven (7) business days, you will be provided with a response with that information within the seven (7) business days. Some records requested have specific fees or other response times established by statute. **There is no fee involved in simply inspecting a document during normal business hours.** Your request is not considered filed until the Municipal Clerk's Office has received the

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

request form. **All materials requested will be discarded if not picked up within thirty (30) days from when the request is made.** Telephone requests will not be accepted.

- The fees for duplication of a government record in printed form are listed on the next page of this form. We will notify you of any special charges, special service charges or other additional charges authorized by State law or regulation before processing your request. **Payments shall be made by cash, check, or money order payable to the Town of West New York.**
- Records which are not readily available or which require a search of records will be made available as soon as possible and the applicant will be provided with an interim report within seven (7) business days indicating the time that will be required to provide the records.
- Where there is a request for a copy in a format other than a photocopy, reasonable efforts will be made to provide the information in the format requested. The cost will be based on the costs of producing the format requested.
- Where a legal determination must be made as to whether records are "public records" as provided by law, the request will be reviewed by the Municipal Attorney.
- If your request for access to a government record has been denied or unfilled within the time permitted by law, you have a right to challenge the decision by the Municipal Record Custodian to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint in writing with the Government Records Council (GRC) located in the Department of Community Affairs. You must contact the (GRC) by telephone at (866) 850-0511 or www.state.nj.us/grc.

The term "public records" generally includes those records determined to be public in accordance with N.J.S.A. 47:1A-1. **The term does not include employee personnel files, police investigation records, public assistance files or other matters in which there is a right of privacy or confidentiality or inter-agency advisory, consultative, or deliberative material or other material which is specifically exempted by law.**

Estimated Cost: _____

Expected Delivery Date: _____

Requestor's Signature

Received By (Town Clerk's Office)

Date: _____

Date: _____

OFFICE USE ONLY

Total Pages: _____

Deposit: _____

Ready Date: _____

Balance Due: _____

Total Cost: _____

Balance Paid: _____

Check One: Denied Filled Partially Filled

ACKNOWLEDGEMENT

I hereby acknowledge that I have received the documents requested except for any documents specifically listed above on which a determination has been made that the documents will not be provided. If any documents have not been provided, I have received information on the procedures for any appeal of the determination.

Date

Requestor's signature

Fees will be charged at a rate of 75¢ for each of the first 10 pages, 50¢ for each of the following 10 pages, and 25¢ for each page thereafter. Delivery/postage may apply depending upon delivery type requested. Town ordinances establish special service charges for requests that require an extraordinary amount of time and effort to fulfill. Deposits will be required for requests of voluminous documents. Fees must be paid in full prior to the receipt of the documents requested.

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

Proceeding to challenge denial of access to record (C. 47:1A-6)

A person who is denied access to a government record by the custodian of the record, at the option of the requestor, may:

- Institute a proceeding to challenge the custodian's decision by filing an action in Superior Court which shall be heard in the vicinage where it is filed by a Superior Court Judge who has been designated to hear such cases because of that judge's knowledge and expertise in matters relating to access to government records; or
- In lieu of filing an action in Superior Court, file a complaint with the Government Records Council (GRC) established pursuant to section 8 of P.L. 2001, c.404 (C.47:1A-7).
- The right to institute any proceeding under this section shall be solely that of the requestor. Any such proceeding shall proceed in a summary or expedited manner. The public agency shall have the burden of proving that the denial of access is authorized by law. If it is determined that access has been improperly denied, the court or agency head shall order that access be allowed. A requestor who prevails in any proceeding shall be entitled to a reasonable attorney's fee.

RESOLUTION
RE: APPROVING PARTICIPATION IN THE PARIS GRANTS PROGRAM
AND TO LEVERAGE FUNDING WITH THE COUNTY OF HUDSON FOR
PART-TIME STAFF SUPPORT FOR INVENTORY CONTINUATION,
RETENTION SCHEDULE APPLICATION AND RECORDS PURGING
(PHASE II)

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, the Town of West New York desires to collaborate with the County of Hudson in the performance of Office of Archives and Records Management (OARM) Staffing and County-wide Shared Services Initiative; and

WHEREAS, the Town of West New York has completed a PARIS Needs Assessment and Strategic Plan; and

WHEREAS, the Town of West New York is eligible to apply for one project up to \$40,000.00 under the PARIS (Public Archives and Records Infrastructure Support Grant Program) for 2010-2011 and acknowledges that their eligible funding of \$40,000.00 will be leveraged with County of Hudson in a project that will include part-time staff support for inventory continuation, retention schedule application and records purging (Phase II); and

WHEREAS, the Town of West New York is acknowledging that the County of Hudson would be both the lead agency and the applicant for such a proposal and the Town commits itself to cooperate and participate in this project if it is funded; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners, that Town of West New York does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.

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Consent Agenda (Cont.):

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 |
|------------------------------------|-----------|-------------|-------------|
| PAM INVESTORS | 147/3 | 09-200 | \$100.00 |
| | 38/19 | 09-062 | \$600.00 |
| R. ROTHMAN | 15/6 | 09-020 | \$3,100.00 |
| U.S. BANK-CUST/ SASS MUNI V DTR | 38/13 | 09-060 | \$75,100.00 |
| ROYAL TAX LIEN SERVICES, LLC | 38/18 | 09-061 | \$3,000.00 |
| | | Grand total | \$81,900.00 |

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 |
|-----------------------------|----------------------|-------------|------------|
| SO YOUNG KIM | 168.01/7.06 C0101 | \$478.82 | 2010 |
| MIQUELI, MIGUEL & RAQUEL | 107/9 | \$2,694.34 | 2010 |
| | | Grand total | \$3,173.16 |

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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 |
|---|-----------|-------------|--------------|
| AMACO | 28/10 | 09-045 | \$1,480.81 |
| | 28/10 | 08-036 | \$5,362.31 |
| R. ROTHMAN | 15/6 | 09-020 | \$9,209.71 |
| | 44/16 | 09-068 | \$18,528.41 |
| | 44/16 | 08-051 | \$32,717.24 |
| PLYM PK. TAX SRVS. | 84/18 | 09-120 | \$996.64 |
| U.S. BANK CUST FOR CCTS CAPITAL, LLC | 22/20 | 09-036 | \$1,347.54 |
| PAM INVESTORS | 147/3 | 09-200 | \$2,075.67 |
| | 38/19 | 09-062 | \$2,477.79 |
| ROYAL TAX LIEN SERVICES, LLC | 38/18 | 09-061 | \$18,379.03 |
| U.S. BANK-CUST/SASS MUNI V DTR | 38/13 | 09-060 | \$87,652.56 |
| | | GRAND TOTAL | \$180,227.71 |

February 17, 2010
Regular Meeting

Consent Agenda (Cont.):

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 |
|---|-------------|-------------|------|
| Venino & Venino Atty Martens, Joseph & Bertica | 53/16 C002E | \$456.99 | 2010 |
| Venino & Venino Atty Marinescu, Mihaela N | 53/16 C001C | \$3,328.13 | 2010 |
| Mario Blanch Atty. For BE-VI Realty Corp. | 33/1 | \$10,390.50 | 2010 |
| Mario Blanch Atty. For 6418 Investment, LLC | 31/8 | \$5,195.25 | 2010 |
| Rodas, Jose Camilo | 21/6.01 | \$432.37 | 2010 |
| Burroughs, Karin | 38/9 C023E | \$239.37 | 2010 |
| Marshal, Reza | 5/32 C02-Q | \$143.96 | 2010 |
| Cooper, Brachel | 18/23 C0102 | \$140.06 | 2010 |
| Perez, Juan L | 21/18 | \$454.09 | 2010 |
| Sasso, Marco & Martha | 21/37 | \$296.46 | 2010 |
| Roche, Christopher & Agnes Chan | 36/33 C00A1 | \$210.09 | 2010 |
| Chiluiza, Luis & Nereida | 38/9 C008B | \$387.48 | 2010 |
| Hoffman, Rita | 38/9 C009H | \$463.12 | 2010 |
| Joedi, Sumitro | 40/26 C000A | \$221.56 | 2010 |
| Garcia, Felix & Luisa | 42/25.01 | \$658.80 | 2010 |
| Cardona, Eva | 62/1 C0020 | \$29.28 | 2010 |

February 17, 2010
Regular Meeting

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

| | | | |
|---|-------------|-------------|------|
| Laina, Luis A. | 83/7 C0001 | \$193.50 | 2010 |
| Brandt, Kristin | 83/7 C0054 | \$183.98 | 2010 |
| Spence, Paula & Elizabeth Greeni | 130/2 C0212 | \$173.49 | 2010 |
| Hofstetter Family Trust | 140/20 | \$163.97 | 2010 |
| Costal, Jose & Rosemary | 141/5 | \$279.14 | 2010 |
| Bravo, Hector & Anna Ortiz-Bra | 142/18 | \$168.36 | 2010 |
| Michael I. Schneck Trustee For MS 429 52 ND LLC | 98/11 | \$2,892.76 | 2010 |
| Michael I. Schneck Trustee For The Auf D'HD FM LTD | 67/15 | \$1,336.60 | 2010 |
| Kopec, Rachel | 35/13 C003F | \$2,024.95 | 2010 |
| | GRAND TOTAL | \$30,464.26 | |

RESOLUTION
RE: TAX CORRECTIONS FOR VARIOUS PROPERTIES

WHEREAS, there are overpayments on the fiscal 2008 and fiscal 2009 Tax bill totaling \$754.53 on property located at 22 Avenue at Port Imperial also known as block 168.01 lot 7.05 C0502

WHEREAS, there are overpayments on the 2nd quarter 2009 land Tax and the 2nd quarter 2009 Pilot bill on property located at 476 Buffalo Court also known as block 168.01 lot 1.31 C0476 in the amount totaling \$2,985.75;and

WHEREAS, there is an overpayment on the 2ND quarter 2006 Tax bill on property located at 416 63rd Street also known as block 33 lot 34 C002E in the amount of \$954.40;and

WHEREAS, there is an overpayment on the 2nd quarter 2009 Tax bill on property located at 6502 Madison Street also known as block 154 lot 2.02 C000A in the amount of \$977.50; and

WHEREAS, the homeowners want the overpayments to be moved to credit their credit their Fiscal year 2010 taxes.

THEREFORE, the Tax Collector is hereby authorized to move the said to credit Fiscal year 2010 taxes.

February 17, 2010
Regular Meeting

Consent Agenda (Cont.):

AWARDING RESOLUTION
Re: Contract for Workers Compensation
Clinical Services Provider to Concentra Medical Centers

Whereas, N.J.S.A. 40A:11-1 et seq. provides that contracts for Professional Services are exempt from public bidding requirements, and therefore that such a contract may be awarded without competitive bidding; and

Whereas, N.J.S.A. 40A:11-1 et seq. Workers Compensation Clinical Services Provider services qualify as a professional service as such services are primarily medical in nature; and

Whereas, the Town of West New York has followed a fair and open process under the New Jersey Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.5 et seq. for receiving Requests for Proposals for Workers Compensation Clinical Services Provider; and

Whereas, the Town of West New York issued a Request for Proposals, for Workers Compensation Clinical Services Provider pursuant to the requirements of N.J.S.A. 19:44A-20.5, et. seq., on December 23, 2009, for the provision of Workers Compensation Clinical Services Provider Services; and

Whereas, proposals for the provision of Workers Compensation Clinical Services Provider Services – UEZ were received by the town on or before January 13, 2010 from the following firms:

Englewood Knee & Sports Medicine
Concentra Medical Centers

Whereas, the Town's staff and consultant have advised that Concentra Medical Centers has provided a compliant proposal, and as a result of the Proposals received, the Municipal Administrator has recommended that the proposal of Concentra Medical Centers be approved; and

Whereas, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to enter into an agreement for the provision of Workers Compensation Clinical Services Provider Services with Concentra Medical Centers, in accord with the proposal received and substantially in the form of the proposed contract attached hereto; and

Whereas, this award is made through a fair and open process, pursuant to N.J.S.A. 19:44A-20.5 et seq. through a publicly advertised request for proposals advertised on December 23, 2009; and

Whereas, N.J.S.A. 40A:11-1, et seq. requires that the resolution authorizing the award of a contract for Professional Services without public bidding and the contract itself be available for public inspection; and

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, the Board of Commissioners of the Town of West New York are desirous of awarding a contract for the provision of Workers Compensation Clinical Services Provider as such services are necessary for the efficient operation of the Town; and

February 17, 2010
Regular Meeting

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

Whereas, N.J.S.A. 40A:11-1, et seq. provides that a contract for Workers Compensation Clinical Services Provider may be awarded without competitive bidding as a “extraordinary unspecifiable service”; and

Whereas, this award was made without competitive bids; and

Whereas, the award of a contract to Concentra Medical Centers for the provision of Workers Compensation Clinical Services Provider for the Town of West New York, 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 Proposals dated December 23, 2009; and

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. The Mayor shall be and is hereby authorized to execute an agreement, by and between the Town and Concentra Medical Centers 30 Seaview Drive, Secaucus, NJ 07094, for the provision of Workers Compensation Clinical Services Provider for the Town in accord with the proposal submitted, in accord with the proposal received and in substantially the form attached hereto, in a form satisfactory to the Town as evidenced by his signature thereon.

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

3. The initial authorization of this contract shall not exceed \$35,000.00 for a period of one-year.

4. 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.

5. A notice of this award shall be published as may be required by law.

6. A copy of this resolution and the agreement detailing the terms of the retention of Concentra Medical Centers for the provision of Workers Compensation Clinical Services Provider 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: Amendment/Change Order No.1 of Professional Services Contract for the Services of Legal/Liability Counsel with Florio & Kenny, LLP

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, on the basis of the review of the Statement of Qualifications submitted by Florio & Kenny, LLP, the Board of Commissioners by resolution has deemed Florio & Kenny, LLP, qualified to provide legal services to the Town as Legal/Liability Counsel; and

Whereas, in August 2009, by resolution, the Board of Commissioners authorized the execution of an agreement, by and between the Town and Florio & Kenny, LLP, for the provisions for the services of Edward Florio, Esq., and the services of Florio & Kenny, LLP, under his direction, as Legal/Liability Counsel, for an amount not to exceed \$40,000; and

February 17, 2010
Regular Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

Whereas, due to the volume of work entailed in such representation, and substantial legal assistance given in respect to matters involving litigation, as a result of the services therefore necessitated by such appointment, Florio & Kenny, LLP, has requested the authorization of an additional \$40,000.00 not-to-exceed amount; and

Whereas, the Municipal Administrator has reviewed such request and has recommended that it be granted and placed in front of the Board of Commissioners for their consideration; and

Whereas, on the basis of the foregoing the Board of Commissioners of the Town of West New York are desirous of amending the contract for the provision of professional legal services with of Florio & Kenny, LLP through the execution of a Change Order No. 1 representing an authorization of an additional amount for such services in an amount not to exceed \$40,000 without further action of the Board of Commissioners; and

Whereas, this award was made without competitive bids; and

Whereas, the award of a contract to Florio & Kenny, LLP for the provision of professional Legal/Liability Counsel services 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 dated June 2009; and

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

1. This contract was awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
2. The Mayor or his designee be and they are hereby authorized to executed a Change Order No. 1 to the contract for Professional Agreement for Legal/Liability Counsel between the Town and the firm of Florio & Kenny, LLP, authorizing an additional amount of \$40,000 for work to be performed under this agreement for a total adjusted amount not exceed \$80,000 for the term July 1, 2009 through June 30, 2010, without further action of the Board of Commissioners, all work, whose cost falls within such range, heretofore provided, hereby being ratified.
3. This contract was 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.
4. A notice of this change order award shall be published as may be required by law.
5. A 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.

RESOLUTION

Re: Amendment/Change Order No. 1 of Professional Internal Accounting Services
Contract with Donohue, Gironde & Doria (\$150,000)

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

The firm of Donohue, Gironde & Doria, Certified Public Accountants, was qualified to provide professional internal accounting services by resolution dated May 20, 2009; and

February 17, 2010
Regular Meeting

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

Whereas, Donohue, Gironda & Doria submitted a proposal to provide professional internal accounting services and related financial advisory services to the Town of West New York under the direction of Frederick J. Tomkins, CPA, RMA; and

Whereas, by resolution dated July 15, 2009, the Board of Commissioners authorized the execution of an agreement, by and between the Town and Donohue, Gironda & Doria, Certified Public Accountants, of 310 Broadway, Bayonne, New Jersey 07002, for the provisions of professional internal accounting services and related financial advisory services by Donohue, Gironda & Doria, under the direction of Frederick J. Tomkins, CPA, RMA;

Whereas, the initial compensation approved for such services was \$340,000; and

Whereas, by resolution dated August 20, 2008, Frederick J. Tomkins, CPA, RMA, of the firm of Donohue, Gironda & Doria was appointed Acting Chief Financial Officer upon the suspension of Darren Maloney as Chief Financial Officer; and

Whereas, Frederick J. Tomkins, CPA, RMA, of the firm of Donohue, Gironda & Doria, continues to act in this capacity given the continued suspension of Darren Maloney as Chief Financial Officer; and

Whereas, as a result of the services necessitated by such appointment and events, Donohue, Gironda & Doria, have requested the authorization of an additional \$150,000.00 for the additional work necessitated thereby; and

Whereas, the Municipal Administrator has reviewed such request and has recommended that it be granted, such additional services being in his opinion necessary; and

Whereas, on the basis of the foregoing the Board of Commissioners of the Town of West New York are desirous of amending the contract for the provision of professional internal accounting services with of Donohue, Gironda & Doria through the execution of a Change Order No. 1 representing an authorization of an additional amount for such services in an amount not to exceed \$150,000.00 without further action of the Board of Commissioners; and

Whereas, this award was made without competitive bids; and

Whereas, the award of a contract to Donohue, Gironda & Doria for the provision of professional internal accounting services 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 dated May 5, 2009; and

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

1. This contract was awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
2. The Mayor or his designee be and they are hereby authorized to executed a Change Order No. 1 to the contract for Internal Accounting Services between the Town and the firm of Donohue, Gironda & Doria, Certified Public Accountants, whose address is 310 Broadway, Bayonne, NJ 07002, authorizing an additional amount of \$150,000 for work to be performed under this agreement for a total adjusted amount not exceed \$490,000.00, for the term July 1, 2009 through June 30, 2010, without further action of the Board of Commissioners.

February 17, 2010
Regular Meeting

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

3. This contract was 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.
4. A notice of this change order award shall be published as may be required by law.
5. A 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.

RESOLUTION

Re: Amendment to Contract for Assistant Town Attorney

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, the firm of Chasan Leyner & Lamparello P.C. has sufficient experience in the provision of Professional Legal Services – Assistant Town Attorney; and

WHEREAS, Joseph Andresini as member of Chasan Leyner & Lamparello P.C., submitted a Statement of Qualifications to serve as Assistant Town Attorney, in response a publicly advertised Request for Qualifications for the provision of legal services – Assistant Town Attorney, in June, 2009; and

WHEREAS, on the basis of the review of the Statement of Qualifications submitted by Chasan Leyner & Lamparello P.C., the Board of Commissioners by resolution deemed Chasan Leyner & Lamparello P.C., qualified to provide legal services to the Town as Assistant Town Attorney; and

WHEREAS, the Board of Commissioners of the Town of West New York awarded a contract for the provision of legal services – Assistant Town Attorney, to Chasan Leyner & Lamparello, P.C., for their services, under the direction of Joseph Andresini as Assistant Town Attorney; and

WHEREAS, Joseph Andresini, has subsequently been appointed to the Tax Court and is no longer associated with Chasan Leyner & Lamparello; and

WHEREAS, the Mayor, in consultation with Chasan Leyner & Lamparello, P.C. and the Town Attorney has determined that it is in the best interests of the Town to appoint Anthony V. D'Elia, Esq., of Chasan Leyner & Lamparello, P.C. as Assistant Town Attorney; and

WHEREAS, the Board of Commissioners is desirous of amending the contract with Chasan Leyner & Lamparello, for the services of Anthony V. D'Elia, Esq., of Chasan Leyner & Lamparello, P.C. as Assistant Town Attorney, and the services of Chasan Leyner & Lamparello, under his direction; and

WHEREAS, this award was made without competitive bids; and

WHEREAS, the award of a contract to Anthony V. D'Elia, Esq., as member of Chasan Leyner & Lamparello P.C. for the provision of legal services – Assistant Town Attorney 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 of June 2009; and

February 17, 2010
Regular Meeting

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

NOW, THEREFORE, BE IT RESOLVED by the 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 Chasan Leyner & Lamparello P.C. for services provided from July 1, 2009 through June 30, 2010 is hereby ratified and approved as amended herein.
2. The Mayor shall be and is hereby authorized to execute an amendment to the agreement, by and between Chasan Leyner & Lamparello P.C., for the services of Anthony V. D'Elia, Esq., as Assistant Town Attorney, and for the services of Chasan Leyner & Lamparello P.C., under his supervision.
3. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
4. The initial hourly rate for services under this contract shall not exceed \$150.00 per hour and the initial authorization of this contract shall not exceed \$58,100 for the period 7/1/09-6/30/2010.
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 notice of this award shall be published as may be required by law.
7. A copy of this Resolution, and a copy of the contract, upon execution by the Town, shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

RESOLUTION

Re: Approval of Professional Services Agreement for the Provision of Legal Services –
Interim Municipal Prosecutor, with Christian, Giro & Tadros, LLP
(Term: Commencing March 1, 2010)

WHEREAS, Charles M. D'Amico, Esq., the current Municipal Court Prosecutor has been appointed, by resolution this date even, by the Board of Commissioners to the position of Municipal Court Judge of the West New York Municipal Court as of March 1, 2010; and

WHEREAS, N.J.S.A. 2B:25-4 requires that “[e]ach municipal court in this State shall have at least one Municipal Prosecutor appointed by the governing body of the municipality”; and

WHEREAS, Maurice Giro, Esq., a member of the firm of Christian, Giro & Tadros, LLP has served as Municipal Court Public Defender since 2007 and has sufficient experience in the manner and method of municipal prosecutions; and

WHEREAS, the Mayor and Town Attorney do recommend to this board that the Maurice Giro, Esq., the current Municipal Court Public Defender be appointed as Interim Municipal Court Prosecutor until a successor is qualified and appointed, on the basis that Maurice Giro, Esq., has sufficient experience in the manner and method of municipal prosecutions in the Municipal Court of the Town of West New York; 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 the services of Maurice Giro, Esq., to serve as Municipal Prosecutor and enter into a contract with Christian, Giro & Tadros, LLP, to provide for the compensation for the services of Maurice Giro, Esq. commencing on March 1, 2010, contingent on Mr. Giro's resignation as Municipal Court Public Defender; and

February 17, 2010
Regular Meeting

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

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

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

1. The above recitals are incorporated herein.
2. A contract between the Town of West New York and Christian, Giro & Tadros, LLP for services provided from March 1, 2010 until the appointment of a successor, or June 30, 2010, whichever is earlier, is hereby ratified and approved.
3. Maurice Giro, Esq., of the firm of Christian, Giro & Tadros, LLP, be and are hereby appointed and authorized to serve as Municipal Prosecutor for the Town of West New York, effective as of March 1, 2010, subject to his resignation as Municipal Court Public Defender.
4. The Mayor shall be and is hereby authorized to execute an agreement, by and between the Town and the firm of Christian, Giro & Tadros, LLP, for the services of Maurice Giro, Esq., as Municipal Prosecutor, in a form satisfactory to the Town as evidenced by the Mayor’s signature thereon, in essentially the form advertised in the Request for Qualifications, at an hourly rate not to exceed \$150.00 and in total amount not to exceed \$17,500.00.
7. The initial authorization of this contract shall not exceed \$17,500 for the period March 1, 2010 - June 30, 2010.
8. A notice of this award shall be published as may be required by law.
9. A 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.

RESOLUTION

Re: Agreement Between Town Of West New York And Cannon Cochran Management Services, Inc., For Claims Administrator Services (Term: One Year)

Whereas, the following firms have submitted Proposal (“Proposal”) to the Town of West New York on or before February 12, 2010, in response to a February 1, 2010, Request for Proposals for Claims Administrator Services:

Cannon Cochran Management Services, Inc.
3535 Rt. 66, Building 6, Neptune, NJ 07753

Whereas, upon due review of the Proposal it has been determined that Cannon Cochran Management Services, Inc. is properly qualified to provide the services requested in the February 1, 2010, Request for Proposals for Claims Administrator Services; and

Whereas, the Cannon Cochran Management Services, Inc. has offered to provided Claims Administrator Services for \$55,000 flat rate, plus Comp MC (Managed Care) Fees of 31% of savings, as further set out in their Proposal on file with the Municipal Clerk; and

Whereas, N.J.S.A. 40A:11-5(1)(m) provides that a contract for insurance consulting services may be awarded without competitive bidding as per N.J.S.A. 40A:11-5(1)(a)(ii); and

February 17, 2010
Regular Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

Whereas, pursuant to and in accordance with N.J.A.C. 5:34-2.3, the Town's Administrator has provided the Board of Commissioners with a Certification, dated February 17, 2010, describing the nature of the work to be done, stating that it is not reasonably possible to draft specifications, describing the solicitation of proposals and describing in detail why the contract satisfies the Statutory and Administrative Code requirements for extraordinary unspecifiable services; and

Whereas, the 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 Cannon Cochran Management Services, Inc., to provide for the compensation for the services of Cannon Cochran Management Services, Inc. for the provision of Extraordinary Unspecifiable Services - Claims Administrator Services

Whereas, N.J.S.A. 40A:11-1, et seq. provides that a contract for Claims Administrator Services may be awarded without competitive bidding; and

Whereas, the contract herein awarded 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 Proposals dated February 1, 2010; 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 at Current Fund Budget-Insurance.

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. That the Town of West New York does hereby appoint Cannon Cochran Management Services, Inc. as its Claims Administrator Services for a period of one year.
3. The Mayor shall be and is hereby authorized to execute an agreement, by and between the Town and Cannon Cochran Management Services, Inc. for the provision of services - in accord with the proposal submitted, in substantially the form attached contract, in a form acceptable to the Town as evidenced by his signature thereon.
4. Cannon Cochran Management Services, Inc. shall be retained Claims Administrator Services at the rate of \$55,000 Flat Rate, Comp MC (Managed Care) Fees 31% of Savings, as more particularly set out in their Proposal on file with the Clerk of the Town of West New York.
5. This contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(m).
6. The Chief Financial Officer's Certification that funds are available shall be on file at the Town and made a part hereof.
7. 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.
8. A copy of this resolution and the agreement detailing the terms of the retention of Cannon Cochran Management Services, Inc. as Claims Administrator Services, shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.
9. A notice of this contract award shall be published in the form prescribed by law.

February 17, 2010
Regular Meeting

Consent Agenda (Cont.):

RESOLUTION

**Re: Agreement Between Town Of West New York And Peter Soriero,
For Insurance Fund Administrator Services (Term: One Year)**

Whereas, the following firms have submitted Proposal ("Proposal") to the Town of West New York on or before February 12, 2010, in response to a February 1, 2010, Request for Proposals for Insurance Fund Administrator Services:

Peter Soriero
3 Cypress Point Lane, Monroe Twsp., NJ 08831

Whereas, upon due review of the Proposal it has been determined that Peter Soriero is properly qualified to provide the services requested in the February 1, 2010, Request for Proposals for Insurance Fund Administrator Services; and

Whereas, the Peter Soriero has offered to provided Insurance Fund Administrator Services for \$28,000 per annum;

Whereas, N.J.S.A. 40A:11-5(1)(m) provides that a contract for insurance consulting services may be awarded without competitive bidding as per N.J.S.A. 40A:11-5(1)(a)(ii); and

Whereas, pursuant to and in accordance with N.J.A.C. 5:34-2.3, the Town's Administrator has provided the Board of Commissioners with a Certification, dated February 17, 2010, describing the nature of the work to be done, stating that it is not reasonably possible to draft specifications, describing the solicitation of proposals and describing in detail why the contract satisfies the Statutory and Administrative Code requirements for extraordinary unspecifiable services; and

Whereas, the 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 Peter Soriero., to provide for the compensation for the services of Peter Soriero. for the provision of Extraordinary Unspecifiable Services - Insurance Fund Administrator Services

Whereas, N.J.S.A. 40A:11-1, et seq. provides that a contract for Insurance Fund Administrator Services may be awarded without competitive bidding; and

Whereas, the contract herein awarded 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 Proposals dated February 1, 2010; 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 at Current Fund Budget-Insurance.

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. That the Town of West New York does hereby appoint Peter Soriero as its Insurance Fund Administrator Services for a period of one year.

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Consent Agenda (Cont.):

Resolution (Cont.):

3. The Mayor shall be and is hereby authorized to execute an agreement, by and between the Town and Peter Soriero for the provision of services - in accord with the proposal submitted, in substantially the form attached contract, in a form acceptable to the Town as evidenced by his signature thereon.
4. Peter Soriero shall be retained Insurance Fund Administrator Services at the rate of \$28,000 per annum.
5. This contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(m).
6. The Chief Financial Officer's Certification that funds are available shall be on file at the Town and made a part hereof.
7. 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.
8. A copy of this resolution and the agreement detailing the terms of the retention of Peter Soriero as Insurance Fund Administrator Services, shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.
9. A notice of this contract award shall be published in the form prescribed by law.

Resolution

Re: Appointment of Charles D'Amico as Municipal Court Judge

Be it resolved by the Mayor and Board of Commissioners of the Town of West New York that Charles D'Amico, Esq., be and he is hereby appointed Judge of the Municipal Court of the Town of West New York for a term of three (3) years; said term to commence on March 1, 2010 and shall expire on February 28, 2013, subject to Mr. D'Amico's resignation as Municipal Prosecutor.

Resolution

Re: Appointment of Amarilis Diaz as Alternate Municipal Court Judge

Be it resolved by the Mayor and Board of Commissioners of the Town of West New York that Amarilis Diaz, Esq., be and he is hereby appointed Alternate Judge of the Municipal Court of the Town of West New York for a term of three (3) years; said term to commence on March 1, 2010 and shall expire on February 28, 2013.

RESOLUTION

RE: APPOINTMENT OF NELLY HUAMAN AS MEMBER OF THE RENT CONTROL BOARD OF THE TOWN OF WEST NEW YORK

WHEREAS, a vacancy exists on the Rent Control Board of the Town of West New York;
and

WHEREAS, Nelly Huaman is a resident of the Town of West New York; and

WHEREAS, Nelly Huaman is available to complete the required term as member of the Rent Control Board of the Town of West New York;

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

NOW, THEREFORE, be it resolved by the Mayor and Board of Commissioners of the Town of West New York as follows:

1. Nelly Huaman is appointed to serve as Member of the Rent Control Board of the Town of West New York, to serve for the term of one year commencing on February 17, 2010 and expiring on February 16, 2011.
2. A copy of this resolution shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

RESOLUTION

**RE: APPOINTMENT OF MARTHA GONZALEZ AS MEMBER OF
THE RENT CONTROL BOARD OF THE TOWN OF WEST NEW YORK**

WHEREAS, a vacancy exists on the Rent Control Board of the Town of West New York;
and

WHEREAS, Martha Gonzalez is a resident of the Town of West New York; and

WHEREAS, Martha Gonzalez is available to complete the required term as member of the Rent Control Board of the Town of West New York;

NOW, THEREFORE, be it resolved by the Mayor and Board of Commissioners of the Town of West New York as follows:

1. Martha Gonzalez is appointed to serve as Member of the Rent Control Board of the Town of West New York, to serve for the term of one year commencing on February 17, 2010 and expiring on February 16, 2011.
2. A copy of this resolution shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

February 17, 2010
Regular Meeting

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 Riccio 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 adopt the foregoing Ordinance, was carried by the following vote:

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

Note: Jorge DeArmas, Esq. advised that a letter was received from N.J. Licensed Beverage Association, Inc. which is to be made part of the record of this meeting, and which is attached to end of these minutes. He advised that this letter had been discussed during Work Session. Mr. DeArmas further advised that a non-material change had been made to this Ordinance to clarify that the Ordinance does not apply to licensed premises which are suspended or in the process of being suspended.

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 Riccio 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 Rodriguez, to adopt the foregoing Ordinance, was carried by the following vote:

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

February 17, 2010
Regular Meeting

Ordinance #3/10

An Ordinance designating parking spaces in front of 413 – 53rd Street adjacent to the Police Juvenile Center for use by Police Department Personnel

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 #3/10

An Ordinance designating parking spaces in front of 413 – 53rd Street adjacent to the Police Juvenile Center for use by Police Department Personnel

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 February 17, 2010 and ordered published, and will be further considered before final passage at a public hearing on March 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”. The Mayor announced that each speaker will have five (5) minutes to discuss items listed on the agenda or any other matter.

Mayor opened the Public Portion.

Public Portion:

- Dr. Felix Roque, 5711 Jefferson Street, WNY, NJ:**
Dr. Roque inquired as to why Judge Morejon was not being reappointed. Mayor Vega responded “It is my right.” Dr. Roque inquired as to whether the salary of the new Judge will be the same as current Judge to which the Mayor replied “The same amount”. Dr. Roque inquired as to the exact salary amount. Mayor Vega advised him that the information is public record and he could request said information from Town Clerk’s Office. Dr. Roque stated that even though the salary is \$72,000, the Judge billed the Town \$116,000 and inquired whether the new Judge would be paid more than Judge Morejon. Dr. Roque further inquired whether there would be a conflict of interest regarding the cases newly appointed Judge D’Amico handled as the former Prosecutor to which the Mayor

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Public Portion (Cont.):

1. Dr. Roque (Cont.):

replied, "I don't see any conflict". Dr. Roque commented that Judge Morejon speaks Spanish; however, new Judge does not. The Mayor informed him that the court sessions must be conducted in English and that the Interim Prosecutor is Hispanic. Dr. Roque inquired whether the decision to replace Judge Morejon was due to his character or judgment and again requested to know the salary to be paid to Judge D'Amico. Mayor Vega advised him to request the information in writing from the Town Clerk's Office. Dr. Roque also inquired as to whether the salary of Judge Diaz was reduced. The Mayor referred him to the Salary Ordinance.

2. Dr. Count Wiley, 6010 Monroe Place, WNY, NJ:

Dr. Wiley commented that the "D.P.W. Department is falling apart and being dismantled by people being fired, etc." He inquired as to who is painting the lines. Mayor Vega replied, "We had layoffs which affected the D.P.W. At no time did the Town do a better job of removing snow." The Mayor complimented Comm. Rodriguez. The Mayor advised that the Town Engineer is now responsible for the line painting. Dr. Wiley responded, "Does he do it or does he contract it?" Dr. Wiley commented that employees were fired and that their jobs were contracted to other people. Discussion ensued between Dr. Wiley and Mayor Vega regarding the Doctor's residency. Dr. Wiley stated, "Give me respect and don't talk down to me". (Audience members applauded.) Dr. Wiley inquired about the status of the program, which was to be instituted to generate more income for the Parking Authority, and commented that the only thing being done was to raise property taxes. Mayor Vega requested that Dr. Wiley stop shouting. Dr. Wiley replied, "People are disgusted. You never know any information." Discussion ensued between Comm. Lange and Dr. Wiley regarding Dr. Wiley's status as a physician and a vehicle driven by Dr. Wiley with Pennsylvania plates. (At this point, audience members began shouting.) Dr. Wiley commented that due to numerous transfers recently made in the Police Department, police officers are upset, and inquired as to what role, if any, the Mayor was involved in the decision to make said transfers. Mayor Vega responded, "During my tenure, I have appointed two (2) Police Directors. I am very pleased with the work Al Bringa is doing in this Town." Dr. Wiley inquired as to why the Mayor interferes with transfers, to which the Mayor replied, "I don't interfere."

3. Clara Brito-Herrera, 6312 Jackson Street, WNY, NJ:

Mrs. Brito-Herrera commented that both the D.P.W. Superintendent and his Assistant are present in the back of the courtroom. She advised that her cleaning staff was downsized at #1 School and that the custodians cannot keep up with cleaning. She commented that the streets surrounding #1 School are dirty especially on Polk Street. She is concerned about school safety. Mayor Vega thanked her for bringing this to his attention. Comm. Rodriguez stated that he will personally make sure that the area surrounding #1 School is taken care of. Mrs. Brito-Herrera also complained about loitering.

4. Dr. Felix Roque, 5711 Jefferson Street, WNY, NJ:

Dr. Roque inquired "Who is the Town Attorney?" Mayor replied "Dan Horgan". Dr. Roque commented that the Town Attorney earned over \$1 million last year and stated "He needs an assistant now?" Mayor advised that the Assistant Town Attorney is not for Mr. Horgan but for the Town, and that the Town will be entering negotiations with the various unions in which the Assistant Town Attorney will be involved. Dr. Roque recommended paying the Town Attorney a flat fee instead of an hourly rate. Dr. Roque stated, "The Town is bleeding to death and you are allowing it."

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At 7:25 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