

March 21, 2012
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, March 21, 2012 at 7:00 p.m. (6:00 p.m. Work Session):

Present: Commissioners Frias, Rodriguez, Wiley, Vargas and Mayor Roque
Absent: None
Also Present: Assistant Town Attorney Joe DeMarco, Town Administrator Ernesto Munoz and Town Clerk Carmela Riccio

Meeting commenced at 7:07 p.m.

At the request of Mayor Roque, Town Clerk Carmela Riccio 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 March 21, 2012 at 7:00 p.m., I do hereby publicly announce, and I direct that this announcement shall be placed in the minutes of this meeting, and that the Notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given by the Board of Commissioners in the Resolution dated and adopted on December 20, 2011. 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 Roque, Town Clerk Carmela Riccio read aloud the titles of all items on the agenda

Minutes of Previous Meeting:

It was regularly moved by Commissioner Frias, seconded by Commissioner Rodriguez, that the Minutes of Regular Meeting: 2/15/12 and Special Meeting: 3/7/12 (Regular and Work Sessions) be approved as recorded, was carried by the following vote:

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

Claims: Dated 3/21/12 (Claims are available for public inspection in the Town Clerk's Office):

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

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

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Receipt of Financial Reports:

FINANCIAL REPORTS - MONTH OF FEBRUARY 2012

1. From Construction Code Official Office, reporting the sum of \$61,373.00 collected for the month of February 2012.
2. From Director Michael Indri (Police Dept.) reporting the sum of \$6,215.75 collected for the month of February 2012.
3. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$350.00 for Special Licenses collected for the month of February 2012.
4. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$521.00 for Marriage/death certificates collected for the month of February 2012.
5. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$1,604.80 for Dogs Licenses Issued for the month of February 2012.
6. From Frederick J. Tomkins, Acting CFO (Revenue and Finance Department) reporting the sum of \$2,367,288.54 collected for the month February, 2012.
7. From Carmela Riccio, RMC, Town Clerk, reporting the sum of \$106.10 collected for the month of February, 2012.

It was regularly moved by Mayor Roque, seconded by Commissioner Wiley, that the financial reports be approved, was carried by the following vote:

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

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RFQ Results
Re: Municipal Tenants Advocacy Attorney

RFQ PROPOSAL FORMATION

Proposal Receipt Date: March 8, 2012

Proposal Time: 10:00 a.m.

Location for proposal: Town Clerk's Office

Proposal for: Municipal Tenants Advocacy Attorney

Personnel at Opening: Deputy Town Clerk Jennie DelRio

Remarks: Time to receive RFQS was closed at 10:05 a.m.
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Law Offices of Lazara Carvajal, LLC
(Address) 8421 Bergenline Avenue
P.O. Box 7236
North Bergen, NJ 07047

RESPONDER #2 (Name) Simoes & Associates, PC (Fausto Simoes, Esq.)
(Address) 83 Polk Street
Newark, NJ 07105

RFQ Results
Re: Internal Accounting Services

RFQ PROPOSAL FORMATION

Proposal Receipt Date: March 8, 2012

Proposal Time: 10:30 a.m.

Location for proposal: Town Clerk's Office

Proposal for: Internal Accounting Services

Personnel at Opening: Deputy Town Clerk Jennie DelRio

Remarks: Time to receive RFQS was closed at 10:35 a.m.
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Donahue, Gironde & Doria
(Address) 310 Broadway
Bayonne, NJ 07002

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RFQ Results
Re: Grant Writing and Administration Consulting Services

RFQ PROPOSAL FORMATION

Proposal Receipt Date: March 14, 2012
Proposal Time: 10:00 a.m.
Location for proposal: Town Clerk's Office
Proposal for: Grant Writing and Administration Consulting Services
Personnel at Opening: Deputy Town Clerk Jennie Del Rio and Maria T. Barrios
Remarks: Time to receive RFQS was closed at 10:05 a.m.
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Millenium Strategies
(Address) 60 Roseland Avenue,
Caldwell, NJ 07006

RESPONDER #2 (Name) Bruno Associates
(Address) 1373 Broad Street Suite 304
Clifton, NJ 07013

RESPONDER #3 (Name) Stull & Benoit Associates, Inc.
(Address) 62 B Troy Drive
Springfield, NJ 07081

RESPONDER #4 (Name) Birdsall Services Group, Inc.
(Address) 65 Jackson Drive
Cranford, NJ 07016

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Proclamation
Re: West New York Automobile Child Safety Seat Week

WHEREAS, motor vehicle crashes are the leading cause of death for children ages 3 to 14 based on 2007 figures, which are the latest mortality data currently available from the National Center for Health Statistics; and

WHEREAS, when used properly, seat belts and shoulder restraints reduce the risk of fatal injury to front seat occupants (age 5 and older) of passenger cars by 45% and the risk of moderate-to-critical injury by 50%. For light-truck occupants, seat belts reduce the risk of fatal injury by 60% and the risk of moderate-to-critical injury by 65%; and

WHEREAS, research on the effectiveness of child safety seats finds them to reduce fatal injury by 71% for infants younger than 1 year old; and

WHEREAS, in 2009 there were 322 passenger vehicle occupant fatalities among children age 4 and younger. Of those 322 fatalities, 31% were totally unrestrained; and

WHEREAS, among children under age 5 in passenger vehicles, an estimated 309 lives were saved in 2009 by restraint use. Of these 309 lives saved, 284 were associated with the use of child safety seats and 26 with the use of adult seat belts. At 100% child safety seat use for children under age 5, an estimated 372 lives (that is, an additional 63) could have been saved in 2009; and

WHEREAS, over the period 1975 through 2009 an estimated 9,310 lives were saved by the usage of child safety seats or adult seat belts.

NOW THEREFORE BE IT PROCLAIMED, that Mayor Felix E. Roque and the Board of Commissioners of the Town of West New York do hereby proclaim the week of April 23 thru 29 as West New York Automobile Child Safety Seat Week in the Town of West New York and urge all citizens to recognize and support the need to use child safety seats and/or adult seat belts in order to save lives.

Note: Mayor presented Proclamation to Anne Rich. Mrs. Rich commented that there had been an accident on Boulevard East two (2) weeks ago as a result of an intoxicated driver. The child safety seat had been placed in the trunk and the child was killed. She further commented that she hopes this never happens again in West New York and requested that all interest parties bring their child safety seats to the EMS headquarters or Police Dept. so that it can be checked for installation purposes, etc. Mayor Roque thanked Anne Rich and Director Indri for all their efforts and stated "This is called preventative medicine."

Consent Agenda

It was regularly moved by Mayor Roque, seconded by Commissioner Rodriguez 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, R-24, R-25, R-26, R-27, R-28, R-29, R-30, R-31, R-32, R-33, R-34, R-35 and R-36 be adopted, was carried by the following vote:

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

Note: Town Clerk Carmela Riccio read the titles and item numbers included 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>
Holy Redeemer Parish 6502 Jackson Street West New York, NJ 07093 (50/50 off premise)	May 13, 2012	RL 1821

Awarding Resolution
Re: Printing Services for the Town of West New York
to: Royal Printing Service

WHEREAS, bids were received on 2/22/12 for Printing for various departments in the Town of West New York; and

WHEREAS, the following bid for the open-ended contract for Printing Services for the Town of West New York was received: Royal Printing Services, 441 51st Street, West New York, New Jersey, 07093, in the maximum amount of \$85,242.75

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

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

WHEREAS, the Certificate of Available Funds, maintained on file at the Town, sets forth that sufficient funds for the subject procurement have been allotted in the Authority's budget and that such funds have been appropriated at 2012 Budget Various O.E. Line Items.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of West New York, New Jersey, that the bid of Royal Printing Services, 441 51st Street, West New York, NJ 07093 on the bid "Printing Services for the Town of West New York" contract in the sum of Open End Contract, bid in the maximum amount of \$85,242.75 be and the same is hereby accepted.

BE IT FURTHER RESOLVED that appropriate officials are hereby authorized and directed on behalf of the Town of West New York to make available to the public, to publish, to enter into a contract for same and to perform same and to receive performance, in accordance with the law and specifications providing for same;

BE FURTHER RESOLVED that the Resolution recited above be and is hereby finally adopted.

BE IT FURTHER RESOLVED that the Chief Financial Officer's Certification that funds are available shall be on file at the Town and made a part hereof.

BE IT FURTHER RESOLVED that the Town Clerk shall forward a copy of this Resolution to the bidder on this project.

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Consent Agenda (Cont.):

Awarding Resolution

Re: Office Supplies for the Town of West New York
to: Saveon Stationary Co., Inc. t/a Maco Office Supplies

WHEREAS, bids were received on 2/22/12 for Office Supplies for various departments in the Town of West New York; and

WHEREAS, the following bid for the open-ended contract for Office Supplies for the Town of West New York was received: Saveon Stationary Co., Inc. t/a Maco Office Supplies, 1000 Kennedy Blvd., Union City, New Jersey, 07087, in the maximum amount of \$60,000.00

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

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

WHEREAS, the Certificate of Available Funds, maintained on file at the Town, sets forth that sufficient funds for the subject procurement have been allotted in the Authority's budget and that such funds have been appropriated at 2012 Budget Various O.E. Line Items.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of West New York, New Jersey, that the bid of Saveon Stationary Co., Inc. t/a Maco Office Supplies, 1000 Kennedy Blvd., Union City, New Jersey, 07087 on the bid Office Supplies for the Town of West New York" contract in the sum of Open End Contract, bid in the maximum amount of \$60,000.00 be and the same is hereby accepted.

BE IT FURTHER RESOLVED that appropriate officials are hereby authorized and directed on behalf of the Town of West New York to make available to the public, to publish, to enter into a contract for same and to perform same and to receive performance, in accordance with the law and specifications providing for same;

BE FURTHER RESOLVED that the Resolution recited above be and is hereby finally adopted.

BE IT FURTHER RESOLVED that the Chief Financial Officer's Certification that funds are available shall be on file at the Town and made a part hereof.

BE IT FURTHER RESOLVED that the Town Clerk shall forward a copy of this Resolution to the bidder on this project.

Resolution

Re: Appointment of Mary Cranwell as a
Member of the Insurance Fund Commission

Whereas, an Insurance Fund Commission was established by Ordinance #45/95; and

Whereas, Ordinance #45/95 provided for the appointment of three (3) members to serve a term of two (2) years;

WHEREAS, a vacancy exists on the Insurance Fund Commission of the West New York due to the resignation of Joseph Rodriguez; such term expiring on August 16, 2013; and

WHEREAS, Mary Cranwell is qualified and available to serve as a member of the Insurance Fund 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 that Mary Cranwell is hereby appointed as a Member of the Insurance Fund Commission of the Town of West New York, which term shall expire on August 16, 2013.

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Consent Agenda (Cont.):

Resolution
Re: Appointment of Nelson Diaz as a
Member of the Insurance Fund Commission

Whereas, an Insurance Fund Commission was established by Ordinance #45/95; and

Whereas, Ordinance #45/95 provided for the appointment of three (3) members to serve a term of two (2) years;

WHEREAS, a vacancy exists on the Insurance Fund Commission of the West New York due to the resignation of Anne Rich; such term expiring on August 16, 2013; and

WHEREAS, Nelson Diaz is qualified and available to serve as a member of the Insurance Fund 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 that Nelson Diaz is hereby appointed as a Member of the Insurance Fund Commission of the Town of West New York, which term shall expire on August 16, 2013.

Resolution
Re: Authorizing the sale of various
Town Owned Properties (Automobiles)

WHEREAS, the Town of West New York is the Owner of certain automobiles not needed for public use; and

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:11-36 the Mayor and Board of Commissioners have deemed it to be in the public interest to sell personal property no longer needed for public use.

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

1. The properties listed on the attached list (individually and collectively “properties” or “property”) are hereby deemed not to be no longer needed for public use and are to be auctioned pursuant N.J.S.A. 40A:11-36.
2. The conditions of the sale shall be and are as set out in the attached form of notice to be publicized by the Municipal Clerk as required by law.
3. The Municipal Administrator or his designee is and they are appointed as agent of the Town in regards to the conduct of the auction.
4. The following is a list and description of the vehicles to be sold:

NJ REG	VIN	MAKE, MODEL, AND COLOR	DEPT	LOCATION
1. MG15559	T17DB9V587261	1979 GMS Salter Truck, White	DPW	TOWN GARAGE
2. MG15302	1GDG7D1B9EV505056	1984 GMC Salter Truck, White	DPW	TOWN GARAGE
3. MG38TE	1GDL7D1B1FV517234	1985 GMC Salter Truck, White	DPW	TOWN GARAGE
4. MG15599	1A9Y24DR5TR059062	1996 Mobil Sweeper, White	DPW	TOWN GARAGE
5. WZX61U	KLATA5268YB472334	2000 Daewoo Sedan, Green	POLICE	TOWN GARAGE

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Consent Agenda (Cont.):

Resolution

**Re: Rescinding Resolution adopted 9/21/11 which had established
the rate of interest to be charged on delinquent taxes**

Whereas, the governing body adopted a resolution on September 21, 2011 establishing the rate of interest to be charged on delinquent taxes from the date due until the date of actual payment commencing on August 1, 2011; and

Whereas, said resolution also provided that the interest rate being applied shall be 3% on all delinquent balances from all past quarters and currently through February 1, 2012; and

Whereas, NJSA 54:4-67 (b) provides that notice shall be given to all taxpayers, prior to the date taxes are due or with the tax bill, stating the new rate or rates to be charged and the date that the new rate or rates take effect; and

Whereas, said notice was not given by the Tax Collector as required by said statute;

Now, therefore, be it resolved by the Mayor and Board of Commissioners of the Town of West New York that the Resolution adopted on September 21, 2011 be and it is hereby rescinded.

RESOLUTION
RE: AUTHORIZING SETTLEMENT
OF 5806 HUDSON, LLC V. TOWN OF WEST NEW YORK
BLOCK 63, LOT 1
TAX COURT OF NEW JERSEY
DOCKET NOS. 001901-2009 AND 015875-2010

WHEREAS, 5806 Hudson, LLC, is the owner/taxpayer of property located at 5806 Hudson Avenue, identified as Block 63, Lot 1, on the Tax Assessment Map for the Town of West New York, who filed appeals against the Town of West New York, with the Tax Court of New Jersey, for tax years 2009 and 2010, under Docket Numbers 001901-2009 and 015875-2010; and

WHEREAS, the Town has completed full discovery and conducted extensive negotiations with plaintiff's attorney; and

WHEREAS, the Town Tax Assessor, Sal Bonaccorsi, and Assistant Tax Assessor, Michael Jaeger, have reviewed the above settlement proposals and have agreed to same and have joined in with the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, in recommending to the governing body that the settlement is fair and equitable.

NOW, THEREFORE, BE IT RESOLVED that the Town Assistant Counsel, Chasan Leyner & Lamparello, PC, be and is hereby authorized to enter into a Stipulation of Settlement (attached hereto) agreeing to settle the tax appeal filed by 5806 Hudson, LLC, pertaining to the above-captioned matter; and

BE IT FURTHER RESOLVED that a true copy of this Resolution be forwarded to the Tax Assessor, to Chasan Leyner & Lamparello, PC, Town Assistant Counsel, and the Town Tax Collector.

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Consent Agenda (Cont.):

RESOLUTION
RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF TAX ATTORNEY

WHEREAS, Jordan Friedman, Esq., as member of the law firm of Chasan, Leyner & Lamparello, 300 Harmon Meadow Blvd. Secaucus, NJ 07094, has submitted a proposal to serve as Tax Attorney, dated, January 13, 2012, in response to a, Request for Qualifications for Town Attorney; and

WHEREAS, the Mayor as Commissioner of the Department of Public Safety has duly appointed Jordan Friedman, Esq. as Tax Attorney; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of Jordan Friedman, Esq. to serve as Tax Attorney, and enter into a contract with Chasan, Leyner & Lamparello, to provide for the services of Jordan Friedman, Esq.; and

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

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

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and Chasan, Leyner & Lamparello, for the services of Jordan Friedman, Esq., as Tax Attorney, and for an amount to be stated in the agreement.
2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on January 13, 2012, and in accordance with N.J.S.A. 19:44A-20.5 et seq.
4. The initial authorization of this contract shall be for the period of 3/21/12 - 12/31/12, and for an amount to be contained in the agreement not to exceed \$50,000.
5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of Jordan Friedman, Esq., as Tax Attorney shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

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Consent Agenda (Cont.):

RESOLUTION

Re: Appointing Elizabeth Hernandez as a Member of the WNY Public Library
(Term expires on 2/16/14)

WHEREAS, a vacancy exists on the Board of the West New York Public Library due to the unexpired term of Roland Alum, such term expiring on February 16, 2014; and

WHEREAS, Elizabeth Hernandez, is a resident of the Town of West New York; and

WHEREAS, Elizabeth Hernandez is available to complete the required term;

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

1. Elizabeth Hernandez is appointed to serve as a Member of Board of the West New York Public Library, to serve for the unexpired portion of a term which term will expire on February 16, 2014.
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: RE-APPOINTMENT OF JOSE DELGADO AS MEMBER OF THE RENT
CONTROL BOARD OF THE TOWN OF WEST NEW YORK
(TERM: APRIL 1, 2012 – MARCH 31, 2013)

WHEREAS, the term of Jose Delgado as Member of the Rent Control Board of the Town of West New York expires on April 1, 2012; and

WHEREAS, Jose Delgado is a resident of the Town of West New York; and

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

1. Jose Delgado is reappointed 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 April 1, 2012 and expiring on March 31, 2013.
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 ANGELA DUVAL 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, Angela Duval is a resident of the Town of West New York; and

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

1. Angela Duval 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 April 1, 2012 and expiring on March 31, 2013.
2. A copy of this resolution shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

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Consent Agenda (Cont.):

RESOLUTION

RE: APPOINTMENT OF JESUS ARISTY 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, Jesus Aristy is a resident of the Town of West New York; and

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

1. Jesus Aristy 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 April 1, 2012 and expiring on March 31, 2013.
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 DAVID RIVERA 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, David Rivera is a resident of the Town of West New York; and

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

1. David Rivera 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 April 1, 2012 and expiring on March 31, 2013.
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: Establishing restricted parking in front of one (1) residence for use by handicapped resident as follows: 6207 Hudson Avenue, West New York, NJ (Iris Letourneaut)

WHEREAS, the Town of West New York wishes to establish a restrictive parking space in front of one (1) residence of a handicapped person who has been issued vehicle identification card by the Division of Motor Vehicles; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York pursuant to N.J.S.A. 39:4-205 and N.J.S.A. 39:4-107.5 as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Iris Letourneaut 6207 Hudson Avenue West New York, NJ	West	Begin at a point along the West curb line of Hudson Avenue, at the North West corner of 62 nd Street, 89 feet North on the West side of Hudson Avenue. Then 22 feet there from.

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

No other person shall be permitted to park in this space; any person violating this Resolution shall be subject to the following penalties for violation of parking in a restrictive handicapped-parking zone.

1. First Offense- \$253.00
2. For each subsequent offense \$253.00 and up to 90 days of community service on such terms and in form as the court shall deem appropriate for any combination thereof (Ch 200L, 1989 effective November 29, 1989) and
3. In addition the violator shall bear full cost of towing, removal and storage of violator's vehicle (Ch 200L, 1989 effective November 29, 1989).

This resolution shall take effect immediately and the Director of Public Safety shall post the appropriate marking and/or sign at said place.

Resolution

Re: Establishing restricted parking in front of one
(1) residence for use by handicapped resident as follows:
5601 Blvd East #14B, West New York, NJ (Martha Lorenzo)

WHEREAS, the Town of West New York wishes to establish a restrictive parking space in front of one (1) residence of a handicapped person who has been issued vehicle identification card by the Division of Motor Vehicles; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York pursuant to N.J.S.A. 39:4-205 and N.J.S.A. 39:4-107.5 as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Martha Lorenzo 5601 Blvd East #14B West New York, NJ	Park Ave.	Begin at a point on Park Ave. and 57 th Street At the North East entrance of driveway. 54 Feet South on the East side of Park Ave. Then 22 feet there from.

No other person shall be permitted to park in this space; any person violating this Resolution shall be subject to the following penalties for violation of parking in a restrictive handicapped-parking zone.

1. First Offense- \$253.00
2. For each subsequent offense \$253.00 and up to 90 days of community service on such terms and in form as the court shall deem appropriate for any combination thereof (Ch 200L, 1989 effective November 29, 1989) and
3. In addition the violator shall bear full cost of towing, removal and storage of violator's vehicle (Ch 200L, 1989 effective November 29, 1989).

This resolution shall take effect immediately and the Director of Public Safety shall post the appropriate marking and/or sign at said place.

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Consent Agenda (Cont.):

Resolution

**Re: Establishing restricted parking in front of one
(1) residence for use by handicapped resident as follows:
38-51st Street, West New York, NJ (Maria Garcia)**

WHEREAS, the Town of West New York wishes to establish a restrictive parking space in front of one (1) residence of a handicapped person who has been issued vehicle identification card by the Division of Motor Vehicles; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York pursuant to N.J.S.A. 39:4-205 and N.J.S.A. 39:4-107.5 as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Maria Garcia 38-51 st Street West New York, NJ	North	Begin at a point along the North side of 51st Street and Fairview Terrace, 97 feet West on the North side from the North West corner. Then 22 feet there from.

No other person shall be permitted to park in this space; any person violating this Resolution shall be subject to the following penalties for violation of parking in a restrictive handicapped-parking zone.

1. First Offense- \$253.00
2. For each subsequent offense \$253.00 and up to 90 days of community service on such terms and in form as the court shall deem appropriate for any combination thereof (Ch 200L, 1989 effective November 29, 1989) and
3. In addition the violator shall bear full cost of towing, removal and storage of violator's vehicle (Ch 200L, 1989 effective November 29, 1989).

This resolution shall take effect immediately and the Director of Public Safety shall post the appropriate marking and/or sign at said place.

Resolution

**Re: Repealing Resolution adopted on 4/26/06
(Restricted Parking for Handicapped Resident) as follows:
5601 Blvd. East, WNY (Mircea Anton)**

Whereas, the governing body of the Town of West New York adopted a Resolution on April 26, 2006 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:

5601 Blvd. East, WNY (Mircea Anton)

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.

March 21, 2012
Regular Meeting

Consent Agenda (Cont.):

Resolution

Re: Establishing restricted parking in front of one
(1) residence for use by handicapped resident as follows:
5601 Blvd East, WNY (Cornelia M. Anton)

WHEREAS, the Town of West New York wishes to establish a restrictive parking space in front of one (1) residence of a handicapped person who has been issued vehicle identification card by the Division of Motor Vehicles; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York pursuant to N.J.S.A. 39:4-205 and N.J.S.A. 39:4-107.5 as follows:

	<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
1.	Cornelia M. Anton 5601 Blvd East Apt 11B West New York, NJ 07093	East	Begin at a point, along the East side of Park Avenue, 90 feet North from the North East corner of 57th Street and Park Avenue then 24 feet North therefrom.

No other person shall be permitted to park in this space; any person violating this Resolution shall be subject to the following penalties for violation of parking in a restrictive handicapped-parking zone.

1. First Offense- \$253.00
2. For each subsequent offense \$253.00 and up to 90 days of community service on such terms and in form as the court shall deem appropriate for any combination thereof (Ch 200L, 1989 effective November 29, 1989) and
3. In addition the violator shall bear full cost of towing, removal and storage of violator's vehicle (Ch 200L, 1989 effective November 29, 1989).

This resolution shall take effect immediately and the Director of Public Safety shall post the appropriate marking and/or sign at said place.

Resolution

Re: Approval of Change Order #2 to Helios Construction
For Contract for Verrazano and Donnelly Park Improvements

Whereas, pursuant to public bidding, on October 14, 2011 a contract ("Contract") was entered into between the Town of West New York and Helios Construction for Donnelly & Verrazano Park Improvements, pursuant to a Resolution awarding such contract, for the amount of \$489,598.00; and

Whereas, on February 15, 2012, the Mayor and Board of Commissioners adopted Change Order No. 1 to the contract for Donnelly & Verrazano Park Improvements for a reduction in the amount of \$30,726.00 for the purpose of the removal of unnecessary water services to Donnelly Park and the revised lighting to the decorative fountain, required to satisfactorily complete the contract, adjusting the contract amount to \$458,872.00; and

Whereas, on March 15, 2012, the Town's Engineer Thomas Lemanowicz (Remington & Vernick Engineers) submitted a proposal for a Change Order No. 2 to the contract for Donnelly & Verrazano Park Improvements for an increase in the amount of \$20,010.00, for the purpose of extending the electrical power service for the new lighting and new decorative fountain, required to satisfactorily complete the contract; and

Whereas, the Town's Engineer and Town Attorney have reviewed, approved and recommended Change Order No. 2 to process the net increase of \$20,010.00, for an adjusted total of \$ 478,882.00 in accordance with the contract for Donnelly & Verrazano Park Improvements; and

March 21, 2012
Regular Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

Whereas, the award of Change Order No. 2 is necessary for the efficient operation of the Town; and

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

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

1. The Mayor shall be and is hereby authorized to execute Change Order No. 2 to process the net increase of \$20,010.00 as stated in the March 15, 2012 change order proposal from Helios Construction, in accordance with the contract for Donnelly & Verrazano Park Improvements, for an adjusted total amount of \$ 478,882.00.
2. The Chief Financial Officer's Certification that funds are available shall be on file at the Town and made a part hereof.
3. A copy of this resolution and Change Order #2 shall be kept on file for public inspection in the Office of the Municipal Clerk.

RESOLUTION

Re: Authorizing the Town of West New York to seek Fair and Open Process in compliance with the Pay to Play Statutes for the retention of Automated Photo Enforcement System (Red Light Traffic Cameras)

Whereas, N.J.S.A. 19:44A-20.5 et seq. mandates a municipality to comply with Pay to Play requirements; and

Whereas the Mayor and Board of Commissioners wish to receive and consider proposals for public relation services as may be needed by the Town of West New York; and

Whereas, the Town has previously committed itself to utilizing a Fair and Open Process for the solicitation and review of proposals and qualifications for professional services, including public relations services,

Now Therefore Be It Resolved by the Mayor and Board of Commissioners of the Town of West New York as follows:

1. The aforesaid recitals are incorporated herein as though fully set forth at length;
2. The Town Clerk is authorized and directed to publish and advertise a Request for Proposals for professional public relation services as may be needed by the Town, either together, separately, or otherwise in the following areas, Automated Photo Enforcement System (Red Light Traffic Cameras), in accordance with a Fair and Open Process at least ten days in advance of the opening of the responses to the Requests for Proposals received, on or before which time all Proposals must be submitted by interested parties, for consideration by the Review Committee herein established; and
3. A Review Committee is established consisting of the Mayor, the Town Administrator, and the Town Attorney, to review all Proposals and to make recommendations to the Mayor and Board of Commissioners.

March 21, 2012
Regular Meeting

Consent Agenda (Cont.):

RESOLUTION
RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF TENANTS' ADVOCACY ATTORNEY

WHEREAS, Lazaro Carvajal, as member of the firm of Lazaro Carvajal, LLC submitted a proposal to serve as Tenants' Advocacy Attorney dated, March 8, 2012, in response to a, Request for Qualifications for Town Attorney, and

WHEREAS, the Mayor as Commissioner of the Department of Public Safety has duly appointed Lazaro Carvajal, LLC as Tenants' Advocacy Attorney; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of Lazaro Carvajal, Esq. to serve as Tenants' Advocacy Attorney and enter into a contract with Lazaro Carvajal, LLC to provide for the services of Lazaro Carvajal, Esq.; and

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

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

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and Lazaro Carvajal, LLC for the services of Lazaro Carvajal, Esq. as Tenants' Advocacy Attorney, and for an amount to be stated in the agreement.
2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on March 8, 2012, and in accordance with N.J.S.A. 19:44A-20.5 et seq.
4. The initial authorization of this contract shall be for the period 3/21/12-12/31/12, and for an amount to be contained in the agreement not to exceed \$35,000.
5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of Lazaro Carvajal, Esq., as Tenants' Advocacy Attorney shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

March 21, 2012
Regular Meeting

Consent Agenda (Cont.):

Resolution
Re: Refund of Redemptions (\$ 226,055.65)

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
MTAG SVC. AS CUST FOR ATCF II NJ LLC	85/15 C0004	11-0246	\$1,318.82
	154/1.01	11-0363	\$2,270.25
	5/32 C07-P	11-0021	\$3,124.37
	5/32 C08-K	11-0023	\$2,061.89
	83/7 C0051	11-0232	\$2,963.42
	86/7	11-0249	\$3,339.20
	39/12 C003B	11-0108	\$6,414.93
	126/24	11-0304	\$5,905.50
	107/22	11-0273	\$7,302.30
GARY BURLEW	168.01/7.05 C0517	09-242	\$314.73
	168.01/7.05 C0517	10-273	\$33,172.26
SBMUNICUST C/O LBNJ	168.01/7.05 C0517	11-0405	\$17,823.20
	168.01/8.03 C0426	11-0399	\$7,977.90
	81/9 C0306	11-0224	\$1,442.58
PAM INVESTORS	5/32 CGA09	11-0029	\$297.46
	83/7 C0020	11-0229	\$291.17
	31/5	11-0075	\$1,957.10
US BK. AS CUST FOR ATR FD-NJ & CAP1	153/11	11-0352	\$5,498.31
	84/1	11-0242	\$299.78
	135/2	11-0321	\$247.44
	165/7.01	11-0383	\$19,213.61
R. ROTHMAN	66/1.02	11-0174	\$1,990.89
	168.01/8.01 C0408	11-0397	\$3,241.11
	81/9 C0303	11-0223	\$1,848.26
	31/7	11-0077	\$1,395.89
ISAAC MORADI	168.01/1.25 C0005	11-0388	\$3,870.83
	153/5 C003B	11-0351	\$695.66
	31/28	11-0078	\$473.02
US BANK CUST FOR CRESTAR CAPITAL, LL	46/23	11-0131	\$13,643.43
	5/8	11-0005	\$20,063.99
U.S. BANK,CUS. FOR EMPIRE TAX FD.	46/23	10-094	\$23,205.62

March 21, 2012
Regular Meeting

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

US BANK CUST FOR	4/8	11-0003	\$11,655.67
TOWER DBW	163/15	11-0381	\$4,182.92
	31/6	11-0076	\$5,668.82
ROBERT U. DEL VECCHIO	38/9 C020F	11-0101	\$1,585.03
PENSION TRUST			
RIDGE CAPITAL, LLC	81/9 C0207	11-0222	\$1,490.21
	81/9 C0401	11-0226	\$1,309.82
VIRGO MUNICIPAL			
FINANCE FUND LP	81/9 C0203	11-0221	\$1,553.03
	38/9 C015C	10-071	\$4,945.23
GRAND TOTAL			\$226,055.65

RESOLUTION
Re: State Court Tax Appeals (\$229,130.04)

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

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

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

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

NAME	BLOCK-LOT	AMOUNT	YEAR
Nashel & Nashel Trust Account	1/27	\$13,366.00	2009
	1/27	\$19,239.00	2010
	1/27	\$22,743.00	2011
	135/8.01	\$2,424.45	2009
	135/8.01	\$3,847.80	2010
Steven A. Serna Attorney for Coviello Family, LP	94/1	\$40,592.22	2009
	94/1	\$37,580.18	2010
Daniel G. Keough Atty. For Joseph Bros Embroidery	122/5	\$1,385.40	2009
	122/5	\$1,282.60	2010
Venino & Venino Atty. For CIMA Building, LLC	49/8	\$6,683.00	2009
William S. Winters Atty. For Ling, Qing C	19/29	\$3,505.06	2009
William S. Winters Atty. For 6409 Broadway		\$2,004.90	2009
		\$1,923.90	2010
		\$1,949.40	2011

March 21, 2012
Regular Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

William S. Winters Atty. Tejada, Jose M.	40/6	\$942.71 \$955.20	2010 2011
William S. Winters Atty. For Segovia Oscar & Pilar	61/32.02	\$200.49 \$192.39 \$194.94	2009 2010 2011
William S. Winters Atty. West New York Prop NJ,LLC	96/35	\$3,463.50 \$3,206.50 \$3,249.00	2009 2010 2011
William S. Winters Atty. For Smit, Nancy & John	163/14	\$872.80 \$808.04 \$818.75	2009 2010 2011
William S. Winters Atty. For Celta Realty, LLC	12/15	\$2,424.45	2009
Philip M. Krevsky Atty. Finkelthal, Ted & Yvonne	67/1	\$20,781.00 \$19,239.00	2009 2010
Michael I. Schneck Atty. For Aram Realty, Inc	107/34	\$3,463.50 \$5,130.40	2009 2010
Michael I. Schneck Atty. For 59 th & Palisades Hotel, Inc.	66/29	\$2,693.46	2010
Michael I Schneck Atty.	167/1	\$1,967.00	2008
Grand Total		\$229,130.04	

RESOLUTION

Re: Refund 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
MTAG SVC. AS CUST FOR ATCF II NJ LLC	85/15 C0004	11-0246	\$1,000.00
	154/1.01	11-0363	\$2,600.00
	5/32 C07-P	11-0021	\$1,000.00
	5/32 C08-K	11-0023	\$600.00
	83/7 C0051	11-0232	\$2,500.00
	86/7	11-0249	\$2,100.00
	39/12 C003B	11-0108	\$400.00
	126/24	11-0304	\$10,000.00
	107/22	11-0273	\$6,600.00

**March 21, 2012
Regular Meeting**

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

R. ROTHMAN	66/1.02	11-0174	\$3,200.00
	31/7	11-0077	\$2,600.00
US BANK CUST FOR	46/23	11-0131	\$1,500.00
CRESTAR CAPITAL LL	5/8	11-0005	\$200.00
U.S. BANK,CUS FOR	46/23	10-094	\$100.00
EMPIRE TAX FD.			
US BANK CUST FOR	4/8	11-0003	\$10,000.00
TOWER DBW	163/15	11-0381	\$4,500.00
	31/6	11-0076	\$8,000.00
US BK. AS CUST FOR	84/1	11-0242	\$5,000.00
ATR FD-NJ & CAPI	135/2	11-0321	\$1000.00
ROBERT U. DEL VECCHIO	38/9 C020F	11-0101	\$2,200.00
PAM INVESTORS	31/5	11-0075	\$4,100.00
VIRGO MANAGEMENT,LLC	38/9 C015C	10-071	\$1,200.00
ISAAC MORADI	31/28	11-0078	\$3,600.00
	GRAND TOTAL		\$74,000.00

Resolution
Re: Refunds of Overpayment of Taxes (\$3,346.35)

WHEREAS, taxes and interest with respect to the following properties have been inadvertently overpaid in the amounts hereafter stated, and;

WHEREAS, it is necessary to make appropriate refunds for such overpayments;

NOW, THEREFORE BE IT RESOLVED that the following refunds be made with respect to the designated properties and the Collector of Taxes be and she is Hereby authorized to adjust her records accordingly.

NAME	BLOCK/LOT	AMOUNT	YEAR
Fidelity Tax, LLC	115/11	\$1,673.20	2010
Mustafa, Karema	95/10	\$580.27	2009
Orlich, Rita	73/5	\$168.54	2011
Kim, Min C	168.01/7.06	\$52.52	2009
	C0113	\$22.46 (SVC)	2009
		\$83.91 (SVC)	2010
		\$35.04	2010
		\$223.46	2011
		\$469.08 (SVC)	2011
Calautti, Annunziata	28/12	\$37.87	2011
	TOTAL REGULAR	\$2,770.90	
	TOTAL PILOT	\$575.45	
	GRAND TOTAL	\$3,346.35	

March 21, 2012
Regular Meeting

Consent Agenda (Cont.):

RESOLUTION

Re: Tax Correction (6112 Jackson Street)

WHEREAS, there is an overpayment on the 1st quarter 2010 Tax bill in the amount of \$21.75 and \$722.00 on the 3rd quarter 2010 on property located at 6112 Jackson Street also known as block 142 lot 5 and

WHEREAS, the taxpayer is requesting the over payments totaling \$743.75 be moved to credit the 2nd quarter 2012 and the remaining balance of \$1,554.92 to be paid by the taxpayer.

THEREFORE, the Tax Collector is hereby authorized to move the said payments and to adjust the tax records accordingly.

RESOLUTION

Re: Tax Correction (22 Avenue at Port Imperial, aka Block168.01 lot 7.05 C0418)

WHEREAS, property located at 22 Avenue at Port Imperial , A/K/A block 168.01 lot 7.05 C0419 was inadvertently credited in the amount of \$2,770.25 on the 4th quarter of 2011 tax bill and should have been applied to the 4th quarter 2011 tax bill for property located at 22 Avenue at Port Imperial, A/K/A block 168.01 lot 7.05 C0418.

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: Appointing Joseph Roque as a Class II Member of the WNY Planning Board (Term 3/21/12-3/20/13)

WHEREAS, a vacancy exists on the Planning Board and;

WHEREAS, Joseph Roque is a resident of the Town of West New York;

WHEREAS, Joseph Roque is available to serve on the West New York Planning Board;

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. Joseph Roque is appointed to serve as a Class II member of the West New York Planning Board for a one year term commencing on March 21, 2012 and expiring on March 20, 2013.

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: Appointing a Safety Delegate and Alternate Safety Delegate

WHEREAS, vacancies exist on the New Jersey Municipal Self Insurers' Joint Insurance Fund of the Town of West New York due to the resignation of Silvio Acosta and Joseph Rodriguez; and

NOW THEREFORE, be it resolved by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, that the following individuals be appointed to serve as representatives to the New Jersey Municipal Self Insurers' Joint Insurance Fund:

March 21, 2012
Regular Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

Safety Delegate: Cesar Errico
Alternate Safety Delegate: Bruce Liberti

Be it further resolved that a certified copy of this resolution be forwarded to the administrators of the New Jersey Municipal Self Insurers' Joint Insurance Fund, the Safety Delegate and the Alternate Safety Delegate.

RESOLUTION

Re: Dedicating 61st & Polk Street to Patrick Calienni

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

WHEREAS, Patrick Calienni is New Jersey's oldest living Eagle Scout and still lives in the Town of West New York. He has spent 75 years in scouting; 40 of those years serving as both a Cub Scout Leader as well as a Boy Scout Leader and is still actively serving as the Cub Scout Master of Pack 848; and

WHEREAS, Patrick Calienni has touched the lives of hundreds, if not thousands of youth in a positive way. In addition to his devotion to scouting, he coached baseball, football and basketball in West New York;

NOW, THEREFORE, BE IT RESOLVED by Mayor Felix E. Roque and the Board of Commissioners of the Town of West New York that the corner of 61st and Polk Street be renamed to honor one of West New York's true heroes, Patrick Calienni.

RESOLUTION

Re: Authorizing the Town of West New York to seek Fair and Open Process in compliance with the Pay to Play Statutes for the retention of Private Collection Agency of Municipal Court Debt

Whereas, N.J.S.A. 19:44A-20.5 et seq. mandates a municipality to comply with Pay to Play requirements; and

Whereas the Mayor and Board of Commissioners wish to receive and consider proposals for the above referred to services as may be needed by the Town of West New York; and

Whereas, the Town has previously committed itself to utilizing a Fair and Open Process for the solicitation and review of proposals and qualifications for professional services, including the above referred to services,

Now Therefore Be It Resolved by the Mayor and Board of Commissioners of the Town of West New York as follows:

1. The aforesaid recitals are incorporated herein as though fully set forth at length;
2. The Town Clerk is authorized and directed to publish and advertise a Request for Proposals for professional services as may be needed by the Town, either together, separately, or otherwise in the following areas, (Private Collection Agency of Municipal Court Debt), in accordance with a Fair and Open Process at least ten days in advance of the opening of the responses to the Requests for Proposals received, on or before which time all Proposals must be submitted by interested parties, for consideration by the Review Committee herein established; and

March 21, 2012
Regular Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

3. A Review Committee is established consisting of the Mayor, the Town Administrator, and the Town Attorney, to review all Proposals and to make recommendations to the Mayor and Board of Commissioners.

Resolution

**Re: Authorizing the Town Clerk to advertise
to receive bids for "Improvements to the Municipal
Swimming Pool"**

NOW, THEREFORE, BE IT RESOLVED that the Town Clerk be and she is hereby authorized and directed to advertise for the receiving of bids on April 13, 2012 at 10:00 a.m. in the Town Clerk's Office for: "Improvements to the Municipal Swimming Pool" for the Town of West New York in accordance with specifications on file in the Town Clerk's Office.

Resolution

Re: Accepting Donation of 2011 Smart Car from Mayor Felix Roque, M.D.

WHEREAS, Mayor Felix Roque has offered to donate a 2011 Smart Car to the Town of West New York; and

WHEREAS, the Town will not incur any costs or expense in accepting the donation other than transferring title, registration and Insurance; and

WHEREAS, the Town and residents would benefit from this donation; and

WHEREAS, the use of an energy efficient vehicle will reduce costs and promote awareness of conserving energy;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York to accept a donation from Felix Roque for a 2011 Smart Car.

RESOLUTION

**RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF INTERNAL ACCOUNTING SERVICES**

WHEREAS, the accounting firm of Donohue, Girona & Doria, of 310 Broadway, Bayonne, New Jersey 07002, has submitted a proposal to serve as Internal Accounting Services dated, June 17, 2011, in response to a, Request for Qualifications for Internal Accounting Services; and

WHEREAS, the Mayor as Commissioner of the Department of Public Safety has duly appointed the accounting firm of Donohue, Girona & Doria; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of the accounting firm of Donohue, Girona & Doria to serve as Internal Accountant Consultant and enter into a contract with the accounting firm of Donohue, Girona & Doria to provide for the services of Internal Accountant Consultant; and

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

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

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

March 21, 2012
Regular Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and the accounting firm of Donohue, Gironda & Doria for the services of the accounting firm of Donohue, Gironda & Doria, for the services of Internal Accountant Consultant, and for an amount to be stated in the agreement.
2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on March 9, 2012, and in accordance with N.J.S.A. 19:44A-20.5 et seq.
4. The initial authorization of this contract shall be for the period 4/1/112-12/31/201, and for an amount to be contained in the agreement not to exceed \$162,000.00
5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of the accounting firm of Donohue, Gironda & Doria as Internal Accountant Consultant 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: Authorizing Settlement of Baines, et al v. West New York and Chung, et al v. West New York

WHEREAS, complaints have been filed by various residents challenging the method of calculation of taxes against the Town of West New York; and

WHEREAS, the Complaints of *Baines, et al v West New York* and *Chung, et al v. West New York* have been filed in the Superior Court in Hudson County; and

WHEREAS, discovery has taken place between the parties and various conferences have been held; and

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

1. The matter has been resolved in accordance with the terms outlined in the attached settlement agreement by prepared by Counsel
2. A copy of the final settlement agreement to be entered between the parties is made part of this resolution.
3. That the Town Clerk is authorized and directed, in accordance with the provisions of N.J.S.A. 40A:11-5(1) (a) (1), to cause this Resolution to be filed and available for inspection at the offices of the Town along with a copy of the Guidelines.

March 21, 2012
Regular Meeting

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

SETTLEMENT AGREEMENT AND RELEASE BETWEEN
TOWN OF WEST NEW YORK AND CERTAIN OWNERS OF CONDOMINIUM UNITS
AT THE PORT IMPERIAL CONDOMINIUM ASSOCIATION, INC.

This Settlement Agreement made this day of , 2012,

BETWEEN: the Town of West New York (the "Town"), a body politic and corporate of the State of New Jersey, with offices at 428-60th Street, West New York, New Jersey 07093;

AND: the Plaintiffs, who are individual condominium unit owners at Jacobs Ferry at Port Imperial identified in Exhibit A attached hereto and incorporated herein. The Town and Plaintiffs are sometimes referred to herein individually as "Party" and collectively as "Parties".

WHEREAS, the Parties are party to the following lawsuits (collectively the "Lawsuits"):

- a) Marshall Baines, et al. v. Town of West New York, Superior Court of New Jersey, Law Division, Docket No. HUD-L-3717-09;
- b) Marshall Baines, et al. v. Town of West New York, Superior Court of New Jersey, Law Division, Docket No. HUD-L-1708-10;
- c) Marshall Baines, et al. v. Town of West New York, Superior Court of New Jersey, Law Division, Docket No. HUD-L-001556 -11;
- d) Hyung Doo Chung, et al. v. Town of West New York, Superior Court of New Jersey, Law Division, Docket No. HUD-L-1785-11; and

Prepared by (for purposes of recording only):

Matthew Z. Earle, Esq.

WHEREAS, a schedule identifying the Plaintiffs and the condominium units they own (the “Units”) is set forth in Exhibit A.; and

WHEREAS, the Plaintiffs initiated the Lawsuits alleging, *inter alia*, breaches of a Financial Agreement for Long Term Tax Exemption for Phase I of the North Neighborhood of the Waterfront Area of the Town of West New York, Hudson County, New Jersey by and between the Town of West New York and K. Hovnanian Port Imperial Urban Renewal, Inc., dated September 22, 1997 (the “Financial Agreement”); and

WHEREAS, the Parties have reached an agreement to settle Plaintiffs’ claims for damages and the Town’s counterclaims (collectively the “Settled Claims”) pertaining to the Annual Service Charges (“ASC”) charged to the Plaintiffs, as set forth in the Lawsuits without admission of fault or wrongdoing by any Party; and

WHEREAS, the Parties deny any and all liability arising from any and all claims, counterclaims and/or causes of action contained in the Lawsuits and arising from the Financial Agreement; and,

WHEREAS, the term “Successor” is defined as a person or entity who has purchased, or in the future, does purchase, a Unit and who is not a party to the Lawsuits; and,

NOW, THEREFORE, in consideration of the mutual covenants and agreements to be performed by the Parties, as set forth herein, the Parties agree as follows:

I. Consideration, Dismissal of Cases with Prejudice, and Release

1.1 In settlement of the Settled Claims, the Town shall pay or credit, as hereinafter provided against payments in lieu of taxes a total sum (the “Settlement Amount”), to be allocated as follows, the receipt of which is hereby acknowledged by the Plaintiffs, and subject to adjustment

pursuant to Paragraphs 1.6 and 1.8 below, in settlement of the Lawsuits:

TAX YEAR	TOTAL AMOUNT OF REFUND OR CREDIT FUNDS	UNITS COVERED BY SETTLEMENT	PRO RATA SHARES
2009	\$122,400 – REFUND	36 units	\$3,400
2010	\$197,200 – REFUND	58 units	\$3,400
2011	\$197,200 – REFUND	58 units	\$3,400
2012	\$232,000 – CREDIT	58 units	\$4,000
2013	\$232,000 – CREDIT	58 units	\$4,000
2014	\$232,000 – CREDIT	58 units	\$4,000
2015	\$232,000 – CREDIT	58 units	\$4,000

1.2 From the settlement proceeds specified in Paragraph 1.1, the Town shall, for tax years 2009, 2010 and 2011, issue a lump sum refund check made payable to “Kates, Nussman, Rapone, Ellis & Farhi, LLP T/A” in the amount of \$516,800, as attorneys for Plaintiffs. This payment shall be made within sixty (60) days after the Town’s adoption of a resolution authorizing this Agreement at an open public meeting. For tax years 2012, 2013, 2014, and 2015 settlement proceeds shall be applied as credits against the ASC for each of the Units. This credit shall be applied on the fourth quarter ASC invoice sent by the Town to the owner of each Unit, and any surplus credit shall carry over as a credit onto the following first quarter invoice for each Unit.

1.3 The Parties shall execute and file with the appropriate Court a Stipulation of Dismissal with Prejudice and without costs as set forth in the form attached hereto as Exhibit B, dismissing with prejudice the Lawsuits.

1.4 Except for their rights under the terms of this Settlement Agreement, the Plaintiffs on behalf of themselves, and their Successors and assigns, do hereby release and forever discharge the

Town, its commissioners, officials, officers, employees, attorneys, agents, representatives, successors or assigns, from any claims for damages through year 2015 relating to the subject matter of the Lawsuits and which could and should have been raised in connection therewith whether known or unknown by the Plaintiffs. Except for its rights under the terms and conditions of this Settlement Agreement, the Town, on behalf of itself, its subdivisions, and their successors and assigns, does hereby release and forever discharge the Plaintiffs, and each of them, their Successors and assigns, and any Successor owners of their Units, from any claims for damages through year 2015 relating to the subject matter of the Lawsuits and which could and should have been raised in connection therewith whether known or unknown by the Town.

1.5 No officials, officers, employees, attorneys, agents, and/or representatives of the Town shall be considered parties to this Settlement Agreement, and the Plaintiffs shall not rely upon or look to any such commissioners, officials, officers, employees, attorneys, agents, representatives of the Town for the enforcement of its terms. The Plaintiffs agree, warrant and represent, that they are relying solely upon the Town for the consideration to be received by them under the terms of this Settlement Agreement and the performance of its terms.

1.6 The Plaintiffs and/or their Successors, if any, shall not initiate a lawsuit or other proceeding in 2012, 2013, 2014, and/or 2015 to contest either the assessed value of the Units, or the amount of their respective payments of Annual Service Charge required under the terms of the Financial Agreement for said years. The breach of this term of the Settlement Agreement by a Plaintiff and/or his/her a Successor shall constitute a material default of this Agreement by the Plaintiff or Successor filing the lawsuit and/or proceeding. However, the Town shall provide any such defaulting Plaintiff and/or Successor notice, as set forth herein, of the default and afford said

Plaintiff and/or Successor a thirty (30) day period in which to cure the default by dismissing any such lawsuit or proceeding. If the defaulting Plaintiff and/or Successor fails to cure as provided herein, the Town's obligation to apply the credits required under Paragraph 1.1 hereof shall be deemed terminated as of the date of default as to the individual defaulting Plaintiff or Successor, and said Plaintiff or Successor shall refund to the Town within ten (10) days all settlement proceeds refunded or credited to that Unit while same was owned by said defaulting Plaintiff or defaulting Successor.

1.7 Where a Unit subject to this Settlement Agreement has been sold during the pendency of the Lawsuits, the settlement amount allocated to that Unit will be apportioned as between the owners of that condominium unit on an appropriate basis. Credits to be applied in 2012, 2013, 2014, and 2015 will run with the Unit.

1.8 The voluntary termination of the Financial Agreement by a Plaintiff and/or Successor as to a particular Unit pursuant to N.J.S.A. 40A:20-13 or the individual failure of any of the Plaintiffs or Successors to comply with the terms of the Financial Agreement, including the obligation to pay all amounts due thereunder, shall result in the termination of the Town's obligation to provide any further credits beyond that which has already been provided to the breaching, or opting out, Plaintiff and/or Successor under the terms of this Settlement Agreement.

1.9 This Agreement shall be recorded by counsel for Plaintiffs with the Clerk of Hudson County.

II. Miscellaneous

2.1 Except upon the transfer of title to any Unit subject to its terms, this Settlement Agreement and/or any rights hereunder shall not be assigned by either Party without the express written consent of the other Party. In the case of the Town, any consent to assignment shall be in

accordance with the requirements of law for public entities in such cases, and shall include disclosure of all persons and entities with a beneficial interest in the assignment.

2.2 No officials, officers, employees, attorneys, agents, representatives of the Town shall be held personally liable under any provision of this Settlement Agreement or as a result of its execution or attempted execution, or as a result of any breach or alleged breach hereto.

2.3 This Settlement Agreement and the Stipulation of Dismissal with Prejudice attached as exhibit B shall not constitute an adjudication on the merits.

2.4 Except for Successors, this Settlement Agreement is not intended to make any person or entity a third party beneficiary hereof, notwithstanding the fact that persons or entities other than the Town and the Plaintiffs and/or Successors may be benefited hereby.

2.5 This Settlement Agreement constitutes the entire agreement and understanding of the Parties which supersedes and replaces all prior agreements and understandings, representations and warranties, whether oral or written, relating to matters contained herein.

2.6 The Parties agree to execute, acknowledge and deliver such documents and other instruments, and to perform such acts as may be reasonably requested by the other Party in order to give full effect to this Settlement Agreement.

2.7 This Settlement Agreement may be executed in more than one counterpart, each of which shall be deemed to be an original.

2.8 This Settlement Agreement shall not be changed, modified, amended or waived except by written agreement duly authorized and executed by both Parties.

2.9 The rights and obligations of the Parties under this Settlement Agreement shall be governed by, and be construed in accordance with, the laws of the State of New Jersey.

2.10 In the event that any provision of this Settlement Agreement is declared illegal or unenforceable in any respect, such determination will not invalidate or render any other provision unenforceable.

2.11 This Settlement Agreement was not drafted by any one Party, but rather is the result of negotiations among the Parties with the benefit of their respective attorneys. No claim that any provision of this Settlement Agreement is ambiguous shall be resolved by application of the rule construing ambiguities against the party who drafted the document.

2.12 Plaintiffs' counsel shall execute this Agreement on behalf of Plaintiffs pursuant to "Authorizations" which have been executed by the Plaintiffs.

III. Notices

3.1 Notice or communication permitted or required under the terms of this Settlement Agreement shall be in writing, and shall be delivered in person, by courier service, by recognized overnight delivery service or by certified mail, return receipt requested, postage prepaid, with a copy sent by regular mail, or by telefax as follows:

If to the Town:	Town of West New York 428-60 th Street West New York, New Jersey 07093 Attn: Clerk Telefax: 201-861-2576
Copy to:	Chasan Leyner & Lamparello 300 Harmon Meadow Boulevard Secaucus, New Jersey 07094 Attn: Jordan S. Friedman, Esq. Telefax: 201-348-6633
If to Plaintiffs/Successors:	To the record owner, as shown on the tax rolls, of the unit to which the notice relates

With a copy to:

Kates Nussman Rapone Ellis & Farhi, LLP
190 Moore Street
Suite 306
Hackensack, New Jersey 07601-7418
Attn: Joel M. Ellis, Esq. and Matthew Z. Earle, Esq.
Telefax: 201-488-1210

3.2 Changes in the addresses or fax numbers to which notices may be directed may be made from time to time by either Party by written notice to the other Party, or upon the change of the record owner upon the Town tax rolls.

IN WITNESS WHEREOF, the Parties hereto have executed this Settlement Agreement as of the date and year first above written.

TOWN OF WEST NEW YORK

BY: _____
Felix Roque, Mayor, Town of West New York

State of New Jersey)
) SS.:
County of Hudson)

BE IT REMEMBERED that on the ____ day of _____, 2012, before me personally appeared Felix Roque, who I am satisfied is the Mayor of the Town of West New York, and that he acknowledged he signed this instrument as the duly authorized representative of the Town of West New York as the act and deed of the Town pursuant to a duly adopted Resolution.

, Notary

My commission expires on: _____

EXHIBIT A

JACOBS FERRY TAX APPEALS		
NAME	ADDRESS	BLOCK/LOT/QUAL
Baines, Marshall (Sold to Tanu Rajvanshi)	319 Marshall Court	168.01/ 1.05/ C0319
Barbosa-Safsten, Ivy	355 Oswego Court	168.01/ 1.03/ C0355
Bernstein, Michael & Laura (Sold to Leben)	387 Kingston Court	168.01/ 1.01/ C0387
Birch, III, Adolpho A.	375 Kingston Court Mail Add: 22 Canterbury Road Livingston, NJ 07039	168.01/ 1.02/ C0375
Campos, Justo	399 Kingston Court	168.01/ 1.01/ C0399
Chan, Millie	376 Kingston Court Mail Add: 222 Masterson Court Ewing, NJ 08618	168.01/1.02/C0376
Ciancy, Sharon Ann	364 Oswego Court	168.01/ 1.03/ C0364
Conti, John	275 Roslyn Court	168.01/1.08/C0275
Croft, Tony & Leslie	316 Midland Court	168.01/ 1.05/ C0316
Cuevas, Roberto Nelly Miranda	276 Roslyn Court	168.01/ 1.08/ C0276
Dai, Guowei & Xie, Min	328 Midland Court	168.01/1.05/C0328
DeLaCruz (Pur. From Smith)	391 Kingston Court	168.01/1.01/C0391
Darche, Benjamin & Valerie (Sold to Pathak, Vilas & Aditi)	283 Roslyn Court	168.01/ 1.07/ C0283

Feig, Gregory & Tara	396 Kinston Court	168.01/ 1.01/ C0396	
Fischbeck, Megan & Kevin	271 Roslyn Court	168.01/ 1.08/ C0271	
Gonzalez, Miguel A. & Franco, Christine	372 Kingston Court	168.01/ 1.02/ C0372	
Hahn, Alex & Tamara	307 Midland Court	168.01/ 1.06/ C0307	
Hirsch, Iris	304 Midland Court	168.01/ 1.06/ C0304	
Iofin, Aleksander S.	380 Kingston Court	168.01/1.02/C0380	
Jacobs, Linda L.	395 Kingston Court	168.01/ 1.01/ C0395	
James, Michael & Susan	303 Midland Court	168.01/ 1.06/ C0303	
Kieroff, Brian (Connolly, Brigette)	267 Roslyn Court	168.01/ 1.08/ C0267	
Kim, Song H.	359 Oswego Court	168.01/1.03/C0359	
Kurlander, Michael & Danielle (Sold to Soni, Jaimin and Heta)	403 Kingston Court	168.01/ 1.01/ C0403	
Leben, Ami M. (Pur from Bernstein)	387 Kingston Court	168.01/1.01/C0387	
Lim, Marilyn D.	311 Midland Court	168.01/ 1.06/ C0311	
	Mail Add:		
	8800 Blvd. East, Apt 5L		
	North Bergen, NJ 07047		
McKee, Robert & Kristin (Sold to Murray)	368 Kingston Court	18.01/1.02/C0368	
Mehta, Dipti & Divyesh	268 Roslyn Court	168.01/1.08/C0268	
Mira, David & McKenzie, Lezlie	347 Oswego Court	168.01/ 1.04/ C0347	

Murray, Christopher (Purc from McKee)	368 Kingston Court	18.01/1.02/C0368	
Nobile, Geraldine M.	331 Midland Court	168.01/ 1.05/ C0331	
Notani, Sunil & Geentu S	356 Oswego Court	168.01/ 1.03/ C0356	
Ozeranic, Michael T.	363 Oswego Court	168.01/ 1.03/ C0363	
	Mail Add: 6 Charles A. Haber Ct. Butler, NJ 07405-1962		
Pathak, Vikas & Aditi (Pur from Darche)	283 Roslyn Court	168.01/ 1.07/ C0283	
Pitts, David J. & Kelly	323 Midland Court	168.01/ 1.05/ C0323	
Pugh, William J. & Chi, Patricia M.	295 Roslyn Court	168.01/ 1.07/ C0295	
	Mail Add: 4 Rambling Brook Dr Holmdel, NJ 07733-2317		
Rajvanshi, Tanu (Pur. From Baines)	319 Marshall Court	168.01/ 1.05/ C0319	
Resnick, Kenneth	288 Roslyn Court	168.01/1.07/C0288	
	Mail Add: 102 W 49th Street Bayonne, NJ 07002-3228		
Rooney, Evan & Rachel	300 Midland Court	168.01/ 1.06/ C0300	
Sanford, Karen E.	324 Midland Court	168.01/ 1.05/ C0324	
Sgambati, Lori	320 Midland Court	168.01/ 1.05/ C0320	
Sherr, Michele B.	165 Prince Court	168.01/ 1.13/ C0165	
Smith, John & Felice (Sold to DeLaCruz)	391 Kingston Court	168.01/1.01/C0391	
Soni, Jaimin and Heta (Pur. from Kurlander)	403 Kingston Court	168.01/1.01/C0403	
Soni, Pankaj & Sakshi	260 Halfmoon Court	168.01/ 1.09/ C0260	

Sriram, Sumaithangi & Sundaram, Gayathri	280 Roslyn Court	168.01/ 1.07/ C0280	
Stewart, Anthony D. Forman, Wendy N.	292 Roslyn Court	168.01/ 1.07/ C0292	
Taylor, Sharon	291 Roslyn Court	168.01/ 1.07/ C0291	
Wilkens, John & Lauren	340 Oswego Court	168.01/ 1.04/ C0340	
Yellin, Andrea	352 Oswego Court	168.01/ 1.03/ C0352	
Zagami, Christine & Goldstein, Alan &	400 Kingston Court Mailing Address: 1328 Stony Brook Lane Mountainside, NJ 07092- 1828	168.01/ 1.01/ C0400	

ALBANY II - JACOBS			
NAME	ADDRESS	BLOCK/LOT/QUAL	
Chung, Kisuh & Hyunju Rhee	264 Roslyn Court	168.01/1.08/C0264	
Chung, Hyung Doo & Jeung H.	348 Oswego Court Mailing Address: 845 Durrow Drive St. Louis, MO 63141	168.01/1.04/C0348	
Gold, Stuart & Gwen	312 Midland Court	168.01/1.06/C0312	
Kang, Eugene & Cho, Susan	344 Oswego Court	168.01/1.04/C0344	
Park, Kee & Kim, Myung Wa	343 Oswego Court Mailing Address: 3116 Abbott Boulevard Fort Lee, NJ 07024	168.01/1.04/C0343	
Rim, Choon-Soo	392 Kingston Court	168.01/1.01/C0392	
Polakov, Mark	336 Oswego Court	168.01/1.04/C0336	
Raj, Akash & Chanda	279 Roslyn Court	168.01/1.08/C0279	
Sebastian, Dagmar	371 Kingston Court	168.01/1.02/C0371	
Smith, I. Leon & Rachel I.	296 Midland Court Mailing Address: 41 Irongate Lane Aberdeen, NJ 07747	168.01/1.06/CX296	
Testa, Scott E.	367 Oswego Court	168.01/1.03/C0367	
Vergara, Rafael & Gomez-Vergara, Maria	272 Roslyn Court	168.01/1.08/C0272	
Wierck, Dorothy	299 Midland Court	168.01/1.06/CX299	

EXHIBIT B

**KATES NUSSMAN RAPONE ELLIS
& FARHI, LLP**

190 Moore Street, Suite 306
Hackensack, NJ 07601
(201) 488-7211 (ph)
(201) 488-1210 (fax)

Attorneys for Plaintiffs

MARSHALL BAINES, IVY BARBOSA-SAFSTEN, MICHAEL BERNSTEIN AND LAURA BERNSTEIN, ADOLPHO A. BIRCH, III, JUSTO CAMPOS, SHARON ANN CLANCY, TONY CROFT AND LESLIE CROFT, ROBERTO CUEVAS AND NELLY MIRANDA, BENJAMIN DARCHE AND VALERIE DARCHE, GREGORY FEIG AND TARA FEIG, KEVIN FISCHBECK AND MEGAN FISCHBECK, MIGUEL A. GONZALEZ AND CHRISTINE FRANCO, ALEX HAHN AND TAMARA HAHN, IRIS HIRSCH, LINDA L. JACOBS, MICHAEL JAMES AND SUSAN JAMES, BRIAN KIEROFF, MICHAEL KURLANDER AND DANIELLE KURLANDER, MARILYN D. LIM, DAVID MIRA AND LEZLIE MCKENZIE, GERALDINE M. NOBILE, SUNIL NOTANI AND GEENTU S. NOTANI, MICHAEL T. OZERANIC, DAVID J. PITTS AND KELLY PITTS, WILLIAM J. PUGH AND PATRICIA M. CHI, EVAN M. ROONEY AND RACHEL ROONEY, KAREN E. SANFORD, LORI SGAMBATI, MICHELE B. SHERR, JAIMIN SONI AND HETA SONI, PANKAJ SONI AND SAKSHI SONI, SUMAITHANGI SRIRAM AND GAYATHRI SUNDARAM, ANTHONY D. STEWART, WENDY N. FORMAN, SHARON TAYLOR, JOHN C. WILKENS AND LAUREN P. WILKENS, ANDREA YELLIN, AND CHRISTINE ZAGAMI AND ALAN GOLDSTEIN,

Plaintiffs,

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION : HUDSON COUNTY**

DOCKET NO. HUD-L-3717-09

**STIPULATION OF DISMISSAL WITH
PREJUDICE AND WITHOUT COSTS OR
DISBURSEMENTS**

v.

TOWN OF WEST NEW YORK,

Defendant.

MARSHALL BAINES, IVY BARBOSA-SAFSTEN, MICHAEL BERNSTEIN AND LAURA BERNSTEIN, ADOLPHO A. BIRCH, III, JUSTO CAMPOS, MILLIE CHAN, SHARON ANN CLANCY, JOHN CONTI, TONY CROFT AND LESLIE CROFT, ROBERTO CUEVAS AND NELLY MIRANDA, GUOWEI DAI AND MIN XIE, BENJAMIN DARCHE AND VALERIE DARCHE, GREGORY FEIG AND TARA FEIG, KEVIN FISCHBECK AND MEGAN FISCHBECK, MIGUEL A. GONZALEZ AND CHRISTINE FRANCO, ALEX HAHN AND TAMARA HAHN, IRIS HIRSCH, ALEKSANDER S. IOFIN, LINDA L. JACOBS, MICHAEL JAMES AND SUSAN JAMES, BRIAN KIEROFF, SONG H. KIM, MICHAEL KURLANDER AND DANIELLE KURLANDER, AMI M. LEBEN, MARILYN D. LIM, ROBERT McKEE AND KRISTIN McKEE, DIPTI MEHTA, DAVID MIRA AND LEZLIE MCKENZIE, GERALDINE M. NOBILE, SUNIL NOTANI AND GEENTU S. NOTANI, MICHAEL T. OZERANIC, VIKAS PATHAC AND ADITI PATHAK, DAVID J. PITTS AND KELLY PITTS, WILLIAM J. PUGH AND PATRICIA M. CHI, KENNETH RESNICK, EVAN M. ROONEY AND RACHEL ROONEY, KAREN E. SANFORD, LORI SGAMBATI, MICHELE B. SHERR, JOHN SMITH AND LESLIE SMITH, JAIMIN SONI AND HETA SONI, PANKAJ SONI AND SAKSHI SONI, SUMAITHANGI SRIRAM AND GAYATHRI SUNDARAM, ANTHONY D. STEWART, WENDY N. FORMAN, SHARON TAYLOR, JOHN C. WILKENS AND LAUREN P. WILKENS,

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION : HUDSON COUNTY**

DOCKET NO. HUD-L-001708-10

<p>ANDREA YELLIN, AND CHRISTINE ZAGAMI AND ALAN GOLDSTEIN,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>TOWN OF WEST NEW YORK,</p> <p style="text-align: center;">Defendant.</p>	
<p>MARSHALL BAINES, IVY BARBOSA-SAFSTEN, MICHAEL BERNSTEIN AND LAURA BERNSTEIN, ADOLPHO A. BIRCH, III, JUSTO CAMPOS, MILLIE CHAN, SHARON ANN CLANCY, JOHN CONTI, TONY CROFT AND LESLIE CROFT, ROBERTO CUEVAS AND NELLY MIRANDA, GUOWEI DAI AND MIN XIE, BENJAMIN DARCHE AND VALERIE DARCHE, GREGORY FEIG AND TARA FEIG, KEVIN FISCHBECK AND MEGAN FISCHBECK, MIGUEL A. GONZALEZ AND CHRISTINE FRANCO, ALEX HAHN AND TAMARA HAHN, IRIS HIRSCH, ALEKSANDER S. IOFIN, LINDA L. JACOBS, MICHAEL JAMES AND SUSAN JAMES, BRIAN KIEROFF, SONG H. KIM, MICHAEL KURLANDER AND DANIELLE KURLANDER, AMI M. LEBEN, MARILYN D. LIM, ROBERT McKEE AND KRISTIN McKEE, DIPTI MEHTA, DAVID MIRA AND LEZLIE MCKENZIE, GERALDINE M. NOBILE, SUNIL NOTANI AND GEENTU S. NOTANI, MICHAEL T. OZERANIC, VIKAS PATHAC AND ADITI PATHAK, DAVID J. PITTS AND KELLY PITTS, WILLIAM J. PUGH AND PATRICIA M. CHI, KENNETH RESNICK, EVAN M. ROONEY AND RACHEL ROONEY, KAREN E. SANFORD, LORI SGAMBATI, MICHELE B. SHERR, JOHN SMITH AND LESLIE SMITH, JAIMIN SONI AND HETA SONI, PANKAJ SONI AND</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION : HUDSON COUNTY</p> <p>DOCKET NO. HUD-L-001556 -11</p>

<p>SAKSHI SONI, SUMAITHANGI SRIRAM AND GAYATHRI SUNDARAM, ANTHONY D. STEWART, WENDY N. FORMAN, SHARON TAYLOR, JOHN C. WILKENS AND LAUREN P. WILKENS, ANDREA YELLIN, AND CHRISTINE ZAGAMI AND ALAN GOLDSTEIN,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>TOWN OF WEST NEW YORK,</p> <p style="text-align: center;">Defendant.</p>	
<p>HYUNG DOO CHUNG AND JEUNG H. CHUNG, KISUH CHUNG AND HYUNJU RHEE, GWEN GOLD AND STUART GOLD, EUGENE KANG AND SUSAN CHO, MYUNG WA KIM AND KEE PARK, CHOON-SOO RIM, MARK POLAKOV, AKASH RAJ AND CHANDA RAJ, DAGMAR SEBASTIAN, I. LEON SMITH AND RACHEL I. SMITH, SCOTT E. TESTA, RAFAEL VERGARA AND MARIA GOMEZ-VERGARA, AND DOROTHY WIERCK.</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>TOWN OF WEST NEW YORK,</p> <p style="text-align: center;">Defendant.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION : HUDSON COUNTY</p> <p style="text-align: center;">DOCKET NO. HUD-L- 1785-11</p>

THIS MATTER having been settled and resolved, the undersigned counsel for the parties hereby stipulate and agree that the above captioned matter be and is hereby **dismissed with prejudice and without costs or disbursements** to any party.

Kates, Nussman, Rapone, Ellis
& Farhi, LLP

Chasan, Leyner & Lamparelo

Matthew Z. Earle
190 Moore St., Suite 306
Hackensack, NJ 07601
(201) 488-7211
Dated:
Attorneys for Plaintiffs

Jordan S. Friedman
300 Harmon Meadow Blvd.
Secaucus, NJ 07094
(201) 348-6000
Dated:
Attorneys for Defendant

March 21, 2012
Regular Meeting

Ordinance #4/12

**An Ordinance amending Chapter 56 of the Code of the
Town of West New York (Law Department)**

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

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

No one wished to be heard.

It was regularly moved by Mayor Roque, seconded by Commissioner Wiley, to adopt the foregoing Ordinance, was carried by the following vote:

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

Ordinance #6/12

**An Ordinance repealing Ordinance #1918 entitled:
“An Ordinance establishing restricted parking in front of
one (1) residence for use by handicapped resident
(5818 Park Avenue – Edward Roggerman)**

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

It was regularly moved by Mayor Roque seconded by Commissioner Rodriguez to adopt the introduction of the foregoing Ordinance was carried by the following vote:

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

Notice
Ordinance #6/12

**An Ordinance repealing Ordinance #1918 entitled:
“An Ordinance establishing restricted parking in front of
one (1) residence for use by handicapped resident
(5818 Park Avenue – Edward Roggerman)**

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 March 21, 2012 and ordered published, and will be further considered before final passage at a public hearing on April 18, 2012 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 Riccio read the foregoing Notice aloud.

March 21, 2012
Regular Meeting

Ordinance #7/12

**An Ordinance amending Chapter 352 of the Code of the
Town of West New York Regarding Loading Zones**

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

It was regularly moved by Mayor Roque seconded by Commissioner Frias to adopt the introduction of the foregoing Ordinance was carried by the following vote:

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

Notice
Ordinance #7/12

**An Ordinance amending Chapter 352 of the Code of the
Town of West New York Regarding Loading Zones**

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 March 21, 2012 and ordered published, and will be further considered before final passage at a public hearing on April 18, 2012 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 Riccio read the foregoing Notice aloud.

Ordinance #8/12

**An Ordinance amending Chapter 352 of the Code of the
Town of West New York regarding Streets and Sewers**

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

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

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

March 21, 2012
Regular Meeting

Notice
Ordinance #8/12

**An Ordinance amending Chapter 352 of the Code of the
Town of West New York regarding Streets and Sewers**

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 March 21, 2012 and ordered published, and will be further considered before final passage at a public hearing on April 18, 2012 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 Riccio read the foregoing Notice aloud.**

Ordinance #9/12

**An Ordinance amending Chapter 31 of the Code of the Town of West New York
regarding Emergency Medical Services**

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

It was regularly moved by Commissioner Rodriguez seconded by Mayor Roque to adopt the introduction of the foregoing Ordinance was carried by the following vote:

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

Notice
Ordinance #9/12

**An Ordinance amending Chapter 31 of the Code of the Town of West New York
regarding Emergency Medical Services**

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 March 21, 2012 and ordered published, and will be further considered before final passage at a public hearing on April 18, 2012 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 Riccio read the foregoing Notice aloud.**

March 21, 2012
Regular Meeting

Ordinance #10/12

**An Ordinance amending Chapter 312 of the Code of the
Town of West New York entitled "Rent Control"**

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

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

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

Notice
Ordinance #10/12

**An Ordinance amending Chapter 312 of the Code of the
Town of West New York entitled "Rent Control"**

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 March 21, 2012 and ordered published, and will be further considered before final passage at a public hearing on April 18, 2012 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 Riccio read the foregoing Notice aloud.

Ordinance #5/12

**An Ordinance to exceed the Municipal Budget Appropriation Limits
and to establish a CAP Bank for Calendar Year 2012
(NJSA 40A:4-45.14)**

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

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

No one wished to be heard.

It was regularly moved by Mayor Roque, seconded by Commissioner Rodriguez, to adopt the foregoing Ordinance, was carried by the following vote:

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

March 21, 2012
Regular Meeting

Note: At this point, Finance Manager John Mosca and Internal Auditor Judy Tutela gave a Power Point Presentation regarding the Budget. The following items were explained:

1. Budget Revenue Summary and State Aid
2. Tax Levy
3. Expenses and Appropriations
4. Comparative figures – 2012/2011
5. Five (5) largest costs
6. Essential Services and Fixed costs

Presentation ended at 7:50 p.m.

Mayor opened the Hearing on the Budget.

The following persons wished to be heard:

1. Rose Puerto, 6600 Blvd. East, WNY:

She inquired about the reduced amount of pensions and the cause to same. Mr. Mosca explained that it is the matching share that the town pays and that the town's share decreased. He further advised that investments affect the amount. He commented that in 2010, the bond rating was downgraded due to financial situation. She inquired as to whether that rating has been stabilized. Mr. Mosca explained that Standard and Poors review does not impact our bond rating and that the Town borrows money at 2.2% interest. He further explained how life of improvements are spread out over years and how it affects bonding and bond sales. She inquired as to whether any large bond payment amounts were coming due over the next 3 years to which Mr. Mosca responded "No". Ms. Puerto inquired as to how the growing population affects our budget to which Mr. Mosca replied "There is no correlation of number to cost of education." Clara Brito-Herrera, who was in the audience, explained that the Board of Education's budget is the same and the same services are being provided at no cost to the taxpayers.

2. Doug Borden, 6600 Blvd. East, WNY:

Mr. Borden inquired about the "long term debt" and what percentage of it is financed. Mr. Mosca replied "approximately 2%". Mr. Borden inquired as to what is the percentage of total debt and how much debt does the Town have. Mr. Mosca replied "\$35 million approximately".

2. Doug Borden (Cont.):

Discussion ensued between Mr. Borden and Mr. Mosca regarding long term and short term debt. Mr. Mosca indicated that there is approximately \$6 million short term debt. Mr. Borden inquired as to whether the Town has the ability to renegotiate current bonds at lower rates for long term to which Mr. Mosca replied "Yes". Discussion further ensued about when and how to accomplish that goal. Mr. Borden inquired as to the number of police officers. Mr. Mosca advised that there are 102. Discussion ensued as to whether that is a typical number for a Town of this size. Mayor Roque commented that we are actually below the number needed. Director Indri, who was in the audience, advised that it is about 25% low.

3. Mayor Roque:

The Mayor thanked the Commissioners and Town Administrator and commented that in nine (9) months they have accomplished a lot and made a lot of sacrifices in compliance with their campaign promises. He advised, however, that hard economic times are coming.

March 21, 2012
Regular Meeting

Resolution

Re: To Amend the 2012 Municipal Budget

WHEREAS, the Budget for the year 2012 was approved on the 15th of February 2012, and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Town of West New York, County of Hudson, that the following amendments to the approved budget of 2012 be made:

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It was regularly moved by Mayor Roque, seconded by Commissioner Rodriguez, to introduce the foregoing Budget amendment Resolution, was carried by the following vote:

YEAS - Commissioners Frias, Rodriguez, Vargas, Wiley and Mayor Roque

NAYS - None

ABSENT - None

Note: Town Clerk Riccie read the title and totals of the foregoing Resolution aloud and announced that the hearing regarding the Amendments to the Budget would be on April 18, 2012 at 7:00 p.m. and that the amendments would be advertised as required by law prior to said hearing.

Resolution

Re: Calendar Year 2012 Temporary Budget

Whereas, according to NJSA 40A:4-20 the Town may introduce emergency temporary appropriations for its Calendar Year 2012 Current Fund Operating Budget; and

Whereas, it is necessary to appropriate Budget Funds for the month of April 2012.

Now, therefore, be it resolved that in accordance with the provisions of NJSA 40A:4-20, emergency temporary appropriations for the Town of West New York Calendar Year 2012 Current Fund Operating Budget be increased for the month of April 2012 for the following:

	<u>Temporary Budget</u>
Director of Public Affairs	
Salary & Wages	\$ 42,000
Other Expenses	\$ 7,000
Town Clerk's Office	
Salaries & Wages	\$ 29,000
Other Expenses	\$ 2,500
Legal Advertising & Publications	\$ 1,500
Codification of Ordinances	\$ 500
Elections	
Other Expenses	\$ -0-
Community Development	
Salaries and Wages	\$ 8,000
Board of Health	
Salaries & Wages	\$ 41,000
Other Expenses	\$ 3,000

March 21, 2012
Regular Meeting

Resolution (Cont.):

Prosecutor	
Salary and Wages	\$ 4,000
Other Expenses	\$ 500
Public Relations	
Other Expenses	\$ 5,000
Rent Control	
Salaries & Wages	\$ 9,300
Other Expenses	\$ 1,500
Town Funding Program	
Other Expenses	\$ 13,550
Housing Inspection	
Salaries & Wages	\$ 13,300
Other Expenses	\$ 150
Tenant Relations	
Salaries & Wages	\$ -0-
Other Expenses	\$ 1,500
Law Department	
Salaries & Wages	\$ 18,000
Other Expenses	\$ 75,000
Supervised Play Activity	
Salaries & Wages	\$ 72,000
Other Expenses	\$ 17,500
Senior Citizens Coordinator of Events	
Salaries & Wages	\$ 10,000
Other Expenses	\$ 4,000
Administrators Office	
Salary & Wages	\$ 16,000
Other Expenses	\$ 500
Insurance Department	
Salaries & Wages	\$ 4,000
Other Expenses	\$ 150
Zoning Board	
Salaries and Wages	\$ -0-
Other Expenses	\$ 2,000
Planning Board	
Salaries & Wages	\$ 3,800
Other Expenses	\$ 2,000
North Hudson Regional Council of Mayors	
Town Share	\$ 10,000
North Hudson Community Action Program	
Town Share	\$ 2,500
UEZ	
Salaries & Wages	\$ 5,000
Other Expenses	\$ 500

March 21, 2012
Regular Meeting

Resolution (Cont.):

Director of Revenue Office	
Salaries & Wages	\$ 6,500
Other Expenses	\$ 1,000
Treasurer's Office	
Salaries & Wages	\$ 30,000
Other Expenses:	
Miscellaneous Other Expenses	\$ 39,000
Annual F/S and Annual Audit	\$ 27,500
Payroll Service Fees	\$ 9,000
Assessment of Taxes	
Salaries & Wages	\$ 17,500
Other Expense	\$ 2,500
Collection of Taxes	
Salaries & Wages	\$ 22,200
Other Expenses	\$ 3,200.
Insurance	
Group Insurance – Employees	\$ 1,300,000
Other Insurance – Unemployment	\$ 125,000
Other Insurance – Worker's Compensation	\$ 100,000
Other Insurance – Liability	\$ 100,000
Purchasing Agent	
Salaries & Wages	\$ 14,500
Others Expenses	\$ 400
Director's Office	
Salaries & Wages	\$ 36,000
Other Expenses	\$ 10,000
Police	
Salaries & Wages	\$ 990,000
Other Expenses	\$ 40,500
Juvenile Aid	
Other Expenses	\$ 200
North Hudson Communication Authority	
Town Share	\$ -0-
Ambulance Squad	
Salaries & Wages	\$ 55,000
Other Expenses	\$ 6,000
Office of Emergency Management	
Salaries & Wages	\$ 1,500
Other Expenses	\$ 1,000
Uniform Fire Safety S/W (Local Share)	\$ 13,000
Contribution to North Hudson Fire & Rescue	\$ 1,200,000
Director's Office	
Salaries & Wages	\$ 20,000
Other Expenses	\$ 1,000
Street & Sewers	
Salaries & Wages	\$ 150,000

March 21, 2012
Regular Meeting

Resolution (Cont.):

Other Expenses	\$ 30,000.
Street Lighting	
Other Expenses	\$ 55,000
Fire Hydrant Rental	
Other Expenses	\$ 15,000
Recycling	
Other Expenses	\$ 25,000.
Garbage & Trash	
Salaries & Wages	\$ 22,000
Other Expenses	\$ 1,000
Contractual	
Miscellaneous Other Expenses	\$ 31,000
Snow Removal	
Other Expenses	\$ -0-
Engineering Services and Costs	
Other Expenses	\$ 13,000.

Department of Parks and Public Property

Director's Office	
Salaries & Wages	\$ 8,000
Other Expenses	\$ 400
Division of Parks	
Salaries & Wages	\$ 8,500
Other Expenses	\$ 8,500
Celebration of Public Events	
Other Expenses	\$ 4,000
Building Department	
Salaries & Wages	\$ 54,000
Other Expenses	\$ 14,000
Light and Power	
Other Expenses	\$ 40,000
Centralized Postage	
Other Expenses	\$ 18,000.
Fuel	
Other Expenses	\$ 22,000
Telephone and Telegraph	
Other Expenses	\$ 22,000
Water	
Other Expenses	\$ 8,500
Sewer	
Other Expenses	\$ 5,500

March 21, 2012
Regular Meeting

Resolution (Cont.):

Signal Bureau
Other Expenses \$ 4,200

State Uniform Construction Code

Construction Code Official
Salaries & Wages \$ 42,000
Other Expenses \$ 5,000

Unclassified

Retirement Benefits \$ 10,000
Prior Year Bills \$ -0-

Statutory Expenditures

Contribution To:

Social Security System (O.A.S.I.) \$ 120,500
Public Employees' Pension Fund \$ 909,541
Police and Fire Retirement System of NJ \$ 2,432,976

Municipal Court

Salaries & Wages \$ 70,000.
Other Expenses \$ 10,000.

Public Defender

Other Expenses \$ 2,500

Interlocal Agreements

Reimbursements for Health Services-Contractual

Board of Health – Weehawken

Salaries & Wages

Board of Health – Guttenberg

Salaries & Wages

Board of Health – Chapter 226 Nursing Services

Salaries & Wages

Maintenance of Free Public Library \$ 79,000

Blood Borne Pathogens

Board of Health – Other Expenses \$ -0-

Capital Improvement Fund \$ 10,000

Municipal Debt Service

(As Needed Until Budget is Adopted)

Payment of Bond Principal \$ -0-

Interest on Bonds \$ -0-

Payment of B.A.N's Principal \$ -0-

Interest on Notes \$ -0-

Casino Redevelopment Authority \$ -0-

Green Trust Loan Program \$ -0-

Loan Repayments of Principal & Interest \$ -0-

Type I District School Debt Service

Payment of Bond Principal \$ -0-

Interest on Bonds \$ -0-

Grand Total \$ 8,849,867.

March 21, 2012
Regular Meeting

It was regularly moved by Commissioner Frias, seconded by Commissioner Rodriguez, to adopt the foregoing Resolution, was carried by the following vote:

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

Note: Town Clerk Riccie read the title and totals of the foregoing Resolution aloud.

RESOLUTION
RE: BUDGET TRANSFERS

BE IT RESOLVED THAT the proper officers are hereby authorized to make the following Calendar Year 2011 transfers from appropriations which have excess funds within the provisions of N.J.S.A. 40A:4-58:

	Transfer From:	Transfer To:
Board of Health S/W	\$ 1,818.97	
Rent Control Board S/W	\$ 23,806.15	
Housing Inspections S/W	\$ 21,172.53	
Law Department S/W	\$ 19,950.08	
Supervised Play S/W	\$ 10,183.84	
Senior Citizens S/W	\$ 23,003.76	
Personnel Dept. S/W	\$ 17,130.34	
Community Development S/W		\$ 2,656.23
Board of Health O/E		\$ 658.52
Planning Board S/W		\$ 0.41
Director of Public Safety S/W		\$ 4,716.27
Police S/W		\$ 1,488.25
Uniform Fire Safety O/E		\$ 285.00
Director of Public Works S/W		\$ 2,158.60
Street Lighting O/E		\$ 46,687.16
Garbage & Trash – Contractual		\$ 35,524.84
Engineering Services O/E		\$ 2,288.88
Division of Parks O/E		\$ 1,736.00
Fuel O/E		\$ 18,865.51
Total	\$ 117,065.67	\$ 117,065.67

It was regularly moved by Commissioner Rodriguez, seconded by Commissioner Vargas, to adopt the foregoing Resolution, was carried by the following vote:

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

Note: Town Clerk Riccie read the title and totals of the foregoing Resolution aloud.

March 21, 2012
Regular Meeting

Mayor opened the Public Portion.

Public Portion:

1. Gabriel Fedorko, 6600 Blvd East, WNY:

Mr. Fedorko stated “I love this Town. I have been here for 22 years.” He advised that he had attended a hearing regarding the proposed development at the corner of 67th Street and Boulevard East. He expressed his concerns about the scale of the project and number of variances being requested by developer. Asst. Town Attorney DeMarco advised him that he could set forth his position regarding the project, but that the Board of Commissioners were not permitted to give their input because in the event of an appeal of the Zoning Board’s decision, the matter could come back before the Governing Body. Mr. Fedorko enumerated all of the zoning variances for which the developer is applying i.e. lot width, front yard, side yard, lot coverage, loading space, parking space size, etc. He commented about the quality of life in that area and how it would be negatively affected by the project and that he is against its development. He complained about potential increase in traffic in that area and the affect upon mass transit, which he feels is currently stressed. Mr. Fedorko inquired as to who is responsible for the bus stop shelters and sidewalk. Mr. DeMarco inquired as to the exact location to which Mr. Fedorko replied “southwest corner of 66th Street”. Mr. Fedorko inquired about the updating of Master Plan to which Mr. DeMarco advised that it is on the list to be updated sometime this year. Mr. Fedorko inquired as to whether the public can offer changes to the zoning ordinances to which Mr. DeMarco replied “Yes. Give us your recommendations and address them to the law department. I will meet with you.”

2. Rose Puerto, 6600 Blvd. East, WNY:

Ms. Puerto complimented the Town’s website, and inquired as to the age of the Master Plan. Asst. Town Attorney DeMarco advised that it was amended approximately 1995 and that the Planning Board will be “re-working” it. Discussion ensued about revising the Master Plan and Zoning Ordinances. Mr. DeMarco advised that the update is a yearlong process and not a simple task. She advised that she agrees with Mr. Fedorko and opposes the proposed project as it decreases the quality of life in that area. Mayor Roque commented that development is the future and that this is a land of opportunity, and we can’t stop people from coming to live here. Comm. Wiley commented that people come to live in West New York because they are comfortable and that stabilized taxes and services are important. He further commented that he and the DPW Dept. are working hard to make the Town cleaner and that there are a lot of positive things coming to West New York. Mayor Roque commented that ratables are important to stabilize taxes and that he and the Commissioners are conscious about quality of life. He expressed his happiness with the number of people in the audience from the Versailles building. Ms. Puerto complained about the parking and mass transit and how they would be affected by proposed project. Discussion ensued between Ms. Puerto, Comm. Wiley and Mayor regarding quality of life issues. Mayor Roque encouraged everyone to get involved with town meetings, etc.

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

Ms. Kellerman complained about pedestrians not being given the right of way by drivers and asked for more police involvement in her area. Director Indri advised that they are conducting check points for the jitney buses. Discussion ensued about possible solutions.

4. Jonathan Evans, 6600 Blvd. East, WNY:

He expressed his opposition to the proposed project and his support for his neighbors. He also recited the variances being requested by the developer and complained about proposed size of signs on exterior of proposed building. He advised that he read the traffic study and disagrees with its results. He outlined quality of life issues.

March 21, 2012
Regular Meeting

Public Portion (Cont.):

5. **Lei Xi and Wen Geng, 60 Highwood Terrace, Weehawken:**
They indicated that they are very touched by the “open dialogue between the officials and citizens” as this is not allowed in China. They encourage everyone to attend the performance of Shen Yu at Lincoln Center in April.
6. **Clara Brito-Herrera, 6312 Jackson Street, WNY:**
Mrs. Brito-Herrera commented that “It is nice to see people from other nationalities recognize our governing body. Today is the first time in 40 years that an Indian Flag is on the flag pole. We embrace different cultures and I am proud. Thank you for your hard work in a short time to keep the taxes down”.
7. **David Rivera, 158 – 59th Street, WNY:**
Mr. Rivera advised that there is a Zoning Board meeting tomorrow and requested that people come to share their comments. He advised that no decision has been made yet regarding the proposed project on 67th Street and Boulevard East. Mayor Roque commented that the concerns are legitimate.
8. **Doug Borden, 6600 Blvd. East, WNY:**
He voiced his opposition to the proposed project. He inquired about the dialogue between the Zoning Board and Board of Commissioners. Mayor Roque commented that they are separate entities and that the Zoning Board operates independently. Mr. Borden inquired as to whether the Board of Commissioners “had any influence” with the Zoning Board members and that the members should work for the community, not the developer. Mayor Roque emphasized that the members “should be neutral”. Asst. Town Attorney DeMarco explained the role of the Zoning Board members and the mechanics of the hearing process, etc. He advised that it is a “quasi-judicial process” and that they have their own board attorney, etc. Discussion ensued about town’s planner. Mr. DeMarco explained that the developer has a right to present its project and that the Zoning Board members and Governing Body members cannot communicate on these type of matters, and that the “process will be respected and upheld”.
9. **Dana Winternheimer, 6701 Blvd. East, WNY:**
She also opposes the proposed project. Discussion ensued about current parking problems in that area and that this project will only worsen the condition,.
10. **Ron Scheurle, 6119 Tyler Place, WNY:**
Mr. Scheurle inquired as to whether the people who had been laid off were re-hired. Mayor Roque commented that taxes can’t be reduced if everyone is re-hired. Mr. Scheurle complained that new people have been hired in DPW Dept. Asst. Town Attorney DeMarco commented that he would have to review the layoff list and would discuss it with him tomorrow. Mr. Scheurle commented that people who live out of town are also being hired. Mr. DeMarco advised that a notice had been sent to all employees regarding relocating to West New York and Town Administrator Ernie Munoz agreed with his comments. Mr. DeMarco advised that due to the “Rice Notice” the governing body cannot discuss specific Employees without the proper notification. Comm. Wiley commented that all of his Inspectors live in WNY.
11. **Angel Barquin, 432 – 58th Street, WNY:**
Mr. Barquin thanked the governing body for work they have done on the budget. He commented about the University students who were doing a research project during the prior Administration regarding the Master Plan and inquired as to whether their data could be used to update the Master Plan. Mr. DeMarco commented that it was a student project but that the information would be considered as it is a useful tool. Mr. Barquin inquired as to the cost savings due to lack of snow this year. Mr. Mosca indicated that the sum of \$150,000 had been budgeted for snow. Mr. Barquin inquired as to why the Town is paying an internal auditor when it could hire a Chief Financial Officer and that a substantial savings could be realized by doing so. Mr. DeMarco commented that a C.F.O. salary range is approx. \$125,000-\$150,000 plus health insurance benefits and that the new

March 21, 2012
Regular Meeting

Public Portion (Cont.):

11. Angel Barquin (Cont.):

contract negotiated with the auditor is substantially lower than last year. Mr. Barquin advised that the census information on the Town's website should be updated as the figures are from the year 2000. Discussion ensued about parking lot located on 62nd Street and Van Buren Place and possible revenue which could be generated by renting third floor to employees of #1 School. Discussion ensued about exact amount of reduction in taxes. Asst. Town Attorney DeMarco explained that in some cases, the amount of reduction may be more or less than others.

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

Ms. Breakstone expressed her opposition to the proposed development on 67th Street and Boulevard East. She complained about size of project, parking and quality of life issues. She stated "That building is an architectural anomaly".

13. Lara Hicks, 6701 Blvd. East, WNY:

Ms. Hicks complained about the current conditions of the property where project is proposed. She advised that trash has not been picked up and that she has made five (5) complaints regarding same in the past two weeks to no avail. Comm. Wiley advised that he would resolve the problem tomorrow. She expressed her opposition to the proposed project and that too many entrances are being proposed.

It was regularly moved by Commissioner Rodriguez, seconded by Commissioner Vargas, to close the public portion and adjourn the meeting at 9:13 p. m., was carried by the following vote:

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

Commissioner FiorD'Aliza Frias

Commissioner Caridad Rodriguez

Commissioner Ruben Vargas

Commissioner Count J. Wiley

Mayor Felix E. Roque
Board of Commissioners

Attest: _____
Carmela Riccie, RMC Town Clerk