

March 17, 2010
Regular Meeting

Minutes of a regular stated meeting of the Board of Commissioners of the Town of West New York, in the County of Hudson, State of New Jersey, held in the Court Chambers, Municipal Building on Wednesday, March 17, 2010 at 7:00 p.m. (6:00 p.m. Work Session).

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

Meeting commenced at 7:00 p.m.

At the request of Mayor Vega, Town Attorney Horgan 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 17, 2010 at 7:00 p.m.**, I do hereby publicly announce, and I direct that this announcement shall be placed in the minutes of this meeting, and that the Notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given by the Board of Commissioners in the Resolution dated and adopted on November 23, 2009. Said Resolution was transmitted by the Town Clerk to the Jersey Journal and the Bergen Record and publicly posted on the Municipal Bulletin Board, Town Hall, and filed with the Town Clerk.

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

Note: At the request of Mayor Vega, Town Attorney Horgan read aloud the titles of all items on the agenda.

Minutes of Previous Meeting:

It was regularly moved by Commissioner Rodriguez, seconded by Commissioner Lopez, that the Minutes of Regular Meeting: 2/17/10 (Work and Regular Sessions) be approved as recorded, was carried by the following vote:

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

Claims: Dated 3/17/10 (Claims are available for public inspection in the Town Clerk's Office):

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

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

March 17, 2010
Regular Meeting

RFQ Results
Re: Municipal Court Prosecutor

RFQ PROPOSAL FORMATION

Proposal Receipt Date: March 15, 2010
Proposal Time: 10:30 a.m.
Location for proposal: Town Clerk's Office
Proposal for: Municipal Court Prosecutor
Personnel at Opening: Deputy Town Clerk Luisa S. Gomez and Cosmo A. Cirillo
Remarks: NO RFQ RECEIVED

RFQ Results
Re: Alternate Municipal Prosecutor

RFQ PROPOSAL FORMATION

Proposal Receipt Date: March 15, 2010
Proposal Time: 11:00 a.m.
Location for proposal: Town Clerk's Office
Proposal for: Alternate Municipal Prosecutor
Personnel at Opening: Deputy Town Clerk Luisa S. Gomez and Cosmo A. Cirillo
Remarks: NO RFQ RECEIVED

March 17, 2010
Regular Meeting

RFQ Results
Re: Municipal Court Public Defender

RFQ PROPOSAL FORMATION

Proposal Receipt Date: March 15, 2010
Proposal Time: 11:30 a.m.
Location for proposal: Town Clerk's Office
Proposal for: Municipal Court Public Defender
Personnel at Opening: Deputy Town Clerk Luisa S. Gomez and Cosmo A. Cirillo
Remarks: Time to receive RFQS was closed at 11:35 a.m.
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Campbell Ortiz LLC
(Address) 4808 Bergenline Avenue, Suite 304
Union City, NJ 07087

RESPONDER #2 (Name) Mario M. Blanch, LLC
(Address) 440 – 56th Street
West New York, NJ 07093

RESPONDER #3 (Name) Philippe Kouassi, Esq.
(Address) 210 Bergenline Avenue #3
Union City, NJ 07087

RFQ Results
Re: Alternate Public Defender

RFQ PROPOSAL FORMATION

Proposal Receipt Date: March 15, 2010
Proposal Time: 12:00 p.m.
Location for proposal: Town Clerk's Office
Proposal for: Alternate Public Defender
Personnel at Opening: Deputy Town Clerk Luisa S. Gomez and Cosmo A. Cirillo
Remarks NO RFQ RECEIVE

March 17, 2010
Regular Meeting

Proclamation
Re: Honoring Robert Jameson as Irish Person of the Year

Whereas, the Mayor and Board of Commissioners of the Town of West New York being ever 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

WHEREAS, Robert Jameson was raised and educated in the Town of West New York, where he has lived and worked for many years;

WHEREAS, Robert Jameson is married to his high school sweetheart, Patricia Auriemma, and has four (4) lovely children, and five (5) beautiful grandchildren; and

WHEREAS, Robert Jameson served as the treasurer of the West New York Little League, currently he holds the position of Supervisor of Maintenance for the Board of Education; and

WHEREAS, Robert Jameson truly celebrates the meaning of St. Patrick's Day, which was a family holiday when he was a boy and which tradition he has continued in his household today; and

WHEREAS, the Mayor and Board of Commissioners of the Town of West New York wish to honor Robert Jameson as "The Irish Man of the Year" for the year 2010 and wish to acknowledge his achievements and accomplishments;

NOW, THEREFORE, I, Mayor Silverio A. Vega and the Board of Commissioners of the Town of West New York hereby proclaim Robert Jameson as "Irish Man of the Year" for the year 2010 in the Town of West New York and hereby express our best wishes and congratulations and continued success in his future endeavors.

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

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

Note: **At this point, Mayor and Board of Commissioners made a presentation to the Boy Scouts of America and their family members of Proclamation that was adopted on 2/17/10.**

It was regularly moved by Commissioner Riccardi, seconded by Commissioner Lopez that the following Consent Agenda Item Nos. R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, 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 and R-29 be adopted, was carried by the following vote:

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

Note: **At the request of Mayor Vega, Town Attorney Horgan read the titles and item numbers included on the Consent Agenda.**

Note: **Mayor Vega abstained on vote for Resolution R-14 (Re: Authorization of settlement of matter docketed in Superior Court of NJ HUD-L-3400-09 captioned Versailles Apartment Corp. v. Town of WNY)**

March 17, 2010
Regular Meeting

Consent Agenda

Resolution
Re: Sidewalk Sales

WHEREAS, Sidewalk display and sale of goods or merchandise on a regular or continuous basis is prohibited by applicable ordinance; and

WHEREAS, Special promotional sales on special, rare occasions to promote and publicize West New York as a shopping area are not within the intent of such ordinance and are permissible when limited and controlled and as authorized by the Board of Commissioners of West New York; and

WHEREAS, The West New York Chamber of Commerce has requested special permission for a limited special, promotional sale to promote and publicize West New York as a Shopping area for the dates listed below on a limited basis, wherein some brief sidewalk display and sale of merchandise for promotional purpose will be made, but, without unduly encumbering the sidewalk of the public; and good appearing. In case of rain, sale will be held on

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

1. It is hereby found and determined that brief promotional sale to promote and publicize West New York, New Jersey as a shopping area is not such sale of display of goods and merchandise as is contemplated by or within the meaning of said ordinance prohibiting regular or repeated sidewalk sales.
2. The West New York Chamber of Commerce is hereby granted permission to conduct such promotional sale on Friday 4/23/10, Saturday 4/24/10 and Sunday 4/25/10; Friday 5/28/10, Saturday 5/29/10, Sunday 5/30/10 and Monday 5/31/10; Friday 7/16/10, Saturday 7/17/10 and Sunday 7/18/10; Friday 10/8/09, Saturday 10/9/10, Sunday 10/10/10 and Monday 10/11/10.

(Rain Dates: Friday 4/30/10, Saturday 5/1/10, Sunday 5/2/10; Friday 6/4/10, Saturday, 6/5/10, Sunday 6/6/09 and Monday 6/7/10; Friday 7/23/10, Saturday 7/24/10 and Sunday 7/25/10; Friday 10/15/10, Saturday 10/16/10, Sunday 10/17/09 and Monday 10/18/10) with moderate sidewalk display and sale of goods and merchandise limited and in accordance with said promotional purpose of said sale event.

3. Said promotional sale shall be conducted without duly encumbering the public and all participants shall obey the instruction with respect thereto delivered by a duly designated representative of the Police Department of the Town of West New York, New Jersey.

RESOLUTION

Re: Extension of Agreement between the Town of WNY and EIC Inspection Agency Corp.
for the provision of Elevator Subcode Third Party Inspection Services

Whereas, on prior occasion, upon advertisement and pursuant to specifications, the Town solicited bid proposals to Elevator Subcode Third Party Inspection Services; and

Whereas, the following bid proposals were received by the Town on August 9, 2007:

<u>Vendor</u>	<u>Cost</u>
Municipal Inspection Corp.	59% of D.C.A. Fees
EIC Inspection Agency Corp.	63% of D.C.A. Fees
Building Inspection Underwriters	65% of D.C.A. Fees

March 17, 2010
Regular Meeting

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

Whereas, the procurement bid forms for Elevator Subcode Third Party Inspection Services required that a New Jersey State Business Organization Registration be provided as part of the bid proposal submitted to the Town; and

Whereas, the Town's accepted the bid a from EIC Inspection Agency Corp. in accordance with N.J.S.A. 40A:11-4 as it was determined to be the lowest responsive bid received, for Elevator Subcode Third Party Inspection Services; and

Whereas, a contract was entered into with EIC Inspection Agency Corp. for a one-year period for Elevator Subcode Third Party Inspection Services; and

Whereas, the Specifications for the Contract for Elevator Subcode Third Party Inspection Services provide the Town with the option of extending the contract for an additional one-year period; and

Whereas, by prior resolution, this Board did extend the contract for elevator Subcode Third Party Inspection Services for the period 8/08 through 8/09; and

Whereas, the Specifications for the Contract for Elevator Subcode Third Party Inspection Services provide the Town with the option of extending the contract for an additional one-year period; and

Whereas, EIC Inspection Agency Corp., has been providing Elevator Subcode Third Party Inspection Services, pursuant to bids received on August 9, 2007; and

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

Whereas, the extension of the award of this Contract for a one-year period is necessary for the efficient operation of the Town;

Whereas, the Certificate of Available Funds, maintained on file at the Town, sets forth that sufficient funds for the subject procurement have been allotted in the Town's budget and that such funds have been appropriated at Fiscal Year 2010 Operating Budget – Construction Code Official;

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

1. The services provided by EIC Inspection Agency Corp., heretofore provided by EIC Inspection Agency Corp. in accordance with the bid specifications for Elevator Subcode Third Party Inspection Services are hereby ratified and approved.

2. The Mayor be and he is hereby authorized to execute an agreement exercising the option to extend the contract with EIC Inspection Agency Corp. for one year to provide Elevator Subcode Third Party Inspection Services, at the Cost of 63% of D.C.A. Fees, and in accordance with the bid specifications for Elevator Subcode Third Party Inspection Services.

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

March 17, 2010
Regular Meeting

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

4. A copy of this resolution and the agreement detailing the terms of the retention of EIC Inspection Agency Corp. to provide Elevator Subcode Third Party Inspection Services 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: UEZ Litter Clean Up Phase III

Whereas, the Town of West New York seeks funding in the amount of \$303,105.00 for UEZ Litter Clean Up Phase III; and

Whereas, such program is beneficial to the interests of the citizens of the Town of West New York;

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the County of Hudson as follows:

1. The Mayor and/or Business Administrator are hereby authorized to request up to a total of \$303,105.00 for UEZ Litter Clean Up Phase III for Fiscal Year 2010, as may be required, taking into account the \$15,064.00 municipal match for materials and supplies.
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: Approval of Placement of Banners on Public Rights of Way
re: ARC of Hudson County May 15, 2010 Walkathon

WHEREAS, ARC (Association of Retarded Citizens) of Hudson County, 405-09 36th Street, Union City, NJ ("ARC") has approached the Town in regard to the placement of banners on public rights of way in regard to the May 15, 2010 Walkathon; and

WHEREAS, a request has been made to place street banners in the Town of West New York, one on Bergenline Avenue and one on Park Avenue publicizing ARC's May 15, 2010 Walkathon in North Hudson Park, an event in favor of charity; and

WHEREAS, said banners would be placed up two weeks prior to the May 15, 2010 Walkathon and removed immediately thereafter; and

WHEREAS, ARC has an umbrella insurance policy of \$2,000,000 to cover any liability regarding the banners, for which a certificate can be issued as soon as this Resolution is approved; and

WHEREAS, the Director of the Department of Public Works has recommended that the Board of Commissioners approve the request to hang banners as not being detrimental to the public safety, health or welfare of the Community;

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

March 17, 2010
Regular Meeting

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

1. The above recitals are incorporated herein as if fully set forth at length herein.
2. ARC's request to hang banners on Bergenline Avenue and Park Avenue is hereby approved as proposed.
3. ARC shall fully cooperate with all appropriate Town officials to ensure that the banners are hung in conformity with the requirements of Town.
4. The Resolution herein granted may be revoked by the Mayor and/or the Director of the Department of Public Works if in his and/or their opinion the hanging of the banners on Bergenline Avenue and Park Avenue would be detrimental to the health, safety or welfare of the citizens of the Town of West New York.
5. ARC shall have no claim as against the Town or any Town official, employee or agent, in relation to the grant of this permit and/or the cancellation thereof, as provided herein.
6. A copy of this Resolution shall be kept in the office of the Municipal Clerk for Public Inspection.

Resolution

Re: Approving the submission of an application to the County of Hudson for funding under the 2010 Open Space, Recreation and Historic Preservation Trust Fund (Swim Club and Centennial Field Improvements/Veterans Park/Donnelly Park Improvements)

WHEREAS, the Town has experienced serious failure of the ground support under Veterans Park; and

WHEREAS, the ground failure has necessitated the need to review the structural integrity of the entire park as well as the integrity of the lands running through Donnelly Park to 60th Street; and

WHEREAS, the Town wishes to perform all repairs, improvements, and upgrades to the parks necessary for the continued enjoyment of said parks; and

WHEREAS, The Town wishes to perform needed improvements to the Swim Club and Centennial Field to repair and maintain the respective structures as noted in the draft application on file with the Town Engineer; and

WHEREAS, the County of Hudson has announced the availability of funding under the 2010 Open Space, Recreation and Historic Preservation Trust Fund; now therefore be it

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey, that the Town does hereby authorize the preparation and submission of an application, including architectural designs and related costs, to the

County of Hudson for funding under the 2010 Open Space, Recreation and Historic Preservation Trust Fund for improvements to and for the Swim Club and Centennial Field Improvements, Veterans Park Improvements, and Donnelly Park Improvements; and

BE IT FURTHER RESOLVED that the Mayor and or his designee be and are hereby authorized to perform whatever action deemed necessary to fulfill the intent of this resolution.

March 17, 2010
Regular Meeting

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

RESOLUTION
RE: REQUESTING APPROVAL FOR A SPECIAL ITEM OF
REVENUE AND APPROPRIATION AS PER NJS 40A:4-87
Department of Transportation Grant - \$428,949

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

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

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Town of West New York in the County of Hudson, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of Revenue in the Budget of the year 2010 in the sum of \$428,949.00, which is now available from the New Jersey Department of Transportation in the amount of \$428,949.00.

BE IT FURTHER RESOLVED, that the like some of \$428,949 is hereby appropriated under the caption NJDOT –2010 Improvement of Various Roads; and

BE IT FURTHER RESOLVED that the above is the result of funds from the N.J. Department of Transportation in the amount of \$428,949.

RESOLUTION
RE: REQUESTING APPROVAL FOR A SPECIAL ITEM OF
REVENUE AND APPROPRIATION AS PER NJS 40A:4-87
FEDERAL ENERGY EFFICIENCY and CONSERVATION BLOCK GRANT \$182,800

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

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

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Town of West New York in the County of Hudson, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of a special item of Revenue in the Budget of the year 2010 in the sum of \$182,800.00, which is now available from the Federal Energy Efficiency and Conservation Block Grant in the amount of \$182,800.00.

BE IT FURTHER RESOLVED, that the like some of \$182,800. is hereby appropriated under the caption EECBG Energy Efficient HVAC Improvements; and

BE IT FURTHER RESOLVED that the above is the result of funds from the Federal Energy Efficiency and Conservation Block Grant in the amount of \$182,800.

March 17, 2010
Regular Meeting

Consent Agenda (Cont.):

RESOLUTION

Re: Amendment/Change Order No. 1 of Professional Auditing Services Contract with Lerch, Vinci & Higgins, LLP (\$60,000)

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

The firm of Lerch Vinci & Higgins LLP, was qualified to provide professional auditing services by resolution dated May 20, 2009; and

Whereas, Lerch Vinci & Higgins LLP submitted a proposal dated June 16, 2009 to provide professional auditing services and related financial advisory services to the Town of West New York; and

Whereas, by resolution dated July 15, 2009, the Board of Commissioners authorized the execution of an agreement, by and between the Town and Lerch Vinci & Higgins LLP, of 17-17 Route 208, Fair Lawn, Bergen County, New Jersey, for the provisions of professional auditing services and related financial advisory services by Lerch Vinci & Higgins LLP; AND

Whereas, the initial compensation approved for such services was \$80,000.00; and

Whereas, a contract for such services was executed on August 12, 2008 which provided in part that Lerch Vinci & Higgins, LLP would assist in the preparation and certification of the Annual Budget Review of the Unaudited Annual Financial Statement and other financial advisory services; and

Whereas, in the interim Lerch Vinci & Higgins LLP has been called on to provide such other financial advisory services as described in their proposal on file with the Town Administrator dated March 2, 2010; and

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

Whereas, on the basis of the foregoing the Board of Commissioners of the Town of West New York are desirous of amending the contract for the provision of professional auditing services with of Lerch Vinci & Higgins LLP through the execution of a Change Order No. 1 representing an authorization of an additional amount for such services in an amount not to exceed \$60,000.00 without further action of the Board of Commissioners; and

Whereas, this award was made without competitive bids; and

Whereas, the award of a contract to Lerch Vinci & Higgins LLP for the provision of professional auditing services is a result of a fair and open process, adopted by the Board of Commissioners pursuant to N.J.S.A. 19:44A-20.5 et seq. through a publicly advertised Request for Qualifications; and

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

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

2. The Mayor or his designee be and they are hereby authorized to executed a Change Order No. 1 to the contract for Professional auditing services between the Town and the firm of Lerch Vinci & Higgins LLP, whose address is 17-17 Route 208, Fair Lawn, Bergen County, New Jersey

March 17, 2010
Regular Meeting

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

3. authorizing an additional amount of \$60,000 for work to be performed under this agreement for a total adjusted amount not exceed \$200,000.00, for the term July 1, 2009 through June 30, 2010, without further action of the Board of Commissioners.

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

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

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

Resolution
Re: Authorizing Town Clerk to receive bids for 2010 Road Program

NOW, THEREFORE, BE IT RESOLVED that the Town Clerk be and she is hereby authorized and directed to advertise for the receiving of bids at such time as may be set by the Town Clerk. in the Town Clerk's Office, for: "2010 Road Program" for the Town of West New York in accordance with specifications for "2010 Road Program".

RESOLUTION
Re: Authorizing the Town of West New York to enter into Interlocal Service Agreements with the WNY Board of Education for Reimbursement of Costs for Repairs to Batting Cages at Miller Stadium and the Little League Field

WHEREAS, the West New York Board of Education, a non profit organization, has requested that the Town of West New York enter into Interlocal Service Agreements for the following:

Reimbursement of Costs for Repairs to Batting Cages at Miller Stadium
and the Little League Field

and;

WHEREAS, it is in the best interest of the Town of West New York to enter into said agreement as the Board of Education has a long history of utilizing Town of West New York Parks and Recreation Areas and such repairs must be commenced prior to the commencement of spring activities and the Board of Education;

WHEREAS, N.J.S.A. 40A:65-4 et seq. allows the Town and the Board of Education to enter into said Interlocal Service Agreement for the costs of such services;

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

1. The Mayor and/or Town Administrator are authorized to enter into Interlocal Service Agreement for the aforementioned costs and they are hereby authorized to execute any and all documents and to take any and all necessary action to complete and realize the intent and purpose of this resolution. The Town shall pay the Board directly an amount not to exceed

March 17, 2010
Regular Meeting

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

\$25,000.00, and subject to availability of funding, in accordance with terms of the Interlocal Service Agreement entered into pursuant to this resolution, in a form acceptable to the Town as evidenced by the Municipal Administrator's signature thereon for Repairs to Batting Cages at Miller Stadium and the Little League Field.

2. Nothing in this resolution shall be considered as, or construed to constitute the entry of a contract as between the Town and any third party; no third-party beneficiary rights are intended to be created by this resolution.

3. A copy of this Resolution and the Interlocal Service Agreement once executed shall remain on file in the office of the Municipal Clerk for public inspection.

Resolution
Re: Authorizing Town Clerk to receive bids for Town Hall
– Tyler Street Elevator Upgrades

NOW, THEREFORE, BE IT RESOLVED that the Town Clerk be and she is hereby authorized and directed to advertise for the receiving of bids at such time as may be set by the Town Clerk. in the Town Clerk's Office, for: "Town Hall – Tyler Street Elevator Upgrades "for the Town of West New York in accordance with specifications for "Town Hall – Tyler Street Elevator Upgrades".

Resolution
Re: Authorizing the Town Clerk to Advertise to Receive Bids for
"2009 NJDOT Safe Routes to Schools Improvements"

NOW, THEREFORE, BE IT RESOLVED that the Town Clerk be and she is hereby authorized and directed to advertise for the receiving of bids at such time as may be set by the Town Clerk. in the Town Clerk's Office, for: " 2009 NJDOT Safe Routes to Schools Improvements" for the Town of West New York in accordance with specifications for "2009 NJDOT Safe Routes to Schools Improvements"

Resolution
Re: Qualification of Firms for the provision of
Various Legal Services

WHEREAS, the Town of West New York has followed the fair and open process under the New Jersey Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.5 *et seq.* for receiving Requests for Qualifications; and

WHEREAS, the Town of West New York issued a Request for Qualifications for the following professional legal services:

Municipal Court Public Defender
Alternate Municipal Court Public Defender
Municipal Prosecutor
Alternate Municipal Prosecutor

in accordance with the requirements of N.J.S.A. 19:44A-20.4, *et. seq.* on or before March 2, 2010, for the provision of such legal services; and

March 17, 2010
Regular Meeting

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

WHEREAS, the Town of West New York received and opened Statements of Qualifications for those positions on March 15, 2010; and

WHEREAS, pursuant to the Request for Qualifications, the Town's received Statements of Qualifications from the following for such services as follows as of the appointed time:

Municipal Court Public Defender
Campbell Ortiz, LLC
Philippe Kouissas, Esq.
Mario M. Blanch, Esq.

WHEREAS, pursuant to the Request for Qualifications, the Town's Review Team conducted a review of the responses received and recommends that the firms listed below be deemed qualified to provide legal services based on the Statements of Qualifications received, as follows:

Municipal Court Public Defender
Campbell Ortiz, LLC

NOW, THEREFORE, BE IT RESOLVED, Mayor and Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey, that the following firms be and are hereby qualified to render professional legal services on behalf of the Town of West New York for the next year as herein described:

Municipal Court Public Defender
Campbell Ortiz, LLC

BE IT FURTHER RESOLVED that all Mayor and his designee are hereby authorized to transmit formal or informal requests for proposals to any of the above qualified firms, as necessary, for the performance of professional legal services, as qualified that may be required by the Town, up through June 30, 2010.

Resolution
Re: Authorization Of Settlement Of Matter Docketed In The Superior Court
Of New Jersey As HUD-L-3400-09 captioned Versailles Apartment Corp
v. Town Of West New York et al

WHEREAS, the Versailles Apartment Corp brought suit against several parties including the Town of West New York and its department of Fire Safety related to the Town's issuance of a Notice of Violations and Order to Correct, and Notice of Order to Pay Daily Penalty and Abate Violations to plaintiff Versailles Apartment Corp. citing Versailles for "illegal removal of fire protection system from the garage area" in violation of N.J.A.C. 5:70-2.12(b)4.ii, and ordering that the "system must be restored"; and

WHEREAS, the Town has filed an answer in such action;

WHEREAS, the parties to the above referenced suit have participated in negotiations related to the claims in such action; and

WHEREAS, based on the discussions that have occurred a draft settlement has been proposed, a copy of which is attached hereto; and

WHEREAS, as part of the settlement negotiations, Versailles has submitted plans and documents in

March 17, 2010
Regular Meeting

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

a specific proposal to the Town of West New York Fire Official and Construction Official for the remediation of conditions created by the removal of the fire protection system from the garage area and to achieve compliance; and

WHEREAS, the Board agrees that the entry of a settlement agreement, in a form substantially similar to the one attached hereto, is in furtherance of the efficient operation of the Town and the health, safety and welfare of the community;

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

1. The above recitals are incorporated herein as if set forth at length.
2. The Town Attorney be and he is hereby authorized to execute an agreement substantially in form attached hereto, in a form acceptable to the Town as evidenced by the Town Attorney's signature thereon.
3. A copy of this resolution shall be kept on file in the office of the Municipal Clerk.

Note: Mayor Vega abstained on vote for above Resolution.

BUCKALEW FRIZZELL & CREVINA LLP
Heritage Plaza I
55 Harristown Road, Suite 205
Glen Rock, New Jersey 07452
(201) 612-5200
Attorneys for Plaintiff
VERSAILLES APARTMENT CORP.

VERSAILLES APARTMENT CORP.,

Plaintiff,

vs.

CONSTRUCTION BOARD OF APPEALS OF
HUDSON COUNTY, TOWN OF WEST NEW
YORK AND TOWN OF WEST NEW YORK
BUREAU OF FIRE SAFETY,
DEPARTMENT OF PUBLIC WORKS

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - HUDSON COUNTY

Docket No. HUD-L-3400-09

March 17, 2010
Regular Meeting

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

CIVIL ACTION

STIPULATION OF SETTLEMENT

WHEREAS, on September 22, 2008, defendants Town of West New York and Town of West New York Bureau of Fire Safety, Department of Public Works issued a Notice of Violations and Order to Correct, and Notice of Order to Pay Daily Penalty and Abate Violations to plaintiff Versailles Apartment Corp. ("Versailles"), citing Versailles for "illegal removal of fire protection system from the garage area" in violation of N.J.A.C. 5:70-2.12(b)4.ii, and ordering that the "system must be restored"; and

WHEREAS, Versailles maintained that a sprinkler system was not required in its garage; and

WHEREAS, Versailles further maintained that it had relied on permission that it obtained in March 1991 from the Town of West New York's Fire Official to remove the remnants of a non-operational sprinkler system in the building's garage; and

WHEREAS, Versailles filed an appeal to defendant Construction Board of Appeals of Hudson County; and

WHEREAS, a hearing was held before defendant Construction Board of Appeals of Hudson County on December 1, 2008, and was continued on June 1, 2009; and

WHEREAS, by Resolution dated June 1, 2009, defendant Construction Board of Appeals of Hudson County affirmed the Notice of Violation; and

WHEREAS, on July 6, 2009, Versailles filed this action in lieu of prerogative writ against defendant, Construction Board

March 17, 2010
Regular Meeting

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

of Appeals of Hudson County, and subsequently amended its complaint to add defendants Town of West New York and Town of West New York Bureau of Fire Safety, Department of Public Works; and

WHEREAS, Versailles has submitted plans and documents in a specific proposal to the Town of West New York Fire Official and Construction Official, which includes cutting openings in the south wall of Versailles' parking garage, to meet all criteria to be considered an "open parking garage" under section 406.3 of the New Jersey Edition of the International Building Code, for which a sprinkler system is not required; and

WHEREAS, Versailles' proposal also includes the installation of additional standpipes, increased closed-circuit camera coverage, signage and lighting; and

WHEREAS, the Town of West New York Fire Official and Construction Official have approved of the concept of Versailles' proposal, subject to The Versailles' formal submission of plans that contain measurements and calculations complying with the code requirements for an "open parking garage" under International Building Code 406.3; and

WHEREAS, the parties have resolved the issues among themselves and have settled their dispute;

NOW, THEREFORE, on this ____ day of _____ 2010, the parties stipulate and agree as follows:

1. Versailles shall submit plans, supporting materials and applications for permits to the Town of West New York Fire

March 17, 2010
Regular Meeting

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

Official and Construction Official, together with the appropriate permit fees by May 15, 2010 for the agreed upon work;

2. The Town of West New York Fire Official and Construction Official shall review the materials submitted by June 15, 2010;

3. As long as the plans' measurements and calculations comply with the Code requirements such that upon completion of the work the Versailles garage will qualify as an "open parking garage" under International Building Code 406.3, the Town of West New York Fire Official and Construction Official shall approve the permits sought;

4. If the Town of West New York Fire Official and Construction Official have an objection to any portion of the applications for permits, they shall so advise Versailles as soon as possible but no later than June 15, 2010 of the specific objection so that Versailles may revise the plans or otherwise address the concerns raised;

5. If either The Versailles or the Town of West New York fire Official or Construction Official require additional time beyond the timeframes set forth in paragraphs 1, 2 and 4 above, the party requiring more time shall provide written notice to the other party, and reasonable extensions shall be granted;

6. Upon issuance of the permit(s), Versailles shall proceed with the construction and full implementation of the plans, which shall include the complete removal of any remnants of a previous fire sprinkler in the garage and all associated equipment;

March 17, 2010
Regular Meeting

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

7. Defendants Town of West New York and Town of West New York Bureau of Fire Safety, Department of Public Works, hereby dismiss without prejudice the September 22, 2008 Notice of Violations and Order to Correct, as well as the Notice of Order to Pay Daily Penalty and Abate Violations, with no fines or penalties having been assessed against or to be paid by Versailles;

8. Versailles and all parties to this Stipulation will promptly execute a Stipulation of Dismissal Without Prejudice of the instant action in lieu of prerogative writ, and Versailles shall file said Stipulation of Dismissal Without Prejudice with the Court;

9. All claims, rights, and defenses of all parties to this Stipulation of Settlement shall be preserved, in the event that the parties do not agree on a plan, and/or the Town of West New York does not issue a permit to Versailles, or that Versailles fails to complete the work in accordance with the plans within a reasonable time. The Town of West New York and the Town of West New York Bureau of Fire Safety, Department of Public Works shall not be barred from re-issuing a Notice of Violation to Versailles in the event that Versailles fails to perform its obligations under this agreement; and Versailles shall not be barred, on the basis of the entire controversy doctrine, res judicata, collateral estoppel, statute of limitations, or any other affirmative defense, from asserting any and all claims or raising any and all defenses to the Notice of Violation, including those that it previously raised before the Construction Board of Appeals of Hudson County and/or in the

March 17, 2010
Regular Meeting

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

instant lawsuit; furthermore, if the matter is brought to the Hudson County Construction Board of Appeals, it shall be treated for procedural reasons as a new application, but there shall be no limitations on the claims or defenses raised by either party;

10. This Stipulation of Settlement shall be construed in accordance with the procedural and substantive laws of the State of New Jersey;

11. This Stipulation of Settlement is the result of extensive negotiations between the parties. It is hereby agreed that this Stipulation of Settlement shall not be considered the exclusive product of one or the other of the parties and no provision of this Stipulation of Settlement shall be construed for or against either party with respect to whom may have drafted this Stipulation of Settlement;

12. This Stipulation of Settlement constitutes the entire agreement between the parties and there are no other terms, understandings, obligations, covenants, representations, statements, conditions or inducements, oral or otherwise of any kind whatsoever. No change or addition is to be made to this Stipulation of Settlement except in a written document executed by the parties hereto and/or those persons authorized to sign on behalf of any party to this Stipulation of Settlement. The requirement for such a writing shall apply to any waiver of the requirement of a written modification pursuant to this Paragraph and shall be deemed an essential term of the Stipulation of Settlement;

13. This Stipulation of Settlement may be executed in several counterparts, each of which shall be an original, but

March 17, 2010
Regular Meeting

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

all of which shall constitute one and the same instrument.

14. This Stipulation of Settlement has been executed on behalf of all parties by their proper corporate or municipal officers/directors/managers, pursuant to the authority of their respective governing boards or bodies. The parties acknowledge that they respectively have the power to enter into this Stipulation of Settlement, and the parties acknowledge that each has entered into this Stipulation of Settlement in reliance upon that representation. The parties further acknowledge that each of them has entered into this Stipulation of Settlement in reliance upon all of the other terms and conditions contained in this Stipulation of Settlement.

15. This Stipulation of Settlement shall be binding upon and shall inure to the benefit of the respective parties hereto and their respective heirs, executors, successors, and/or assignees respectively.

16. The parties acknowledge that this is a fair agreement and that it is not the result of any fraud, duress or undue influence exercised by any of the parties or any third persons upon any of the parties or upon some third party. Plaintiff Versailles has been represented by Buckalew Frizzell & Crevina LLP; Defendants Town of West New York and Town of West New York Bureau of Fire Safety, Department of Public Works have been represented by Waters, McPherson, McNeill, P.C., and Defendant Construction Board of Appeals of Hudson County has been represented by Frank Vaccarino, Esq.

IN WITNESS WHEREOF, the parties, have caused this Stipulation of Settlement to be signed by their proper officers,

March 17, 2010
Regular Meeting

Consent Agenda (Cont.):

RESOLUTION
Authorizing Application to the Local Finance Board and Division of Local
Government Services For the Termination of Limited Oversight of the Finances
of the Town of West New York Pursuant To N.J.S.A. 52:27BB-54

WHEREAS, under N.J.S.A. 52:27BB-54 et seq., the Local Finance Board and the Director of the Division of Local Government Services may assume and exercise supervision over the financial affairs of a municipality in unsound financial condition under specific conditions set forth in N.J.S.A. 52:27BB-55 and in accordance with the procedures set forth in N.J.S.A. 52:27BB-56; and

WHEREAS, the Board of Commissioners of the Town of West New York by resolution of February 2009 determined that certain conditions existed in the Town which substantially jeopardized the fiscal Integrity of the municipality; and

WHEREAS, the Board of Commissioner made such application on the belief that:

- (a) It was, under the conditions then existing in the public Interest to place the Town's finances under limited State supervision;
- (b) It was, under the conditions then existing in the public Interest to authorize the actions provided for herein, including the authorization of applications for waivers from the Local Finance Board;
- (c) The actions then authorized were required in order for the Town to adopt a budget for Fiscal Year 2009; and
- (d) Such actions were essential to the ability of the Town to provide uninterrupted essential public services for the needs of the inhabitants of the Town; and

WHEREAS, a petition for such supervision was filed in the Superior Court on March 27, 2009; and

WHEREAS, the Board of Commissioners applied to the Local Finance Board ("LFB") for its review and/or approval to act under the Local Government Supervision Act and assumed and exercise supervision of the financial affairs of the Town of West New York as set forth in N.J.S.A. 52:27BB-54, pursuant to a Consent Order ; and

WHEREAS, pursuant to a Consent Judgment filed March 27, 2009 and Resolution of the Local Finance Board dated April 2009, the LFB assumed and exercised supervision of the financial affairs of the Town of West New York as set forth in N.J.S.A. 52:27BB-54, and the terms of the Consent Judgment and Resolution; and

WHEREAS, since that time the following has occurred:

- (a) The Town has eliminated a structural deficit of approximately \$8 Million and generated a small surplus;
- (b) Expenditures are now in line with revenues and operating expenditures have been reduced by approximately \$1,000,000;
- (c) Steps were taken to reduce the size of the workforce by 98 persons, resulting in a substantial savings in salary and benefit costs;
- (d) The Police Department was reorganized by reducing the number of police supervisors achieving a better allocation of resources for the protection of the public;

March 17, 2010
Regular Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

- (e) The Town has presented for approval to the State, and the State has approved two-consecutive budgets which have maintained essential services;
- (f) The Town has avoided the need for short-term working capital borrowing;
- (g) \$2.45 million in extraordinary state-aid has been applied to reduce the burden on taxpayers;
- (h) The Town's finances have been properly organized so as to comport with accepted and transparent municipal accounting practices after a thorough review of same, with the assistance of the State; and

WHEREAS, after one year of state control the Division of Local Government Services has requested the Board of Commissioners formally ask that state control be ended; and

WHEREAS, on the basis of the foregoing the Board of Commissioners is of the opinion that the conditions that required state supervision have been rectified, no longer exist, and that the integrity of the Town's financial operations has been restored;

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

1. The Mayor, the Commissioner of Revenue and Finance, the Town Administrator, the Town Auditor, and the Town Attorney, along with other representatives of the Town as may be required to act are authorized to take all actions necessary to secure the termination of supervision of the Town's finances by the Director of the Division of Local Government Services, and the Local Finance Board.
2. The Mayor is hereby authorized to make application to the Local Finance Board and the Director of the Division of Local Government Services for the termination of State supervision.
3. The aforesaid officials and agents of the Town shall take all necessary and appropriate actions in furtherance of termination of such supervision as in their judgment shall be necessary to accomplish the basis for and implement the purposes of termination of State supervision.
4. The aforesaid officials and agents of the Town are further authorized to cooperate fully with the Director of the Division of Local Government Services and with the Local Finance Board in the implementation of the termination of supervision.
5. A copy of this resolution shall be kept on file in the office of the Town Clerk.

RESOLUTION

**Re: Authorizing Municipal Administrator to Negotiate Earned
Compensatory Rights and Salary Deferrals**

WHEREAS, various employees of the Town have provided years of public service and have earned substantial vested benefits and salary compensatory rights ("Earned Compensatory Rights") as to which the Town is obligated to honor at the cessation of such employee's employment with the Town; and

March 17, 2010
Regular Meeting

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

WHEREAS, a review of the past method and practice of honoring such earned compensatory rights reveals that such methods and practices, though generally accepted throughout the State, adversely affect the operation of the Town; and

WHEREAS, a review of the financial interests of the Town under the past compensation regime indicates the existence of a continued potential of unnecessary financial and administrative burdens to the Town should such earned compensatory rights be paid in lump sums prior to or upon the cessation of such employee's employment with the Town; and

WHEREAS, such manner of honoring earned compensatory rights also results in unnecessary operational burdens upon the Town when employees choose to utilize Earned Compensation Rights prior to the termination date of their employment in order to avoid increased personal tax burdens; and

WHEREAS, it is in the best interests of the taxpayers of the Town of West New York to mitigate any potential financial or operational burden occasioned by the cessation of employment of town employees and the honoring of earned compensatory rights; and

WHEREAS, the Board of Commissioners is of the opinion that providing qualified employees the opportunity to take their earned time over a period of years after their cessation of employment would result in a benefit to the Town and such employee; and

WHEREAS, the Board of Commissioners is of the opinion that the negotiation of such plans on a case-by-case basis is in the best interests of the Town of West New York as such a plan would promote efficiency and economic savings, while enhancing Town operations, resulting in a significant cost savings to the Town and avoiding unnecessarily adverse financial burdens on the Town or Town employees;

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

1. The Municipal Administrator, with the advice of and consultation with the Town Attorney, is hereby authorized negotiate separate agreements with any Town Employee for the payment of earned compensatory rights post-cessation of employment, for a minimum payment period of two-year and maximum payment period of ten years post cessation of employment
2. No inducements for retirement shall be negotiated.
3. The Agreements to be provided for hereunder are intended to be in the nature of contracts binding upon the Town and subject to the yearly appropriation of funds.
4. The Municipal Administrator shall present any such negotiated agreement to the Board of Commissioners for the Board's approval.
5. A copy of this resolution shall be kept on file with the office of the Municipal Clerk.

March 17, 2010
Regular Meeting

Consent Agenda (Cont.):

Resolution
Re: Repealing Resolution adopted on 6/20/07
(Restricted Parking for Handicapped Resident) as follows:
425-62nd Street, WNY (Chris Santos)

Whereas, the governing body of the Town of West New York adopted a Resolution on June 20, 2007 establishing restricted parking for use by a handicapped resident; 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:

425-62nd Street, WNY (Chris Santos)

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.

Resolution
Re: Repealing Resolution adopted on 6/17/09
(Restricted Parking for Handicapped Resident) as follows:
6515 Palisade Avenue, WNY (John Salazar)

Whereas, the governing body of the Town of West New York adopted a Resolution on June 17, 2009 establishing restricted parking for use by a handicapped resident; 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:

6515 Palisade Avenue, WNY (John Salazar)

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.

Resolution
Re: Repealing Resolution adopted on 2/16/05
(Restricted Parking for Handicapped Resident) as follows:
6600 Broadway #3A, WNY (Arthur Fischer)

Whereas, the governing body of the Town of West New York adopted a Resolution on February 16, 2005 establishing restricted parking for use by a handicapped resident; and

Whereas, the handicapped person involved has either moved or died since implementation of above mentioned resolution;

March 17, 2010
Regular Meeting

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

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:

6600 Broadway #3A, WNY (Arthur Fischer)

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.

Resolution
Re: Repealing Resolution adopted on 6/15/05
(Restricted Parking for Handicapped Resident) as follows:
6112 Park Avenue, WNY (Michael C. Lacenere)

Whereas, the governing body of the Town of West New York adopted a Resolution on June 15, 2005 establishing restricted parking for use by a handicapped resident; 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:

6112 Park Avenue, WNY (Michael C. Lacenere)

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.

Resolution
Re: Cancellation of taxes
(6308 Jackson Street)

WHEREAS, property located at 6308 Jackson Street also known as block 153 lot 14 had a fire in the year of 2007; and

WHEREAS, in 2009 there was a demolition on property located at 6308 Jackson Street a/k/a block 153 lot 14 due to the fire in 2007; and

WHEREAS, the 2009 Taxes were overbilled by \$3,406.58 due to the demolition of the building.

NOW THEREFORE, BE IT RESOLVED, that the Tax Collector is hereby authorized to cancel the over bill and the taxes for 2009 are to be \$6,927.00.

March 17, 2010
Regular Meeting

Consent Agenda (Cont.):

RESOLUTION
RE: REFUNDS OF OVERPAYMENT OF TAXES

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

WHEREAS, it is necessary to make appropriate refunds for such overpayments;
NOW, THEREFORE BE IT RESOLVED that the following refunds be made with respect to the designated properties and the Collector of Taxes be and she is hereby authorized to adjust her records accordingly.

NAME	BLOCK/LOT	AMOUNT	SFY
Miles M. Hunter, Esq.	38/9 C019H	\$2,879.66	2010
Sauma Group	51/12	\$6,927.90	2010
Sauma Group, Inc.	51/14	\$2,702.08	2010
Sauma, Jacques	163/12	\$3,462.99	2010
Strauss, Robert	168.01/7.06 C0323	\$307.53 \$429.66	2007 2010
Machuca, Nelly	96/10 C00D1	\$247.17	2009
Liss, Steve & Cecilia	35/1 C001A	\$250.00	2010
Chiquito, Maria Elisa	115/7 C0208	\$255.63	2009
Sperber, Brenda M.	23/9 C003R 23/9 C001L	\$483.02 \$483.02	2010 2010
	GRAND TOTAL	\$18,428.66	

RESOLUTION
RE: REFUNDS OF TAX LIEN PREMIUMS

WHEREAS, the investor named below has previously purchased a Tax Sale Certificate from the Town of West New York; and

WHEREAS, the investor paid a premium to the Collector of Taxes for said Tax Sale Certificate at the time of the sale; and

WHEREAS, the certificate has now been redeemed and the investor is entitled to a refund of said premium pursuant to N.J.S.A. 54:5-33.

NOW, THEREFORE, BE IT RESOLVED that said premium be paid to the investors in the following amounts, and the Department of Revenue and Finance is hereby, authorized to issue said refund.

March 17, 2010
Regular Meeting

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

NAME	BLOCK/LOT	CERT.#	AMOUNT
PLYM PK. TAX SRVS.	52/8.02	07-057	\$4000.00
	107/12	09-146	\$300.00
	25/10	09-038	\$1,100.00
PAM INVESTORS	44/9	04-0013	\$1500.00
	136/2	09-181	\$100.00
		GRAND TOTAL	\$7000.00

RESOLUTION
RE: TAX CORRECTIONS FOR VARIOUS PROPERTIES

WHEREAS, a payment was received in the amount of \$2,010.65 for property located at 26 Avenue At Port Imperial A/K/A block 168.01 lot 8.03 C0207 for 4th quarter 2009 PILOT tax bill and;

WHEREAS, the said payment should have been made to pay the 1ST quarter 2010 tax bill on property located at 20 Avenue at Port Imperial A/K/A block 168.01 lot 7.06 C0101

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to move the said payments and adjust her records accordingly.

RESOLUTION
RE: HUDSON COUNTY BOARD OF TAXATION TAX APPEALS

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

WHEREAS, the Hudson County Board of Taxation by their judgment has reduced the said assessments levied upon the said properties; and;

WHEREAS, said judgment of reduction in the Tax Assessment has caused an overpayment of taxes collected by the Town of West New York, relating to said respective properties.

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

NAME	BLOCK-LOT	AMOUNT	FY
Michael I. Schneck Trustee For CKI RLTY Corp..	57/9	\$2,770.80	2010
Michael I. Schneck Trustee For Palpark Corp.	39/1	\$3,341.50	2010
Seth I. Davenport Atty. for Martinez, Juan & Lucelly	36/32	\$1,670.75	2010

March 17, 2010
Regular Meeting

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

Rojas, Jorge & Lilia Gonzalez	40/29	\$5,675.50	2010
Nashel & Nashel Trust Account	34/4	\$692.70	2010
Nashel & Nashel Trust Account	18/22	\$1,385.40	2010
Nashel & Nashel Trust Account	117/13	\$2,078.10	2010
Nashel & Nashel Trust Account	142/31	\$2,078.10	2010
Nashel & Nashel Trust Account	28/4 C0008	\$290.93	2010
Nashel & Nashel Trust Account	28/4 C0005	\$290.93	2010
Nashel & Nashel Trust Account	28/4 C0003	\$235.52	2010
Nashel & Nashel Trust Account	57/11	\$3,463.50	2010
Venino & Venino Atty's for Ezy Corp.	134/7 C0COM	\$207.81	2010
	GRAND TOTAL	\$24,181.54	

RESOLUTION
RE: REFUNDS OF TAX LIEN REDEMPTIONS

WHEREAS, the investor named below has previously purchased a Tax Sale Certificate from the Town of West New York; and

WHEREAS, the Collector of Taxes for the said Tax Sale Certificates has received the full amount for redemption pursuant to N.J.S.A. 54:5-60.

WHEREAS, the certificate has now been redeemed and the investor is entitled to a refund of said redemption amounts pursuant to N.J.S.A. 54:5-58.

NOW, THEREFORE, BE IT RESOLVED that said redemption amounts be paid to the investors in the following amounts, and the Collector of Taxes is hereby authorized to issue said refunds.

Name	Block/lot	Cert#	Amount
PLYM. PK. TAX SRVS.	52/8.02	07-057	\$41,573.12
	107/12	09-146	\$18,549.41
	25/10	09-038	\$1,989.42
U.S. BANK-CUST/ SASS MUNI V DTR.	108/18	07-084	\$12,015.50
	108/18	08-096	\$4,947.50
MOORING TAX ASSET GROUP, LLC	83/7 CG022	09-118	\$628.78

March 17, 2010
Regular Meeting

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

PAM INVESTORS	44/9	04-0013	\$7,696.05
ROBERT U. DEL VECCHIO	107/34	09-148	\$2,477.14
PENSION TRUST	107/34	08-095	\$351.03
U.S. BANK CUST FOR CCTS CAPITAL, LLC	128/24	09-173	\$623.77
PAM INVESTORS	136/2	09-181	\$631.33
	86/30	09-123	\$825.96
	168.01/1.26 C0522	09-237	\$744.26
ISAAC MORADI	84/34	09-121	\$512.74
	155/24	09-220	\$570.86
		GRAND TOTAL	\$94,136.87

RESOLUTION
RE: REFUND STATE TAX APPEALS

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	SFY
Lee W. Turner Atty. Roseland Port Imp.	168.01/11	\$9,370.00	2006
	Grand Total	\$9,370.00	

March 17, 2010
Regular Meeting

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

RESOLUTION
RE: TAX ADJUSTMENT
(305 – 65th Street)

WHEREAS, 1st quarter 2008 tax bill in the amount of \$3,041.67 was sent out for property located at 55 63rd Street a/k/a block 21 lot 6 and

WHEREAS, 4TH quarter 2009 added assessment tax bill in the amount of \$2,299.76 was sent out for property located at 305 65th Street a/k/a block 30 lot 9 and

WHEREAS, subsequent to the mailing of the tax bill the property was subdivided into 55 63rd Street a/k/a block 21 lots 6.02 reflecting a double billing.

WHEREAS, The Tax Assessor's office placed the added assessment on the wrong property for property located at 305 65th Street a/k/a block 30 lot 9.

THEREFORE, BE IT RESOLVED, that the Tax Collector is hereby authorized to cancel the stated tax amounts and adjust her records accordingly.

RESOLUTION
RE: TAX ADJUSTMENT
(6110 Monitor Place)

WHEREAS, property located at 6110 Monitor Place a/k/a as block 36 lot 9 entered a Tax Appeal with the Tax Assessor's office and The Hudson County Board of Taxation; and

WHEREAS, the taxpayer was successful with their appeal being granted a reduction in their assessment; and

WHEREAS, the 2010 1st and 2nd quarter Tax Bill did not reflect this reduction causing the taxpayer to be over charged on his 1st and 2nd quarter.

NOW THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to adjust the 1st and 2nd quarter 2010 for property located at 6110 Monitor Place a/k/a block 36 lot 9 to reflect the Hudson County Board of Taxation Judgment.

March 17, 2010
Regular Meeting

Ordinance #3/10

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

Note: At the request of Mayor Vega, Town Attorney Horgan read the title of the foregoing Ordinance aloud.

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

No one wished to be heard.

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

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

Ordinance #4/10

An Ordinance repealing Chapter 245 of the Code of the Town of West New York entitled: Loitering

Note: At the request of Mayor Vega, Town Attorney Horgan read the title of the foregoing Ordinance aloud.

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

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

Notice
Ordinance #4/10

An Ordinance repealing Chapter 245 of the Code of the Town of West New York entitled: Loitering

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 17, 2010 and ordered published, and will be further considered before final passage at a public hearing on April 21, 2010 at 7:00 p.m. at the Court Chambers, Municipal Building, West New York, New Jersey. A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, New Jersey.

Note: Town Attorney Horgan read the foregoing Notice aloud.

March 17, 2010
Regular Meeting

Ordinance #5/10

An Ordinance establishing fee for Elevator Subcode Enforcement

Note: At the request of Mayor Vega, Town Attorney Horgan read the title of the foregoing Ordinance aloud.

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

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

Notice
Ordinance #5/10

An Ordinance establishing fee for Elevator Subcode Enforcement

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 17, 2010 and ordered published, and will be further considered before final passage at a public hearing on April 21, 2010 at 7:00 p.m. at the Court Chambers, Municipal Building, West New York, New Jersey. A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, New Jersey.

Note: Town Attorney Horgan read the foregoing Notice aloud.

Ordinance #6/10

An Ordinance repealing Ordinance #2066 entitled:
“An Ordinance establishing restricted parking in front
Of one (1) residence for use by a handicapped resident”
(221 – 67th Street, WNY)

Note: At the request of Mayor Vega, Town Attorney Horgan read the title of the foregoing Ordinance aloud.

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

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

March 17, 2010
Regular Meeting

Notice
Ordinance #6/10

An Ordinance repealing Ordinance #2066 entitled:
“An Ordinance establishing restricted parking in front
Of one (1) residence for use by a handicapped resident”
(221 – 67th Street, WNY)

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 17, 2010 and ordered published, and will be further considered before final passage at a public hearing on April 21, 2010 at 7:00 p.m. at the Court Chambers, Municipal Building, West New York, New Jersey. A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, New Jersey.

Note: **Town Attorney Horgan read the foregoing Notice aloud.**

Ordinance #7/10

An Ordinance repealing Ordinance #2026 entitled:
“An Ordinance establishing restricted parking in front
Of one (1) residence for use by a handicapped resident”
(104 – 62nd Street, WNY)

Note: **At the request of Mayor Vega, Town Attorney Horgan read the title of the foregoing Ordinance aloud.**

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

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

Notice
Ordinance #7/10

An Ordinance repealing Ordinance #2026 entitled:
“An Ordinance establishing restricted parking in front
Of one (1) residence for use by a handicapped resident”
(104 – 62nd Street, WNY)

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 17, 2010 and ordered published, and will be further considered before final passage at a public hearing on April 21, 2010 at 7:00 p.m. at the Court Chambers, Municipal Building, West New York, New Jersey. A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, New Jersey.

Note: **Town Attorney Horgan read the foregoing Notice aloud.**

March 17, 2010
Regular Meeting

Ordinance #8/10

An Ordinance entitled 2010/2012 Salary Ordinance

Note: At the request of Mayor Vega, Town Attorney Horgan read the title of the foregoing Ordinance aloud.

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

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

Notice
Ordinance #8/10

An Ordinance entitled 2010/2012 Salary Ordinance

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 17, 2010 and ordered published, and will be further considered before final passage at a public hearing on April 21, 2010 at 7:00 p.m. at the Court Chambers, Municipal Building, West New York, New Jersey. A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, New Jersey.

Note: Town Attorney Horgan read the foregoing Notice aloud.

Note: Mayor Vega inquired as to whether there is any other business to which Town Attorney responded "No".

Mayor opened the Public Portion.

Public Portion:

1. Kenneth Blane, 6040 Blvd. East, WNY:

Mr. Blane thanked the Mayor and Board of Commissioners for approving resolution authorizing placement of banner for ARC of Hudson County. Mr. Blane stated that said organization assists the neighborhood and the mentally disabled. Mr. Blane advised that a portion of proceeds for any persons who eat at Apple Bees will be donated to the ARC of Hudson County.

March 17, 2010
Regular Meeting

At 7:25 p.m., a motion was made by Commissioner Riccardi, seconded by Commissioner Lopez to close the public portion and adjourn the meeting, was carried by the following vote:

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

Commissioner Gerald A. Lange, Jr.

Commissioner Michelle Fernandez Lopez

Commissioner Lawrence Riccardi

Commissioner Alberto Rodriguez

Mayor Silverio A. Vega
Board of Commissioners

Attest: _____
Luisa Gomez,
Deputy Town Clerk