

**May 10, 2010**  
**Special Meeting**

PLEASE TAKE NOTICE that a Special Meeting will be held by the Board of Commissioners of the Town of West New York, New Jersey, on Monday, March 10, 2010 at 12:00 noon (NO WORK SESSION), in the Mayor's Conference Room, Municipal Building, West New York, New Jersey, for the purpose of considering the following business:

1. AWARDING RESOLUTION RE: Professional Services Agreement for Professional Financial Consultant with Brian O'Reilly
2. RESOLUTION RE: Amendment/Change Order No.1 of Professional Services Contract for the Services of Town Attorney with Waters, McPherson, McNeill, P.C.
3. RESOLUTION RE: Amendment/Change Order No.1 of Professional Services Contract for the Services of Tenants Advocacy Attorney with Campbell, Ortiz, L.L.C.
4. RESOLUTION RE: Amendment/Change Order No. 2 of Professional Services Contract for the Services of Assistant Town Attorney with Chasan, Leyner & Lamparello, P.C.
5. RESOLUTION RE: Amendment/Change Order No.1 of Professional Services Contract for the Services of Labor Counsel with David F. Corrigan, Esq.
6. RESOLUTION RE: Amendment/Change Order No.1 of Professional Services Contract for the Services of Special Personnel Counsel with Dorf & Dorf, P.C.

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

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

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

Commissioner Gerald Lange, Jr.  
Commissioner Michelle Fernandez Lopez  
Commissioner Lawrence Riccardi  
Commissioner Alberto Rodriguez  
Mayor Silverio A. Vega  
Board of Commissioners

Attest: Carmela Riccie, RMC  
Town Clerk

Present: Commissioners Lange, Lopez, Riccardi, Rodriguez and Mayor Vega  
Absent: None  
Also Present: Jorge DeArmas, Esq. (on behalf of Town Attorney Daniel Horgan),  
Town Administrator Joseph McConnell and Town Clerk Carmela Riccie

Meeting commenced at 12:05 p.m.

At the request of Mayor Vega, Town Clerk Carmela Riccie read the following announcement aloud:

As presiding officer of this meeting I do hereby certify that the requirements of the Open Public Meetings Act pertaining to this meeting scheduled to be held this: Monday, March 10, 2010 at 12:00 noon (No Work Session) in the Mayor's Conference Room, Municipal Building have been satisfied by the delivery of the 48 hour notice to each of the newspapers circulating in the Town of West New York (The Jersey Journal and the Bergen Record); by posting in the Municipal Building on the Municipal Bulletin Board; and by filing with the Clerk of the Municipality with copies to all persons desiring the same.

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

**May 10, 2010**  
**Special Meeting**

**Consent Agenda**

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

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

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

**RESOLUTION**  
**RE: BUDGET TRANSFER Fiscal Year 2010**

BE IT RESOLVED that the proper officers are hereby authorized and instructed to make the following State Fiscal Year 2010 Budget Transfers from appropriations which have excess funds within the provisions of N.J.S.A. 40A: 4-58.

	<u>Transferred From</u>	<u>Transfer To</u>
Garbage & Trash		
Other Expenses/Contractual	\$ 285,000.00	
Law Department		
Other Expenses		\$ 285,000.00

**AWARDING RESOLUTION**  
**RE: Professional Services Agreement for Professional Financial Consultant**  
**with Brian O'Reilly**

WHEREAS, as a result of recommendations and findings of the municipal audit for fiscal year 2009, and as a condition of release from State Financial Supervision by the Local Finance Board, there is a need for a thorough review of past tax abatements that had been granted in connection with the redevelopment of the Town's waterfront; and

WHEREAS, the proper administration of tax abatement agreements is of critical importance to the Town and its finances, and a demonstrated need has been shown to exist for a thorough and in depth review of all aspects thereof; and

WHEREAS, there has been consultation with the Director of the Division of Local Government Services on a proposal for the conduct of such a review; and

WHEREAS, Brian O'Reilly has unique qualifications and the necessary experience in such matters and is available to provide his services to conduct such review and perform any related services as may become necessary; and

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

WHEREAS, Brian O'Reilly has undertaken a course of study in and has been certified and experience in the functions of a municipal clerk, county tax assessor, tax administrator, and public manager; and

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

WHEREAS, Brian O'Reilly possesses governmental certifications as Certified Public Manager, Registered Municipal Clerk, Certified County Tax Administrator, and Certified County Tax Assessor; and

WHEREAS, after consultation with its professional financial and legal advisers, and considering the proposal for the retention of the services of Brian O'Reilly as an independent consultant to the Town, the Commissioners have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to enter into a contract for the services of Brian O'Reilly to serve as Professional Financial Consultant and enter into a contract with Brian O'Reilly to provide such services to the Board of Commissioners; and

WHEREAS, this agreement has been awarded through a non-fair and open process pursuant to N.J.S.A. 19:44A-20.5, et seq., and Brian O'Reilly, having submitted and the Town having received a C. 271 Political Contribution Disclosure Form and Business Entity Disclosure Certification in the required form, and it hereby being acknowledged that there is a possibility that the amount to be expended under this agreement by the Town will exceed \$17,500.00; and

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

1. A professional services contract is hereby authorized between the Town and Brian O'Reilly for a term not to exceed one year and at a cost not to exceed Seventy Five Thousand Dollars (\$75,000), without further action of the Board, at the rate of \$50.00/hour, not to exceed thirty (30) hours per week.
2. The services to be performed shall be as outlined to the Director of the Division of Local Government Services by letter of April 12, 2010.
3. In the performance of the services, consultant shall serve as an independent consultant of the Board of Commissioners, as a whole, in the manner of an independent auditor. To ensure the performance of his obligations, and the full cooperation of all Town employees and officials, he shall coordinate his activities through the Mayor, as Board Representative. He may seek consultation with and advice from the Town Attorney on any matter he deems appropriate and necessary in the best interests of the Town. All municipal officials, employees and agents are directed to provide him their full cooperation in the performance of his duties and to provide him full access to all Town records and other information as may, in his sole judgment, be necessary, appropriate or proper for the performance of his duties.
4. The contract shall be substantially consistent with the form of contract attached to this Resolution, and such contract shall be executed by the Mayor on behalf of the Town.
5. A certified copy of this Resolution shall be provided by the Clerk to the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.
6. Notice of this award shall be published as may be required by law.

**Note:** Mayor Vega advised that he and Comm. Lange had a discussion with Local Finance Board, which required an audit of all Pilot Program agreements for waterfront properties. He advised that Mr. O'Reilly is being hired for that purpose.

**May 10, 2010**  
**Special Meeting**

**Consent Agenda (Cont.)**

**RESOLUTION**  
**Re: Amendment to Professional Services Contract**  
**for Town Attorney**  
**(Change Order #1)**

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

WHEREAS, a professional services contract (“Contract”) was entered into between the Town of West New York and Waters, McPherson, McNeill, P.C. as Town Attorney, pursuant to a Resolution awarding such professional service contract (exempt from public bidding pursuant to N.J.S.A. 40A:11-5 et seq.) through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, by Resolution, the Board of Commissioners approved an initial contract with Waters, McPherson, McPherson, P.C. in amount not to exceed \$340,000.00; and

WHEREAS, the contract entered into with Waters, McPherson, McNeill, P.C. required them to provide professional services to the Town as set out therein; and

WHEREAS, upon review of the services provided to the Town to date, the Municipal Administrator has recommended to the Board of Commissioners that the continued provision of these services is required for the efficient operation of the Town; and

WHEREAS, the Acting Chief Financial Officer has indicated that an increase in the amount of \$150,000.00 to the pre-approved not to exceed amount, for services provided and to be provided through the end of the term of the Contract for these services, is required and advisable; and

WHEREAS, this award was made without competitive bids; and

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

1. All services provided by Waters, McPherson, McNeill, P.C. through this date even are hereby ratified and approved.
2. The initial not to exceed amount of the Contract is increased by \$150,000.00. The new not to exceed amount of the Contract is \$490,000.00.
3. The Mayor shall be and is hereby authorized to execute an amendment to the agreement, by and between Waters, McPherson, McNeill, P.C.
4. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
6. A notice of this award shall be published as may be required by law.
7. A copy of this Resolution, and a copy of Change Order #1, upon execution by the Town, shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

**May 10, 2010**  
**Special Meeting**

**Consent Agenda (Cont.)**

**RESOLUTION**  
**Re: Amendment to Professional Services Contract**  
**for Tenants Advocacy Attorney**  
**(Change Order #1)**

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

WHEREAS, a professional services contract (“Contract”) was entered into between the Town of West New York and Campbell Ortiz, L.L.C. as Tenants Advocacy Attorney, pursuant to a Resolution awarding such professional service contract (exempt from public bidding pursuant to N.J.S.A. 40A:11-5 et seq.) through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq; and

WHEREAS, by Resolution, the Board of Commissioners approved an initial contract with Campbell Ortiz, L.L.C. in amount not to exceed \$15,000.00; and

WHEREAS, the contract entered into with Campbell Ortiz, L.L.C. required them to provide professional services to the Town as set out therein; and

WHEREAS, upon review of the services provided to the Town to date, the Municipal Administrator has recommended to the Board of Commissioners that the continued provision of these services is required for the efficient operation of the Town; and

WHEREAS, the Acting Chief Financial Officer has indicated that an increase in the amount of \$25,000.00 to the pre-approved not to exceed amount, for services provided and to be provided through the end of the term of the Contract for these services, is required and advisable; and

WHEREAS, this award was made without competitive bids; and

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

1. All services provided by Campbell Ortiz, L.L.C. through this date even are hereby ratified and approved.
2. The initial not to exceed amount of the Contract is increased by \$25,000.00. The new not to exceed amount of the Contract is \$40,000.00.
3. The Mayor shall be and is hereby authorized to execute an amendment to the agreement, by and between Campbell Ortiz, L.L.C.
4. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
6. A notice of this award shall be published as may be required by law.
7. A copy of this Resolution, and a copy of Change Order #1, upon execution by the Town, shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

**May 10, 2010**  
**Special Meeting**

**Consent Agenda (Cont.)**

**RESOLUTION**  
**Re: Amendment to Professional Services Contract**  
**for Assistant Town Attorney**  
**(Change Order #2)**

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

WHEREAS, a professional services contract (“Contract”) was entered into between the Town of West New York and Chasan, Leyner & Lamparello, P.C. as Assistant Town Attorney, pursuant to a Resolution awarding such professional service contract (exempt from public bidding pursuant to N.J.S.A. 40A:11-5 et seq.) through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, by Resolution, the Board of Commissioners approved an initial contract with Chasan, Leyner & Lamparello, P.C. in amount not to exceed \$58,100.00; and

WHEREAS, the contract entered into with Chasan, Leyner & Lamparello, P.C. required them to provide professional services to the Town as set out therein; and

WHEREAS, upon review of the services provided to the Town to date, the Municipal Administrator has recommended to the Board of Commissioners that the continued provision of these services is required for the efficient operation of the Town; and

WHEREAS, the Acting Chief Financial Officer has indicated that an increase in the amount of \$35,000.00 to the pre-approved not to exceed amount, for services provided and to be provided through the end of the term of the Contract for these services, is required and advisable; and

WHEREAS, this award was made without competitive bids; and

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

1. All services provided by Chasan, Leyner & Lamparello, P.C. through this date even are hereby ratified and approved.
2. The initial not to exceed amount of the Contract is increased by \$35,000.00. The new not to exceed amount of the Contract is \$93,100.00.
3. The Mayor shall be and is hereby authorized to execute an amendment to the agreement, by and between Chasan Leyner & Lamparello P.C.
4. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
6. A notice of this award shall be published as may be required by law.
7. A copy of this Resolution, and a copy of Change Order #2, upon execution by the Town, shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

**May 10, 2010**  
**Special Meeting**

**Consent Agenda (Cont.)**

**RESOLUTION**  
**Re: Amendment to Professional Services Contract**  
**for Labor Counsel**  
**(Change Order #1)**

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

WHEREAS, a professional services contract (“Contract”) was entered into between the David F. Corrigan, Esq. as Labor Counsel, pursuant to a Resolution awarding such professional service contract (exempt from public bidding pursuant to N.J.S.A. 40A:11-5 et seq.) through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, by Resolution, the Board of Commissioners approved an initial contract with David F. Corrigan, Esq. in amount not to exceed \$40,000.00; and

WHEREAS, the contract entered into with David F. Corrigan, Esq. required him to provide professional services to the Town as set out therein; and

WHEREAS, upon review of the services provided to the Town to date, the Municipal Administrator has recommended to the Board of Commissioners that the continued provision of these services is required for the efficient operation of the Town; and

WHEREAS, the Acting Chief Financial Officer has indicated that an increase in the amount of \$20,000.00 to the pre-approved not to exceed amount, for services provided and to be provided through the end of the term of the Contract for these services, is required and advisable; and

WHEREAS, this award was made without competitive bids; and

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

1. All services provided by David F. Corrigan, Esq. through this date even are hereby ratified and approved.
2. The initial not to exceed amount of the Contract is increased by \$20,000.00. The new not to exceed amount of the Contract is \$60,000.00.
3. The Mayor shall be and is hereby authorized to execute an amendment to the agreement, by and between David F. Corrigan.
4. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
6. A notice of this award shall be published as may be required by law.
7. A copy of this Resolution, and a copy of Change Order #1, upon execution by the Town, shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

**May 10, 2010**  
***Special Meeting***

**Consent Agenda (Cont.)**

**RESOLUTION**  
**Re: Amendment to Professional Services Contract**  
**for Special Labor Counsel**  
**(Change Order #1)**

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

WHEREAS, a professional services contract (“Contract”) was entered into between the Town of West New York and Dorf & Dorf, P.C. as Special Labor Counsel, pursuant to a Resolution awarding such professional service contract (exempt from public bidding pursuant to N.J.S.A. 40A:11-5 et seq.) through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, by Resolution, the Board of Commissioners approved an initial contract with Dorf & Dorf, P.C.. in amount not to exceed \$261,000.00; and

WHEREAS, the contract entered into with Dorf & Dorf, P.C.. required them to provide professional services to the Town as set out therein; and

WHEREAS, upon review of the services provided to the Town to date, the Municipal Administrator has recommended to the Board of Commissioners that the continued provision of these services is required for the efficient operation of the Town; and

WHEREAS, the Acting Chief Financial Officer has indicated that an increase in the amount of \$100,000.00 to the pre-approved not to exceed amount, for services provided and to be provided through the end of the term of the Contract for these services, is required and advisable; and

WHEREAS, this award was made without competitive bids; and

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

1. All services provided by Dorf & Dorf, P.C. through this date even are hereby ratified and approved.
2. The initial not to exceed amount of the Contract is increased by \$100,000.00. The new not to exceed amount of the Contract is \$361,000.00.
3. The Mayor shall be and is hereby authorized to execute an amendment to the agreement, by and between Dorf & Dorf, P.C.
4. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
6. A notice of this award shall be published as may be required by law.
7. A copy of this Resolution, and a copy of Change Order #1, upon execution by the Town, shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

**May 10, 2010**  
**Special Meeting**

**Consent Agenda (Cont.)**

**RESOLUTION**

**Re: Ratification and Approval of Agreement Concerning Payment of Past Employment Benefits between Janet Passante and Town of West New York, dated April 30, 2010**

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

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;

WHEREAS, by prior resolution the Board of Commissioners authorized the Municipal Administrator, with the advice of and consultation with the Town Attorney to 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; and

WHEREAS, Janet Passante who has been an employee of the Town since 1975, has elected to retire effective May 1, 2010, and has earned compensation that must be paid out by the Town regardless of any termination agreement; and

WHEREAS, such an agreement was negotiated in regards to the payment of earned compensation rights post-cessation for Janet Passante, to the benefit of the Town by minimizing the immediate fiscal burdens upon the Town if an immediate payment of such earned compensation would have otherwise have had to be made; and

WHEREAS does not provide for the payment of un-earned compensation;

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

**May 10, 2010**  
**Special Meeting**

**Consent Agenda (Cont.)**

**Resolution (Cont.):**

1. The above recitals are incorporated as if set forth at length herein.
2. The Agreement Concerning Payment of Payment of Past Employment Benefits between Janet Passante and Town of West New York, dated April 30, 2010, on file with the office of the Municipal Clerk is hereby ratified and approved.
3. This Agreement is in the nature of a contract, and is binding upon the Town and subject to the yearly appropriation of funds.
4. A copy of this resolution shall be kept on file with the office of the Municipal

**Note:** Mayor Vega explained that the above agreement is for payment of time accumulated during the De Fino Administration and Sires Administration, which payment will be made over a 30 month period (3 budget cycles). The Mayor further advised that in the future, if similar situations arise for retiring employees, the Town will review and reach similar agreements.

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

**Mayor opened the Public Portion.**

**Public Portion:**

**No one wished to be heard.**

It was regularly moved by Commissioner Riccardi, seconded by Commissioner Rodriguez, to close the public portion and adjourn the meeting at 12:09 p.m., was carried by the following vote:

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

\_\_\_\_\_  
Commissioner Gerald Lange, Jr.

\_\_\_\_\_  
Commissioner Michelle Fernandez Lopez

\_\_\_\_\_  
Commissioner Lawrence Riccardi

\_\_\_\_\_  
Commissioner Alberto Rodriguez

\_\_\_\_\_  
Mayor Silverio A. Vega  
Board of Commissioners

Attest: \_\_\_\_\_  
Carmela Riccie, RMC  
Town Clerk