

May 16, 2012
Regular Meeting

Minutes of a regular stated meeting of the Board of Commissioners of the Town of West New York, in the County of Hudson, State of New Jersey, held in the Court Chambers, Municipal Building on Wednesday, May 16, 2012 at 7:00 p.m. (6:00 p.m. Work Session):

Present: Commissioners Frias, Rodriguez, Wiley, Vargas and Mayor Roque
Absent: None
Also Present: Town Attorney Gil Garcia, Town Administrator Ernesto Munoz and Town Clerk Carmela Riccie

Meeting commenced at 7:15 p.m.

At the request of Mayor Roque, Town Clerk Carmela Riccie made the following announcement:

As presiding officer of this regularly scheduled meeting of the Board of Commissioners of the Town of West New York, held on May 16, 2012 at 7:00 p.m., I do hereby publicly announce, and I direct that this announcement shall be placed in the minutes of this meeting, and that the Notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given by the Board of Commissioners in the Resolution dated and adopted on December 20, 2011. Said Resolution was transmitted by the Town Clerk to the Jersey Journal and the Bergen Record and publicly posted on the Municipal Bulletin Board, Town Hall, and filed with the Town Clerk.

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

Minutes of Previous Meeting:

It was regularly moved by Commissioner Wiley, seconded by Commissioner Rodriguez, that the Minutes of Regular Meeting: 4/18/12 (Regular and Work Sessions) be approved as recorded, was carried by the following vote:

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

Claims: Dated 5/16/12 (Claims are available for public inspection in the Town Clerk's Office):

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

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

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Receipt of Financial Reports:

FINANCIAL REPORTS - MONTH OF APRIL 2012

1. From Construction Code Official Office, reporting the sum of \$ 234,075.00 collected for the month of April, 2012.
2. From Director Michael Indri (Police Dept.) reporting the sum of \$ 1,979.45 collected for the month of April, 2012
3. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$0 for Special Licenses collected for the month of April, 2012
4. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$803.00 for Marriage/death certificates collected for the month of April, 2012
5. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$190.40 for Dogs Licenses collected for the month of April, 2012,
6. From Frederick J. Tomkins, Acting CFO (Revenue and Finance Department) reporting the sum of \$7,671,207.53 collected for the month April, 2012.
7. From Carmela Riccie, RMC, Town Clerk, reporting the sum of \$8,031.25 collected for the month of April 2012.

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

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

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RFQ Results
Re: Assistant Town Attorney

RFQ PROPOSAL FORMATION

Proposal Receipt Date: May 15, 2012

Proposal Time: 10:00 a.m.

Location for proposal: Town Clerk's Office

Proposal for: Assistant Town Attorney

Personnel at Opening: Deputy Town Clerk Jennie Del Rio, Maria Barrios, Lisa Walsh

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

RESPONDER #1 (Name) Dario, Yacker, Suarez & Albert, LLC
(Address) 345 Union Street
Hackensack, NJ 07601

RESPONDER #2 (Name) Joseph De Marco, Esq.
(Address) 301 Route 17 North Suite 800
Rutherford, NJ 07070

RESPONDER #3 (Name) Mariniello & Mariniello, P.C.
(Address) Counsellors at Law
265 Columbia Avenue
Fort Lee, NJ 07024

RFQ Results
Re: Staff Attorney

RFQ PROPOSAL FORMATION

Proposal Receipt Date: May 15, 2012

Proposal Time: 10:30 a.m.

Location for proposal: Town Clerk's Office

Proposal for: Staff Attorney

Personnel at Opening: Deputy Town Clerk Jennie Del Rio, Maria Barrios, Lisa Walsh

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

RESPONDER #1 (Name) Dario, Yacker, Suarez & Albert, LLC
Anthony R. Suarez, Esq.
(Address) 345 Union Street
Hackensack, NJ 07601

RESPONDER #2 (Name) Law Offices of Irene Kim Asbury
Ms. Irene Kim Asbury
(Address) 1919 Kennedy Blvd. 2nd Floor
North Bergen, NJ 07047

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RFQ Results
Re: Pre-Litigation Counsel

RFQ PROPOSAL FORMATION

Proposal Receipt Date: May 15, 2012

Proposal Time: 11:00 a.m.

Location for proposal: Town Clerk's Office

Proposal for: Pre-Litigation Counsel

Personnel at Opening: Deputy Town Clerk Jennie Del Rio, Maria Barrios, Lisa Walsh

Remarks: Time to receive RFQS was closed at 11:05 a.m.
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Glazer & Kamel, Esqs. Attorneys at Law
(Address) 1207 East Grand Street, 3rd Floor
Elizabeth, NJ 07201

RESPONDER #2 (Name) Florio & Kenny, LLP Attorneys at Law
(Address) 5 Marine View Plaza, Suite 103
Hoboken, NJ 07030

RESPONDER #3 (Name) Douglas M. Standriff, Attorney at Law
(Address) 1200 East Ridgewood Avenue
Park View Plaza Atrium, Level East
Ridgewood, NJ 07450

RFQ Results
Re: Public Information Services

RFQ PROPOSAL FORMATION

Proposal Receipt Date: May 15, 2012

Proposal Time: 11:30 a.m.

Location for proposal: Town Clerk's Office

Proposal for: Public Information Services

Personnel at Opening: Deputy Town Clerk Jennie Del Rio, Maria Barrios, Lisa Walsh

Remarks: Time to receive RFQS was closed at 11:35 a.m.
Reserved decision pending review by review committee.

RESPONDER #1 (Name) Bruno Associates, Inc.
(Address) 1373 Broad Street, Suite 304
Clifton, NJ 07013

RESPONDER #2 (Name) Strategic Media Group
(Address) 285 West Side Avenue
Jersey City, NJ 07305

RESPONDER #3 (Name) Latin Eagles Strategy Group
(Address) 598 Clifton Avenue
Newark, NJ 07104

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Note: At this point, Town Engineer Robert Russo from CME Associates gave a brief presentation about the proposed improvements to Dewey and Fillmore Parks.

Mr. Russo commented that Fillmore Park is in “fair condition” but needs improvements insofar as the equipment and play surface are concerned. There will be a water spray park with new surface and new equipment. In addition, trees will be planted; game tables installed and fence replacement. Mr. Russo further advised that security cameras will be installed and the lighting upgraded. With reference to Dewey Park, Mr. Russo advised that it is in “poor condition” and that everything must be removed and replaced. In addition, the following will take place: trees will be planted, a ramp installed, a play area and small water feature installed for the children, installation of benches, a rubberized surface installed, game tables, fences, gate, security cameras and new lighting. Mayor Roque commented that park improvements have not been done in many years and credited Comm. Vargas with initiating proposed improvements.

Proclamation
Re: Honoring Ricardo Montero Duque

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; and

Whereas, Ricardo Montero Duque was incarcerated in 1961 in Cuba and served a 25 year prison sentence due to his participation in the U.S. Anti-Castro Group Brigade #2506; and

Whereas, as a political prisoner in Cuba, he was mistreated physically and psychologically and suffered beatings, threats, humiliation and intimidating interrogations; and

Whereas, in 1986, Ricardo Montero Duque came to reside in Union City, New Jersey and served as President of “Ex Presos Politicos” Union for three (3) terms; and

Whereas, the Town of West New York joins with all persons of Cuban heritage in recognizing him as an individual who represents the dignity of the Cuban people in their just fight for human rights, liberty and democracy within their country;

Now, Therefore, I, Mayor Felix E. Roque, and the Board of Commissioners of the Town of West New York, on behalf of the residents of the municipality do salute Ricardo Montero Duque and recognize his efforts for human rights in Cuba and in the United States and wish to celebrate May 20th, 2012 which marks the Anniversary of Cuba’s Independence from Spain.

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Proclamation

Re: Honoring Police 10-12 year old In-house Little League Baseball Team

Whereas, the Police 10-12 year old In-House Little League Baseball Team, sponsored by the West New York Police Department, won the 2011 In-House National Division Championship after having competed with three other teams and winning all the games; and

Whereas, on behalf of the residents of the Town of West New York, the Mayor and Board of Commissioners congratulate them on their success and in finishing undefeated at the In-House National Little League Championship;

Now, Therefore, I, Mayor Felix E. Roque, and the Board of Commissioners of the Town of West New York, on behalf of the residents of the municipality do recognize and congratulate the 2011 Police 10-12 year old In-House Little League National Champions and wish them continued success in future endeavors.

Note: At this point, Mayor Roque read aloud the foregoing Proclamation and the Mayor and Board of Commissioners presented jackets and the Proclamation to the coaches and Little League team members. Lt. Mark Flores commented that this team had a record of 17-0 and that he is proud of them. He thanked the coaches for their contributions to the team.

Proclamation

Re: Honoring the North Hudson Sewerage Authority

Whereas, the Department of Labor and New Jersey State Industrial Safety Committee recognizes the North Hudson Sewerage Authority of West New York for an outstanding achievement of keeping their employees and work environment safe; and

Whereas, the North Hudson Sewerage Authority of West New York has successfully achieved six hundred and ninety-one days without lost time injury and continues to prevent workplace injuries and illness; and

WHEREAS, on behalf of the residents of the Town of West New York, the Mayor and Board of Commissioners congratulate them on their success in safety; and

Now, Therefore, I, Mayor Felix E. Roque, and the Board of Commissioners of the Town of West New York, do hereby recognize and salute the North Hudson Sewerage Authority.

Note: Mayor Roque read the foregoing Proclamation aloud and presented it to the various members present. Commissioner Wiley commented that this Authority is responsible for West New York, Weehawken, Union City and Hoboken and the lines are kept clean and repaired. He commented that they are doing an excellent job, and that he also sits on this board on behalf of the Town of WNY. He further commented that the smell which had emanated from the sewerage treatment plant has been eliminated.

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Consent Agenda

It was regularly moved by Mayor Roque, seconded by Commissioner Vargas that the following Consent Agenda Item Nos. R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-9, R-10, R-11, R-12, R-13, R-14, R-15, R-16, R-17, R-18, R-19, R-20, R-21, R-22, R-23, R-24, R-25, R-26, R-27, R-28, R-29 and R-30 be adopted, was carried by the following vote:

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

Resolution

**Re: Establishing restricted parking in front of one
(1) residence for use by handicapped resident as follows:
112-57th Street, WNY (Helena Kowalczyk)**

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

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

	<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
1.	Helen Kowalczyk 112-57 th Street West New York, NJ 07093	North	Begin at a point along North Side of 57 th St. and Park Ave. 182ft West on the North side from the North West corner. Then 22ft therefrom.

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

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

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

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Consent Agenda (Cont.):

Resolution

Re: Establishing restricted parking in front of one
(1) residence for use by handicapped resident as follows:
6007 Van Buren Place, WNY (Aurea V. Diaz)

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

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

	<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
1.	Aurea V.Diaz 6007 Van Buren Place West New York, NJ 07093	West	Begin at a point along the West Side of Van Buren Pl and 60 th Street 82 ft North on the West side from the North West corner. Then 22 ft there from.

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

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

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

Resolution

Re: Establishing restricted parking in front of one
(1) residence for use by handicapped resident as follows:
5701 Blvd. East #5A (Pedro R. Perez)

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

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

	<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
1.	Pedro R. Perez 5701 Blvd. East #5A West New York, NJ 07093	West	Begin at a point along the West Side of Park Ave & 58 th St. 50 ft south from the Southwest corner of (58 th & Park Ave) Then 22 ft there from.

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

1. First Offense- \$253.00
2. For each subsequent offense \$253.00 and up to 90 days of community service on such terms and in form as the court shall deem appropriate for any combination

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

- thereof (Ch 200L, 1989 effective November 29, 1989) and
3. In addition the violator shall bear full cost of towing, removal and storage of violator's vehicle (Ch 200L, 1989 effective November 29, 1989).

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

Resolution
Re: Establishing restricted parking in front of one
(1) residence for use by handicapped resident as follows:
567-59th Street (Jose M. Perez)

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

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

	<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
1.	Jose M. Perez 567-59 th Street West New York, NJ 07093	South	Begin at a point along the South Side of 59 th Street & Jackson St. 166 feet east from the Southeast corner of (59 th & Jackson St.) then 22 feet there from.

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

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

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

Resolution
Re: Appointment of Nannette Matos and Maria Caiñas
as Affirmative Action Officers for the year 2012

WHEREAS, there is a need to appoint an Affirmative Action Officer in the Town of West New York; and

WHEREAS, Nannette Matos and Maria Caiñas are willing to serve as Affirmative Action Officers.

NOW, THEREFORE, BE IT RESOLVED that Nannette Matos and Maria Caiñas are hereby appointed as Affirmative Action Officers for the year 2012.

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Consent Agenda (Cont.):

Resolution

Re: Amending the Contract with Angel Consultants to include the services provided on an hourly basis.

WHEREAS, the Town of West New York has previously entered into a contract for computer consultant services with Angel Consultants; and

WHEREAS, pursuant to the bid specifications and proposal in addition to the basic services Angel Consultants was permitted to bill \$85 per hour for services not included up to a maximum of 1040 hours per year; and

WHEREAS, a review of the contract indicates that the hourly rate was not specified.

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York that the Mayor is authorizes to execute an amended agreement with the Angel Consultants for the aforementioned services pursuant to bid specifications.

Resolution

Re: Qualification of Firms for the provision of Grant Writing and Administration Services and Consulting

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 et seq. for receiving Requests for Qualifications; and

WHEREAS, the Town of West New York issued a Request for Qualifications for Grant Writing and Administration Consultant in accordance with the requirements of N.J.S.A. 19:44A-20, et. seq., on February 24, 2012, for the provision of grant writing and administration services and consulting; and

WHEREAS, the Town of West New York received and opened Qualifications for Grant Writing and Administration Consultant on March 14, 2012; and

WHEREAS, pursuant to the Request for Qualifications, the Town's received statements of qualifications from the following firms:

1. Millennium Strategies, LLC
60 Roseland Avenue, Caldwell, NJ 07006
2. Stull & Benoit Associates, Inc.
62B Troy Drive, Springfield, NJ 07081;
3. Bruno Associates
1373 Broad St. suite 304
Clifton, NJ 07013
4. Birdsall services Group, Inc.
65 Jackson Drive
Cranford, NJ 07016

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 the services of a Grant Writing and Administration Consultant to provide grant writing and administration services and consulting:

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Consent Agenda (Cont.):

Resolution (Cont.):

Birdsall Services Group, Inc.
65 Jackson Drive, Cranford, NJ 07016

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 grant writing and administration services and consulting on behalf of the Town of West New York for the next year:

Birdsall services Group, Inc.
65 Jackson Drive, Cranford, NJ 07016

BE IT FURTHER RESOLVED all appropriate municipal officials are hereby authorized to transmit formal or informal requests for proposals to any of the above qualified firms, as necessary, for the performance of grant writing and administration services and consulting that may be required by the Town, during the next year.

BE IT FURTHER RESOLVED as follows:

1. The above recitals are incorporated as if fully set forth herein.
2. Birdsall Services Group, Inc. shall be and is hereby retained by the Town to provide grant writing and administration services and consulting to the Town, without further approval of the Board of Commissioners.
3. The Mayor shall be and is hereby authorized to execute an agreement by and among the Town and Birdsall Services Group, Inc., memorializing the scope of services to be performed and the compensation to be paid therefore, in the form acceptable to the Mayor, and satisfactory to the Town as evidenced by the Mayor's signature for Grant Writing and Administration, consulting, setup, programming, and training for the term of a six months to expire on December 31, 2012 in an amount not to exceed \$25,000.
4. This contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5.
5. The Chief Financial Officer's Certification that funds are available shall be on file at the Authority and made a part hereof.
6. This award is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
7. A copy of this resolution and the agreement detailing the terms of the retention of Birdsall Services Group, Inc. for the provision of Grant Writing and Administration shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.
8. A notice of this contract award shall be published in the form prescribed by law.

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Consent Agenda (Cont.):

RE: ALLOWING THE WEST NEW YORK POLICE DEPARTMENT (E.M.S.)
TO DISPOSE OF CERTAIN EQUIPMENT

WHEREAS, the West New York Police Department (E.M.S.) has conducted an inventory of certain equipment that is no longer functional and is deemed not salvageable; and

WHEREAS, the below listed equipment is to be destroyed; and

WHEREAS, the Board of Commissioners have determined on the basis of the foregoing that it is necessary for the efficient operation of the Town to allow the Police Department (E.M.S.) to destroy the equipment listed below;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York as follows: The West New York Police Department (E.M.S.) is authorized to destroy the following equipment:

<u>Qty.</u>	<u>Mfg.</u>	<u>Item No.</u>	<u>Description</u>
205	Hudson RCI	1101	Nasal Cannula (Pediatric)
6	Ambuspur	530212000	Resuscitator
1	Busse	198	Staff Protection Kit
14	Laedral Med.	84003503	Bag Mask Resuscitator
3	ProtectAide	24592-L	Personal Protection Pack
7	Rusch	123134	Robertazzi Nasopharyngeal Airway
1	Rusch	404500140	Suction Catheter 14 French
2	Rusch	404500120	Suction Catheter 12 French
1	Green Cross		Emergency Response Bag
1	QD-4	17-000443	Pediatric Traction Splint
3	System 3	18-007-110	Blood Press. Cuff gauge
2	Insta Glucose	08-2010	Glucose tubes (expired)
1	Laedrel	12-424410	Reusable Suction Cont. top w/ gague
2	Motorola	NTN 9815	Radio batteries
1	Motorola	HNN 9008-A	Radio batteries
1	Motorola	NMN6113A	2 way radio mics
2	Mada	0-25LPM	Portable O2 regulator
2	Mada	12501-800	Thrope Type O2 flow meters model 4100
10	Kendall	10-2913	Vaseline gauze

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

2	Mada	12-00832	System Regulators
2	Philips	M5570A	Defibrillator Batteries
2	Philips	M386A	Defibrillator Batteries
1			Metal Desk Draw
1	Laedral	12-8800610	Laedral Suction Unit 4000

Resolution
Re: Sale of abandoned Vehicles to be held on June 12, 2012

Whereas, certain motor vehicles have been removed from the public roads of the Town of West New York, in the County of Hudson, as nuisances, detrimental to the safe and proper regulation of traffic in said Town; and the Owner or Owners of said vehicles are unknown and cannot be found or refuse to receive the same, and said owners have failed or refused to pay the reasonable costs of the removal and storage resulting from such removal from the public roads as aforesaid;

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Administrator or his designee shall expose for sale, at public venue, to the highest bidder, said vehicles, being automobiles or parts therefore, on the 12th day of June, 2012 at 10:00 A.M., at the Municipal Building - Court Chambers, 428 - 60th Street, West New York, New Jersey, and shall advertise said sale in the usual form, pursuant to N.J.S.A. 39:1-1 et seq.

BE IT FURTHER RESOLVED the conditions of the sale shall be and are as set out in the attached form of notice to be publicized by the Municipal Clerk as required by law.

BE IT FURTHER RESOLVED that the Municipal Administrator or his designee is and they are hereby appointed as agent of the Town in regards to the conduct of the auction.

BE IT FURTHER RESOLVED that the following is a list and description of the vehicles to be sold:

#	Year, Make & Model	Vin #:	Owner:
Veh. 1	*1999 Toyota Corolla	2T1BR12E7XC146781	Di Ahang Guang 111-52 28 th Avenue Flushing, NY 11354 Abandoned #10-015
Veh. 2	*1998 Chrysler Concorde	2C3HD46J2WH233322	Joseph J. Ciappio 587-59 th Street WNY, NJ 07093 Abandoned #11-003
Veh. 3	*1994 Ford Mustang	1FALP404RF164850	Richard Ferrer 24 Humboldt St. Woodbridge, NJ Abandoned #12-003
Veh. 4	*1994 Honda Passport	4S6CG58V2R4409714	Santos R. DelCid 428-51 st Street WNY, NJ 07093 Abandoned #12-002

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Consent Agenda (Cont.):

Resolution (Cont.):

Veh. 5	1999 Mazda 626	1YVGF22C0X5898221	Manuel D. Caranza-Medina 5616 Hudson Ave. Apt. 1C WNY, NJ 07093 Abandoned #10-003
Veh. 6	1996 Chrysler Concorde	2C3HD56F8TH144612	Noell C. Lumford 108 136 MLK Blvd. Newark, NJ 07104 Abandoned #11-002
Veh. 7	1999 Nissan Sentra	3N1AB41D7XL106436	Victoria Sotomayor 5701 Blvd. East Apt. 8L WNY, NJ 07093 Abandoned #12-001
Veh. 8	1997 Honda Civic	2HGEJ6628VH557757	Victoria Bermudez 308-55 th Street WNY, NJ 07093 Abandoned #12-004
Veh. 9	1997 Chevy S-10 Pickup	1GCC19X6BVK226861	Felix Perez 281 Belmont Ave Belleville, NJ 07109 Abandoned #10-014

Resolution

Re: Approval of Municipal Services Agreement between the Town and City View at West New York Master Condominium Association (Period: 1/1/11-12/31/11)

WHEREAS, City View at West New York Master Association (the “Association”) having an address of 318 54th Street, West New York, NJ 07093 is responsible for the management of a condominium in the Town, at 6050 Boulevard East known as City View (“Association”); and

WHEREAS, under the New Jersey Municipal Services Act, N.J.S.A. 40:67-23.2 et seq. (the “Act”) municipalities are required to reimburse residents of “qualified private communities” for the cost of snow removal, trash (solid waste) removal and street lighting; and

WHEREAS, City View, is a “qualified private community” under the terms of the Act; and

WHEREAS, the Association has indicated that it requested, that the Town enter into an agreement for reimbursement of solid waste and recyclable pickup at City View, such services to actually be provided by the Association for the residents of City View; and

WHEREAS, the Act requires that a municipality annually reimburse a qualified private community in an amount not to exceed the cost that would be incurred by the municipality for not providing services required under the municipal services act directly; and

WHEREAS, the Municipal Administrator has recommended to the Board that an agreement for reimbursement be executed to reimburse the Association based on the total number of households as calculated by the United States Census versus the total number of households in City View as compared to the costs foregone by the Town for not providing solid waste and recyclable removal and disposal services for the residents of City View;

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

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Consent Agenda (Cont.):

Resolution (Cont.):

1. The municipal administrator is hereby authorized to enter into an agreement for reimbursement of solid waste and recyclable transportation and/or removal services with the Association to reimburse the Association in a form acceptable to the Board of Commissioners as evidenced by his signature thereon, such agreement shall contain the following terms:
 - a. The amount of reimbursement for solid waste and recyclable material transportation and disposal provided to City View shall be based upon the per-household (dwelling unit) cost that the Town would incur by providing such service to the City View. It shall be determined by calculating what the percentage the number of households (dwellings/units) in City View is to the total number of households in West New York as reported by the United States Census. The amount of reimbursement shall be the product of that percentage applied to the actual total costs incurred by the Town to provide such services to all other households throughout the Town in the preceding fiscal year, but in no event more than the actual costs incurred by City View.
 - b. City View and the Association shall make its books and records available to the Town for audit as to the actual costs that it has incurred for the services for which it seeks or has received reimbursement. Any excess reimbursement received by City View shall be returned to the Town upon its demand or credited to future reimbursement payments, at the sole discretion of the Town.
 - c. No provision of such agreement shall be construed to affect or limit the obligation of the Town to collect solid waste and recyclable materials or the terms, conditions or manner in which the Town of West New York determines to do so whatsoever, and the agreement shall specifically disclaim and waive
 - d. the right of City View to claim anything other than the calculation of reimbursement provided for under the terms of the agreement.
 - e. City View, the Association, their members, agents and employees shall be solely responsible for the manner and conditions under which they provide for the collection of solid waste and recyclable materials, and nothing in the agreement entered into with the Town shall excuse their full compliance with all laws, rules and regulations pertaining to such activities.
 - f. City View and the Association shall cease to be eligible for reimbursement in the event that City View, the Association, their members, agents and/or employees 1) fail to continue to provide for the removal of solid waste and recyclables, 2) fail to comply with applicable health, safety and recycling laws, rules and regulations on a persistent basis, and/or 3) fail to take necessary steps to cure, and in the future prevent, any health or safety violation connected with its solid waste or recyclable operations for which it receives notice of violation.
 - g. The obligations of the Town for reimbursement shall not exceed the requirements for reimbursement under the Act, and any future diminution of such obligations shall entitle the Town to a prospective reduction in its obligations under any agreement with a qualifying association.
 - h. The agreement may contain a clause permitting the Municipal Administrator to modify such agreement from time to time, but in no event more than once annually, based on the actual costs of transportation and/or removal of solid waste and recyclable material incurred by the Town, and any changes in the number of households within the Town, upon a receipt of such request of modification from the Association or its successor.

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Consent Agenda (Cont.):

Resolution (Cont.):

- i. Such agreement as negotiated shall be otherwise in accord with the Terms of the Act and shall be reviewed and approved by the Town Attorney.
2. A copy of this resolution, and the agreement once executed, shall be kept on file in the office of the Municipal Clerk for public inspection.
3. The Municipal Administrator is hereby authorized to determine the number of the percentage the number of households (dwellings units) in City View is to the total number of households in West New York as reported by the United States Census, based on a figure for the total number of such household not less than 15,000 or more than 20,000.
4. Such agreement may provide for reimbursement for those services otherwise reimbursable under the terms herein, for the period January 1, 2011 through December 31, 2011, and any payment made in 2011, in reimbursement for those services otherwise reimbursable under the terms herein, is hereby ratified and approved.

Resolution

**RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF ASSISTANT TOWN ATTORNEY**

WHEREAS, Joseph DeMarco Esq. of 301 Route 17 North, Suite 800, Rutherford, New Jersey 07070, has submitted a proposal to serve as Assistant Town Attorney dated, May 15, 2012, in response to a, Request for Qualifications for Assistant Town Attorney; and

WHEREAS, the Mayor as Commissioner of the Department of Public Safety has duly appointed the law firm of Joseph DeMarco Esq.; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of the law firm of Joseph DeMarco Esq. to serve as Assistant Town Attorney and enter into a contract with the law firm of Joseph DeMarco Esq. to provide for the services of Assistant Town Attorney; and

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

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

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and the law firm of Joseph DeMarco Esq. for the services of the law firm of Joseph DeMarco Esq. for the services of Assistant Town Attorney, and for an amount to be stated in the agreement.
2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on May 15, 2012, and in accordance with N.J.S.A. 19:44A-20.5 et seq.

May 16, 2012
Regular Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

4. The initial authorization of this contract shall be for the period 6/1/2012-12/31/12, and for an amount to be contained in the agreement.

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

6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of the law firm of Joseph DeMarco Esq. as Assistant Town Attorney 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: Award of Contract for Summer Food Service Program to Karson Foods.

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, on prior occasion, upon advertisement and pursuant to specifications, the Town solicited bid proposals for Summer Food Service Program, pursuant to and in accordance to the contract for Summer Food Service; and

WHEREAS, on May 11, 2012, the Town did receive the following bids on the contract for the Summer Food Service Program:

Company	Amount
Karson Foods 3409 Rose Ave. Ocean, NJ 07712	\$77,597.52 Lunch \$17,078.88 Snack \$94,676.40 Total
Nu Way Concessionaries 339-345 Bergen Ave. Kearny, NJ 07032	\$76,854.96 Lunch \$21,905.52 Snack \$98,760.48 Total
Revolution Foods 800 Dowd Ave. Elizabeth, NJ 07201	\$98,289.20 Lunch \$28,959.84 Snack \$127,249.04 Total

WHEREAS, the Town's purchasing Agent in consultation with the state has recommended the award of the contract the Summer Food Service Program to Karson Foods in the amount of \$94,676.40 as the bid submitted by Karson Foods is the lowest responsible bid for the Summer Food Service Program; 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 award of this Contract is necessary for the efficient operation of the Town; and

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

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

May 16, 2012
Regular Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

1. The bid of Karson Foods., 3409 Rose Ave. Ocean, NJ 07112, on the bid for the Summer Food Service Program in the amount of \$94,676.40 be and the same is hereby accepted. The quantities bid shall renew upon the anniversary of the contract in accordance with the bid proposals.
2. Appropriate officials are hereby authorized and directed on behalf of the Town of West New York to enter into a contract for the Summer Food Service Program with Karson Foods.
3. The Chief Financial Officer's Certification that funds are available shall be on file at the Town and made a part hereof.
4. The Town Clerk shall forward a copy of this Resolution to each bidder on this contract.
5. The bid security of unsuccessful bidders shall be returned as per the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.
6. A Copy of this resolution and the contract when executed shall be kept on file for public inspection in the Office of the Municipal Clerk.

Resolution

**RE: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF STAFF ATTORNEY**

WHEREAS, Anthony R. Suarez, Esq. of 345 Union Street, Hackensack, NJ 0760, has submitted a proposal to serve as Staff Attorney dated, May 15, 2012, in response to a, Request for Qualifications for Staff Attorney; and

WHEREAS, the Mayor as Commissioner of the Department of Public Safety has duly appointed the law firm of Anthony R. Suarez, Esq.; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of the Staff Attorney, Anthony R. Suarez, Esq. to serve as Assistant Town Attorney and enter into a contract with Staff Attorney, Anthony R. Suarez, Esq. to provide for the services of Pre-Litigation Counsel; and

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

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

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and the Staff Attorney, Anthony R. Suarez, Esq. for the services of the Staff Attorney, Anthony R. Suarez, Esq. for the services of Staff Attorney, and for an amount to be stated in the agreement.
2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.

May 16, 2012
Regular Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on May 15, 2012, and in accordance with N.J.S.A. 19:44A-20.5 et seq.
4. The initial authorization of this contract shall be for the period 6/1/2012-12/31/12, and for an amount to be contained in the agreement.
5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of the Staff Attorney, Anthony R. Suarez, Esq. as Staff Attorney 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: APPROVING A PROFESSIONAL SERVICES AGREEMENT
FOR SERVICES OF PRE-LITIGATION COUNSEL**

WHEREAS, Douglas M. Standriff, Esq. of 1200 East Ridgewood Avenue Park View Plaza Atrium, Level East, Ridgewood, NJ 07450, has submitted a proposal to serve as Pre-Litigation Counsel dated, May 15, 2012, in response to a, Request for Qualifications for Pre-Litigation Counsel; and

WHEREAS, the Mayor as Commissioner of the Department of Public Safety has duly appointed the Pre-Litigation Counsel of Douglas M. Standriff, Esq.; and

WHEREAS, the Commissioners, have determined, on the basis of the foregoing, that it is necessary for the efficient operation of the Town to compensate the services of the Pre-Litigation Counsel of Douglas M. Standriff, Esq. to serve as Pre-Litigation Counsel and enter into a contract with Pre-Litigation Counsel of Douglas M. Standriff, Esq. to provide for the services of Pre-Litigation Counsel; and

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

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

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

1. The Mayor shall be and is hereby authorized to execute an agreement in a form to be prepared by the Town Attorney by and between the Town and the Pre-Litigation Counsel of Douglas M. Standriff, Esq. for the services of the Pre-Litigation Counsel of Douglas M. Standriff, Esq. for the services of Pre-Litigation Counsel, and for an amount to be stated in the agreement.
2. This contract is awarded without competitive bidding as a professional service in accordance with the aforesaid statutes.
3. This contract is awarded based upon the recommendation of the Review committee as a result of their review of RFQs received on May 15, 2012, and in accordance with N.J.S.A. 19:44A-20.5 et seq.

May 16, 2012
Regular Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

4. The initial authorization of this contract shall be for the period 6/1/2012-12/31/12, and for an amount to be contained in the agreement.
5. This contract is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
6. A copy of this resolution shall be published and it and the agreement detailing the terms of the retention of the Pre-Litigation Counsel of Douglas M. Standriff, Esq. as Pre-Litigation Counsel shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

Re: Appointing Voting Members to the
WNY Alliance Committee

Whereas, the WNY Alliance program has been in effect for over twenty (20) years providing prevention and education programs to adults and adolescences; and

Whereas, the WNY Alliance Committee, will be required to conduct a new local needs assessment to identify a new list of prioritize risk factors and augment target populations; and

Whereas, there are currently seven (7) non-voting members of the WNY Alliance Committee as outlined below; and

Whereas, it is in the best interest of the Alliance Committee to appoint four (4) new voting members;

Now, therefore, be it resolved by the Mayor and Board of Commissioners of the Town of West New York that the following persons be appointed voting members of the WNY Municipal Alliance Committee:

Voting Members

1. Clara Brito-Herrera
2. Commissioner FiorD' Aliza Frias
3. Director Michael Indri
4. Carmela Riccie

Non-Voting Members

Mireya DeLaCruz (Alliance Coordinator)
Police Officer Hilenne Chemas (D.A.R.E. Program)
Police Lieutenant Joseph Riccelli (Juvenile Aid Division)
Luis Miqueli (Drop In Center – Drug Treatment)
Paul Steffens (Drop In Center – Drug Treatment)
Douglas Bratton (NCADD – Drug Abuse Prevention/Education)
Maria Rivera (NCADD – Drug Abuse Prevention/Education)

May 16, 2012
Regular Meeting

Consent Agenda (Cont.):

Resolution

Re: Award of Contract for Public Information Services to Strategic Media Group

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 et seq. for receiving Requests for Qualifications; and

WHEREAS, the Town of West New York issued a Request for Qualifications for Public Information Services in accordance with the requirements of N.J.S.A. 19:44A-20, et. seq., for the provision of Public Information Services and consulting; and

WHEREAS, the Town of West New York received and opened Qualifications for Public Information Services on May 15, 2012; and

WHEREAS, pursuant to the Request for Qualifications, the Town's received statements of qualifications from the following firms:

1. Strategic Media Group
285 West Side Ave Jersey City NJ 07305
2. Latin Eagles Strategy Group
598 Clifton Ave. Newark NJ 07104;
3. Bruno Associates
1373 Broad St. suite 304
Clifton, NJ 07013

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 Public Information Services and consulting:

Strategic Media Group
285 West Side Ave Jersey City NJ 07305

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 Public Information Services and consulting on behalf of the Town of West New York for the next year:

Strategic Media Group
285 West Side Ave Jersey City NJ 07305

BE IT FURTHER RESOLVED all appropriate municipal officials are hereby authorized to transmit formal or informal requests for proposals to any of the above qualified firms, as necessary, for the performance of grant writing and administration services and consulting that may be required by the Town, during the next year.

BE IT FURTHER RESOLVED as follows:

1. The above recitals are incorporated as if fully set forth herein.
2. Strategic Media Group shall be and is hereby retained by the Town to provide grant writing and administration services and consulting to the Town, without further approval of the Board of Commissioners.

May 16, 2012
Regular Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

3. The Mayor shall be and is hereby authorized to execute an agreement by and among the Town and Strategic Media Group memorializing the scope of services to be performed and the compensation to be paid therefore, in the form acceptable to the Mayor, and satisfactory to the Town as evidenced by the Mayor's signature for web design, consulting, setup, programming, and training for the term of a six months to expire on December 31, 2012 in an amount not to exceed \$25,000.
4. This contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5.
5. The Chief Financial Officer's Certification that funds are available shall be on file at the Authority and made a part hereof.
6. This award is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
7. A copy of this resolution and the agreement detailing the terms of the retention of Strategic Media Group for the provision of Public Information Services shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.
8. A notice of this contract award shall be published in the form prescribed by law.

Resolution

Re: Authorizing the hiring of various Municipal Employees

WHEREAS, the Mayor and Board of Commissioners of the Town of West New York have previously passed a resolution declaring a hiring freeze in the town of West New York, NJ; and

WHEREAS, due to retirement, illness and other various reasons vacancies exist within the town; and

WHEREAS, in order to promote the efficient operation of the town and to provide for the public's safety and well-being it has been deemed necessary to hire new employees to fill the current vacancy's; and

WHEREAS, Various Commissioners have requested that the following individuals be hired; Mosley Valdez, Lourdes Espinosa, Joseph Goree, Juan Matta, Jorge Martin, J. Giulio Pena, Ediberto Martinez, Frederick A. Vialet, Adam Joshua Baer, Timothy Kealy, Jose Deschamps, Daniel Gregorio and Makical A. Velaszuez-Munoz.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Commissioners of the Town of West New York that the business administrator is authorized to offer employment to the following individuals;

1. Mosley Valdez, Parks and Public Property
2. Lourdes Espinosa, Parks and Public Property
3. Joseph Goree, Parks and Public Property
4. Juan Matta, Parks and Public Property
5. Jorge Martin, Parks and Public Property
6. J. Giulio Pena, Parks and Public Property
7. Ediberto Martinez, Parks and Public Property

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Consent Agenda (Cont.):

Resolution (Cont.):

8. Frederick A. Violet, Bus Driver
9. Adam Joshua Baer, EMT
10. Timothy Kealy, EMT
11. Jose Deschamps, EMT
12. Daniel Gregorio, EMT
13. Makical A. Velaszuez-Munoz, EMT
14. Richard Alvarez, Mechanic – Public Works Dept.

Resolution

Re: Tax Correction (21-65th Street)
(\$23.26)

WHEREAS, there is an overpayment on the 3rd quarter 2010 Tax Bill in the amount of \$23.26 on property located at 21 65th Street also known as block 19 lot 23 and;

WHEREAS, the taxpayer is requesting the over payment in the amount of \$23.26 to be moved to credit their 2nd quarter 2012 tax bills.

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

Resolution

Re: Refunds of Redemptions (\$207,071.15)

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

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

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

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

Name	Block/lot	Cert#	Amount
MTAG SVC. AS CUST	2/7.01	11-0002	\$1,956.79
FOR ATCF II NJ LLC	143/16.01	11-0332	\$31,612.29
DEFINED CAPITAL, LLC	168.01/1.34 C0430	11-0390	\$17,378.06
R. ROTHMAN	168.01/1.04 C0333	11-0386	\$4,027.45
	168.01/7.05 C0417	11-0402	\$6,308.85
	42/321.02	11-0115	\$3,494.35
ISAAC MORADI	5/26 C0006	11-0012	\$1,412.50
	5/20 C1002	10-006	\$729.35
	109/22 C0102	11-0278	\$348.37

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

TOWER LIEN, LLC	120/53	10-206	\$37,016.87
PAM INVESTORS	109/22 C0203	11-0280	\$524.78
US BANK CUST FOR TOWER DBW	39/8	11-0107	\$2,662.67
ROBERT U. DEL VECCHIO PENSION TRUST	103/10	11-0269	\$4,503.04
US BANK FOR CRESTAR CAPITAL LL	60/12	11-0163	\$2,934.16
PLYM PK. TAX SRVS.	42/21.02	09-065	\$41,559.60
TOWER LIEN, LLC	42/21.02	10-083	\$50,601.92
		Grand Total	\$207,071.05

Resolution
Re: Refunds of Tax Lien Premiums (\$51,500.00)

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

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

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

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

NAME	BLOCK/LOT	CERT. #	AMOUNT
MTAG SVC. AS CUST FOR ATCF II NJ LLC	2/7.01 143/16.01	11-0002 11-0332	\$2,000.00 \$11,100.00
DEFINED CAPITAL, LLC	168.01/1.34 C0430	11-0390	\$2,000.00
TOWER LIEN, LLC	120/53	10-206	\$7,000.00
US BANK CUST FOR TOWER DBW	39/8	11-0107	\$4,800.00
ROBERT U. DEL VECCHIO PENSION TRUST	103/10	11-0269	\$3,400.00
US BANK CUST FOR CRESTAR CAPITAL LL	60/12	11-0163	\$4,800.00
R. ROTHMAN	42/21.02	11-0115	\$4,500.00
TOWER LIEN, LLC	42/21.02	10-083	\$11,200.00
PLYM PK. TAX SRVS.	42/21.02	09-065	\$700.00
		GRAND TOTAL	\$51,500.00

May 16, 2012
Regular Meeting

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

Resolution
Re: State Court Tax Appeals (\$85,247.47)

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

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

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

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

NAME	BLOCK-LOT	AMOUNT	YEAR
Nashel & Nashel Trust A/C	151/10	\$865.75	2010
Lawrence E & K Blumberg	151/11	\$994.01	2010
	151/9	\$865.75	2010
Michael I. Schneck Trustee for	135/9	\$4,156.20	2009
6025- Bergenline Ave c/o	135/9	\$5,451.05	2010
Century Mgmt.			
Michael I. Schneck Trustee for	98/11	\$2,565.20	2010
MS 429 52 nd LLC			
Christos Diktas Atty. for	96/8	\$3,117.15	2009
Alexander Palacios	96/8	\$2,885.85	2010
Jose Saud Atty. For	39/14	\$20,067.51	2009
6001 Realty Assoc., LLC	39/14	\$21,913.22	2010
Shakespeare Apt. Corp.	35/25	\$5,620.00	2008
Shakespeare Apt. Corp.	35/25	\$10,390.50	2009
	35/25	\$6355.28	2010
		GRAND TOTAL	\$85,247.47

Resolution
Re: Refund of Overpayment of Taxes
(Various Locations) (\$15,791.49)

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

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

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

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

NAME	BLOCK/LOT	AMOUNT	YEAR
Coca, Rosa	113/3	\$454.51	2012
Drayton Emanuel F & Fabeeza Khan	109/22 C0304	\$588.07	2012
Licor, Carmen	107/10	\$36.59	2012
Del Sol, Fermin & Yolanda	122/1	\$3544.49	2011
Gonzalez, Juana	145/21	\$151.88	2012
Wells Fargo	168.01/8.03	\$356.00 (svc)	2011
Rivera, Rafael & Veronica	42/21.02	\$2,999.80	2012
R. Rothman	42/21.02	\$2,939.54 60.26	2012 2012
Leidenfrost, Steven & Milagros	168.01/7.05 C0230	\$107.22 \$4,553.13 (SVC)	2012 2012
	Total	\$10,882.36	
	Total (SVC)	\$4,909.13	
	GRAND TOTAL	\$15,791.49	

Resolution
RE: TAX CORRECTION
(26 AVENUE AT PORT IMPERIAL)

WHEREAS, a payment was received in the amount of \$1500.00 for property located at 26 Avenue At Port Imperial A/K/A block 168.01 lot8.03 C0246 for the first quarter 2012 tax bill and;

WHEREAS, the said payment should have been made to pay the 1ST quarter 2012 service charge tax bill on property located at 24 Avenue at Port Imperial A/K/A block 168.01 lot 8.01 C0246

THEREFORE, the Tax Collector is hereby authorize to move the said payment to credit the 2nd quarter 2012 service charge bill to block 168.01 lot 8.01 C0246 A/K/A 24 Avenue at Port Imperial.

Resolution
Re: Authorizing property owner 20 Avenue @ Port Imperial to make monthly installment payments for outstanding service charges

WHEREAS, property was purchased on October 9,2009 at 20 Avenue At Port Imperial a/k/a block 168.01 lot 7.06 C0431 by Gary Tsz-Chun Lam; and

WHEREAS, the deed was not received in the Tax Office until 2012, therefore the Service Charge Bills were omitted for the following years and amounts.

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Regular Meeting

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

2009 Tax Year-	\$2,522.03
2010 Tax Year-	\$10,996.73
2011 Tax Year-	\$11,033.74
2012 Tax Year	\$5,466.56 (1 st Half)
 Grand Total	 \$30,019.06

Whereas, the property owner is requesting a one year time frame to pay taxes without interest as part of this Resolution Mr. Lam agrees to make monthly installments of \$2,501.58 which will be due on the 16th of every month. In addition Mr. Lam agrees to pay all current year taxes and is aware that failure to do so will result in the total balance due with interest being assessed.

Therefore, the Tax Collector is hereby authorized to enter into this agreement as of the date of this Resolution and for it to expire May 16, 2013.

Resolution
Re: Appointment of Jesus Alvarado as a Member of the Zoning Board of Adjustment of the Town of West New York to fill the unexpired term of Pedro Marrero (Term expires 12/19/14)

WHEREAS, a vacancy exists on the Zoning Board of Adjustment of the Town of West New York; and

WHEREAS, Jesus Alvarado, who resides at 6100 Adams Street Apt. 6R is a resident of the Town of West New York; and

WHEREAS, Jesus Alvarado is available to serve on the Zoning Board of Adjustment; NOW, THEREFORE, be it resolved by the Mayor and Board of Commissioners of the Town of West New York as follows:

1. Jesus Alvarado is appointed to serve as a Member of the Zoning Board of Adjustment of the Town of West New York, for a term commencing on May 16, 2012 to December 19, 2014.
2. A copy of this resolution shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

Resolution
Re: Adopting Time Clock Guidelines and Policy for Municipal Employees

WHEREAS, in October 2011, the Town passed a Resolution Awarding a Contract to Time Systems International for Hand Scanners, Time and Attendance Software and Support Services, and

WHEREAS, the Commissioners, have determined that it is necessary for the efficient operation of the Town to adopt a policy for time management and attendance; and

WHEREAS, in order to insure smooth transition into the use of an electronic time tracking system. The electronic time tracking system will replace the need for employees to sign in/out or have a record that documents days worked. This new approach will also allow the Town to more efficiently process employee leave taken during a payroll cycle. In order for this system to work to its fullest potential all employees are required to follow the guidelines and policy contained in the Memo entitled "Time Clock Guidelines and Policy for Municipal Employees".

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

May 16, 2012
Regular Meeting

Consent Agenda (Cont.):

1. That the Town adopts the policy and guidelines contained in the Memo entitled “Time Clock Guidelines and Policy for Municipal Employees” dated May 15, 2011.
2. That beginning on June 1, 2012 or as soon as possible thereafter all employees of the Town of West New York are required to utilize the electronic time tracking system.
3. That a copy of the “Time Clock Guidelines and Policy for Municipal Employees” be provide to each employee and union representative.
4. That the Town Clerk is authorized and directed, in accordance with the provisions of N.J.S.A. 40A:11-5(1) (a) (1), to cause this Resolution to be filed and available for inspection at the offices of the Town along with a copy of the Guidelines.

Time Clock Guidelines and Policy
for Town of West New York Employees

1. INTRODUCTION

The Town of West New York is transitioning into the use of an electronic time tracking system. The electronic time tracking system will replace the need for employees to sign in/out as they come to/from work and/or have a record that documents days worked. This new approach will also allow the town to more efficiently process and track vacation and sick time taken during a payroll cycle. In order for this system to work to its fullest potential all employees are required to follow the guidelines and policy outlined below.

2. OFFICIAL TIME OF RECORD

The Time Systems International electronic time keeping system and associated work records will become the official basis for recording time worked for employees of West New York. Handwritten sign in/out sheets will be replaced by computer generated records (based on the data in the timekeeping system).

In order to ensure consistency of treatment of all employees, the data recorded in the Time Systems International system shall be considered as the “official” record of the workday for the Town. Any disputes over actual time worked will be resolved by referring to the Time Systems International records.

In order for the electronic timekeeping system to work as intended, all town employees must participate and supervisors may discipline employees for failure to comply with this directive.

3. EMPLOYEE TIME REPORTS

An electronic timekeeping system (versus manual sign in sheets or other methods) will generate a more accurate and reliable record of time worked and leave taken during the reporting period for employees. The automated time reports must reflect all hours worked for the period (including personal leave, holidays, etc.). Adjustments to hours and leave must be posted weekly by the Time Clock Manager to avoid errors and omissions that may occur if these adjustments are posted toward the end of the payroll period.

4. DAILY CLOCK IN/OUT REQUIREMENTS

It is a job requirement that all employees must “clock in” in the morning and “clock out” at the end of the workday at their place of work. Under certain conditions (such as trainings at an off-site location, extracurricular events, etc.), the employee

should report time worked to the Time Clock Manager (see Section II for definition) so that their time worked can be manually entered.

May 16, 2012
Regular Meeting

Consent Agenda (Cont.):

Other requirements and guidelines include:

- 👉👉👉 Employees may be disciplined if they do not clock in/out when on the job or at least communicate any ‘missed’ punches.
- 👉👉👉 Employees may be disciplined if a pattern of ‘missed’ punches is detected.
- 👉👉👉 Clock in and out times will be rounded to the nearest half hour.
- 👉👉👉 Employees may be disciplined if a pattern exists as to late punches in order to take advantage of the rounding of the time to the half hour.

E. Employees are required to clock in prior to their assigned start time, and must clock out when they go off duty.

F. Employees are expected to clock in and out when at lunch or on break.

G. Unless permission to do otherwise is authorized in writing by the employee's supervisor, no employee may clock in more than 5 minutes after the start of their shift. Employees may not clock out more than 5 minutes prior to, or 5 minutes following the end of their work time. Clocking in within the time-frame specified will be calculated as an on-time report for duty.

H. Any adjustments to the recorded time must be approved by the employee's supervisor and the Town Business administrator.

I. Employees who clock in prior to the start of their assigned shift will not receive credit for time without approval from their Supervisor.

5. FALSIFICATION, TAMPERING, AND UNAUTHORIZED VIEWING

Due to the severity of the infractions below, there will be immediate discipline enforced up to and including termination.

- 👉👉👉 Any attempt to tamper with timekeeping hardware or software.
- 👉👉👉 Punching in for an absent or late employee (a.k.a. “buddy punching”).
- 👉👉👉 Anyone interfering with another employees’ use of the Time system.
- 👉👉👉 Unauthorized viewing of another employee’s time in the Time system.

The Town Administrator will review the specific details of such an infraction (including but not limited to the above infractions) and develop an appropriate response approved by the commissioner of the department to which employee is assigned.

6. CLOCK PROBLEMS

If an employee is unable to punch in or out because of a time clock malfunction or accidental oversight, it is the employee’s responsibility to immediately inform the Time Clock Manager and the employee’s Supervisor. In this situation, the Time Clock Manager will “manually” clock the employee in or out. The Time Clock Manager will then notify the Town Administrator of any clock problems.

7. COMMENCEMENT OF JOB DUTIES

Once an employee has clocked in, he/she is responsible for starting work. Personal matters or simply not working while clocked in is considered “riding the clock” and could be grounds for disciplinary action.

May 16, 2012
Regular Meeting

Consent Agenda (Cont.):

8. TIME CLOCK LOCATIONS

Each employee will be assigned a specific time clock to use to clock in and out. Failure to clock in or out at the assigned time clock may be considered grounds for disciplinary action.

9. PROCESSING OF ELECTRONIC TIME REPORTS

The work week will close according to a preset schedule to ensure that time adjustments and leave taken are properly recorded. Therefore, it is imperative that Time Clock Manager resolve all missed punches, leave taken, holidays, etc. within three (3) business days of the prior week. To ensure accuracy, Time Clock Managers should provide employees the opportunity to review their electronic timesheet before the payroll due date to ensure all leave reported is accurate. Any mistakes discovered after the closing of the work week will be resolved during the next pay period. No payments or checks outside of the regularly scheduled payroll will be issued to correct any deficiencies.

10. DISPUTES OVER TIME CLOCKED IN OR OUT

If a dispute over a clock in/out time arises (by employee, supervisor, or other person), the dispute will be properly documented by the Supervisor, signed by both parties, and submitted to the Town Administrator for filing in the employee's personnel file. If the employee refuses to sign the documentation, the Supervisor should note this accordingly in the paperwork. The attached form shall be used to document all disputes.

11. TIME CLOCK MANAGERS

Time Clock Managers are appointed by the Town Administrator as those responsible for editing punches. Punches should only be edited by Time Clock Managers upon authorization by Town Administrator. E-mails or paper correspondence is sufficient authorization.

12. EDIT HOUR REPORTS

The Payroll Department will run Edit Hour reports on a regular basis and review for any irregularities or patterns. All irregularities and/or patterns will be reviewed with the Town Administrator and all findings shall be reported/investigated accordingly.

13. ABSENCES FROM DUTY

Time Systems International is an electronic timekeeping system and as such does not remove the need for employee to advise their supervisor and the payroll department of any scheduled vacation, personal or sick time. All employees are required to submit requests for vacations and personal days to their Supervisor in writing. After approval has been obtained a copy of the request must be submitted to the payroll department for processing.

14. SICK TIME

Employees are required to notify both their Supervisor and the Time Clock Manager when calling out sick. A message left on the Time Clock Manger's Voice mail is acceptable.

15. ADDING AND REMOVING EMPLOYEES FROM SYSTEM

The Town Administrator will submit employee information to the Payroll Department when an employee has been recommended for hire, had a change of employment status, resigned, been terminated, etc.

May 16, 2012
Regular Meeting

Consent Agenda (Cont.):

Resolution
Re: Award Contract to Packetalk for Wireless Security Surveillance System
Pursuant to N.J.S.A. 40A:11-5 as a Sole Source Provider for Proprietary Computer
Hardware and Software

WHEREAS, the Town of West New York wishes to install security cameras in public areas in order to combat crime and provide for the security and well being of its residents; and

WHEREAS, after conducting a thorough investigation it has been determine by the police director that PackeTalk LLC, is the sole source provider of wireless security surveillance systems; and

WHEREAS, other municipalities have designated PackeTalk LLC, as a sole source provider for wireless security surveillance systems; and

WHEREAS, PackTalk LLC is the owner of proprietary computer hardware and software and pursuant to N.J.S.A. 40A:11-5 may be awarded a contract without public advertising for bids.

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Commissioners as follows:

1. The above recitals are incorporated as if fully set forth herein.
2. The Mayor is authorizes to execute an agreement with PackeTalk LLC, as a sole source provider for wireless security surveillance systems. The agreement shall memorializing the scope of services to be performed and the compensation to be paid therefore, in the form acceptable to the Mayor, and satisfactory to the Town as evidenced by the Mayor's signature for an amount not to exceed \$31,000.
3. This contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5.
4. The Chief Financial Officer's Certification that funds are available shall be on file at the Authority and made a part hereof.
5. This award is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
6. A copy of this resolution and the agreement detailing the terms of the retention of Packetalk LLC. shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.
7. A notice of this contract award shall be published in the form prescribed by law.

Resolution
Re: Award of Contract for Municipal Court Debt Collection Agency to Alliance One

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 et seq. for receiving Requests for Qualifications; and

WHEREAS, the Town of West New York issued a Request for Qualifications for Municipal Court Debt Collection Services in accordance with the requirements of N.J.S.A. 19:44A-20, et. seq., for the provision of Public Information Services and consulting; and

WHEREAS, the Town of West New York received and opened Qualifications for Public Information Services on May 15, 2012; and

May 16, 2012
Regular Meeting

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

WHEREAS, pursuant to the Request for Qualifications, the Town's received statements of qualifications from the following firms:

1. Alliance One Receivables Management, Inc.
4850 Street Road E, Suite 300
Trevose, PA 19053
2. National Recovery Agency
2491 Paxton Street
Harrisburg, PA 17111;
3. Capital Recovery Systems, Inc.
750 Cross Point Road, Suite S
Columbus, OH 43230
4. Penn Credit
914 S. 4th Street
Harrisburg, PA 17104
5. Duncan Solutions Company
633 W. Wisconsin Avenue, Suite 1600
Milwaukee, WI 53203-1920
6. Green Flag Profit Recovery by Transworld Systems
Raritan Plaza II, Suite A 23
Edison, NJ 08837

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 Municipal Court Debt Collection Services:

Alliance One Receivables Management, Inc.
4850 Street Road E, Suite 300 Trevose, PA 19053

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

1. The above recitals are incorporated as if fully set forth herein.
2. Alliance One Receivables Management, Inc. shall be and is hereby retained by the Town to provide Municipal Court Debt Collection Services to the Town, without further approval of the Board of Commissioners.
3. The Mayor shall be and is hereby authorized to execute an agreement by and among the Town and Alliance One Receivables Management, Inc. memorializing the scope of services to be performed and the compensation to be paid therefore, in the form acceptable to the Mayor, and satisfactory to the Town as evidenced by the Mayor's signature for Municipal Court Debt Collection Services at no cost to the town.
4. This contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5.

May 16, 2012
Regular Meeting

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

5. This award is awarded as a result of a Fair and Open Procedure adopted by the municipality in order to comply with the Pay to Play Law (P.L. 2004 Chapter 19 as amended by P.L. 2005, Chapter 51) N.J.S.A. 19:44-20.5 et seq.
6. A copy of this resolution and the agreement detailing the terms of the retention of Alliance One Receivables Management, Inc. for the provision of Municipal Court Debt Collection Services shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.
7. A notice of this contract award shall be published in the form prescribed by law.
8. This award is contingent upon approval of the Administrative Office of the Courts.

Resolution

Re: Approving the contract with the Superior Officers of the West New York Police Department

(Term: 7/1/09-12/31/14)

WHEREAS, the contract between the Town of West new York and the Police Superior Officers has expired effective June 30, 2010; and

WHEREAS, the Town of West New York has entered into negotiations with the Police Superior Officers for an employment contract; and

WHEREAS, an agreement has been reached between the parties regarding compensation and other benefits and policies; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Commissioners as follows:

1. The above recitals are incorporated as if fully set forth herein.
2. The Town Business Administrator is authorized to execute an agreement with Police Superior Officers.
3. A copy of this resolution and the agreement detailing the terms of the reimbursement. shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.
4. A notice of this contract award shall be published in the form prescribed by law.

Resolution

Re: Authorizing the Town Administrator to Enter into an Agreement with Medco/Express Scripts for Prescription Drug Services

WHEREAS, the Town of West New York provides its employees with medical coverage including a prescription drug plan; and

WHEREAS, the Insurance Broker for the Town has undertaken an investigation to find the most cost effective provider; and

May 16, 2012
Regular Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

WHEREAS, it was determine that Medco/ Express Scripts will provide the same level of service at a reduced cost to the Town;

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of West New York that the Town administrator is permitted to enter into an agreement for prescription drug services with Medco/ Express Scripts.

Ordinance #11/12

**AN ORDINANCE AUTHORIZING INSTALLATION OF STOP SIGNS
AT THE FOLLOWING INTERSECTIONS:
HUDSON AVENUE AT 58TH STREET AND
61ST STREET AT JEFFERSON STREET**

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

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

No one wished to be heard.

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

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

Ordinance #12/12

**AN ORDINANCE AMENDING ORDINANCE #2/12 ENTITLED:
“AN ORDINANCE DECLARING CERTAIN OFFENSES BY OR
AGAINST PERSONS WHO DO NOT MEET THE LEGAL AGE FOR
CONSUMPTION OF ALCOHOLIC BEVERAGES UNDER THE LAWS
OF THE STATE OF NEW JERSEY AS UNLAWFUL”**

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

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

No one wished to be heard.

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

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

**May 16, 2012
Regular Meeting**

Ordinance #13/12

**AN ORDINANCE AMENDING CHAPTER 36
OF THE CODE OF THE TOWN OF WEST NEW YORK
REGARDING ETHICS AND TRAINING**

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

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

No one wished to be heard.

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

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

Ordinance #14/12

**AN ORDINANCE APPROVING FINANCIAL AGREEMENTS
WITH 6035 PARK AVE. URBAN RENEWAL, L.L.C.**

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

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

It was regularly moved by Commissioner Rodriguez, seconded by Commissioner Frias, to **postpone further action on the foregoing Ordinance until June 20, 2012 at 12 noon**, was carried by the following vote:

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

Note: Town Attorney Gil Garcia advised that he entered into a consent agreement with the Attorney for the developer so that they can present their case today and the Town can grant temporary approval pending final decision by the law department. He further advised that today he had a meeting as to whether the abatement should be granted but there is a legal problem because the developer began construction and the Town cannot approve the abatement. He advised that in order to cooperate, there will be a vote of yes pending final research and determination by the law department which at this point is negating application for abatement. Richard Venino, Esq. agreed with the aforesaid understanding. Mr. Venino advised that he is representing the developer and is present for the purpose of answering any questions the Board of Commissioners or the public may have regarding this issue. He introduced his engineer, Rudy Vasquez, P.E., who is also present for the purpose of explaining the need for construction done to date, etc. Town Attorney Garcia inquired as to whether the developer possessed approval from the Town's Building Dept. to which Mr. Venino replied "Yes". Mr. Garcia responded "To commence construction?" to which Mr. Venino replied "to stabilize site, yes". Mr. Garcia requested an explanation of "to stabilize site". Mr. Venino explained that there was environmental contamination and extensive remediation needed and that there was ground water contamination which necessitated removal of soil.

May 16, 2012
Regular Meeting

Continued from prior page:

Town Attorney Garcia stated “No approval was given from Board of Adjustment to allow your client to continue forward with project, only to correct emergency problems.” Mr. Venino replied “Yes”. Engineer Rudy Vazquez presented his resume to the Town Clerk (see attached). Mr. Vasquez explained the cleanup performed at the site and that as it progressed, the edges of the property needed “shoring”. Mr. Venino asked Mr. Vasquez if he agreed with his explanation of remediation to which Mr. Vasquez responded “yes”. Mr. Vasquez explained the initial project design. Mr. Garcia inquired “Is that all that was required at the time or did you have to do more?” Mr. Vasquez responded “yes”. Mr. Garcia inquired “Why did you go forward with construction? Did remediation escalate or did problem escalate?” Mr. Vasquez responded “both”. Discussion ensued between Town Attorney and Mr. Vasquez about periodic reports and why did the developer go beyond remediation. Mr. Vasquez advised that he made the choice, not the Dept. of Environmental Protection, to go forward to remediate and stabilize the property. Mr. Vasquez further advised that Maser Consultants oversaw the environmental remediation and that he oversaw the “structural part of it”. He further explained the technical requirements of shoring up the property. Mr. Venino inquired as to what indications existed that more was needed. Mr. Vasquez replied “cracking on garage and property on other side”. Town Attorney inquired as to whether the foregoing information and photos were included in his report to which he replied “yes”. Mr. Venino advised that he would supply the photos. Town Attorney advised that he wanted developer to provide a complete package for review by the law department. Mr. Garcia inquired as to whether Mr. Vasquez was aware that if construction continued, the developer would not be entitled to an abatement, to which Mr. Vasquez replied “No, I didn’t know that.” Mr. Garcia advised that he wants all reports, photos, etc. so that he can review the facts, apply the law and make a final recommendation to the Board of Commissioners. Mr. Garcia advised the Board that a vote could be taken now but it would be contingent upon his legal opinion. Mayor Roque commented “Sounds like fluid nature and that this wasn’t anticipated.” Town Attorney commented that he is leaning toward denying request for abatement. He commented that he is strongly against a yes vote at this time pending his final legal opinion. Discussion ensued about further emergency construction. Mr. Garcia advised that case law is strict in interpretation and doesn’t allow exceptions to be made. He advised that developer can appeal this board’s decision. Mr. Venino advised that environmental contamination needed to be addressed. Discussion ensued between the attorneys that too much construction took place after remediation work. Comm. Rodriguez inquired as to whether Mr. Vasquez was the sole engineer on site to which Mr. Venino advised that Mr. Vasquez is the engineer for the project and that Maser was engineer for remediation. Comm. Rodriguez inquired as to who appointed Maser to which Mr. Vasquez and Mr. Venino replied “State D.E.P.”. Comm. Rodriguez commented “Shouldn’t we have an independent engineering inspection of that area to make sure it is secure to continue construction?” Mr. Venino replied “Town Engineer can do that.” Town Attorney Garcia clarified that the developer has been previously granted a five (5) year abatement and that it is now seeking a long term abatement. Mr. Venino concurred. Mr. Vasquez stated “I am an independent organization and my concern is the general public.” Comm. Rodriguez commented “We want another opinion.” At this point, Town Attorney Garcia recommended postponing further action until next Commission Meeting which is scheduled for 6/20/12 at 12 noon. All agreed.

May 16, 2012
Regular Meeting

Ordinance #15/12

An Ordinance adopting standards for Security Cameras in the Town of West New York

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

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

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

Notice
Ordinance #15/12

An Ordinance adopting standards for Security Cameras in the Town of West New York

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 May 16, 2012 and ordered published, and will be further considered before final passage at a public hearing on June 20, 2012 at 12:00 p.m. at the Court Chambers, Municipal Building, West New York, New Jersey. A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, New Jersey.

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

Ordinance #16/12

**An Ordinance amending Ordinance #25/06 entitled:
“An Ordinance establishing Salaries for Superior Officers of the
West New York Police Department”**

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

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

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

May 16, 2012
Regular Meeting

Notice
Ordinance #16/12

**An Ordinance amending Ordinance #25/06 entitled:
“An Ordinance establishing Salaries for Superior Officers of the
West New York Police Department”**

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 May 16, 2012 and ordered published, and will be further considered before final passage at a public hearing on June 20, 2012 at 12:00 p.m. at the Court Chambers, Municipal Building, West New York, New Jersey. A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, New Jersey.

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

Mayor opened the Public Portion.

Public Portion:

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

Ms. Kellerman complained about the Meridan Project and requested the governing body to view the proposed project site. Mayor Roque commented that there is nothing that he can do. Town Attorney Garcia commented that he believes this is still ongoing process before the Board of Adjustment where she should express her concerns. Mr. Garcia advised her that the Board of Commissioners has nothing to do with the decision making process and that the hearing on Ordinance #14/12 was regarding the abatement issue solely.

2. Johann Stein, 6305 Boulevard East, WNY:

Mr. Stein complained about the “dust cloud” at the dog park on 64th Street and Blvd. East. He expressed his concern about its effect on the children despite the fact that he owns two (2) German shepherd dogs. Comm. Vargas advised that the park is only 80% completed and that the proper material will be placed there as per Town Engineer. Mayor Roque thanked Mr. Stein for bringing this matter to the Board’s attention. Town Engineer Robert Russo, who was present, advised that he would check into the situation. Mr. Stein also complained about the hold in the fence at basketball court and that children are playing basketball until 2:00 or 3:00 a.m. He recommended that the lights be turned off to stop play. He commented that he is happy with other improvements which are being made so far. Mr. Stein also requested additional police presence on Boulevard East. Mayor recommended that he contact Police Director Indri to discuss specifics.

3. Town Attorney Gil Garcia:

Town Attorney apologized for making some promises regarding proposed Ordinances to be introduced regarding vendors’ licenses and massage parlors. He advised that he did not have sufficient time to finalize proposed Ordinances, and therefore they could not be introduced at tonight’s meeting, but that a staff attorney has been hired to dedicate time to prepare and modify existing Ordinances to be introduced at the next Commission Meeting. Mayor Roque commented that the Town Attorney works more than 40 hours per week and Saturdays and Sundays.

4. Joshua Breakstone, 6701 Boulevard East, WNY:

Mr. Breakstone thanked the Town Clerk and her staff for recently assisting him and stated “It is great to be able to speak to our elected officials. We really like you at 6701 Blvd. East. I am a registered independent. I like people who get things done. My problem was resolved immediately.” Mayor Roque thanked his Commissioners and Town Clerk Riccie

**May 16, 2012
Regular Meeting**

Public Portion (Cont.)

4. Mr. Breakstone (Cont.):

for taking care of the problem. Mr. Breakstone read aloud information contained on a four (4) page document, which he also presented to the Town Clerk, regarding the proposed Meridia Project at 67th Street and Boulevard East. He stressed the fact that this project far exceeds the prior project which had been rejected and that this project is too big and not suitable for the lot size. Town Attorney Garcia advised him to make his arguments to the Board of Adjustment and that he has every right to exercise his First Amendment rights. Mr. Garcia expressly advised that he is not for or against this project and that the Board of Commissioners cannot discuss this project with the members of the Zoning Board as that is a separate entity over which this Board has no control. Mr. Breakstone commented that his organization has been categorized as “anti-development” but that is not the case and that the proposed project must benefit the residents, etc.

5. Angel Barquin, 432 – 58th Street, WNY:

Mr. Barquin commented that tomorrow is one (1) year anniversary of this new Administration and inquired as to whether a celebration would be held. Mayor replied “no”. Mr. Barquin commented that this Administration has accomplished a lot in a short time but that 65 tort claims have been filed within this past year. He wanted to know the reason for so many claims. Mayor advised that the Town has already saved a large sum of money on legal fees. Town Attorney Garcia advised that 25 of the 34 open claims are workers compensation cases i.e. police officers, DPW workers, etc. and that 3 out of 14 lawsuits have already been dismissed at no cost to the Town. He further advised that the remaining matters are being handled by attorneys being compensated far less money than in the past. Finance Manager John Mosca, who was also present, confirmed that approx. \$500,000 has been reduced from the budget for legal fees. Mr. Barquin indicated that his concern is the effect of the lawsuits on real estate taxes. Mr. Garcia advised that a Pre-litigation attorney was hired during tonight’s meeting who will analyze the cases and determine if the Town should settle cases, which would save between \$30-40,000 per case. Mr. Barquin commented about the noise problem at Son Cubano. Town Attorney Garcia advised that said establishment has received a reasonable fine for what has occurred to date and that it has been advised that the next time the Town will not be so benevolent. He further advised that it is his understanding that Son Cubano is trying to keep things under control and that he should wait to see what occurs during the summer months. Mr. Barquin commented about Ordinance #13/12 (ethics and training courses) and inquired as to who is the DPW Superintendent. Comm. Wiley responded that it is Cesar Errico. Mr. Barquin inquired “Does he have credentials?” Town Attorney Garcia advised that Mr. Errico is in an Acting capacity, actively pursuing the necessary courses which should be fully completed by the end of this year. Mr. Barquin inquired as to whether the credentials are needed before obtaining employment with the Town to which Mr. Garcia explained that Civil Service permits a Chief Financial Officer, which is an important position for example, to be nominated and take the courses. Discussion ensued about amount Town will pay toward certifications, etc. Comm. Wiley inquired “Are you happy with how the Town looks?” Mr. Barquin complained that a D.P.W. employee, John Karcich, who he feels is an excellent worker was transferred from 58th Street. Comm. Wiley replied “He is one of my best employees but I can’t talk further about personnel issues.” Comm. Wiley advised that the Town had not been in compliance for the past 6 years but that Town will be shortly receiving an Award for safety measures, training, etc. Mr. Barquin commented about 17 OSHA violations. Comm. Wiley advised that Town is in full compliance with the law and that he had contacted the State during his first month in office.

6. Kerry Culhane, 322 – 67th Street, WNY:

Ms. Culhane thanked the Board of Commissioners for the proposed improvements to Dewey Avenue Park and installation of security cameras at 66th Street park. Comm. Vargas advised that cameras are also being installed at Miller Park. She complained about fumes from an ice cream vendor’s truck. Town Attorney advised her to discuss it with the law department. She advised that on May 25 there will be a DARE Graduation at #5 School.

May 16, 2012
Regular Meeting

Public Portion (Cont.)

7. **Chelsey Ramos, 43 – 66th Street, WNY:**

She advised that she is a graduate of Memorial High School and N.J.I.T. and is an Environmental Engineer. She further advised that she is working with Comm. Frias to establish a community garden in West New York. Comm. Frias explained that this project is in conjunction with a Senior Citizen group to plant trees and that Ms. Ramos is actively pursuing grant monies for same. Comm. Frias thanked her and her teachers.

It was regularly moved by Commissioner Frias, seconded by Commissioner Rodriguez, to close the public portion and adjourn the meeting at 8:46 p.m., was carried by the following vote:

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

NAYS - None

ABSENT - None

Commissioner FiorD'Aliza Frias

Commissioner Caridad Rodriguez

Commissioner Ruben Vargas

Commissioner Count J. Wiley

Mayor Felix E. Roque
Board of Commissioners

Attest: _____
Carmela Riccie, RMC Town Clerk