

**November 21, 2011**  
***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 **WNY Middle School (Auditorium), 201 – 57th Street, WNY, NJ** on Monday, November 21, 2011 at 7:00 p.m. (6:00 p.m. Work Session held in the Mayor's Conference Room).

Present: Commissioners Frias, Rodriguez, Wiley, Vargas and Mayor Roque  
Absent: None  
Also Present: Town Attorney Julio Morejon and Town Clerk Carmela Riccie

Meeting commenced at 7:00 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 November 21, 2011 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 May 17, 2011. Said Resolution was transmitted by the Town Clerk to the Jersey Journal and the Bergen Record and publicly posted on the Municipal Bulletin Board, Town Hall, and filed with the Town Clerk.

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

**Note:** **At the request of Mayor Roque, Town Clerk Carmela Riccie read aloud the titles of all items on the agenda. Town Clerk Riccie announced that the regular business will be conducted and then the Hearing Re: Ordinance #25/11 (Hours of Sale of liquor) will be at the end of the meeting.**

**Minutes of Previous Meeting:**

It was regularly moved by Commissioner Vargas, seconded by Commissioner Rodriguez, that the Minutes of Regular Meetings: 9/21/11 and 10/19/11 (Regular and Work Sessions) and Special Meeting: 11/10/11 (Regular Session) 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 11/21/11 (Claims are available for public inspection in the Town Clerk's Office):**

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

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

**November 21, 2011**  
***Regular Meeting***

**Receipt of Financial Reports:**

**FINANCIAL REPORTS - MONTH OF NOVEMBER 2011**

1. From Construction Code Official Office, reporting the sum of \$89,152.23 collected for the month of October 2011.
2. From Director Michael Indri (Police Dept.) reporting the sum of \$2,113.00 collected for the month of September 2011 & \$2,909.00 for the month of October, 2011.
3. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$1,250.00 Special Licenses collected for the month of October 2011.
4. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$363.00 for Marriage/death certificates collected for the month of October 2011.
5. From Maria Alvarez, Registrar of Vital Statistics reporting the sum of \$34.00 for Dogs Licenses Issued for the month of October 2011.
6. From Frederick J. Tomkins, Acting CFO (Revenue and Finance Department) reporting the sum of \$12,843,182.36 collected for the month October 2011.
7. From Carmela Riccio, RMC, Town Clerk, reporting the sum of \$100.55 collected for the month of October 2011.

It was regularly moved by Commissioner Vargas, seconded by Commissioner Rodriguez, 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

**November 21, 2011**  
***Regular Meeting***

**RFQ Results**  
**Re: Insurance Broker of Record Services**

RFQ PROPOSAL FORMATION

Proposal Receipt Date: November 10, 2011

Proposal Time: 10:00 AM

Location for proposal: Town Clerk's Office

Proposal for: Insurance Broker of Record Service

Personnel at Opening: Town Clerk Carmela Riccie & Jennie DelRio

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

RESPONDER #1 Alamo Insurance Group, Inc.  
8419 Bergenline Avenue  
North Bergen, NJ 07047

RESPONDER #2 Brown & Brown Metro  
30A Vreeland Road  
Florham Park, NJ 07932

RESPONDER #3 BGIA (Business & Governmental Insurance Agency  
900 Route 9 North, Suite 503  
Woodbridge, NJ 07095-1003

**Proclamation**  
**Re: Honoring Oneida's Dance Studio**

WHEREAS, children hold the future of Mankind, and their education and well being are of paramount importance and concern to all who hope for a better world; and

WHEREAS, those who work with children, who develop, encourage and foster their vocations and aptitudes, who are in effect teachers in the noblest sense of the word, deserve our most profound respect and admiration;

WHEREAS, we are fortunate and very proud to have in our community such a person, who for the past 45 years since her arrival from her native Cuba, has dedicated herself to said magnificent endeavors and who has succeeded in establishing a well-earned nationwide reputation in the dancing arts; and

WHEREAS, on Sunday, October 23, 2011 at 2:00 p.m. ONEIDA'S DANCE STUDIO will celebrate her 45<sup>th</sup> Anniversary at the PARK THEATER located in Union City, New Jersey.

NOW, THEREFORE, I, MAYOR FELIX E. ROQUE and the Board of Commissioners of the Town of West New York hereby express our best wishes and appreciation to ONEIDA QUEVEDO for all she has done for our children and wish her continued success.

**November 21, 2011**  
***Regular Meeting***

**Proclamation**  
**Re: Honoring Dr. Rolando A. Alum, Sr.**

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, DR. ROLANDO A. ALUM, SR. was born in Havana ,Cuba and made many outstanding contributions on behalf of the Hispanic Community and has a deep appreciation for the US Liberal Democracy and it's benefits for his children and two grandchildren; and

WHEREAS, DR. ROLANDO A. ALUM, SR. was educated at the University of Havana, having attained three doctorates: Education, Philosophy and Dentistry. His profession in New Jersey was Scientific Researcher for a major pharmaceutical company (Hoffman-LaRoche, Nutley, NJ); and

WHEREAS, DR. ROLANDO A. ALUM, SR. fled from communist tyranny in Cuba in 1961 with his late wife, Sara, and two sons and arrived in Miami later moving to New Jersey in 1966. He has been a West New York resident since 1968, and throughout the last four decades has witnessed transformation in West New York, the town he loves, for its cultural diversity and services, as well as for its easy accessibility for shopping; and

WHEREAS, DR. ROLANDO A. ALUM, SR. will be celebrating his 99<sup>th</sup> Birthday this year and is looking forward to celebrating his First Centennial next year, right here in West New York.

NOW, THEREFORE, BE IT PROCLAIMED that Mayor Roque and the Board of Commissioners of the Town of West New York hereby express their best wishes and congratulations to DR. ROLANDO A. ALUM, SR.

**Consent Agenda**

It was regularly moved by Mayor Roque, seconded by Commissioner Frias 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 and R-20 be adopted, was carried by the following vote:

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

**Note:** Town Clerk Carmela Riccie read the titles and item numbers included on the Consent Agenda.

**November 21, 2011**  
***Regular Meeting***

**Consent Agenda (Cont.):**

**RESOLUTION**

**Re: Approving Board of Education request to acquire**  
**St. Joseph's High School (5400 Broadway)**

WHEREAS, under Title 19 of the New Jersey Statutes, the New Jersey Legislature has established a New Jersey Schools Development Authority ("SDA"); and

WHEREAS, Title 19 empowers the SDA, inter alia, to purchase land for and construct schools on behalf of certain designated SDA School Districts; and

WHEREAS, the West New York School District ("the District") is an SDA School District; and

WHEREAS, the District has been awarded funding from the New Jersey Department of Education ("NJDOE") for land acquisition for the addition to Memorial High School; and

WHEREAS, such funding is conditioned on the District identifying and SDA and NJDOE approving an appropriate location for the addition to the Memorial High School; and

WHEREAS, SDA has adopted rules (N.J.A.C. 19:34-1 et seq.) to assist SDA School Districts seeking to develop new facilities, and has made funding available for site identification, investigation and acquisition, feasibility studies, design work, site remediation, and other activities ("Preconstruction Activities") required to prepare an application to NJDOE for approval of a school facilities project; and

WHEREAS, the process of identifying a site for a new school facility under SDA rules is governed by N.J.A.C. 19:34-3.2, which includes specific selection criteria for such analysis and the pertinent regulations and procedures under this process are:

- A. Prior to the submission by an SDA School District of an application to NJDOE for approval of preconstruction activities, a local Board of Education and the parent municipality shall jointly submit to NJDOE and SDA a complete inventory of all District and municipally-owned land in the municipality.
- B. The School District shall separately identify and provide to SDA an inventory of any privately-owned sites that it considers potential school sites. The inventory shall include a map of the district showing the location of each of the identified parcels of land.
- C. The School District and municipal Governing Body shall together provide a written analysis to SDA concerning each district or municipally owned site, or privately owned site identified by the SDA School District, explaining whether it is suitable for a school facilities project. For each such site, the analysis shall include a determination of:
  1. Cost and Schedule Impacts to the Proposed Project resulting from adjustments to overall projects schedule, complexity of land acquisition or fair market value considerations (cost estimates to be based on the assessed valuation multiplied by the current municipal equalization ratio); and
  2. Significant Site Location, Size and Improvement Considerations, including constructability, community Impacts related to construction and time to Implement, compatibility of neighboring land uses, overall revitalization and economic

**November 21, 2011**  
***Regular Meeting***

**Consent Agenda (Cont.):**

**Resolution (Cont.):**

development and open space plans, proximity of public transportation and relocation and displacement impacts; and

3. Known Significant Infrastructure Considerations, Including sufficiency of water supply (drinking, fire), sewerage capacity, traffic impacts, the need for road widening (additional takings) and utility relocation; and
4. Known Significant Environmental Considerations, including technical impracticability of remediation, environmental quality impacts (soil and groundwater), historic and cultural resources, compatibility with neighboring land uses, wetlands, stream encroachment, endangered species and Green Acres encumbrances; and

WHEREAS, the District and the Town of West New York prepared an Alternative Site Analysis for the expansion of Memorial High School consistent with the requirements of N.J.A.C. 19:34-1 et seq.; and

WHEREAS, The Alternative Site Analysis prepared by The District and the Town of West New York reviewed all (20) twenty parcels owned by the West New York Board of Education and found:

- A. All (20) twenty tax lots to be in active use and therefore not available for the Memorial High School Expansion; and
- B. Additions and alterations to the Existing Memorial High School were investigated by the NJSDA and the District which resulted in a project worth in excess of 65 million dollars; and

WHEREAS, the Alternative Site Analysis prepared by the District and the Town of West New York reviewed (1) one parcel (5 tax lots) owned by the NJ Schools Development Authority and found:

- A. The New Jersey Schools Development Authority is building a new school for Public School No. 3 at this location and therefore the parcel is not available for the Memorial High School Expansion; and
- B. Parcel is not located within appropriate distance to the Memorial High School facility; and

WHEREAS, the Alternative Site Analysis prepared by the District and the Town of West New York reviewed (2) two parcels (2 tax lots) owned by charitable entities and found:

- A. All parcels Lot 21.01, Block 34; and Lot 17, Block 153 are of insufficient size to accommodate the Memorial High School Expansion; and
- B. All parcels Lot 21.01, Block 34; and Lot 17, Block 153 are not located within appropriate distance to the Memorial High School facility; and

WHEREAS, the Alternative Site Analysis prepared by the District and the Town of West New York reviewed (15) fifteen parcels (15 tax lots) owned by private and public entities which are currently parking lots and found:

**November 21, 2011**  
***Regular Meeting***

**Consent Agenda (Cont.):**

**Resolution (Cont.):**

- A. All parcels are of insufficient size to accommodate the Memorial High School Expansion; and
- B. (5) five of the parcels Lot 38, Block 34; Lot 17.02, Block 47; Lot 1, Block 76; Lot 15, Block 88; Lot 1, Block 137 are privately owned but are not located within appropriate distance to the Memorial High School facility and are not of appropriate size to accommodate a school facility; and
- C. Six parcels Lot 2, Block 4; Lot 7, Block 16; Lot 25, Block 108; Lot 1, Block 4; Lot 6, Block 71; Lot 8, Block 151 are owned by the West New York Parking Authority and are all of insufficient size to accommodate an addition to the Memorial High School and are not within appropriate distance to the Memorial High School; and
- D. Four parcels Lot 18, Block 62; Lot 16, Block 64; Lot 17, Block 64; Lot 15, Block 73 are not of appropriate size to accommodate a school facility; and

WHEREAS, the Alternative Site Analysis prepared by the District and the Town of West New York reviewed (2) two parcels (2 tax lots) owned by “other school property” Newark Archdiocese entities which are currently school buildings and found:

- A. One parcel Lot 1 Block 77 is of sufficient size to accommodate the Memorial High School Expansion and it is within appropriate distance to the Memorial High School; and
- B. One parcel Lot 1 Block 30 is of insufficient size to accommodate the Memorial High School Expansion and it is not within appropriate distance to the Memorial High School; and

WHEREAS, the Alternative Site Analysis prepared by the District and the Town of West New York reviewed (34) thirty four parcels (34 tax lots) owned by the City of West New York and found:

- A. Six parcels Lot 6 Block 43; Lot 32 Block 108; Lot 28, Block 126; Lot 9, Block 78; Lot 16, Block 140; Lot 5 Block 43; Lot 4, Block 141; Lot 32, Block 98; Lot 6 Block 13; Lot 101, Block 168; Lot 14, Block 67; Lot 8.01, Block 45; Lot 8, Block 47; are of insufficient size to accommodate the Memorial High School Expansion and it is not within appropriate distance to the Memorial High School; and
- B. Ten (10) parcels Lot 2 Block 24; Lot 1 Block 168; Lot 3 Block 106; Lot 2, Block 87; Lot 11 Block 160; Lot 9, Block 15; Lot 32; Block 129; Lot 1, Block 87; Lot 10.01, Block 38 and Lot 50, Block 126 are Green Acres properties; and
- C. One parcel Lot 20 Block 53 “Hudson Hall” is being used for community services and school registration offices; and
- D. Two parcels Block 17, Lot 140 and Lot 1 Block 125 are not within appropriate distance and are utilized as resident parking and therefore are not available for a school facility; and
- E. Two parcels Lot 1, Block 56; Lot 32, Block 56 are part of the West New York Municipal Building complex and therefore it is not available for use as a school building; and
- F. Four Parcels Lot 11, Block 163; Lot 15, Block 145; Lot 14, Block 102; Lot 6, Block 168 are Fire Houses and therefore not available for a school building; and
- G. One parcel Lot 2, Block 29 is of appropriate size but it is not within appropriate distance for an addition to the Memorial High School; and

**November 21, 2011**  
***Regular Meeting***

**Consent Agenda (Cont.):**

**Resolution (Cont.):**

H. One parcel Lot 7, Block 112 is property of the Post Office and actively use as such, therefore not available for a school building; and

WHEREAS, The Alternative Site Analysis prepared by the District and the Town of West New York found one (1) PRIVATELY-OWNED SITE PREVIOUSLY IDENTIFIED BY THE DISRICT to be eligible for consideration for the expansion of the Memorial High School facility:

A. One parcel Lot 1 Block 77 (attached Map) is an appropriately zoned, 1.2741-acre, vacant and existing school building with appropriate classroom size to use as the freshman and sophomore academy to the Memorial High School program and within appropriate distance to the existing Memorial High School building. The proposed site's existing building has sufficient capacity for approximately 800 students which will allow the District to fill the capacity gap that we currently have at Memorial High School and as presented to the Board and the Public during the special meeting held on October 19, 2011; and

WHEREAS, as evidenced by correspondence accompanying this Resolution, the District has worked cooperatively and in conjunction with the Town of West New York and a District Advisory Committee on the site selection process.

NOW, THEREFORE, BE IT RESOLVED THAT the Town of West New York Board hereby accepts the Alternative Site Analysis, Memorial High School, West New York Public Schools, prepared by the District and the Town of West New York (dated October 30, 2011), and endorses same for submission to the New Jersey Schools Development Authority and the Commissioner of the New Jersey Department of Education.

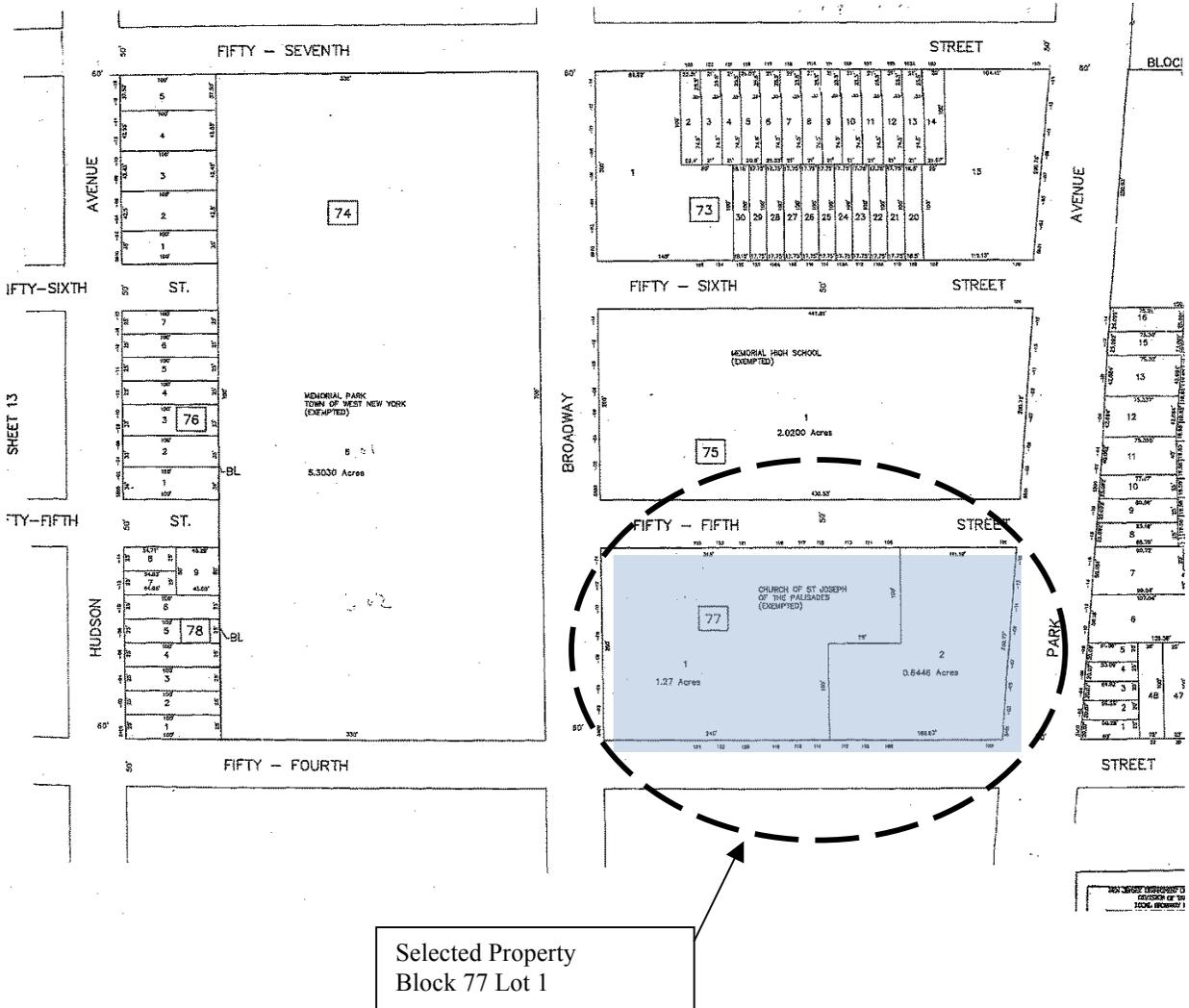
BE IT FURTHER RESOLVED that after careful review and consideration of the contents and findings of the aforementioned Alternative Site Analysis, the Town of West New York hereby supports and endorses Block 77 Lot 1 (attached map reference) as the preferred location for the expansion of the Memorial High School Freshman- Sophomore Academy.

BE IT FURTHER RESOLVED: that the Town of West New York hereby requests that the New Jersey School Development Authority and the Commissioner of the New Jersey Department of Education approve Block 77 Lot 1 for the expansion of the Memorial High School Freshman- Sophomore Academy.

November 21, 2011  
Regular Meeting

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

Tax Map for Block 77 Lot 1



**Resolution**

**Re: Extension of Contract for Insurance Broker of Record**

WHEREAS, on November 22, 2010, the Governing Body approved and appointed The Alamo Insurance Group, Inc, and Brown and Brown Metro, Inc., as Insurance Broker of Record, and agreed to enter into a contract for services as Insurance Broker of Record;

WHEREAS, the contract entered into between the Town and The Alamo Insurance Group, Inc, and Brown and Brown Metro, Inc., as Insurance Broker of Record on November 22, 2010, ends on November 21, 2011;

WHEREAS, the Town wishes to extend the term of the contract entered into between the Town and The Alamo Insurance Group, Inc, and Brown and Brown Metro, Inc., as Insurance Broker of Record from November 21, 2011, to December 31, 2011;

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

1. The contract entered into between the Town and The Alamo Insurance Group, Inc, and Brown and Brown Metro, Inc., as Insurance Broker of Record is extend from November 21, 2011, to December 31, 2011.

**November 21, 2011**  
***Regular Meeting***

**Consent Agenda (Cont.):**

**Resolution**

**Re: Amending Resolution adopted on May 17, 2011**  
**creating the Department of Public Affairs**

Whereas, on May 17, 2011 a Resolution was adopted creating the Department of Public Affairs; and

Whereas, the Urban Enterprise Zone of the Town of West New York was inadvertently omitted from said resolution; and

Whereas, the Urban Enterprise Zone was created by Ordinance #23/96 and #26/09 which placed the jurisdiction of the Urban Enterprise Zone in the Department of Public Affairs;

Now, therefore, be it resolved by the Mayor and Board of Commissioners of the Town of West New York that the Resolution adopted on May 17, 2011 creating the Department of Public Affairs is hereby amended to include the Urban Enterprise Zone.

**Resolution**

**Re: Repealing Resolution adopted on 5/21/08**  
**(Restricted Parking for Handicapped Resident) as follows:**  
**6132 Madison Street, WNY (Joseph A. Mantineo)**

Whereas, the governing body of the Town of West New York adopted a Resolution on May 21, 2008 establishing restricted parking for use by a handicapped residents; and

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

Now, therefore, be it resolved by the Mayor and Board of Commissioners of the Town of West New York that the above resolution is hereby repealed:

6132 Madison Street, WNY (Joseph A. Mantineo)

Be it further resolved that the Department of Public Safety is directed to remove all signage for the spaces as directed by this resolution.

Be it further resolved that this resolution shall take effect immediately upon passage.

**Resolution**

**Re: Accepting Audit Report pertaining to the Alcoholic Beverage Control Board**

WHEREAS, on June 15, 2011, the Town passed a Resolution retaining the services of Carr, Daley, Sullivan & Weir, P.C., (“Carr Daley”) 220 South Orange Avenue, Livingston, New Jersey 07039 to prepare a forensic audit report for the Town, and

WHEREAS, during the course of the audit Carr Daley was requested to conduct a review of the Alcoholic Beverage Control Board’s files and procedures; and

WHEREAS, on August 5, 2011, the firm of Carr Daley as part of its duties in connection with their audit issued a report concerning the operation of the Alcoholic Beverage Control Board; and

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

**November 21, 2011**  
***Regular Meeting***

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

1. That the Town accept the findings and recommendations contained in the August 5, 2011 report of Carr, Daley as it pertains to the ABC Board.
2. The Town authorizes the Town Administrator act on the recommendations made in the report of Carr, Daley, as it pertains to the ABC Board.
3. That the Town Clerk is authorized and directed, in accordance with the provisions of N.J.S.A. 40A:11-5(1) (a) (1), to cause this Resolution to be filed and available for inspection at the offices of the Town.

**RESOLUTION**  
**RE: ALLOWING THE WEST NEW YORK POLICE DEPARTMENT**  
**TO DISPOSE OF CERTAIN COMPUTER EQUIPMENT**

WHEREAS, the West New York Police Department has conducted an inventory of certain computer equipment that is no longer functional and is deemed not salvageable; and

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

WHEREAS, the 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 to destroy the computer 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 is authorized to destroy the following computer equipment:

HP comp. ser#US04168161  
HP printer ser#CN0871N351  
DELL comp. ser#7PLWT41  
APC ser#JB024000099  
DELL comp. ser#2PLWT41  
ACER mon. ser#72800374742  
Comp ser#MA91803712  
SAM mon. ser#BI17HCG1408661M  
COMPAC comp. ser#6X32KN8Z3014  
DELL mono ser#CN01M16196418EE  
Comp.ser#MA053210096-2  
HPSHORE mono ser#HUK0200511  
COMPAC comp. ser#6X32KN8Z301  
DELL mon. ser#CNOM16196418044283XH  
HP printer ser#CNBJG79521  
HP printer ser#CN0871N34Y  
HP printer ser#CN0871N360  
Keyboard ser#5251 0846

**November 21, 2011**  
***Regular Meeting***

**Consent Agenda (Cont.):**

**Resolution**  
**Re: Bingo & Raffles**

BE IT RESOLVED by the Mayor and Board of Commissioners of the Town of West New York that the following applications for Bingo/Raffles are hereby granted:

<u>Name</u>	<u>Date</u>	<u>License #</u>
Holy Redeemer Parish 6502 Jackson Street West New York, NJ 07093 (50/50 Raffle off premise)	January 8, 2012	RL 1818

**Resolution**  
**Re: Repealing Resolution adopted on 11/22/10**  
**(Restricted Parking for Handicapped Resident) as follows:**  
**5111 Palisade Avenue, WNY (Josephine Chenet)**

Whereas, the governing body of the Town of West New York adopted a Resolution on May 21, 2008 establishing restricted parking for use by a handicapped residents; and

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

Now, therefore, be it resolved by the Mayor and Board of Commissioners of the Town of West New York that the above resolution is hereby repealed:

5111 Palisade Avenue, WNY (Josephine Chenet)

Be it further resolved that the Department of Public Safety is directed to remove all signage for the spaces as directed by this resolution.

Be it further resolved that this resolution shall take effect immediately upon passage.

**RESOLUTION**  
**Re: AUTHORIZING A PREPAYMENT AGREEMENT OF A SERVICE CHARGE**  
**FROM RIVERWALK G URBAN RENEWAL L.L.C.**

Whereas, Riverwalk G Urban Renewal LLC has offered to make a prepayment agreement of the Annual Service Charge in the sum of \$1,600,000 to be reimbursed against its Annual Service Charge according based on the following schedule (i) \$600,000 on January 31,2012; (ii)\$500,000 on January 31, 2013; and(iii)\$500,000 on January 31,2014; and

Whereas, the Entity has agreed to a repayment of the \$1,600,000 Annual Service Charge as a credit of \$266,667 per year for six (6) consecutive years, commencing with the calendar year 2016 and continuing through and including years 2021, and

Whereas, it is in the best interest of the Town of West New York to accept the prepayment of the service charge, and

Whereas, in order to allow the Town to anticipate and rely on the funds and properly account for the funds, the Town of West New York should approve the prepayment of the Annual Service Charge and authorize the execution of an agreement by the Mayor.

**November 21, 2011**  
***Regular Meeting***

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

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

- 1) The Mayor is hereby authorized to execute a Prepayment Agreement with Riverwalk G Urban Renewal LLC , to prepay its Annual Service Charge based on the schedule listed above; and
- 2) The agreement shall be in substantially the form attached, subject to such modification as the Town Attorney or Business Administrator deems necessary or appropriate; and
- 3) A copy of this resolution, and a copy of the contract for upon execution by the Town, shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

**PREPAYMENT AGREEMENT**

THIS AGREEMENT made as of this \_\_\_\_ day of \_\_\_\_\_, 2011 and entered into between Riverwalk G URBAN RENEWAL, LLC, an Entity formed under the provisions of the Long Term Tax Exemption Law (the "Law"), having its principal office at 233 Canoe Brook Road, Roseland, NJ 07078, hereinafter referred to as [Entity] and the Town of West New York, a municipal corporation of the State of New Jersey, having its principal office at 428 60<sup>th</sup> Street, West New York , New Jersey 07093, hereinafter referred to as the Town.

WITNESSETH:

WHEREAS, Entity has been authorized by the Town to construct a project under the Law with attendant tax exemption benefits as provided in the Law; and

WHEREAS, Entity recognizes that the Annual Service Charges payable under the Law with respect to its Project will not begin to accrue to the Town until the Project is completed; and

WHEREAS, Town is in need of additional funds for use during fiscal years 2012, 2013, 2014; and

WHEREAS, Entity is willing to prepay the Annual Service Charges that will accrue from the Project in exchange for the Town's agreement to reimburse such payments through credits against future Annual Service Charges that will become due; and

NOW, THEREFORE, in consideration of these premises and other good and valuable consideration, Entity and Town hereby agree as follows:

Section 1. Reliance/Interest

- A. Reliance. The Entity acknowledges that the Town relies on this payment and will enter into agreements in anticipation of receiving such funds in a timely manner.
- B. Interest. Any late payment of the Prepayment shall bear interest at the rate of 7%.

**November 21, 2011**  
***Regular Meeting***

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

Section 2. Prepayment/Credits

A. Prepayment. The Entity agrees to make a payment in the amount \$1,600,000, representing a Prepayment of one full year estimated Annual Service Charge. The Prepayment shall be made in three installments in the amounts indicated (i) \$600,000; before January 31, 2012, (ii) \$500,000 before January 31, 2013, (iii) \$500,000 before January 31, 2013 and credited against future Annual Service Charges in the manner described below. Any late payments shall accrue interest at the rate of 7%.

B. Credit. Town agrees to give Entity a credit without interest against the Annual Service Charges otherwise due under the Financial Agreement in the following manner:

(i) For six (6) years starting in 2016 and continuing through and including calendar year 2021, that the Entity is obligated under the Financial Agreement to pay Annual Service Charges, the Entity shall be entitled to a credit against the Annual Service Charge in the amount of \$266,667 per year.

(ii) The Annual Service Charges are to be paid quarterly under the Financial Agreement. The credits hereunder are to be taken against the earliest quarterly payments in each year until the annual amount of the credit has been recouped in full by the Entity;

(iii) The aggregate amount of the credits hereunder shall be \$1,600,000;

(iv) Notwithstanding, under no circumstances shall the Entity be entitled to a credit in excess of the amount of the actual annual service charges (that is, excluding any credit for land taxes) actually paid by the Entity.

D. Additional Credit. In the event the Entity is unable to fully recover its Prepayment against the Annual Service Charge for any reason by the expiration of the tax exemption, then the Entity shall be entitled to a credit against the municipal portion of any conventional taxes assessed on any Improvements at the maximum rate of \$266,667 per year, until the Prepayment is recouped but over no less than six years. At no time shall any interest accrue on the credit.

E. Coordination of Credit. The Office of Finance shall notify the appropriate taxing authorities of this credit arrangement so that bills for Annual Service Charges when issued will reflect the credit.

Section 3. Payments

All payments due hereunder shall be sent to the Director of the Office of Finance, with a copy to the Business Administrator.

**November 21, 2011**  
***Regular Meeting***

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

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first above written.

WITNESS:

\_\_\_\_\_  
Riverwalk G Urban Renewal, LLC

By: \_\_\_\_\_

ATTEST:

Town of West New York

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Dr. Felix Roque Mayor

**RESOLUTION**  
**Re: Dedicating 54<sup>th</sup> Street and Park Ave Rebeka Verea Way**

WHEREAS, the Mayor and Board of Commissioners of West New York seek to promote the safety of our residents from automobile accidents; and

WHEREAS, each year over 5,000 teenagers die from injuries as a result of car accidents; and

WHEREAS, the Mayor and Board of Commissioners wish to educate and bring awareness of the dangers associated with drunk and reckless driving; and

WHEREAS, in memory of Rebeka Verea whose life was loss on June 20, 2005 as a result of a car accident the Mayor and Board of Commissioners hereby dedicate the intersection of 54<sup>th</sup> Street and Park Ave. direct that a plaque be placed in her memory and to remind all of us to Say yes to life and drive responsibly;

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of The Town of West New York that the intersection of 54<sup>th</sup> Street and Park Ave. is dedicated in memory of Rebeka Verea.

**November 21, 2011**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**Resolution**  
**Re: Refund of Tax Sale Premiums**

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

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

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

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

NAME	BLOCK/LOT	CERT. #	AMOUNT
U.S. BANK, CUS TO EMPIRE TAX FD.	66/7	10/118	\$6,800.00
TOWER LIEN, LLC	107/32	10-190	\$15,800.00
U.S. BANK, CUST/SASS	93/15	09-131	\$2,100.00
		Grand total	\$24,700.00

**Resolution**  
**Re: Refunds of Overpayment of Taxes (\$20,755.68)**

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

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

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

NAME	BLOCK/LOT	AMOUNT	YEAR
Saum Group, Inc	51/11	\$3,024.93	2011
Urgiles, Mario	141/17	\$2,465.20	2011
Mendez, Efrain & Christina Vega	122/8 C002B	\$545.11	2010
Bank of America	141/17	\$1,563.46	2011
Sacco, Patsy, Etux, Etals	153/28	\$180.40	2011
Ciappio Sipe Etals	129/11	\$152.02	2011
Mc Connell, Michael	39/12 C002D	\$34.36	2008
		\$320.00	2011
Mc Connell, Michael	33/34 C002A	\$336.71	2011
PNC Mortgage	168.01/1.34 C0435	\$3,142.39 (SVC)	2010
Holding of Amer c/o	80/2	\$5,451.05	2011
Ocumarez, Josefina	110/5 C0419	\$711.84	2010
		\$98.97	2011
Arenas, Carlos & Astrid	110/5 C0418	\$711.84	2010
Joseph Caram	116/7	\$2017.40	2011
	Grand Total	\$20,755.68	

**November 21, 2011**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**Resolution**  
**Re: Refunds of Redemptions (\$421,203.25)**

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
PAM INVESTORS	168.01/1.06 C0296	10-253	\$786.86
US BANK CUST FOR PRO CAPITAL I, LLC	70/19.01 C0004	10-126	\$1,130.67
U.S. BANK, CUS. FOR EMPIRE TAX FD.	66/7	10-118	\$13,461.67
JN PROPERTIES	168.01/1.25 C0005	08-151	\$266.09
ISAAC MORADI	18/2	09-024	\$8,780.22
	168.01/1.25 C0005	09-236	\$4,380.87
CRUSADER LIEN SERVICES	126/22	08-116	\$11,712.06
TOWER LIEN, LLC	107/32	10-190	\$72,842.81
ISAAC MORADI	93/4	08-079	\$51,728.73
PAM INVESTORS	93/5	09-127	\$35,094.00
U.S. BANK-CUST/SASS	93/6	09-128	\$65,600.63
MUNI V DTR			
U.S. BANK-CUST/SASS	93/13	09-129	\$20,488.36
MUNI V DTR			
U.S. BANK-CUST/SASS	93/14	09-130	\$40,759.12
MUNI V DTR.			
U.S. BANK-CUST/SASS	93/15	09-131	\$94,171.16
	GRAND TOTAL		\$421,203.25

**Resolution**  
**Re: Cancellation of taxes (5211 Polk Street a/k/a Block 110 Lot 5)**

WHEREAS, A Condominium exist at 5211 Polk Street A/K/A block 110 lot 5 for various units; and

WHEREAS, the condo units inadvertently received forth quarter 2010 tax bills and should not have been billed until first quarter 2011

THEREFORE, The Tax Collector is hereby authorized to cancel 4<sup>th</sup> quarter 2010 taxes on all the units and to adjust the Tax records accordingly.

**November 21, 2011**  
***Regular Meeting***

**Consent Agenda (Cont.):**

**RESOLUTION**

**Re: In Honor and Support for our veterans and members of our armed forces**

WHEREAS, the Mayor and Board of Commissioners of West New York seek to honor the commitment and dedication of our veterans and members of our armed forces for their service to our Country; and

WHEREAS, the Mayor and Board of Commissioners recognize the sacrifice and hardships that members of our military endure; and

WHEREAS, the Mayor and Board of Commissioners wish to provide support to our veterans, members of our armed forces and their families; and

WHEREAS, In order to assist our veterans returning home with job placement, education housing and training the Mayor and Board of Commissioners will when possible provide aide and preferential treatment to veterans and members of our armed forces and,

WHEREAS, The Mayor and Board of Commissioners are committed to working with various governmental agencies and nonprofit organizations in order to provide assistance.

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

1. The Mayor shall be and is hereby authorized to appoint a liaison to act on behalf of the Town and members of the armed forces in seeking to obtain benefits and services.
2. The Mayor and Board of Commissioners are committed to granting assistance to our veterans and members of our armed forces and will endeavor to work with all available resources and organizations.

**November 21, 2011**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**AWARDING RESOLUTION**  
**Re: Competitive Contract for Computer Consulting Services**  
**to Angel Consultants, LLC (\$26,700)**

WHEREAS, the Board of Commissioners of the Town of West New York, by prior resolution, authorized the use of competitive contracting in lieu of public bidding pursuant to N.J.S.A. 40A:11-4.1 for the procurement of Computer Consulting Services; and

WHEREAS, the following competitive bids were received on October 18, 2011, for Computer Consulting Services; and

<u>Vendor</u>	<u>Base Bid</u>	<u>Hourly Items</u>	<u>Option A/1</u>	<u>Option B/2</u>
Angel Consultants, LLC (total \$26,700)	\$22,100	\$85	\$4,000	\$600
United Computer Sales and Services Inc. ("United Computer")(total \$28,500)	\$28,500	\$135/hour	n/a	n/a
Integrated (total \$29,000)	\$21,600	\$115	\$5,000	\$2,400
Singularity (total \$30,600)	\$22,000	\$120	\$5,000	\$3,600

WHEREAS, the Competitive Bids received were evaluated by a project evaluation committee established and headed by the Municipal Administrator in accordance with N.J.S.A. 40A:11-4.1 et seq.; and

WHEREAS, the Review Team's Evaluation Report was posted on the Town's website more than 48 hours prior to the adoption of this resolution and award; and

WHEREAS, the Review Team determined that the competitive bid of Angel Consultants met the requirements of the solicitation for Computer Consulting Services, as its Options A and B and hourly rate were the lowest, and total was the lowest at \$26,700, and has extensive experience with other local government agencies; and

WHEREAS, the Municipal Administrator recommends that Options A/1 and Options B/2 be awarded by the Board; and

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

WHEREAS, the receipt of competitive proposals pursuant to N.J.S.A. 40A:11-4.1 et seq. is a fair and open process under the local unit pay to play law, N.J.S.A. 19:44A-20.4 et seq. and

WHEREAS, the Certificate of Available Funds, maintained on file at the Town, sets forth that sufficient funds for the subject procurement have been allotted in the Town's budget and that such funds have been appropriated at Budget Code FY 2011 Treasurers' Office – Other expenses.

**November 21, 2011**  
**Regular Meeting**

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

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

1. The above recitals are incorporated as if set forth at length herein.
2. The competitive bid of Angel Consultants, LLC, with a business address of 1817 Kennedy Boulevard, Suite 1D, North Bergen, New Jersey, for "Computer Consulting Services" in the sum of \$26,700 (inclusive of options A/1 and B/2) be and the same is hereby accepted.
3. All appropriate officials are hereby authorized and directed on behalf of the Town of West New York to make available to the public, to publish, to enter into a contract for same and to perform same and to receive performance, in accordance with the law and specifications providing for same.
4. The Chief Financial Officer's Certification that funds are available shall be on file at the Town and made a part hereof.
5. A notice of this award shall be published as may be required by law.
6. The Town Clerk shall forward a copy of this Resolution to the bidders on this project.

**Resolution**

**Re: Agreement between Town of West New York and New Jersey Elevator Inspection Agency ("NJE Inspection Agency") for the provision of Elevator Subcode Third Party Inspection Services**

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

Whereas, the following bid proposals were received by the Town on October 18, 2011 :

<u>Vendor</u>	<u>Cost</u>
NJE Inspection Agency	54% of D.C.A. Fees
EIC Inspection Agency Corp.	59% of D.C.A. Fees

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

Whereas, N.J.S.A. 40A:11-23.2(f) states that a copy of the business registration to accompany the bid is a mandatory item and of which "the failure to submit any one of the mandatory items shall be deemed a fatal defect that shall render the bid proposal unresponsive and that cannot be cured by the governing body;" and

Whereas, a review of NJE Inspection Agency's bid proposal indicates that it is lowest responsive bid received, being responsive in every material respect to the bid specifications advertised for Elevator Subcode Third Party Inspection Services; 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

**November 21, 2011**  
***Regular Meeting***

**Consent Agenda (Cont.):**

**Resolution (Cont.):**

Whereas, the Certificate of Available Funds, maintained on file at the Town, sets forth that sufficient funds for the subject procurement have been allotted in the Town's budget and that such funds have been appropriated at Construction Code O & E FY 11; and

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

1. NJE Inspection Agency shall be and is hereby determined to be the lowest complying and responsible bidder to Elevator Subcode Third Party Inspection Services, in the cost of 54% of D.C.A. fees;
2. The Mayor be and he is hereby authorized to execute an agreement with NJE Inspection Agency to provide Elevator Subcode Third Party Inspection Services, at the Cost of 54% of D.C.A. Fees, and in accordance with the bid specifications for Elevator Subcode Third Party Inspection Services.
3. The Chief Financial Officer's Certification that funds are available shall be on file at the Town and made a part hereof.
4. A copy of this resolution and the agreement detailing the terms of the retention of NJE Inspection Agency to provide Elevator Subcode Third Party Inspection Services shall be placed on file and made available for public inspection in the Office of the Municipal Clerk, upon execution by the Town.

**Resolution**

**Re: Authorizing the Town to Award the 2009 Safe Routes to School Project to Foggia Trinity Electric (\$221,825.00)**

WHEREAS, On January 19, 2011, the governing body passed a resolution that the Town Clerk be and she was authorized and directed to advertise for the receiving of bids at such time as may be set by the Town Clerk in the Town Clerk's Office, for: "2009 NJDOT Safe Routes to Schools Improvements" for the Town of West New York subject to NJDOT approval in accordance with specifications on file in the Town Clerk's Office; and

WHEREAS, on August 16, 2011, the Town did receive a bid for a detailed project description included in the Project Scope of Work and Cost Estimate attached to Federal Aid Agreement No. 2011-DT-BLA-214, entitled : "Safe Walk to School (Construction)"; and

WHEREAS, on August 17, 2011, the Town was authorized to enter into the Federal Aid Agreement No. 2011-DT-BLA-214, entitled "NJDOT Safe Routes to Schools Improvements" for the Town of West New York, with a contract ceiling amount of \$286,375.00; and

WHEREAS, on November 18, 2011, the Town did receive a bid analysis prepared by the Town Engineer recommended that the contract for the 2009 NJDOT Safe Routes to Schools Improvements be awarded to Foggia Trinity Electric as the lowest responsible bidder; and

NOW, THEREFORE BE IT RESOLVED that the Town is authorized to award the construction contract for the 2009 NJDOT Safe Routes to Schools Improvements to Foggia Trinity Electric in the amount of \$221,825.00; and the authorized representatives who will sign the Contract on behalf of the Town of West New York shall be Mayor Felix E. Roque, M.D. and Carmella Riccio, Town Clerk.

**November 21, 2011**  
**Regular Meeting**

**Consent Agenda (Cont.):**

**RESOLUTION**  
**RE: BUDGET TRANSFERS**

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

	Transfer From:	Transfer To:
Director of Public Affairs O/E	\$ 41,000.00	
Prosecutor S/W	\$ 37,000.00	
Rent Control Board S/W	\$ 10,000.00	
Law Department O/E	\$ 285,000.00	
Supervised Play S/W	\$ 84,000.00	
Supervised Play O/E	\$ 25,500.00	
Public Safety O/E	\$ 84,288.14	
Law Department S/W		\$ 19,500.00
Administrative Office S/W		\$ 41,100.00
Treasurer's Office – Audit		\$ 55,000.00
Director of Public Safety O/E		\$ 24,500.00
Ambulance Squad S/W		\$ 189,500.00
Ambulance Squad O/E		\$ 21,500.00
Annual Financial Statements		\$ 41,700.00
Office of Emergency Mgmt. O/E		\$ 1,500.00
Streets & Sewers O/E		\$ 39,900.00
Director of Public Works O/E		\$ 5,500.00
Water Utility		\$ 38,500.00
P.E.R.S. Pension - Employer Share		\$ 57,588.14
Public Defender O/E		\$ 31,000.00
Total	\$ 566,788.14	\$ 566,788.14

**Resolution**

**Re: Authorizing the Town of West New York to seek Fair and Open Process in Compliance with the Pay to Play Statutes for the Retention of Public Relations Consultant**

Whereas, N.J.S.A. 19:44A-20.4 et seq. mandates a municipality to comply with Pay to Play requirements; and

Whereas the Mayor and Board of Commissioners wish to receive and consider proposals for Public Relations Consultant; and

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

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

1. The aforesaid recitals are incorporated herein as though fully set forth at length;
2. The Town Clerk is authorized and directed to publish and advertise a Request for Qualifications for Public Relations Consultant, in accordance with a Fair and Open Process at least ten days in advance of the opening of the responses to the Requests for Qualifications received (“Statements of Qualifications”).

**November 21, 2011**  
***Regular Meeting***

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

3. A Review Committee is established, consisting of the Mayor, the Town Administrator and Town Attorney, to review all Statements of Qualifications and to make recommendations to the Board of Commissioners at regularly scheduled meeting.

**Ordinance #23/11**

**Re: An Ordinance amending Ordinance #9/11 entitled:  
“An Ordinance entitled 2010/2012 Salary Ordinance”**

**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.

**The following persons wished to be heard:**

1. **Matthew Cheng, 6124 Madison Street, WNY:**  
Mr. Cheng commented about the salary ranges for Confidential Aide to Mayor and Chief of Staff. Mayor indicated that action would be taken at the next meeting.

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

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

**Ordinance #24/11**

**Re: An Ordinance amending Ordinance #8/09 entitled:  
“An Ordinance amending Chapter 48 of the Code of the Town of West New York”  
(Re: Delegation of Authority to Promote Rules and Regulations in the Police Department)**

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

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

**No one wished to be heard.**

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

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

**November 21, 2011**  
***Regular Meeting***

**Ordinance #26/11**

**Re: An Ordinance amending and supplementing Chapter 277-26 and Chapter 277-27 of the Code of the Town of West New York**

**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 Commissioner Rodriguez, seconded by Commissioner Vargas, to adopt the foregoing Ordinance with amendment as recommended below by Town Attorney Morejon, was carried by the following vote:

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

**Note:** Town Attorney Morejon advised prior to vote that it had been brought to his attention after the introduction of this Ordinance that Paragraph E should read "twenty-five dollars (\$25.00) per month" and he confirmed same with the Parking Authority's Executive Director Harold Schroeder.

**Ordinance #27/11**

**An Ordinance establishing the position of Director of the Building Department and Fire Prevention Bureau for the Town of West New York**

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

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

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

**Notice**

**Ordinance #27/11**

**Re: An Ordinance establishing the position of Director of the Building Department and Fire Prevention Bureau for 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 November 21, 2011 and ordered published, and will be further considered before final passage at a public hearing on December 19, 2011 at 7:00 p.m. at the Court Chambers, Municipal Building, West New York, New Jersey. A copy of this ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, New Jersey.

**Note:** Town Clerk Carmela Riccio read the foregoing Notice aloud.

**November 21, 2011**  
**Regular Meeting**

**Prior to commencement of Hearing Re: Ordinance #25/11, the Mayor inquired if anyone wished to speak.**

**1. John Fauta (Superintendent of Schools)**

Mr. Fauta thanked the governing body for adopting Resolution R-1 (Re: Approving Board of Education request to acquire St. Joseph's High School) and stated "It is a win, win for the Town and the Board of Education at no cost to the Town. This was the final step." Mayor Roque responded "It is an honor. Thank you and the Board of Education."

**Note: At this point, Town Clerk Carmela Riccio advised that the hearing for Ordinance #25/11 would now take place and requested the stenographer from Metropolitan Court Reporting to commence taking notes. Reference is made to the official transcript of the November 21, 2011, which is incorporated into these minutes by specific reference thereto; if there is any inconsistency between the official transcript and these minutes, the official transcript is deemed to be controlling.**

**Ordinance #25/11**

**Re: An Ordinance amending Chapter 114, Section 54, Article 10**  
**Re: "Hours of Sale for Plenary Retail Consumption Licensee or Club Licensee"**

**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.

**The following persons wished to be heard:**

**1. Carl Rizzo, Esq. (Attorney for Son Cubano Restaurant):**

Mr. Rizzo raised objections to Ordinance as introduced and amendments made after introduction. He specifically referred to paragraph E i.e. 10:00 p.m. time limit and that the ordinance originally provided to him contained 11:00 p.m. He stated that one hour is a material change and that the law is clear that the ordinance should be reintroduced. Mr. Rizzo marked into evidence a one page correspondence between Town Attorney Morejon and John O'Donnell, Esq. regarding changes as Exhibit "SC 1". Mr. O'Donnell rebutted in that in his opinion the changes were of a typographical nature and no material changes were made. Mr. Rizzo disagreed in that his opinion is that a one hour change is a material change which requires reintroduction. Mr. Morejon reiterated the contents of the correspondence referred to above and that he had verbally read amendments into the record at time of introduction. Mr. Morejon advised that it is his position that changes were typographical not substantive and that it would not prevent the adoption of this ordinance tonight. Mr. Rizzo marked into evidence as Exhibit "SC 2" his e-mail dated 11/17/11 sent to the Town Clerk raising his objections and requested that Ordinance be tabled and considered as a first reading tonight. Mr. Morejon disagreed with Mr. Rizzo's position. Mr. Rizzo cited NJSA 40:49-2 (procedures to adopt an Ordinance) and read pertinent sections. Mr. Rizzo also commented that he had not received all documents requested under OPRA which he wanted prior to tonight's meeting and requested an adjournment of this Ordinance until he receives same. He marked into evidence correspondence as Exhibit "SC 3". Mr. Morejon requested clarification as to which OPRA request he was referring as he had submitted several. Mr. Rizzo referred to 9/2/11 and 10/25/11 letters and two e-mails sent on 11/2/11 and 11/3/11. He again requested that this Ordinance be tabled.

November 21, 2011

*Regular Meeting*

1. **Carl Rizzo, Esq. (Cont.):**

Town Attorney Morejon advised that this was not the proper venue for OPRA requests and that on 10/25/11 he did respond to Mr. Rizzo's objection letters and that on 11/18/11 the Town explained why an extension was required. Mr. Morejon further commented that Town Attorney Jose Saud had prepared a legal opinion as to "Common Law aspect" and that some documents had been provided and that the Town Clerk or the Law Department "did not sit on their hands". Mr. O'Donnell commented that he was seeing Exhibit "SC 3" for the first time now wherein Mr. Rizzo is "seeking police reports of other licensees in West New York". Mr. O'Donnell commented that this Ordinance deals with "hours of sale" and inquired "What do complaints against other bars have to do with this Ordinance?" He disagreed with the relevance of Mr. Rizzo's OPRA requests and objections as they relate to this Ordinance. Mr. Rizzo replied "Selective enforcement is our concern and it has bearing on this Ordinance." Mr. Rizzo cited NJSA 33:1-40, which authorizes governing body to pass ordinances controlling hours of operation but does not afford the ability to treat Son Cubano differently than other licensees in that the Town cannot do it by district. He requested ABC Attorney Frank Gioia, who was in the audience, to give his legal interpretation on this issue. Mr. O'Donnell disagreed and cited Section 114-29 of Town's Code permitting Town to take action intended by this Ordinance. Mr. Rizzo objected and disagreed commenting that this is not the way to accomplish what the Town is trying to do and that perhaps conditions should be placed on specific licenses. He again requested Town not to take action on this Ordinance tonight. Town Attorney Morejon agreed that no law allows discriminatory application and that NJSA 33:1-40 clearly allows a municipality to set hours of operation. He further commented that Son Cubano is not the only restaurant in the Control Waterfront District, and that this Administration inherited "quality of life issues" on May 10, 2011. Mr. Morejon stated "This Administration does not intend discriminatory application and the Law Department's position is that this Ordinance is in compliance". Mr. Morejon introduced ABC Attorney Frank Gioia. Mr. Gioia explained that this Ordinance will be reviewed by State Director of Administrative Law before the Ordinance takes effect. Mr. Morejon commented that it is his opinion that the Ordinance is subject to "review" to which Mr. Gioia replied "Yes it is and subject to review in a Complaint in lieu of prerogative writ in Superior Court". Mr. Morejon disagreed that it is an automatic review to which Mr. Gioia replied "I believe it will be reviewed". Mr. Rizzo commented that the Ordinance should be approved by the State Director before it is adopted by the Town and that the Director will recognize that the Town does not have the power. Mr. Gioia disagreed and commented that "review or approval is not a condition precedent" and that the Town is not required to send the Ordinance to the Director prior to adoption. Mr. O'Donnell also disagreed with requirement of prior approval from the Director and commented "Perhaps the ABC Board does but not the Town". Mr. Morejon reminded Mr. Rizzo that it was 8:00 p.m. and other people desired to comment. Mr. Rizzo explained the background of the Duran family, their involvement in the community and the cost of opening Son Cubano Restaurant. He further explained that it took two (2) years to open, all necessary approvals were obtained and that the Lease clearly indicated the type of establishment which would be located there and that Grandview residents "all knew what was coming there". He advised that his client has operated in accordance with the Town's ordinances and went further by expending \$200,000 for soundproofing in an attempt to address the concerns of the residents. He indicated that the issues are not inside the establishment but rather relate to persons exiting, and that they have met with the Grandview residents on numerous occasions, have made adjustments and have modified the valet service, etc. Mayor Roque commented that he inherited this quality of life issue upon being elected and that "it is all about respect". He advised that the residents cannot put up with this situation any longer. The Mayor inquired as to how many people in the audience lived in West New York. He indicating that progress was being made at one point but that things are getting worse, and that the legal system will resolve this matter. Mr. Rizzo replied that his clients attempted to meet with the Mayor to resolve the matter but that he refused. Mayor commented that he must be impartial. Mr. Rizzo accused Mayor of being "in bed with the waterfront residents" and that he is "part and parcel of battle plan". Discussion ensued about volume of music inside establishment and Mr. Rizzo compared it to being like Las Palmas. Mr. Rizzo commented that the Ordinance is unconstitutional and discriminates against one proprietor.

**November 21, 2011**  
**Regular Meeting**

**1. Carl Rizzo, Esq. (Cont.):**

Mayor Roque commented that a flyer had been distributed allegedly by his client indicating that this Administration is conducting itself as a police state. Mr. Rizzo denied knowledge of the flyer. Mr. Morejon requested that Mr. Rizzo conclude his presentation. Mr. Rizzo requested that the governing body refrain from adopting this Ordinance.

**(At this point, Mr. Morejon interrupted hearing to make a presentation to the Rebecca Veree Foundation pursuant to Resolution R-10 which dedicates 54th Street and Park Avenue as Rebecca Veree Way. Asst. Town Attorney Joseph DeMarco explained the background of the Foundation i.e. that a young girl lost her life as a result of the reckless driving of another person and that representatives of the Foundation were present this evening. Joanne (Executive Director of the Foundation) thanked the governing body on behalf of the parents for the naming of the street and also for supporting "Say Yes to Life" campaign. Mayor Roque commented that he is good friends with Dr. and Mrs. Veree, that he fondly remembered Rebecca and that he intended to work with the Foundation in promoting their message.)**

**Hearing Re: Ordinance #25/11 resumed at 8:10 p.m.**

**2. John O'Donnell, Esq. (Attorney for Grandview residents):**

Mr. O'Donnell referred to the Lease and commented that Son Cubano must comply with the Town's ordinances which prohibit nightclubs. Mr. O'Donnell in referring to Son Cubano Restaurant stated "It is an asset to Grandview but it has been abusing the community". Mr. O'Donnell complained that between 12 p.m. and 2 a.m. "the entire atmosphere changes" and that it was not intended to be a nightclub, which is not permitted under the Lease. He submitted 509 handwritten petitions, 140 e-mail petitions, 108 handwritten petitions from Jacobs Ferry, 20 e-mail petitions from Jacobs Ferry and 78 petitions from Riverwalk, Hudson Club, etc. (marked into evidence as Exhibit "GV 1"). Mr. O'Donnell commented that this is "not just about one area; it is about the entire waterfront and to insure that this does not happen again". He further commented that inasmuch as PF Changs closes at 12 p.m., it will not be affected by this new Ordinance. He requested that he be permitted to show video tapes taken inside and outside of Son Cubano Restaurant. The Commissioners agreed.

(Comm. Rodriguez requested a short recess which took place from 8:15 p.m. to 8:30 p.m. when meeting reconvened.)

Video tapes were viewed on large projection screen and viewed by all. Mr. Rizzo demanded that the persons who took the video tapes identify themselves for the record. Michael Hyuan advised that he took some of the video tapes shown which span from April thru the present. Mr. Rizzo inquired as to what type of equipment he utilized, to which Mr. Hyuan advised that he used two cameras, one of which was a Cannon digital. He further advised that out of respect for the patrons, he blurred the faces. Mr. Rizzo inquired as to whether he had obtained permission from the proprietor and/or management to take the videos to which Mr. Hyuan responded "I did not". Town Attorney Morejon interjected that the Town would not permit any further questioning regarding the video tapes. Mr. O'Donnell advised that the Grandview residents want a good neighbor and want them to succeed, but that if the Restaurant's survival requires two (2) or more hours of serving alcohol, that is not part of the Lease nor is it permitted by the Town's Ordinances, and that this Ordinance doesn't just pertain to Son Cubano. Mr. Rizzo presented 1127 signed petitions (210 from residents and 860 from neighbors in the Tri State area) and marked them into evidence as "SC 4".

**(Note: All Exhibits referred to herein are on file in the Town Clerk's Office.)**

**November 21, 2011**  
***Regular Meeting***

3. **Jonathan Preziosi, Esq. from Pepper Hamilton, LLP (Attorney for Port Imperial):**  
Mr. Preziosi lodged his objection on behalf of Roseland. He referred to Lusso's Pizzeria, which is also located in the waterfront district, and indicated that he has not heard any negative comments regarding Lusso's or any other plenary consumption licensee within the CWD. He requested that the pending A.B.C. violations against Son Cubano be addressed prior to taking action on this Ordinance and to permit the A.B.C. Board to impose limitations, if necessary. Mr. Preziosi stated "The amendments to Ordinance cuts too wide". Mr. Preziosi agreed that the municipality has the ability to regulate the hours but not discriminate against licensee holders. He pointed out that there are licensees located on Bergenline Avenue which operate until 2:00 a.m. and fall into the same category. He emphasized that this matter should be resolved through the A.B.C. Board and not by Ordinance.
  
4. **Lou Luglio, 365 W. Passaic St, Rochelle Park (Engineer for Son Cubano Restaurant):**  
Mr. Luglio stated "This is spot zoning" and commented that all establishments should be addressed not just the ones located in CWD district. He commented that it is ironic that "100 feet" was selected, which only affects one establishment i.e. Son Cubano Restaurant, and that it is "unfair and discriminatory". He advised that Son Cubano does not qualify as a nightclub. He requested that governing body not vote on this Ordinance tonight so that perhaps an agreement could be reached.  
  
(At this point i.e. 9:05 p.m., Town Attorney Morejon announced that the professionals have spoken and now it is time to afford an opportunity to audience members to comment.)
  
5. **Dr. Christine D. Piscitelli, 20 Avenue at Port Imperial (#201), WNY:**  
Dr. Piscitelli presented her support of adoption of this Ordinance. She advised that her unit is located directly above Son Cubano Restaurant and that loud music and outside disturbances have caused sleep deprivation, anxiety and stress. She advised that numerous attempts had been made to work with the owners and Roseland without success and stated "Community living means living together".
  
6. **Alex Duran, 463 Greenway Drive, Leonia (Owner of Son Cubano Restaurant):**  
Mr. Duran advised that he is one of the owners and thanked his family and employees for their support. He commented that it was always their intention to live together with the community; he acknowledged that mistakes have been made but that this restaurant has only been open for one (1) year. He explained the changes which have been made to correct some of the issues i.e. valet, police security, etc. He commented that the "sounds of Cuba is Son Cubano. That is our culture. We love to dance and drink. It is a bar/lounge. We have a 20 year Lease and we are not going anywhere. Let's make it work." He indicated his willingness to continue negotiations to resolve the outstanding issues.
  
7. **Michelle Schwartz, 22 Avenue at Port Imperial (#408), WNY:**  
Ms. Schwartz advised that the residents tried to work with the owners, that promises were made but not fulfilled. She inquired as to why "bouncers" are needed if this is not a nightclub. She commented that a person does not have to present identification at any other restaurant. She further commented that the residents had been told that Son Cubano would be an upscale restaurant and that there would be cafes and boutiques, but were never told that there would be a nightclub located there. She advised that she is a cancer survivor and that the noise, etc. is affecting her health. She requested that the governing body proceed with adopting this Ordinance tonight.
  
8. **Stephanie Caballero, 245 – 68<sup>th</sup> Street, Guttenberg (Apt. 5):**  
She advised that she is an employee of Son Cubano and is in opposition to adoption of this Ordinance.

**November 21, 2011**  
***Regular Meeting***

9. **Ronald Axelrod, 22 Avenue at Port Imperial (#408), WNY:**  
He explained that he works on weekends and is being deprived of sleep. He supports the adoption of this Ordinance.
10. **Warren Wilhide, 20 Avenue at Port Imperial (#306), WNY:**  
He complained that after 11 p.m., Son Cubano Restaurant “turns into a nightclub”; loud music, etc. He advised that in March 2010 he forwarded a letter to former Mayor Vega outlining his concerns but that inasmuch as Mayor Vega is a personal friend of the owners, not much could be done. He further advised that he also contacted Taylor Management to investigate further and they said clearly “It is a restaurant not a nightclub”. He supports the adoption of this Ordinance.
11. **Carol Duran, 491 Grandview terrace, Leonia (Owner of Son Cubano):**  
She advised that she lived in Hudson County most of her life. She commented that “I don’t understand if you live in West New York how can you consider living there. I moved to Leonia. This is West New York not Maine. Latin People love to dance. There always will be noise there.” She opposes adoption of this Ordinance.
12. **Elna Waksman, 20 Avenue at Port Imperial (#510), WNY:**  
She advised that she was one of the first tenants to live in this development and that originally the residents were excited that an upscale restaurant would be coming. She complained about “nightclub atmosphere” and incidents of D.W.I. She advised that noise level makes it impossible for her baby to sleep on weekends. She supports the adoption of this Ordinance.
13. **Henry Song, 22 Avenue at Port Imperial (#406), WNY:**  
He advised that he has been a resident since 2007, first residing at the Hudson Club and now Grandview since 2009. He complained about noise, acts of violence, etc. He advised that he has a 20-month-old child and that he works on weekends, and the noise is depriving them from sleep. He supports the adoption of this Ordinance.
14. **Mike McKenna, 20 Avenue at Port Imperial, WNY:**  
He commented that the people expressing opposition to this Ordinance are not West New York residents. He further commented that the restaurant is good for the community but objects to nightclub atmosphere. He supports the adoption of this Ordinance.
15. **John Gerecitano, 22 Avenue at Port Imperial (#111), WNY:**  
He advised that he is an Oncologist and cancer researcher and that up until 11 months ago, the area was quiet. He complained about sleep deprivation, property devaluations, and safety issues. He requested the governing body consider the needs of the residents and expressed his support of the adoption of this Ordinance.
16. **Emily Vasquez, 4312 Durham Avenue, North Bergen:**  
She advised that she is an employee of Son Cubano and the mother of a 4 yr. old boy. She commented that most of the money she earns “comes between 10:00 p.m. and 1:30 a.m.” and that this is her only source of income. She is in opposition to the adoption of this Ordinance.
17. **Michael Hyuan, 22 Avenue at Port Imperial (#204), WNY:**  
Mr. Hyuan commented that if Ordinance is adopted, the employees will still retain their jobs. He commented that nightclubs are illegal in West New York and thanked Angel Barquin for collecting 90 signed petitions from persons who reside outside of the waterfront district. He complained that Son Cubano does not adhere to Town’s ordinances and that Matthew Cheng, who resides across the street from Las Palmas Restaurant, has no complaints about the noise level at that establishment. He advised that he conferred with Planning Board Attorney Carlos Rendo and that “this is not spot zoning”. He supports the adoption of this Ordinance.

November 21, 2011

*Regular Meeting*

18. **Danny Dang, 20 Avenue at Port Imperial (#118), WNY:**  
Mr. Dang advised that he is a Pharmacist who works three jobs; that he has three children who have difficulty sleeping on weekends due to noise. He stated “Your success is at the cost of my family. Please be fair.” He supports the adoption of this Ordinance.
19. **Roberto Ruiz, 120 Howard Terrace, Leonia:**  
Mr. Ruiz advised that he is originally from Venezuela and “applauds democracy”. He expressed his concern about “how the board has decided to resolve this situation.” He commented that this is a minority owned business and that the town is focusing on this establishment solely. He further commented that people want government to do less regulating and that the Town should consider other options to resolve these issues.
20. **Lois King, 22 Avenue at Port Imperial (#513), WNY:**  
She commented that “It is all about mutual respect.” She advised that this is her first home and worked very hard to purchase same, but that she cannot sleep due to noise. She supports the adoption of this Ordinance.
21. **Mike O’Connor, W. 25<sup>th</sup> Street, Bayonne:**  
He advised that he is the Operating Manager and responsible for security at Son Cubano. He outlined the changes that have already been made to resolve some of the issues. He is in opposition to the adoption of this Ordinance.
22. **Yannick Co, 22 Avenue at Port Imperial (#513), WNY:**  
He advised that he is a construction worker, operating heavy equipment. He complained about sleep deprivation due to noise and affect it has on his job performance. He supports the adoption of this Ordinance.
23. **Myriam Radia, 20 Avenue at Port Imperial (#319), WNY:**  
She complained about the noise level and commented that the restaurant owners need to respect the basis rights of people and their ability to sleep. She commented that the residents of Grandview I & II need to retain their jobs as well. She further commented that the residents are happy with the food but should cease from operating as a nightclub. She supports the adoption of this Ordinance.
24. **Luis Martinez, 6404 Park Avenue (#41), WNY:**  
Mr. Martinez commented that the Latin community enjoys Son Cubano and requested that the governing body find other ways to solve the problems. He opposes adoption of this Ordinance.
25. **Thomas Jaycox, 20 Avenue at Port Imperial (#411), WNY:**  
Mr. Jaycox advised that they had been told that “a fine dining establishment” was going to be located there and that they were not informed of the truth. He further advised that the residents have attempted to resolve the issues with Son Cubano’s owners to no avail. He commented that the video tapes shown earlier do not depict the full extent of problems and that the noise level is “ridiculous”. He supports the adoption of this Ordinance.
26. **Rebecca Arington, 22 Avenue at Port Imperial (#310), WNY:**  
She supports the adoption of this Ordinance and commented that she resents the implication that the residents are “rich kids”. She advised that it is costly to reside there and that she feels that her security is threatened by virtue of incidents which have taken place. She relayed an incident which she referred to as “a physical beat down” between a male and female patron. She complained about noise and expressed her support of adoption of this Ordinance.
27. **Leo Romero, 6811 Bergenwood Avenue, North Bergen:**  
He advised that he is a Manager at Son Cubano and that the biggest issues are “outside” of the establishment i.e. noise. He explained the attempts being made to resolve the issues and requested the governing body to take that into consideration before adopting this Ordinance. He opposes the adoption of this Ordinance.

**November 21, 2011**  
***Regular Meeting***

- 28. Dennis Boya, 20 Avenue at Port Imperial, WNY:**  
Mr. Boya advised that he is an attorney and that laws are made to be changed. He indicated that any changes which are made only last for a short period of time and revert back to being problematic. He commented that they are operating a nightclub and that there have been numerous DWI arrests. He supports the adoption of this Ordinance.
- 29. Katriana Huguet, 7207 Broadway, North Bergen:**  
She advised that she is originally from Miami and “I know nightclubs”. She further advised that she is an employee of Son Cubano and that it is not a nightclub. She commented that Son Cubano is being unfairly targeted and opposes the adoption of this Ordinance.
- 30. Yesenia Camilo, 330 – 50<sup>th</sup> Street, WNY:**  
She expressed her concern about speaking negatively about Son Cubano inasmuch as one of the owners is her Supervisor at the Board of Education. She advised that she has been a resident of WNY for 20 years and that the persons in opposition of this Ordinance are non-residents. She commented that a nightclub is “unacceptable in a residential area” and that the governing body should be an advocate for the WNY people. She supports the adoption of this Ordinance.
- 31. Penelope Morales, 6235 W. Granton Avenue (#2H), North Bergen:**  
She advised that she attended Harry L. Bain School in WNY, that her dad still resides in WNY and is appalled by the behavior and hatred of the waterfront residents. She requested that the governing body take into consideration the amount of jobs afforded by Son Cubano and expressed her opposition to the adoption of this Ordinance.
- 32. Kerry Culhane, 322 – 67<sup>th</sup> Street, WNY:**  
She advised that she has lived in WNY for almost her entire life and inquired as to how many other restaurants receive the same complaints as Son Cubano. Mayor Roque replied “none”. She expressed her support of adoption of this Ordinance.
- 33. Daniel Marte, 1508 – 72<sup>nd</sup> Street, North Bergen:**  
He advised that he is an employee of Son Cubano but attended school in WNY. He commented that Son Cubano is being singled out and that these issues only affect a small amount of people in that the quality of life is very nice there. He is opposed to the adoption of this Ordinance.
- 34. Frank Almanzar, 1504 – 73<sup>rd</sup> Street, North Bergen:**  
He advised that he is an employee of Son Cubano and that the staff have been instructed to limit the patrons’ alcohol consumption. He commended owner Alex Duran for doing a lot for the staff. He is opposed to the adopted of this Ordinance.
- 35. Mayor Roque:**  
The Mayor inquired “How many WNY residents are employed by Son Cubano?” Someone in audience replied “65 out of the 85 employees are from WNY”.
- 36. Gabriela Sandoval, 8800 2<sup>nd</sup> Avenue, North Bergen:**  
She advised that she attended WNY schools and that she is an employee of Son Cubano. She commented that the residents of the waterfront have more money but no class and that the employees work in WNY and that where they reside is not an issue. She is opposed to the adoption of this Ordinance.
- 37. Steve Bula, 1005 Palisade Avenue, Union City:**  
He advised that he is an employee of Son Cubano, which is his only source of income. He is opposed to the adoption of this Ordinance.

**November 21, 2011**  
***Regular Meeting***

- 38. Raul Vicente, Jr., 2100 Linwood Avenue, Fort Lee:**  
He advised that he is a lifelong resident of Hudson County, having resided in WNY for 5 years. He now resides in Fort Lee and stated “I wasn’t aware that Son Cubano is responsible for the economic decline”. He referred to a recent article in the Jersey Journal newspaper written by John Heines and accused the Mayor of having reached a decision prior to tonight’s meeting. Town Attorney Morejon replied “This Commission has not met prior and that is not true.” Comm. Rodriguez commented that the governing body only voted to introduce the Ordinance. He disagreed and commented that the governing body had not taken sufficient steps to mediate the matter. He stated “Your promises of open and transparent government are false”. He expressed his opposition to the adoption of this Ordinance.
- 39. Jeffrey Martin, 225 Roosevelt Street, Union City:**  
He advised that he is employed as a bartender and server at Son Cubano and that he knows the difference between a restaurant and a nightclub. He commented that nightclubs do not serve food. He advised that the owners have taken steps to rectify some of the issues and expressed his opposition to the adoption of this Ordinance.
- 40. Joey Velasquez, 620 – 37<sup>th</sup> street, Union City:**  
He advised that he is a graduate of Memorial High School and that he is one of seven bartenders at Son Cubano. He commented that it is far from a nightclub in that there is no dance floor, and expressed his opposition to the adoption of this Ordinance.
- 41. Matthew Cheng, 6124 Madison Street, WNY:**  
He commented about an incident which took place last week when shots were fired at a nightclub in New York City at 2:00 a.m. and stated “Nothing good happens at 2:00 a.m.”.
- 42. Jose Villadones, 222 – 47<sup>th</sup> Street, Union City:**  
Mr. Villadones requested a translator . David Cabrera, 129 – 69<sup>th</sup> Street, Guttenberg volunteered to translate. Mr. Villadones advised that he is Cuban and has not been in the United States for very long. He requested that all parties be considered when deciding this matter. He is an employee of Son Cubano.
- 43. Edwin Cuevas, Fairview:**  
He advised that he is employed by Son Cubano and understands both sides of the issue. He explained that most of his income is earned between the hours of 10:00 p.m. and 2:00 a.m. and is concerned about the final outcome and how it will affect the employees.
- 44. Roberto Miranda, 3467 John F. Kennedy Blvd., Jersey City:**  
He advised that he is employed by Son Cubano and expressed his opposition to the adoption of this Ordinance and commented that Son Cubano is not a nightclub, it is a restaurant and bar.
- 45. Diane Duran (owner of Son Cubano):**  
She advised that she and her sister were the “pioneers who created the brand Son Cubano” and explained that the Son Cubano restaurant located in New York is different as it remains open until 4:00 a.m. She commented that the problem is not the music but the noise outside of the establishment and indicated that this problem will exist no matter what time it closes. She requested a meeting of all parties to try to resolve issues.
- 46. Mayor Roque:**  
Mayor replied that he respects her position but that he has spoken to Mr. Duran regarding egress of patrons and retrieval of their vehicles but problems still exist.

**November 21, 2011**  
**Regular Meeting**

47. **David Cabrera, 126 – 69<sup>th</sup> Street, Guttenberg:**  
He advised that he was born and raised in WNY, and that he respects all points of view. He further advised that he is a Duran family member and is impressed by the Mayor's comments. He commented that the biggest challenge is to come up with an amicable solution and advised the governing body that they were elected to come up with those solutions.
48. **Ercides Hernandez, 1770 Andrews Avenue, Bronx:**  
He advised that he has been employed by the Durans since 2004 and has worked at Le Cirque and the Russian Tea Room. He commented that the Durans are one of the best employers and that a solution to this problem needs the guidance of the governing body.
49. **John O'Donnell, Esq. (Attorney for Grandview residents):**  
Mr. O'Donnell commented that the petitions presented by supporters of Son Cubano were collected "under false pretense" in that the hour of closing is incorrectly stated. He also commented that this Ordinance is not solely a "Son Cubano issue" as it affects the property located across the street from Son Cubano.
50. **Carl Rizzo, Esq. (Attorney for Son Cubano):**  
Mr. Rizzo commented that this Ordinance will result in litigation but it is his clients' intention to resolve the issues by meeting with all parties to come to some understanding. He commented that the Mayor has met with Grandview residents but not with representatives of Son Cubano and that his clients want to be heard and present options. He requested Ordinance be tabled to afford an opportunity to do that.
51. **Mayor Roque:**  
The Mayor inquired as to whether he or his clients have attempted to talk to the people of Grandview I & II to resolve this matter. He commented that perhaps litigation will solve the problems.
52. **Brian Bode, 424 – 50<sup>th</sup> Street, WNY:**  
Mr. Bode represented that he is the Manager of Lusso's Pizzeria and that he has been in the restaurant business for 30 years. He commented that this is "unfair and a political game". He expressed his opposition to the adoption of this Ordinance.

**(At this point, Town Attorney Morejon announced "This concludes the hearing.")**

It was regularly moved by Mayor Roque, seconded by Commissioner Vargas to adopt Ordinance #25/11, was carried by the following vote:

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

**November 21, 2011**  
***Regular Meeting***

**Mayor opened the Public Portion at 10:55 p.m.**

**Public Portion:**

**1. Tulio Quagliani, 432 – 51<sup>st</sup> Street, WNY:**

Mr. Quagliani offered suggestions to resolve Son Cubano issues i.e. soundproofing and the hiring of police officers. He complained that during snowstorms, the DPW plows “snow bound handicapped cars”. He also suggested that WNY should follow other municipalities which allow handicapped parking permits free of charge. He complained about dog defecation in his driveway, etc. and that a stronger Ordinance should be adopted enforcing the rules and regulations. Mayor Roque assured him he would address the above issues. Mr. Quagliani also recommended that more people utilize recycling. Comm. Wiley advised that he would also investigate Mr. Quagliani’s complaints and that the prior Administration did no recycling whatsoever. Comm. Wiley advised that a Recycling Coordinator would be appointed shortly and that WNY will be in full mode with recycling.

It was regularly moved by Commissioner Rodriguez, seconded by Mayor Roque, to close the public portion and adjourn the meeting at 11:03 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