

December 30, 2010
Special Meeting

PLEASE TAKE NOTICE that a Special Meeting will be held by the Board of Commissioners of the Town of West New York, New Jersey, on Thursday, December 30, 2010 at 4:00 p.m. (NO WORK SESSION), in the Mayor's Conference Room, Municipal Building, West New York, New Jersey, for the purpose of considering the following business:

1. RESOLUTION – Re: Emergency Budget Appropriation for snow removal
2. RESOLUTION – Re: Approving declaration of snow emergency

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

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

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

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

Attest: Carmela Riccie, RMC
Town Clerk

Present: Commissioners Lange, Lopez, Riccardi, and Rodriguez
Absent: Mayor Vega
Also Present: Town Attorney Daniel Horgan, Town Administrator Joseph McConnell and
Town Clerk Carmela Riccie

Meeting commenced at 4:01 p.m.

At the request of Comm. Lange, Town Clerk Carmela Riccie made the following announcement:

As presiding officer of this meeting I do hereby certify that the requirements of the Open Public Meetings Act pertaining to this meeting scheduled to be held this: Thursday, December 30, 2010 at 4:00 p.m. (No Work Session) in the Mayor's Conference Room, Municipal Building have been satisfied by the delivery of the 48 hour notice to each of the newspapers circulating in the Town of West New York (The Jersey Journal and the Bergen Record); by posting in the Municipal Building on the Municipal Bulletin Board; and by filing with the Clerk of the Municipality with copies to all persons desiring the same.

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

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Communication
Re: Memorandum from Town Administrator Joseph McConnell
Re: Snow Emergency



Silverio A. Vega
Mayor

Town of West New York
Department of Public Affairs
Office of the Municipal Administrator

DEC 30 2010

4 A

Joseph McConnell
Municipal Administrator

MEMORANHUM

To: Mayor and Board of Commissioners
From: Joseph McConnell, Municipal Administrator
Date: December 29, 2010
Re: Snow Emergency

RECEIVED
2010 DEC 30 P 2:40
TOWN CLERK'S OFFICE
WEST NEW YORK, N.J.

I request your approval by Resolution of a contract for DiClemente Contractors, Inc. ("Contractor") in an amount not to exceed \$ 80,000 for snow removal and disposal. Due to the unprecedented amount of snow blanketing the Town of West New York with nearly two feet of snow that occurred on December 26th to December 27th 2010, an emergency was declared by myself as Municipal Administrator and by the Emergency Management Coordinator. The Contractor has been engaged pursuant to the provisions of N.J.S.A. 40A:11-6 as an emergency contract. The emergency conditions will continue until sufficient snow can be removed from arterial and other streets in the Town by the Contractor and Town employees. Work has begun as soon as practicable and has been continuing without interruption. Quotations were solicited from two other contractors for the work and are on file in the office of the purchasing agent. The Contractor was selected to perform the work under an emergency contract as it was the least expensive to the Town, readily available and with sufficient equipment at the lowest foreseeable cost to the Town.

As the unusual amount of snow impacted all main thoroughfares, side streets and areas in the Town it is necessary to physically remove large quantities of the snow from the streets and dump it in other areas in and around the municipality and elsewhere as suitable areas are made available to us. This requires an experienced and licensed contractor to provide heavy equipment and transportation vehicles to provide these services, quickly and efficiently while traffic, transportation and emergency vehicles are rerouted around areas where snow removal work is in progress. It is estimated that the entire operation will last approximately 72 hours and will involve at least 500 truck loads or 15,000 cubic yards of snow being removed from the streets of West New York. In addition Town labor forces and equipment are at work clearing cross-walks, catch basins and other areas as necessary.

I certify to you that this contract for snow removal is required in the opinion of myself, the Town's Emergency Management Coordinator and other Town officials to supplement Town's normal resources and secure access to residents and property for public safety

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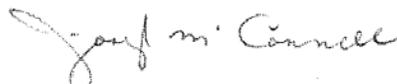
Mayor and Board of Commissioners (2)

December 29, 2010

purposes such as police, fire and ambulance. The Town also anticipates other snow related costs that may include use of private property for snow disposal, towing services for the emergency removal of vehicles, purchase of additional equipment and fuel, DPW and police overtime and some additional administrative costs, all beyond the normal activities of the Town. As necessary, additional emergency expenditures may be incurred. These additional costs are presently estimated to amount to approximately \$50,000.

I have reviewed the rules and regulations of the Division of Local Government Services as contained in the Local Public Contact Guidelines and Regulations (revised) and certify that the proposed contract may be considered as an Emergency purchase in accordance with the requirements thereof.

Respectfully,



Joseph McConnell
Municipal Administrator

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RESOLUTION
Re: Emergency Appropriation
(Snow Plowing and Snow Removal)

WHEREAS, an emergency has arisen with respect to Snow Plowing and Snow Removal and no adequate provision was made in the Transition Year 2010 Budget for the aforesaid purpose, and

WHEREAS, N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriation created by this resolution is \$130,000 and three percent of the total operations in the Budget for the Transition Year 2010 is \$917,400.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey, that in accordance with N.J.S.A. 40A:4-46 that:

1. An emergency appropriation be and the same is hereby made for in the amount of \$130,000.
2. That said emergency appropriation shall be provided in full in the 2011 Calendar Year Budget
3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.

AND BE IT FURTHER RESOLVED THAT, two (2) certified copies of this resolution be filed with the Director of Local Government Services.

It was regularly moved by Commissioner Rodriguez, seconded by Commissioner Lopez, that the foregoing Resolution be adopted, was carried by the following vote:

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

RESOLUTION
Re: Approval of Emergency Contract to DiClemente
Contractors, Inc. for Emergency Snow Removal and Disposal

WHEREAS, on or about December 26 - 27, 2010, an imminent Emergency occurred in the form of an unexpected early winter storm bringing in excess of two feet of snow and requiring the removal and disposal of large quantities of snow from the streets of the Town as it was blocking those streets and hampering the provision of essential public services ("Emergency Services"); and

WHEREAS, the Business Administrator and Emergency Management Coordinator determined that the required Emergency Services could be considered an emergency service as per the Local Public Contract Law Regulations; and

WHEREAS, the emergency commenced on or about December 26, 2010 and though the maximum amount of reimbursement has not yet been established, it is estimated that the cost for the Emergency Services will be approximately \$80,000, and there are additional costs to the Town in the nature of emergency police, public safety, public works and other costs of an additional approximately \$50,000; and

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Resolution (Cont.):

WHEREAS, subject to N.J.S.A. 40A:11-6, emergency contracts may be negotiated or awarded without competitive bidding, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, the Business Administrator executed a Certificate of Emergency and his Certificate is attached hereto and made a part hereof; and

WHEREAS, emergency contracts are exempted from compliance with the fair and open process under N.J.S.A. 19:44A-20.4 et seq. so long as an Emergency Procurement Form is sent to the Division of Local Government Services within 30 days; and

WHEREAS, with the adoption of an Emergency Budget Appropriation by the Board of Commissioners, and a Certificate of Available Funds, maintained on file at the Town which 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 Mayor and Board of Commissioners of the Town of West New York, County of Hudson as follows:

1. The Board of Commissioners hereby confirms, ratifies and approves the declaration of emergency by the Town's Business Administrator regarding the emergency necessitating Emergency Services from December 26, 2010 through December 31, 2010.
2. The Board of Commissioners hereby accepts the Certificate of Emergency dated December 29, 2010, of the Business Administrator and same is to be placed on file in the office of the Municipal Clerk and available for public inspection.
3. The Board of Commissioners hereby confirms, ratifies and approves an agreement between the Town and DiClemente Contractors, Inc., for Emergency Services in a form satisfactory to the Town as evidenced by the Mayor or Business Administrator's signature thereon and same is to be placed on file in the office of the Municipal Clerk and available for public inspection, in an amount not to exceed \$80,000.00.
4. No payment shall be made to DiClemente Contractors, Inc., until all required certifications and permits therefore have been received by the Town.
5. The Chief Financial Officer's Certification that funds are available shall be maintained on file.

It was regularly moved by Commissioner Rodriguez, seconded by Commissioner Riccardi, that the foregoing Resolution be adopted, was carried by the following vote:

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

Note: **Comm. Lange complemented Comms. Rodriguez, Lopez and Riccardi for their departments' efforts regarding recent snow removal, and Town Administrator McConnell for making sure everyone worked together. Comm. Lange commented that our Town's snow removal is the best in Hudson County.**

Comm. Riccardi wished everyone a Happy New Year.

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Comm. Lange opened the Public Portion.

Public Portion:

No one wished to be heard.

It was regularly moved by Commissioner Riccardi, seconded by Commissioner Rodriguez, to close the public portion and adjourn the meeting at 4:04 p.m., was carried by the following vote:

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

Commissioner Gerald Lange, Jr.

Commissioner Michelle Fernandez Lopez

Commissioner Lawrence Riccardi

Commissioner Alberto Rodriguez

ABSENT

Mayor Silverio A. Vega
Board of Commissioners

Attest: _____
Carmela Riccie, RMC
Town Clerk