

*Town of West New York
Hudson County, New Jersey*

Minutes of Regular Meeting
(Regular Session)
September 18, 2024

Commissioner Marcos A. Arroyo
Commissioner Victor M. Barrera
Commissioner Marielka A. Diaz
Commissioner Adam W. Parkinson
Mayor Albio Sires
Board of Commissioners

ATTEST: *ADELINNY PLAZA, RMC*
TOWN CLERK

September 18, 2024
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 via Teleconference, on **Wednesday, September 18, 2024 at 6:30 P.M. (No Work Session):**

Present: Commissioners Arroyo, Barrera, Diaz, Parkinson, and Mayor Sires
Absent: None
Also Present: Town Clerk Adelinnny Plaza, Town Administrator Luis Baez, Deputy Town Administrator Jonathan Castaneda, Angelo Auteri, Esq. (Scarinci Hollenbeck)

Meeting commenced at 6:32 P.M.

Town Clerk Adelinnny Plaza made the following announcement:

As Presiding Officer of this **Regular Meeting** of the Board of Commissioners of the Town of West New York, held on **September 18, 2024 at 6:30 P.M (No Work Session)**, I do hereby publicly announce, and I direct that this announcement shall be placed in the minutes of this meeting, and that the Notice requirements provided for in the “Open Public Meetings Act” have been satisfied. Notice of this meeting was properly given by the Board of Commissioners in the **Resolution** dated and adopted on **November 21, 2023**. 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. Notice of this meeting by the **September 11th, 2024** Sunshine Notice was transmitted to the aforementioned newspapers, posted on the municipal bulletin board in Town Hall, and on the Town Website.

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

Note: Minutes were taken and transcribed by Town Clerk Adelinnny Plaza and Tyara Conil.

Minutes of Previous Meetings:

It was regularly moved by **Commissioner Parkinson**, seconded by **Commissioner Arroyo** that the Minutes of Regular Meeting: **September 4, 2024 (Regular Meeting)** be approved. The motion was carried by the following vote:

AYES - Commissioners Arroyo, Barrera, Diaz, Parkinson, and Mayor Sires
NAYS - None
ABSENT - None

Payment of Claims: (Claims are available for public inspection in the Town Clerk’s Office)

It was regularly moved by **Mayor Sires**, seconded by **Commissioner Arroyo** that the Payment of Claims of: **September 18, 2024** be approved. The motion was carried by the following vote:

AYES - Commissioners Arroyo, Barrera, Diaz, Parkinson, and Mayor Sires
NAYS - None
ABSENT - None

Note: **Commissioner Diaz abstained on Purchase Order #45178. Commissioner Parkinson abstained on Purchase Order #45103.**

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Closing Item No. 8

MEMORANDUM

TO: Board of Commissioners of the Town of West New York, New Jersey

FROM: Jonathan M. DeJoseph, Chief Financial Officer

RE: Sale of \$3,040,000 Town of West New York Bond Anticipation Notes (Federally Taxable)

In accordance with N.J.S.A. 40A:2-28, the undersigned financial officer of the Town of West New York hereby reports to the governing body of the Town of West New York the principal amount, interest rate and maturity of the Notes sold, the price obtained and the name of the Purchaser:

PRINCIPAL AMOUNT:	\$3,040,000
INTEREST RATE:	4.40%
MATURITY DATE:	September 26, 2025
PRICE OBTAINED:	\$3,040,000
NAME OF PURCHASER:	Amboy Bank
NET INTEREST COST:	4.40%

The undersigned sold the referenced Notes by negotiated sale on September 9, 2022 pursuant to authority granted in Ordinance No. 8/22 of the Town. This report is being made to the governing body at the next meeting thereof after such sale in accordance with N.J.S.A. 40A:2-28.

The proceeds of the original note issue were loaned to the West New York Housing Authority to payoff and discharge a certain mortgage on Madison Manor, Fillmore Towers and Dewey Gardens and to undertake additional capital improvements for these properties. The date of first issue of these notes was September 30, 2022 in the original principal amount of \$3,040,000, and the notes were originally renewed on September 28, 2023 in the principal amount of \$3,040,000 and this is the second one-year renewal of the notes in the principal amount of \$3,040,000. The Housing Authority has paid all interest paid and payable on the Notes.

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Consent Agenda:

It was regularly moved by **Mayor Sires**, seconded by **Commissioner Diaz** that the following Consent Agenda Items **Nos. R24-251 through R24-265** be adopted. The motion was carried by the following vote:

AYES - Commissioners Arroyo, Barrera, Diaz, Parkinson, and Mayor Sires
NAYS - None
ABSENT - None

RESOLUTION #R24-251
RE: REPEALING RESOLUTION ADOPTED ON 11/22/2010
WHICH ESTABLISHED A LOADING ZONE FOR LA DOMINICA PLANTAS
LOCATED AT 635 56th STREET WEST NEW YORK

WHEREAS, the governing body of the Town of West New York adopted a Resolution on November 22, 2010 establishing a loading zone for a business known as La Dominica Plantas, and;

WHEREAS, said business no longer exists and therefore, there is no further need for said loading zone at said location;

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:

635 56th Street, West New York
(La Dominica Plantas)

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 #R24-252
RE: REPEALING RESOLUTION ADOPTED ON JANUARY 20TH, 2016 FOR
RESTRICTED PARKING FOR HANDICAPPED RESIDENT AT 119 57TH STREET,
WEST NEW YORK (RITA ORLICH)

WHEREAS, the governing body of the Town of West New York adopted a Resolution establishing restricted parking for use by a handicapped resident; and

WHEREAS, the handicapped person involved has either died or moved since the implementation of the 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:

119 57th Street, West New York
(Rita Orlich)

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.

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Consent Agenda (Cont.):

RESOLUTION #R24-253

RE: ESTABLISHING RESTRICTED PARKING IN FRONT OF ONE (1) RESIDENCE FOR USE BY HANDICAPPED RESIDENT AS FOLLOWS: 119 57TH STREET, APT. 2, WEST NEW YORK (MARGARET M. ORLICH)

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

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

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Margaret M. Orlich 119 57 th Street, Apt. 2 West New York, NJ, 07093	South	Begin at a point, along the south side of 57 th Street, 164 feet east from the south east corner of 57 th street. Then 22 feet east therefrom.

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

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

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

RESOLUTION #R24-254

RE: CONCERNING PAYMENT OF CLAIMS FOR WORKERS COMPENSATION AND GENERAL LIABILITY FOR THE MONTH OF SEPTEMBER 2024

WHEREAS the Town of West New York has claims for bills to be paid under workers compensation and general liability; and

WHEREAS the Town of West New York is self-insured and participates with other communities in the Public Entity Joint Insurance Fund; and

WHEREAS the PE JIF, and Claims Administrator and the Town Administrator have reviewed all claims and recommend payment, and

WHEREAS the Chief Financial Officer has certified that funds are available for payment of these claims in account 21-75012 for Workers Compensation claims and account 21-75022 for General Liability claims, and

WHEREAS, the Board of Commissioners must approve payment of these claims; and

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

NOW THEREFORE, BE IT RESOLVED that the Mayor and Commissioners of the Town of West New York do hereby approve of the payment of the following claims:

Workers Compensation: \$ 139,617.86
General Liability: \$ 25,912.99

RESOLUTION #R24-255
RE: AUTHORIZING REFUND OF TAX LIEN REDEMPTIONS AND TAX LIEN PREMIUMS

WHEREAS, the investors named below have previously purchased Tax Sale Certificates from the Town of West New York; and

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

WHEREAS, the Certificates have now been redeemed and the investor is entitled to a refund of said redemption amounts and premium amounts pursuant to N.J.S.A. 54:5-33 and N.J.S.A 54:5-33; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey, that the below listed redemption and premium amounts be paid to the investors in the following amounts, and the Department of Revenue and Finance is hereby authorized to issue said refunds:

LIEN HOLDER				TAX	REDEMPTION	PREMIUM
BOC SEP 18	BLK	LOT	QUAL	CERTIFICATE		
FUNDPALITY 2023 LLC	30	8		22-00053	\$ 1,141.39	\$ 21,200.00
PRO CAP 8 FBO FIRSTRUST BANK	16	46		23-00062	\$ 1,997.68	\$ -
PRO CAP 8 FBO FIRSTRUST BANK	41	8		23-00169	\$ 392.04	\$ -
PRO CAP 8 FBO FIRSTRUST BANK	43	22		23-00182	\$ 3,696.10	\$ -
PRO CAP 8 FBO FIRSTRUST BANK	67	34		23-00248	\$ 661.25	\$ -
PRO CAP 8 FBO FIRSTRUST BANK	88	22		23-00332	\$ 2,414.56	\$ -
PRO CAP 8 FBO FIRSTRUST BANK	109	7		23-00384	\$ 1,436.09	\$ -
PRO CAP 8 FBO FIRSTRUST BANK	145	19		23-00480	\$ 1,252.41	\$ -
PRO CAP 8 FBO FIRSTRUST BANK	168.01	7.08	C1402	23-00552	\$ 3,352.34	\$ -
OAK CAPITAL GROUP LLC	168.01	7.06	C0203	22-00260	\$ 5,314.32	\$ 3,300.00
OAK CAPITAL GROUP LLC	168.01	8.03	C0236	22-00287	\$ 3,060.96	\$ 3,000.00
					\$ 24,719.14	\$ 27,500.00
TOTAL:					\$	52,219.14

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Consent Agenda (Cont.):

RESOLUTION #R24-256
RE: CONSENTING TO THE TRANSFER OF RIGHTS AND
OBLIGATIONS UNDER THE REDEVELOPER AGREEMENT WITH
TOLL PARCEL H URBAN RENEWAL, LLC TO VISTA POINTE I URBAN
RENEWAL LLC ONLY WITH RESPECT TO BLOCK 168.01, LOT 7.11

WHEREAS, the Town of West New York, in the County of Hudson, New Jersey (the “Town”) and Roseland/Port Imperial Partners, L.P. (successor by assignment to Roseland/Port Imperial, L.L.C.), entered into a Redeveloper Agreement dated September 19, 1996, as amended by Amendment to Redeveloper Agreement dated June, 2017 (as amended, the “Redeveloper Agreement”) relating to certain real property located in the Town and more particularly described in the Redeveloper Agreement (the “Redevelopment Area”); and

WHEREAS, the Redeveloper Agreement was subsequently partially assigned to K. Hovnanian at Port Imperial Urban Renewal VIII, L.L.C. (“KHOV”) only with respect to the obligations relating to property located within the Redevelopment Area designated as Block 168.01, Lot 7.11 on the Town tax map (the “Project Site”); and

WHEREAS, pursuant to an Assumption Agreement dated February 1, 2018 (the “Assumption Agreement”), KHOV assigned to Toll Port Imperial LLC, a New Jersey limited liability company (“Toll Port Imperial”), and Toll Port Imperial assumed from KHOV, the outstanding obligations of KHOV under the Redeveloper Agreement only with respect to the Project Site, as more particularly set forth in the Assumption Agreement and in that certain Town Resolution Consenting to Transfer of Block 168.01, Lots 7.09 and 7.11, and Designating Toll Port Imperial, LLC, as Redeveloper thereof, adopted by the Mayor and Town Board of Commissioners on September 21, 2017; and

WHEREAS, pursuant to an Assignment and Assumption Agreement dated February 14, 2023 (the “2023 Assumption Agreement”), Toll Port Imperial assigned to Toll Parcel H Urban Renewal, LLC (“Toll Parcel H”), its affiliate, and Toll Parcel H assumed from Toll Port Imperial, all of Toll Port Imperial’s right, title and interest in the Assumption Agreement and all of Toll Port Imperial’s outstanding obligations under the Assumption Agreement solely with respect to the Project Site, as more particularly set forth in the 2023 Assumption Agreement; and

WHEREAS, Vista Pointe I Urban Renewal, LLC (“Vista Pointe”), an affiliate of Toll Parcel H, is acquiring fee title to the Project Site from Toll Parcel H; and

WHEREAS, Toll Parcel H desires to assign to Vista Pointe, and Vista Pointe desires to assume, all of Toll Parcel H’s right, title and interest in the 2023 Assumption Agreement and all of Toll Parcel H’s outstanding obligations under the 2023 Assumption Agreement solely with respect to the Project Site, subject to the terms and conditions of an Assignment and Assumption Agreement between Toll Parcel H and Vista Pointe (together, the “2024 Assignment”); and

WHEREAS, pursuant to Section 6.02 of the Redeveloper Agreement, the 2024 Assignment requires the consent of the Town, not to be unreasonably withheld; and

WHEREAS, the Town has considered the criteria for the 2024 Assignment as set forth in Section 6.03 of the Redeveloper Agreement, including the reputation of Vista Pointe and the financial ability and qualifications of Vista Pointe to fulfill its obligations under the Assumption Agreement, the competence and character of the management of Vista Pointe to complete its obligations under the Assumption Agreement and the experience of Vista Pointe in the completion of similar projects; and

WHEREAS, Toll typically creates affiliate companies to take title to and construct its projects and Vista Pointe has been formed by Toll in order to acquire and develop the Project Site; and

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

WHEREAS, based on its financials and experience with other similar type projects, Toll has demonstrated both the financial capability and experience to serve as redeveloper, through Vista Pointe, for the Project Site, in satisfaction of Section 6.03 of the Redeveloper Agreement; and

WHEREAS, in connection with the acquisition of the Project Site by Vista Pointe, and Vista Pointe's obtaining of construction financing for development of the Project Site, Vista Pointe has requested that the Town deliver an Estoppel Certificate and Recognition Agreement in favor of Vista Pointe and Vista Pointe's lender (the "Estoppel Certificate"); and

WHEREAS, the Board of Commissioners of the Town has determined that it is in the Town's best interest to consent to and approve the 2024 Assignment and the Estoppel Certificate.

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

Section 1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

Section 2. The Town hereby consents to the 2024 Assignment, provided Toll Parcel H and Vista Pointe execute the Assignment and Assumption Agreement substantially in the form previously provided to the Town. The Mayor is hereby authorized and directed to execute the Estoppel Certificate in substantially the form on file in the office of the Town Clerk, with such additions, omissions and other revisions as approved by counsel to the Town.

Section 3. The Mayor and any other necessary Town officials are hereby authorized to execute any other document, certificate or instrument, and to take any other action, if any, necessary to effectuate the 2024 Assignment.

Section 4. This Resolution shall take effect in accordance with applicable law.

RESOLUTION #R24-257
RE: AUTHORIZING THE EXECUTION OF REDEVELOPMENT AGREEMENT,
PURCHASE AND SALE AGREEMENT AND PARKING LEASE AGREEMENT,
ALL FOR THE PROPERTY KNOWN AS BLOCK 4, LOTS 1 AND 2 ON THE
OFFICIAL TAX MAPS OF THE TOWN

WHEREAS, the Town of West New York (the "Town") is a political subdivision of the State of New Jersey, located in the County of Hudson; and

WHEREAS, on April 3, 2024, the Board of Commissioners of the Town (the "Board of Commissioners") adopted Resolution #R24-115, authorizing and directing the Town of West New York Planning Board (the "Planning Board") to undertake a preliminary investigation to determine whether Block 4, Lots 1 and 2 on the official tax maps of the Town (the "Study Area") qualify as a non-condemnation area in need of redevelopment pursuant to the criteria set forth in the Redevelopment Law; and

WHEREAS, on May 14, 2024, the Planning Board conducted such investigation, held a public hearing and determined that the Study Area met one or more criteria set forth in the Redevelopment Law to designate the Study Area as a non-condemnation area in need of redevelopment; and

WHEREAS, on May 15, 2024, the Board of Commissioners adopted Resolution #R24-156, designating the Study Area (the "Redevelopment Area"), as a non-condemnation area in need of redevelopment according to the criteria set forth in the Redevelopment Law; and

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Consent Agenda (Cont.):

Resolution (Cont.):

WHEREAS, in accordance with the Redevelopment Law, on August 21, 2024, the Board of Commissioners adopted Ordinance #27/24 approving a redevelopment plan for the Redevelopment Area, entitled “6600-14 Park Avenue Miralto Redevelopment Plan” (the “Redevelopment Plan”); and

WHEREAS, the Town desires to authorize the execution of a redevelopment agreement with Meridia West New York 6600, LLC (the “Redeveloper”) (in the form on file in the office of the Town Clerk and available for public inspection, the “Redevelopment Agreement”), for the planning, construction and undertaking of the Redevelopment Area in accordance with the Redevelopment Plan; and

WHEREAS, the Redeveloper has proposed to undertake the following actions, in accordance with the terms of the Redevelopment Agreement and the Redevelopment Plan: constructing in the Redevelopment Area a mixed use development consisting of a single occupied building with a maximum of 15 stories above grade and 1 story below grade, consisting of (i) approximately 499 parking spaces within the building, including approximately 249 parking spaces reserved for, and identified as, resident parking and 250 spaces leased to the Town pursuant to the Parking Lease Agreement (as defined herein) and reserved for and identified as, retail/public/resident parking; (ii) a maximum of 250 market-rate rental residential units, all located on floors 6 through 14; (iii) a minimum of 4,200 sf of ground level retail, restaurant and commercial components; and (iv) appropriate amenities and related Project Improvements (as defined in the Redevelopment Agreement), all in accordance with the provisions of the Redevelopment Plan, the Concept Plan (as defined in the Redevelopment Agreement) and Design Standards (as defined in the Redevelopment Agreement) (collectively, and as more fully described and defined in the Redevelopment Agreement, the “Project”); and

WHEREAS, the Town is the owner of the Redevelopment Area and, in order to effectuate the Redevelopment Plan and the Project, the Town wishes to sell the Redevelopment Area to the Redeveloper on the terms and conditions set forth in a Purchase and Sale Agreement (in the form on file in the office of the Town Clerk and available for public inspection, the “Purchase Agreement”); and

WHEREAS, pursuant to the terms of the Redevelopment Agreement, the Redeveloper shall construct 250 parking spaces to be leased to the Town pursuant to a Parking Lease Agreement (in the form on file in the office of the Town Clerk and available for public inspection, the “Parking Lease Agreement”) and reserved for and identified as, retail/public/resident parking; and

WHEREAS, in order to effectuate the Redevelopment Plan, the Project and the redevelopment of the Redevelopment Area, the Town has determined to enter into the Redevelopment Agreement with the Redeveloper, which Redevelopment Agreement designates Redeveloper as the “redeveloper” of the Project in accordance with the Redevelopment Law, and which specifies the respective rights and responsibilities of the parties with respect to the Project; and

WHEREAS, in order to effectuate the Redevelopment Plan, the Project and the redevelopment of the Redevelopment Area, the Town has determined to enter into the Purchase Agreement and the Parking Lease Agreement, which agreements specify the rights and responsibilities of the parties with respect to the conveyance of the Redevelopment Area and the lease of parking spaces to the Town.

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

Section 1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

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Consent Agenda (Cont.):

Resolution (Cont.):

Section 2. The Redeveloper is hereby designated as the Redeveloper of the Redevelopment Area.

Section 3. The Mayor of the Township is hereby authorized and directed to execute the Redevelopment Agreement, the Purchase Agreement and the Parking Lease Agreement, each in the forms on file in the office of the Town Clerk, with such respective changes, omissions or amendments as the Mayor deems appropriate in consultation with the Town's general counsel, redevelopment counsel, redevelopment planner and other Town professionals. The Clerk of the Town is hereby authorized and directed to attest to the Mayor's signature and affix the seal of the Town to each of the Redevelopment Agreement, Purchase Agreement and Parking Lease Agreement. Upon execution and attestation of each of the same, the Mayor is hereby authorized to deliver such Redevelopment Agreement, Purchase Agreement and Parking Lease Agreement to the other parties thereto.

Section 4. The Mayor of the Township is hereby authorized and directed to take any action and to execute any document, certificate, agreement or instrument necessary to effectuate the transaction contemplated by this resolution.

Section 5. This resolution shall take effect immediately.

RESOLUTION #R24-258

**RE: AUTHORIZING PROPERTY TAX EXEMPTION AND REFUND FOR DWELLING
OF DISABLED VETERAN FOR PROPERTY LOCATED AT 406A 50TH STREET,
WEST NEW YORK, NJ, BLOCK: 104, LOT: 30 FOR PURSUANT TO N.J.S.A. 54:4-3.30
ET SEQ.**

WHEREAS, pursuant to N.J.S.A. 54:4-3.30, a qualified disabled veteran, who has been or shall be declared by the United States Veterans Administration or its successor to have a total or 100% permanent disability, shall be eligible for the veteran's property tax exemption, and, pursuant to N.J.S.A. 54:4-3.32, a retroactive refund of property taxes may be permitted, on proper claim made thereof; and

WHEREAS, Rafael Ezequiel Giron submitted a proper claim for the veteran's property tax exemption, and was declared to have a total or 100% permanent disability, effective April 29, 2024; and

WHEREAS, the Tax Assessor for the Town of West New York ("Town") has reviewed such claim and associated documents for Rafael Ezequiel Giron, the property owner of 406A 50th Street, block 104, Lot 30, West New York, New Jersey, ("Property"), and has determined that Rafael Ezequiel Giron qualifies for a veteran's property tax exemption effective April 29, 2024; and

WHEREAS, the Tax Assessor has further determined that the Property is a 1-family dwelling and qualifies for a tax exemption in the amount of 100% of its assessment value, and that a refund of 100% of the property taxes paid effective from April 29, 2024, shall be issued to Rafael Ezequiel Giron.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey, that a refund in the amount of 100% of the 2024 property taxes paid, effective from April 29, 2024, shall be issued to Rafael Ezequiel Giron, as the owner of the property located at 406A 50th Street, West New York, NJ 07093, Block 104, Lot 30.

BE IT FURTHER RESOLVED that the Tax Assessor together with all other appropriate officers of the Town are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this resolution.

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Consent Agenda (Cont.):

RESOLUTION #R24-259

RE: AMENDING RESOLUTION #R24-243 AUTHORIZING CONTRACT WITH SCHINDLER ELEVATOR CORPORATION FOR ELEVATOR MAINTENANCE SERVICES FOR THE 52ND STREET PARKING GARAGE

WHEREAS, by prior Resolution #R24-243, the Town of West New York (“Town”) authorized a contract with Schindler Elevator Corporation for the provision of elevator preventative maintenance services for the 52nd Street Parking Garage in West New York; and

WHEREAS, the Town seeks to amend Resolution #R24-243 to authorize a contract with Schindler Elevator Corporation for the provision of elevator maintenance services as required by the Town of West New York for the 52nd Street Parking Garage Project, for a one-year term between September 16, 2024 through September 15, 2025, for a total contract amount not to exceed \$24,360.00.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Board of Commissioners of the Town of West New York do hereby amend Resolution #R24-243 to authorize a contract with Schindler Elevator Corporation for the provision of the required elevator preventative maintenance services for the 52nd Street Parking Garage, for a one (1) year term, between September 16, 2024 through September 15, 2025, for a monthly payment of \$2,030.00, an annual total of \$24,360.00, and a total contract amount not to exceed \$35,000.00.

BE IT FURTHER RESOLVED, all other provisions set forth in Resolution #R24-243 that have not been amended as set forth herein, shall remain in full force and effect.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that sufficient funds are available for this contract amendment in account number 05-201-55-502-020-99.

RESOLUTION #R24-260

RE: AUTHORIZING PAYMENT TO DAIDA FOR DISPOSAL OF DAMAGED RECORDS

WHEREAS, the Town of West New York (“Town”) requires disposal services for boxes of water-damaged records; and

WHEREAS, the New Jersey State Records Committee issued an acknowledgement dated August 15, 2024 to authorize the premature destruction of water-damaged records by the Town of West New York; and

WHEREAS, DAIDA, located at 300 Columbus Circle, Suite I, Edison, NJ 08837, submitted a quote to the Town for the provision of the required disposal services for the boxes of water-damaged records as required by the Town, for a total in the amount of \$1,043.50; and

WHEREAS, the Town seeks to authorize payment in the amount of \$1,043.50 to DAIDA, located at 300 Columbus Circle, Suite I, Edison, NJ 08837, for the destruction of water-damaged records as required by the Town of West New York.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey, do hereby payment in the amount of \$1,043.50 to DAIDA, located at 300 Columbus Circle, Suite I, Edison, NJ 08837, for the destruction of water-damaged records as required by the Town of West New York.

BE IT FURTHER RESOLVED that the Mayor and/or Municipal Administrator is hereby authorized to take any further steps necessary to complete payment and to further effectuate the purposes as set forth herein.

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Consent Agenda (Cont.):

Resolution (Cont.):

BE IT FURTHER RESOLVED, that the Mayor and Commissioners of the Town of West New York pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer.

RESOLUTION #R24-261

**RE: AMENDING CONTRACT WITH NW FINANCIAL GROUP, LLC FOR
FINANCIAL CONSULTANT SERVICES FOR 2024**

WHEREAS, by prior Resolution #R23-394, the Town of West New York authorized a contract with NW Financial Group, LLC, located at 2 Hudson Place, floor 3, Hoboken, NJ 07030, for the provision of the Financial Consultant Services for the Town of West New York for the period ending December 31, 2024, for a total contract amount not to exceed \$25,000.00; and

WHEREAS, the Town seeks to amend the contract with NW Financial Group, LLC, to authorize an increase in the amount of \$25,000.00 for the provision of financial consultant services, for an amended total contract amount not to exceed \$50,000.00, for the period between January 1, 2024 and December 31, 2024.

NOW THEREFORE, BE IT RESOLVED that the Mayor and the Board of Commissioners of the Town of West New York do hereby authorize an amendment to the contract with NW Financial Group, LLC, located at 2 Hudson Place, floor 3, Hoboken, NJ 07030, to authorize an increase in the amount of \$25,000.00 for the period between January 1, 2024 and December 31, 2024, for an amended total contract amount not to exceed \$50,000.00.

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator are hereby authorized to execute and deliver an amendment to this contract on behalf of the Town, and the Town Clerk is hereby authorized and directed to attest to the execution of this contract, to affix the corporate seal of the Town thereto, and to further effectuate the purposes as set forth in this Resolution.

BE IT FURTHER RESOLVED that the Town shall pay for non-bond related services at the rates and amounts set forth in the proposal.

RESOLUTION #R24-262

**RE: AMENDING CONTRACT FOR SPECIAL BOND COUNSEL SERVICES TO
DECOTIIS FITZPATRICK, COLE & GIBLIN, LLP FOR 2024**

WHEREAS, by prior Resolution #R23-381, the Town of West New York authorized a contract with DeCotiis, Fitzpatrick, Cole & Giblin, LLP, 61 South Paramus Road, Suite 250, Paramus, NJ 07652, for the provision of bond counsel services for the period between January 1, 2024 through December 31, 2024, for a total annual contract amount not to exceed \$25,000.00; and

WHEREAS, due to unforeseen circumstances and additional costs, the Town seeks to amend the contract with DeCotiis, Fitzpatrick, Cole & Giblin, LLP, to authorize an increase in the amount of \$25,000.00 for the provision of special bond counsel services, for the period between January 1, 2024 and December 31, 2024 for an amended total contract amount not to exceed \$50,000.00.

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Board of Commissioners of the Town of West New York do hereby authorize the amendment of the contract with DeCotiis, Fitzpatrick, Cole & Giblin, LLP, 61 South Paramus Road, Suite 250, Paramus, NJ 07652, to authorize an increase in the amount of \$25,000.00 for the provision of bond counsel services for the period between January 1, 2024 through December 31, 2024, for an amended total annual contract amount not to exceed \$50,000.00.

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator are hereby authorized to execute and deliver this contract on behalf of the Town, and the Municipal Clerk or Deputy Municipal Clerk is hereby authorized and directed to attest to the execution of this contract and to affix the corporate seal of the Town thereto.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that the funds necessary for this contract are available for this contract from account 201-21-714-020-99.

RESOLUTION #R24-263
RE: AUTHORIZING THE REMOVAL OF FOUR (4) PARKING METERS DUE TO
NEW SIDEWALK LAYOUT FOR NEW RESIDENTIAL BUILDING AT 508 51ST
STREET, WEST NEW YORK, NJ 07093

WHEREAS, the Town of West New York (the "Town") has determined that four (4) parking meters must be removed due to the new sidewalk layout for the new residential building located at 508 51st Street, West New York, NJ 07093; and

WHEREAS, the four (4) parking meters that must be permanently removed are as follows:

51-12
51-14
51-16
51-18

WHEREAS, the Town seeks to authorize the permanent removal of the above four (4) parking meters due to the new sidewalk layout for the residential building at 508 51st Street, West New York, NJ.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey, do hereby authorize the permanent removal of the above four (4) parking meters due to the new sidewalk layout for the new residential building located at 508 51st Street, West New York, NJ 07093.

BE IT FURTHER RESOLVED that the Town Administrator, or his designee, shall be authorized to take any steps necessary to effectuate the purposes set forth in this Resolution.

BE IT FURTHER RESOLVED the Town of West New York Parking Utility is authorized to take any necessary action to effectuate this Resolution.

September 18, 2024
Regular Meeting

Consent Agenda (Cont.):

RESOLUTION #R24-264
RE: AUTHORIZING THE APPOINTMENT OF CLASS III SPECIAL LAW
ENFORCEMENT OFFICERS WITHIN THE TOWN OF WEST NEW YORK POLICE
DEPARTMENT

WHEREAS, pursuant to §80-33, the governing body of the Town of West New York (the “Town”) is authorized to appoint Class III Special Law Enforcement Officers to serve for periods of up to one (1) year in length; and

WHEREAS, the Mayor and the Board of Commissioners seek to authorize the reappointment of Juan Nunez and Leonardo Hernandez to serve as Class III Special Law Enforcement Officers for the West New York Police Department, for one (1) year terms; and

WHEREAS, the Mayor and the Board of Commissioners additionally seek to appoint Francisco Rodriguez to serve as a Class III Special Law Enforcement Officers for the West New York Police Department for a one (1) year term; and

WHEREAS, Juan Nunez, Leonardo Hernandez, and Francisco Rodriguez all possess the qualifications necessary and satisfy all requirements to serve as Class III Special Law Enforcement Officers for the Town of West New York for one (1) year terms, respectively.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Board of Commissioners of the Town of West New York do hereby authorize as follows:

1. Juan Nunez is hereby reappointed to serve as a Class III Special Law Enforcement Officer for the Town of West New York for a one (1) year term.
2. Leonardo Hernandez is hereby reappointed to serve as a Class III Special Law Enforcement Officer for the Town of West New York for a one (1) year term.
3. Francisco Rodriguez is hereby appointed to serve as a Class III Special Law Enforcement Officer for the Town of West New York for a one (1) year term.

BE IT FURTHER RESOLVED that the Mayor, Municipal Administrator and Town Clerk are authorized to take such other steps and to execute any documents necessary to effectuate the purposes as set forth in this Resolution.

RESOLUTION #R24-265
RE: AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT BETWEEN THE
TOWN OF WEST NEW YORK AND THE NJ DEPARTMENT OF LAW AND PUBLIC
SAFETY, OFFICE OF THE ATTORNEY GENERAL UNDER THE FY25 SAFE AND
SECURE COMMUNITIES PROGRAM, SUBAWARD GRANT NUMBER 25-0912

WHEREAS, the NJ Department of Law and Public Safety, Office of the Attorney General has awarded a grant to the Town of West New York under the SFY 2025 Safe and Secure Communities Program, identified as Subaward Grant Number 25-0912; and

WHEREAS, this grant provides funding to offset the costs associated with the salaries of three (3) police officers, who will support initiatives in substance abuse prevention, violence resistance education, anti-bullying education, juvenile crime prevention, and community outreach within the West New York Police Department; and

September 18, 2024
Regular Meeting

Consent Agenda (Cont.):

Resolution (Cont.):

WHEREAS, the grant award is in the amount of \$45,150, and the Town of West New York will provide the required matching funds in the form of the officers' existing salaries and fringe benefits, which total approximately \$552,705.99, resulting in a total project cost of \$597,855.99; and

WHEREAS, the period of performance for this grant award shall commence on January 10, 2025, and conclude on January 9, 2026;

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

1. The Town of West New York is hereby authorized to accept Subaward Grant Number 25-0912 from the New Jersey Department of Law and Public Safety, Office of the Attorney General, in the amount of \$45,150 under the FY25 Safe and Secure Communities Program, with local matching funds provided through the existing salaries and fringe benefits of the designated officers for a total project cost of \$597,855.99.
2. The Town of West New York acknowledges that the grant performance period will begin on January 10, 2025, and end on January 9, 2026.
3. The Town of West New York commits to utilizing the grant funds in accordance with the purposes outlined in the grant application, including enhancing community policing and outreach efforts.

BE IT FURTHER RESOLVED, that Mayor Albio Sires and Captain Monica Ramos are hereby authorized to execute, and the Town Clerk to attest to, any and all documents required for the implementation and administration of this grant agreement.

September 18, 2024
Regular Meeting

ORDINANCE #33/24

AN ORDINANCE OF THE TOWN OF WEST NEW YORK, IN THE COUNTY OF HUDSON, NEW JERSEY CONSENTING TO THE ASSIGNMENT OF THE FINANCIAL AGREEMENT BY AND BETWEEN THE TOWN OF WEST NEW YORK AND TOLL PARCEL H URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED ON BLOCK 168.01, LOT 7.11 AS SHOWN ON THE OFFICIAL TAX MAP OF THE TOWN OF WEST NEW YORK AND LOCATED IN THE WATERFRONT REDEVELOPMENT AREA, FROM TOLL PARCEL H URBAN RENEWAL, LLC TO VISTA POINTE I URBAN RENEWAL, LLC

Note: Town Clerk Adelinn Plaza read the title of the foregoing Ordinance aloud.

It was regularly moved by **Mayor Sires**, seconded by **Commissioner Diaz**, to **Adopt the introduction** of the foregoing Ordinance. The motion was carried by the following vote:

AYES - Commissioners Arroyo, Barrera, Diaz, Parkinson, and Mayor Sires
NAYS - None
ABSENT - None

NOTICE
ORDINANCE #33/24

AN ORDINANCE OF THE TOWN OF WEST NEW YORK, IN THE COUNTY OF HUDSON, NEW JERSEY CONSENTING TO THE ASSIGNMENT OF THE FINANCIAL AGREEMENT BY AND BETWEEN THE TOWN OF WEST NEW YORK AND TOLL PARCEL H URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED ON BLOCK 168.01, LOT 7.11 AS SHOWN ON THE OFFICIAL TAX MAP OF THE TOWN OF WEST NEW YORK AND LOCATED IN THE WATERFRONT REDEVELOPMENT AREA, FROM TOLL PARCEL H URBAN RENEWAL, LLC TO VISTA POINTE I URBAN RENEWAL, LLC

Note: Town Clerk Adelinn Plaza read notice of the foregoing Ordinance aloud.

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **September 18, 2024** and ordered published, for consideration before final passage at a public hearing on **October 2, 2024 at 6:30 p.m.** held remotely or in person. Instructions regarding attendance and participation in the meeting will be posted on the Town's website: <http://www.westnewyorknj.org/>. 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, N.J.

ORDINANCE #34/24

ORDINANCE AMENDING ARTICLE I, §80-2(B) ENTITLED "COMPOSITION OF POLICE DEPARTMENT"

Note: Town Clerk Adelinn Plaza read the title of the foregoing Ordinance aloud.

It was regularly moved by **Commissioner Parkinson**, seconded by **Commissioner Diaz**, to **Adopt the introduction** of the foregoing Ordinance. The motion was carried by the following vote:

AYES - Commissioners Arroyo, Barrera, Diaz, Parkinson, and Mayor Sires
NAYS - None
ABSENT - None

September 18, 2024
Regular Meeting

Ordinance (Cont.):

NOTICE
ORDINANCE #34/24

ORDINANCE AMENDING ARTICLE I, §80-2(B) ENTITLED “COMPOSITION OF POLICE DEPARTMENT”

Note: Town Clerk Adelinn Plaza read notice of the foregoing Ordinance aloud.

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **September 18, 2024** and ordered published, for consideration before final passage at a public hearing on **October 16, 2024 at 6:30 p.m.** held remotely or in person. Instructions regarding attendance and participation in the meeting will be posted on the Town’s website: <http://www.westnewyorknj.org/>. 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, N.J.

ORDINANCE #35/24

ORDINANCE AUTHORIZING THE ACQUISITION OF PRIVATE PROPERTY LOCATED AT 5801 MADISON STREET, BLOCK 126, LOT 27, WEST NEW YORK, NJ 07093, FOR PUBLIC PURPOSES, AND AUTHORIZING THE COMMENCEMENT OF EMINENT DOMAIN PROCEEDINGS

Note: Town Clerk Adelinn Plaza read the title of the foregoing Ordinance aloud.

It was regularly moved by **Mayor Sires**, seconded by **Commissioner Arroyo**, to **Adopt the introduction** of the foregoing Ordinance. The motion was carried by the following vote:

AYES - Commissioners Arroyo, Barrera, Diaz, Parkinson, and Mayor Sires
NAYS - None
ABSENT - None

NOTICE
ORDINANCE #35/24

ORDINANCE AUTHORIZING THE ACQUISITION OF PRIVATE PROPERTY LOCATED AT 5801 MADISON STREET, BLOCK 126, LOT 27, WEST NEW YORK, NJ 07093, FOR PUBLIC PURPOSES, AND AUTHORIZING THE COMMENCEMENT OF EMINENT DOMAIN PROCEEDINGS

Note: Town Clerk Adelinn Plaza read notice of the foregoing Ordinance aloud.

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **September 18, 2024** and ordered published, for consideration before final passage at a public hearing on **October 16, 2024 at 6:30 p.m.** held remotely or in person. Instructions regarding attendance and participation in the meeting will be posted on the Town’s website: <http://www.westnewyorknj.org/>. 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, N.J.

September 18, 2024
Regular Meeting

ORDINANCE #36/24

**ORDINANCE AUTHORIZING THE ACQUISITION OF PRIVATE PROPERTY
LOCATED AT 5715 MADISON STREET, BLOCK 126, LOT 29, WEST NEW YORK, NJ
07093, FOR PUBLIC PURPOSES, AND AUTHORIZING THE COMMENCEMENT OF
EMINENT DOMAIN PROCEEDINGS**

Note: Town Clerk Adelinn Plaza read the title of the foregoing Ordinance aloud.

It was regularly moved by **Mayor Sires**, seconded by **Commissioner Arroyo**, to **Adopt the introduction** of the foregoing Ordinance. The motion was carried by the following vote:

AYES - Commissioners Arroyo, Barrera, Diaz, Parkinson, and Mayor Sires
NAYS - None
ABSENT - None

NOTICE
ORDINANCE #36/24

**ORDINANCE AUTHORIZING THE ACQUISITION OF PRIVATE PROPERTY
LOCATED AT 5715 MADISON STREET, BLOCK 126, LOT 29, WEST NEW YORK, NJ
07093, FOR PUBLIC PURPOSES, AND AUTHORIZING THE COMMENCEMENT OF
EMINENT DOMAIN PROCEEDINGS**

Note: Town Clerk Adelinn Plaza read notice of the foregoing Ordinance aloud.

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **September 18, 2024** and ordered published, for consideration before final passage at a public hearing on **October 16, 2024 at 6:30 p.m.** held remotely or in person. Instructions regarding attendance and participation in the meeting will be posted on the Town's website: <http://www.westnewyorknj.org/>. 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, N.J.

Public Portion:

Town Clerk Adelinn Plaza made the following announcement at 6:39 p.m.:

Residents are welcome to address the Mayor and Board of Commissioners on any governmental concern to them, whether or not is scheduled on the agenda. Public comments are limited to 3 minutes per person, and no person shall be permitted to speak more than one regular turn.

1. Yesenia Camilo, 550 52nd Street, Apt. 202, West New York, NJ:

Ms. Camilo recognized and praised the Mayor and Board of Commissioners for their achievements.

September 18, 2024
Regular Meeting

Public Portion (Cont.):

It was regularly moved by **Mayor Sires** and seconded by **Commissioner Parkinson**, to close the **Public Portion of the meeting and Adjourn at 6:45 p.m.** The motion was carried by the following vote:

AYES - Commissioners Arroyo, Barrera, Diaz, Parkinson, and Mayor Sires
NAYS - None
ABSENT - None

Commissioner Marcos A. Arroyo

Commissioner Victor M. Barrera

Commissioner Marielka A. Diaz

Commissioner Adam W. Parkinson

Mayor Albio Sires
Board of Commissioners

Attest: _____
Adelanny Plaza, RMC
Town Clerk