

August 15, 2012
Executive Session

Minutes of **Executive Session** of a Regular meeting of the Board of Commissioners of the Town of West New York, in the County of Hudson, State of New Jersey, held in the Court Chambers, Municipal Building, West New York, on Wednesday, August 15, 2012.

Present: Commissioners Frias, Rodriguez, Vargas, Wiley and Mayor Roque
Absent: None
Also Present: Town Attorney Gilberto Garcia, Assistant Town Attorney Joseph DeMarco and Town Clerk Carmela Riccie

Assistant Town Attorney Joseph De Marco discussed the following matters:

1. Mr. De Marco presented a proposed Resolution to terminate Town Administrator Ernest Munoz, advised as to the reason why this issue needed to be discussed in closed Executive Session and inquired as to whether any of the Commissioners had any questions regarding the Resolution. Mr. DeMarco explained that there are allegations by other town employees which may result in potential litigation regarding Mr. Munoz' involvement with another town employee. In addition, there are various other issues concerning Mr. Munoz. Town Attorney Garcia advised that Mr. Munoz served at the pleasure of the governing body. Discussion ensued about the provisions of the Statute as to reasons for termination of Town Administrator, Chief Financial Officer, etc. and provision to terminate "at will". Mr. Demarco explained that there are also issues regarding his job performance but that there is no need to give him specifics upon termination and that no reason needs to be given as it opens up Town for further exposure. He further advised that a letter was given to Mr. Munoz and that he is entitled to be paid for 90 days . Mr. Garcia advised that his term is "at the pleasure of the governing body". Mr. DeMarco cited NJSA 40A:9-137 and presented a proposed Resolution to appoint Carmela Riccie as the Administrator. Comm. Wiley commented about requirements of Town Administrator. Mr. DeMarco advised that a Master's Degree is not required and that Mr. Munoz did not possess a Master's Degree as it is not required. Mayor Roque commented that Mrs. Riccie has been performing the duties and is very experienced. Comm. Wiley agreed but replied that "he wanted to cover all issues". Town Clerk Riccie commented that management experience is a substitution for educational requirements and that she has been Town Clerk since 1991 as had the required management experience. Again, Mayor Roque stated "She is doing the job and is qualified." Comm. Wiley inquired about project management experience to which Mr. DeMarco advised that the Town Engineer performs those duties. Discussion ensued about other town employees who were hired by Comm. Wiley with no qualifications. Mr. DeMarco advised that the governing body must go back into Regular session to vote on these two (2) resolutions. Mayor Roque stated that he relies on Mrs. Riccie's judgment, that she has been in government for a long time and has already been performing the functions of Administrator. He further stated "I have faith in her. We tried this with the other person and it didn't work." Comm. Wiley disagreed.

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Motion was made by Comm. Rodriguez, seconded by Mayor Roque, to **close executive session at 1:45 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