

January 18, 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, January 18, 2012.

Present: Commissioners Rodriguez, Vargas, Wiley and Mayor Roque
Absent: Commissioner Frias
Also Present: Assistant Town Attorney Joseph DeMarco, Town Administrator Ernest Munoz, Town Clerk Carmela Riccio, Asst. Town Attorney Irene Asbury, and Brian O'Reilly (representative of Tax Assessor's Office)

Assistant Town Attorney Joseph De Marco discussed the following matters:

1. Mr. De Marco presented each Commissioner with a memo from Jordan Friedman, Esq. containing chart of figures. He reiterated the history of this matter. He advised that he contacted the attorney who created this agreement in 1996 and the general consensus is that this matter should be settled as there are problems with the initial assessment. He further advised that he has requested two (2) more additional years for payment of settlement which would include 2014 and 2015, but that the only way to really resolve the problem is to perform a revaluation of the property. Additionally, steps are being taken to do a new master plan, etc., which would be the initial step in the revaluation process which takes approx. 3-4 years to complete. He explained the terms of the proposed settlement i.e. payment of \$450,000 in cash and a credit on their tax bills. He advised that the good news is that the \$450,000 has already been budgeted so that the Town would not have to raise taxes or bond. He has conferred with Tax Collector Kerri Campen, Finance Manager John Mosca and Brian O'Reilly, and the concern is that potentially a Judge could order the Town to pay close to \$2 million. Brian O'Reilly advised that on December 3 in the Judge's chambers, it was his impression that the Judge was recommending that the matter be settled. Mr. DeMarco advised that a judgment becomes public finding and invites people to do the same thing but that a settlement will close this issue. He recommends that the governing body adopt a resolution when meeting resumes authorizing the Town Attorney and Tax Attorney to enter into a settlement agreement. Mayor Roque inquired as to whether Town Attorney Garcia is in agreement to which Mr. DeMarco responded "Yes". Mr. DeMarco further advised that Jordan Friedman, Esq., former Town Attorney Daniel Horgan and his associate, Joseph Rago, Esq. all are of the opinion that the proposed settlement is a good settlement. Mayor Roque inquired if terms of settlement can remain private to which Mr. DeMarco advised that the Town could request non-disclosure of the terms, but there are no guarantees that interested parties would honor such agreement. Discussion ensued about preparation and transmittal of a letter to be sent to interest parties. Discussion ensued about the probability of property values increasing in the near future. Mayor Roque inquired as to when a decision had to be made to which Mr. De Marco advised that a trial date has been set for March 1 so that action needs to be taken as soon as possible. He further advised that if the matter proceeds to trial, expert testimony would be required and would add to cost. Mr. O'Reilly commented that his biggest fear is setting precedence statewide.

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Motion was made by Comm. Rodriguez, seconded by Comm. Vargas, to **close executive session at 8:17 p.m.**, was carried by the following vote:

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

ABSENT

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