

May 19, 2015
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 Tuesday, May 19, 2015.

Present: Commissioners Cirillo, Colacurcio, Guzman, Rodriguez and Mayor Roque
Absent: None
Also Present: Corporation Counsel Donald Scarinci, Town Clerk Carmela Riccie,
Town Administrator Matthew Watkins and Laura Miller, Esq. (Scarinci
Hollenbeck)

Note: Closed Session commenced at 3:38 p.m. in the Court Chambers with the following vote:

It was moved by Mayor Roque, seconded by Comm. Colacurcio to open Executive Session was carried by the following vote:

AYES - Commissioners Cirillo, Colacurcio, Guzman, Rodriguez, and Mayor Roque
NAYS - None
ABSENT - None

Corporation Counsel Donald Scarinci explained to the newly elected Commissioners the limited reasons when the governing body enters closed executive session. He explained that the purpose of today's executive session is to discuss settlement of a case and that if agreed, the resolution would be added to the agenda once regular session reconvenes. He further advised that the following matter will be the subject of closed executive session discussion and that Laura Miller, Esq. would brief the governing body:

1. Re: Joseph Liberti v. Town of WNY, et al:

Laura Miller, Esq. explained that the plaintiff is a clown who performed services in 2011 for the Town but wasn't paid so he filed a lawsuit for breach of contract and political retaliation. She further advised that the Town decided to pay him but he refused to accept money offered as he wanted additional damages; and that if the matter is not settled, it goes to trial and costs would be prohibitive. She further advised that the original amount for his services was \$7,850 but that the settlement would also include \$16,075 in damages. Mr. Watkins commented that this matter was handled by the previous Town Administration in a sloppy manner and that it should never be repeated. Ms. Miller explained that plaintiff was "pro se" (represented himself). Mr. Scarinci explained that the total settlement amount would be \$23,925.00 if the governing body authorizes Ms. Miller to settle. Ms. Miller advised that on May 9th the arbitrator valued the case at \$15,000 (in addition to the \$7,850) and that a trial de novo would take place in 30 days if the matter is not settled. She recommended settlement "with prejudice". Mr. Watkins also recommended that the matter be settled. All governing body members agreed that matter should be settled and authorized Ms. Miller to do so.

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Motion was made by Comm. Colacurcio, seconded by Comm. Cirillo, to **close executive session at 3:48 p.m.**, was carried by the following vote:

YEAS - Commissioners Cirillo, Colacurcio, Guzman, Rodriguez and
 Mayor Roque
NAYS - None
ABSENT - None

Commissioner Cosmo A. Cirillo

Commissioner Susan Colacurcio

Commissioner Margarita Guzman

Commissioner Gabriel Rodriguez

Mayor Felix E. Roque
Board of Commissioners

Attest: _____
Carmela Riccie, RMC
Town Clerk