

December 16, 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 Wednesday, December 16, 2015

Present: Commissioners Colacurcio, Cirillo, Guzman and Rodriguez

Absent: Mayor Roque recused himself from this Executive Session

Also Present: Corporation Counsel Donald Scarinci, Monica de los Rios Esq. (Scarinci Hollenbeck) and Tom Hanrahan, Esq.

Note: Closed Session commenced at 6:45 p.m. with the following vote:

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

AYES -Commissioners Colacurcio, Cirillo, Guzman and Rodriguez

NAYS -None

ABSENT -None

Mayor Roque recused himself and left the Executive Session

The assistant Town Clerk read the resolution to close the session to the public for the purpose of discussing a possible settlement in the matter of Munoz v. Roque. Everyone left the room except the Commissioners, Donald Scarinci and Monica De Los Rios and Mr. Hanrahan, special counsel representing the insurance company in this matter.

Mr. Scarinci advised Mayor Roque to recuse himself since the matter involves him and his son. The Mayor exited the meeting.

Mr. Hanrahan began by discussing the facts and the procedural history of the case. The town was represented by Donald Scarinci and had been previously dismissed from the case as a result of a summary judgement motion successfully argued by Scarinci Hollenbeck on 10/8/14. He noted that if this case goes to trial, the cost would be substantially. The underlying federal criminal case consists of over 7,000 pages. Depositions of town employees would not only require attorney preparation time but would cost the town money in overtime pay or lost work time.

Mr. Hanrahan discussed the history of his settlement negotiations with Lou Zayas, plaintiff's counsel, wherein they concluded that a fair amount for settlement would be \$60,000 payable on behalf of the defendants. The insurance company's deductible is \$10,000. Mr. Hanrahan advised that Mr. Scarinci's office is attempting to negotiate a reduction in the \$10,000 deductible.

Mr. Hanrahan is recommending this settlement because it would completely resolve the lawsuit and all claims raised as well as to prevent a trial and appeals. The cost of motions, additional discovery and a trial would well exceed \$60,000.

Procedurally, the settlement would follow a dismissal of the case as to Mayor Roque and no admission of liability on the part of either the Mayor or his son. A confidentially agreement and a non-disparagement agreement would be a part of the settlement as well.

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Motion was made by Comm. Colacurcio, seconded by Comm. Cirillo to **close executive session at 7:05 p.m.**, was carried by the following vote:

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

Commissioner Cosmo A. Cirillo

Commissioner Susan M. Colacurcio

Commissioner Margarita Guzman

Commissioner Gabriel Rodriguez