

**December 17, 2014**  
***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 Monday, December 17, 2014.

Present: Commissioners Frias, Rodriguez, Vargas, Wiley and Mayor Roque  
Absent: None  
Also Present: Corporation Counsel Donald Scarinci, Town Clerk Carmela Riccio,  
Town Administrator Matthew Watkins and Sean Dias, Esq. (Scarinci  
Hollenbeck)

**Note: Closed Session commenced at 7:53 p.m. with the following vote:**

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

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

Corporation Counsel Donald Scarinci advised that the litigations are “dwindling significantly” and that there are only a few more cases remaining. He further advised that the following matters will be the subject of closed executive session discussion:

**1. Re: Alain Gomez v. Town of WNY, etc.:**

Mayor Roque commented that this discussion is confidential and not to be used politically. Sean Dias, Esq. explained that outside counsel handled this matter and it was monitored by Scarinci Hollenbeck. He briefly explained the issues and advised that it is in the best interest of the Town to settle as he met with defense attorneys. He advised that settlement proposal is as follows: payment of \$50,000 for physical damages and \$195,000 attorney fees to be paid through insurance carrier, for which there is coverage. There would be payment of “back pay” to be spread over three (3) annual payments commencing in 2015 i.e. \$51,000 per year for a total of \$155,000. Comm. Rodriguez inquired “Is there merit to settle?” Mr. Dias responded “Yes” and briefly explained that there had been a document allegedly in Gomez’s handwriting, which couldn’t be verified and that the Commissioner’s signature had allegedly been forged. Mr. Scarinci added that the problem is that we can’t prove that he did it and in addition we would lose the civil service case as a hearing was never held. Mr. Dias further advised that Mr. Gomez would be re-instated to the position previously held as UEZ Coordinator commencing 1/1/15. Comm. Rodriguez inquired “Does that title still exist?” Town Administrator Watkins advised that UEZ exists but we don’t know about the title as he wasn’t permanent in that position and that it is a civil service issue. Mayor Roque inquired as to whether he could be moved from that position to which Mr. Watkins responded “yes” but he would be re-instated to same status with same seniority and same salary. Comm. Rodriguez inquired “What was his salary?” Mr. Dias responded “\$55,000”. Comm. Wiley asked about settlement proposal figures again. Mayor Roque commented that the other option is to litigate. Mr. Scarinci commented that the proposed settlement would spread costs over three (3) years and that if the Town decides to continue litigation, attorney’s fees, judgment, etc. would have to be paid immediately. Mr. Watkins commented that he can’t see how the Town would prevail. Mr. Dias commented that Bob Levy, Esq. is concerned about “punitive damages due to civil service issues”.

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**2. Alberto Bringa v. Town of WNY, etc.:**

Mr. Scarinci explained that this is a multiple party case with a number of plaintiffs grouped into one case and that the case with the greatest merit and the worst facts is the one against Alberto Bringa himself, who was the former Police Director. He advised that a negotiated settlement to pay him accumulated compensation/sick times, etc. with a \$50,000 payment due on 2/1/15 and the balance of \$135,000 on 2/1/16. Plaintiff's attorney fee of \$90,000 would be paid by insurance carrier or if they decline, by the Town on 7/1/15 but he doesn't anticipate insurance carrier declining. He further advised that the Town's out of pocket expense would be \$50,000 now and \$135,000 next year. Mayor commented that when former Police Director Indri retired, he received \$180,000 so we are compelled to pay Mr. Bringa. Mr. Scarinci recommended settling the matter as it would place the Town in a stronger position to win the remainder of cases that are combined with this one.

Motion was made by Comm. Rodriguez, seconded by Comm. Frias, to **close executive session at 8:15 p.m.**, was carried by the following vote:

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

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Commissioner FiorD'Aliza Frias

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Commissioner Caridad Rodriguez

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Commissioner Ruben Vargas

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Commissioner Count J. Wiley

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Mayor Felix E. Roque  
Board of Commissioners

Attest: \_\_\_\_\_  
Carmela Riccio, RMC  
Town Clerk