

Borough of Palisades Park
275 Broad Avenue
County of Bergen
State of New Jersey

Special Meeting
of the Mayor & Council
June 11, 2021

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Mayor Christopher Chung opened the Special Meeting at 11:40 A.M.

Statement: This is a Special Meeting of the Mayor & Council, and notice was given as follows:

1. Notice was filed June 8, 2021 with The Record & Newark Star Ledger, both official newspapers of the Borough.
2. Notice was posted on the Bulletin Board.
3. Copy is preserved in the Clerk's Office.

Pledge of Allegiance Led By Councilperson: **ANDY MIN**

Moment of Silence for Our Troops was held.

ROLL CALL:

Councilperson	Kim	Present
"	Lee	Present
"	Min	Present
"	Park	Present
"	Pirrera	Present
"	Vietri	Present

Borough Attorney John Schettino, Esq. Present

Borough Administrator David Lorenzo Present

CONSENT AGENDA:

RESOLUTION 2021-170 Settlement of Legal Matter

The Borough Attorney explained that he had requested that the Governing Body have a Special Meeting to resolve the outstanding claim of Officer Messing. After four years of litigation, a Superior Court Judge and a jury exonerated Officer Messing and found him not guilty of any violations. A police officer who has been exonerated of all wrongdoing in the court of law is entitled to the full repayment of his salary and reimbursement for all attorney fees associated with defense of his case. The insurance carrier would contribute an excess of 50% of the total settlement even though they were not required to contribute any money. Mr. Schettino continued that once a jury makes a verdict, legally it must be accepted. It was Mr. Schettino's legal opinion to the Governing Body that they have no option but to adhere to the law, follow State Statute, reimburse Officer Messing for his claim, and pass the Settlement Resolution. Mr. Youngmin Jung translated Mr. Schettino's statement to the public in Korean.

Mr. Youngmin Jung requested to ask some questions before a vote was taken. Mr. Schettino stated that Councilwoman Pirrera had a conflict and would not be participating in the vote. Another Councilman also had a conflict and would be recusing. The Resolution would need to pass with a majority vote. If the Resolution did not pass, there would be more litigation with the town in which case the town and Officer Messing would incur more costs. The end result would be the same but more costly.

CONSENT AGENDA:

RESOLUTION 2021-170: Settlement of Legal Matter

WHEREAS, on or about December 11, 2014, a Summons and Complaint was filed against Officer Marc Messing (hereinafter "Messing") alleging a violation of N.J.S.A 2:20-4A; and

WHEREAS, on or about January 6, 2015, Messing was charged with theft by deception and forgery; and

WHEREAS, following a trial by jury, Messing was found not guilty of the charges against him and was reinstated to his position with the Palisades Park Police Department; and

WHEREAS, Messing thereafter sought reimbursement of legal fees incurred by him as well as seeking a claim against the Borough for damages relating to the charges filed against him; and

WHEREAS, upon negotiations and review of this matter, the Parties desire to settle fully and permanently all issues with regard to same; and

WHEREAS, a Settlement Agreement and General Release has been prepared, a copy of which is attached hereto and incorporated herein by reference outlining the terms of settlement; and

WHEREAS, the Borough Administrator and Borough Attorney have reviewed the Settlement Agreement and General Release attached hereto and incorporated herein by reference and recommend the approval of same.

Borough of Palisades Park
Special Meeting of the Mayor and Council
June 11, 2021

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Palisades Park, County of Bergen and State of New Jersey that the Settlement Agreement and General Release between the Borough of Palisades Park and the Palisades Park Police Department and Marc Messing, a copy of which is attached hereto and incorporated herein by reference be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized and directed to take all steps necessary to effectuate the signatures on the Settlement Agreement and General Release attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be placed in the personnel file of Marc Messing upon its passage.

Motion Made By Councilperson: Lee
Seconded By Councilperson: Min
To Adopt Consent Agenda Resolution #2021-170

ROLL CALL:

Councilperson

“	Kim	Yes
“	Lee	Yes
“	Min	Yes
“	Park	No
“	Pirrera	Recused
“	Vietri	Recused

Councilman Park stated that former Police Chief Benjamin Ramos was paid \$850,000.00, which was a great sum of money. Who and what caused him to get paid \$850,000.00? Who really gets pain and suffering by paying \$675,000.00 this time too? He stated that it was the taxpayers and residents of Palisades Park. The Mayor and Council represented the town, taxpayers, and residents. He stated that Officer Messing was reinstated and working comfortably. He said that this settlement was not a cost-reducing gain.

Councilwoman Pirrera wanted a recording of the Special Meeting.

COUNCIL REPORTS: NONE

Motion Made By Councilperson: Vietri
Seconded By Councilperson: Kim
To Open Meeting to Public

All Present in Favor by Voice Vote.

PUBLIC PARTICIPATION:

Gerry White – Asked why this matter could not be heard at the next Mayor and Council Meeting. Mr. Schettino answered that everyone would have preferred that; however, there was a timeline to adhere to in order to settle. She wanted clarification about the complaint and cost of the settlement. The Borough Attorney answered.

Stephanie Jang – Wanted to ask a question directly to Councilwoman Cyndy Pirrera, but the Borough Attorney strongly advised Councilwoman Pirrera recuse herself from any discussions about the Police Department. Ms. Jang asked the Borough Administrator, Mr. Lorenzo, who gave the \$1,000.00 check to Officer Messing. Mr. Lorenzo stated that he had no idea. Mr. Schettino stated that she did not have a right to litigate a case that was already litigated.

Youbong Won-Yoon – Stated that it would have been better to give the \$1,000.00 check to Officer Messing because it would have saved the Borough about 1.5 million dollars. Mr. Schettino stated that had the Messing matter been handled internally without involving the Prosecutor’s Office, there would have been no settlement of \$675,000.00. The Mayor and Council did not make a mistake in handling the Messing matter.

Youngmin Jung – Referred to several past news articles about lawsuits regarding the Police Department. Mr. Schettino stated that it was inappropriate to discuss any employee issues of any nature whether it be medical or personal.

Councilman Kim stated that the public is concerned about the financial implications of this case. He asked the Borough Attorney to explain the costs and payment once again. Mr. Schettino reiterated that the

Borough of Palisades Park
Special Meeting of the Mayor and Council
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insurance carrier would be paying over 50 percent of the settlement. The property taxes would not increase, the insurance rate would stay the same, and this would not impact the current budget.

Joseph Sperlazzo – Stated that there should have been an explanation on the agenda other than “settlement of legal matter.”

Gerry White – Asked about how the Borough’s insurance carrier works. Mr. Lorenzo answered.

Mayor Chung asked Mr. Jung for translating. He said that the Council did a great job resolving all of the pending lawsuits.

Motion Made By Councilperson: Kim
Seconded By Councilperson: Min
To Close Public Portion and Adjourn the Special Meeting

All Present in Favor by Voice Vote.

Meeting adjourned at 12:20 P.M.

Attest:



Sophia H. Jang, RMC
Deputy Borough Clerk