

**IN CITY COUNCIL
EXECUTIVE SESSION
MAYOR'S RECEPTION ROOM
TUESDAY MARCH 21, 2023
TIME 7:50 PM**

Roll Call 11 present.

M. Chau presiding.

Others Present: City Manager Golden, Jr., Conor Baldwin (CFO), Austin Ball (Asst. CFO) City Solicitor Helene Tomlinson, Shawn Machado (Asst. City Mgr.), Alethea Dy (Asst. Solicitor) Melissa Desroches (Manager's Office), Yovani Baez-Rose (DPD) and Corey Williams (Asst. Solicitor). Present via zoom was Atty. Avi Kamionski; Atty. Joey Gutmann; and Atty. Shneur Nathan.

The purpose of the Executive Session was stated by M. Chau in the open session followed by a Roll Call. The public was informed the body would return to the open session upon completion of the Executive Session.

EXECUTIVE SESSION

Atty. Dys introduced law firm representing the City on the Rosario matter. Atty. Nathan outlined the firm and their experience in representing municipalities in reverse conviction cases. Atty. Nathan provided the history of the case noting the review of the interrogation of the defendant and informed Council that new evidence produced does not mean there was misconduct on the part of the City. Atty. Nathan commented that the City use of layperson as a translator was not best practice and informed the Council regarding affidavits filed by this translator indicating there was not a solid confession and further noted that a subsequent affidavit contradicted the first affidavit of the translator. Atty. Nathan outlined three concerns with case: fabricated admission; fabricated evidence and not providing potential exculpatory evidence. Atty. Nathan noted last concern was critical as a former officer of the police (Waterhouse) had written a book indicating that this happened and that he would not make a credible witness at any trial. Atty. Nathan noted the plaintiff expert is highly regarded in the area. Atty. Nathan indicated that defense of this case is very weak and that best options is to settle matter and produced some figures that may be able to achieve that result. Manager Golden, Jr. indicated that the defendant already received \$800,000 from Commonwealth. Atty.

Nathan noted plaintiff look for 1 to 2 million dollars per year of incarceration which would be thirty four in this instance; noting typically 300 to 500 thousand would be more in line with settlement. Atty. Nathan noted that taking low end of that it would be 10.2 million dollars and was looking for authority to settle for that amount if presented. C. Leahy commented on reasons for overturning of the case. C. Gitschier noted best approach is to attempt to settle matter. Atty. Nathan outlined possible settlement talks and indicated he was confident it would be in that area. **Motion** by C. Gitschier, seconded by C. Rourke to authorize top figure of 10.2 million dollars to settle matter. Adopted per Roll Call vote 11 yeas. So voted.

Motion to Adjourn by C. Gitschier, seconded by C. Nuon. So voted

Adjourned at 8:20 PM.

Michael Q. Geary
City Clerk