

6/23/08 Executive Session

Present: Eppinger, Buffalino, Krenzel, Razzano, Trenga, Trzeciak
AJS, Dave Himmelman, Esq. (for Gary Schwartz, Esq.)

Absent: Hutchison

RESOLUTION

WHEREAS, Section 8 of Chapter 231, Public Law 1975 permits the exclusion of the general public from a meeting of the Governing Body under certain circumstances; and

WHEREAS, the Mayor and Council of the Borough of South River are of the opinion such circumstances presently exist.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River in the County of Middlesex of the State of New Jersey, that the public be excluded upon the hereinafter specified subject matter and that such subject matter to be so discussed is as follows:

Pending Litigation – 51 Reid Street –
Ianetta vs. Borough of South River
Lease Negotiations
Personnel
Anticipated Litigation
Disposition and/or Acquisition of Property

BE IT FURTHER RESOLVED that such record of the above discussion will be made public when confidentiality is no longer required.

DATED: June 23, 2008

/s/ Michael Trenga
Councilmember

/s/ John Trzeciak
Councilmember

Personnel

Mr. Salerno advised that Regina Bacca is planning on retiring. She will be with the Borough for 25 years as of February 20, 2009. Ms. Bacca has requested similar terms in her retirement agreement as previous employees have received.

Mr. Salerno discussed the position of the Chief Financial Officer.

Litigation

With regard to 100 David Street, Mr. Salerno stated that a \$10,000 settlement has been offered.

Lease Negotiations

Mr. Salerno advised that Sprint does not intend to proceed with the construction of the monopole. Verizon has asked to take over the physical position. The Borough will get the same money that Sprint has paid. Mr. Salerno recommended that the Borough allow Verizon to take the spot.

Property Acquisition

Mr. Salerno stated that a resident has offered to give property, Block 30, Lot 23, to the Borough. Mayor Eppinger suggested that the Administrator and Attorney check out the property.

Needs Assessment Study

Mr. Salerno stated that he spoke with Mr. Schwartz who advised that parts of this study, where property is not identified, can be released. Mr. Salerno said that he will review the study and whatever information can be released to the public will be posted on the website.

Pending Litigation – 51 Reid Street, Ianetta vs. Borough of South River

Mr. Himmelman briefed the Borough Council on this lawsuit. He stated that the original contract was not contingent on financing. He recommended a motion to dismiss. Bonding had to be in place. It cannot be done without appropriation. The bottom line is that the property has been sold. The damages are between \$25,000 and \$30,000. He has been ordered to participate in court mediation. Mr. Himmelman asked if the Borough Council is interested in exploring a settlement. He reiterated that we cannot move forward without bond appropriation in place. Mr. Himmelman stated that the Borough Council needs to authorize a point person, possibly Mr. Salerno, for the mediation. He noted that this was not the cleanest case.

Mr. Himmelman and Mr. Salerno will report back to the Borough Council on the mediation and see what kind of settlement offer can be reached.

Lydia Diaz vs. Borough of South River

Mr. Salerno advised that Ms. Diaz agreed to a settlement offer of \$750.00.

End of closed session

Respectfully submitted,

Patricia O'Connor, RMC
Borough Clerk

Approved for release at the regular meeting
held on October 9, 2012