

Executive Session
Mayor and Borough Council
January 12, 2009
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Mayor and Borough Council
Executive Session – 1/12/09
Time: 8:00 p.m.

Present: Eppinger, Trzeciak, Almeida, Guindi, Hutchison, Razzano, Trenga
Salerno, Gary Schwartz, Esq.

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:

Anticipated Litigation
Pending Litigation
- 6-8 Reid St.
- Ayers vs. Borough of South River
- Obchinetz v. Maple Shade Township et al
Potential Property Acquisition
Personnel

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

DATED: JANUARY 12, 2009

/s/ Anthony Razzano
Councilmember

/s/ Jim Hutchison
Councilmember

Pending Litigation

6-8 Reid Street

Mr. Salerno advised that the owners of 6-8 Reid offered a settlement of \$37,393.84 in exchange for the release of the lien placed on this property. Mayor Eppinger briefed the

new Councilmembers on this issue. In the spring of 2007, a storm knocked down 6-8 Reid Street. For safety reasons, the Borough had to arrange for the demolition of the building. The owner decided not to pay the cost of the demolition and a lien was placed on the owner. There was no other choice but to take the building down.

Mr. Salerno recommended that given the value of the property and the desire to put this matter behind us and perhaps start a bank for the unfit buildings committee, it would be in the best interest of the Borough to accept the offer.

Michael Ayers v. Borough of South River

Mr. Salerno advised that Art Thibault, the Labor Attorney, would be representing the Borough Council in this matter. Mr. Salerno noted that Capt. Synek will be responding to the 12/15/08 letter sent by John Adamusik, President of the Rescue Squad.

Obchinetz v. Maple Shade Township et al.

Mr. Schwartz advised that this case relates to a party filing a lawsuit against several municipalities concerning public intoxication. The suit claims that the state ordinance preempts local ordinances on this issue. Mr. Schwartz stated that JIF has denied full coverage and will only defend on punitive damage counts. Mr. Schwartz stated that he talked to the attorney for North Brunswick to see if we can enter into a joint attorney service to cut down on legal expenses.

Potential Property Acquisition

Mayor Eppinger advised that East Coast Customs is going out of business. The owner wants to sell the building. Mayor Eppinger asked if the Borough Council would be interested in buying the building. The property is located on the corner of Reid St. and Maple. The owner is offering the borough the right of first refusal. It was noted that the parking lot is in the flood zone.

By consensus, the Borough Council directed Mr. Salerno and Mr. Schwartz to investigate the matter.

Personnel

Chief Bomba

Mr. Salerno advised that Chief Bomba will begin to utilize his time off beginning April 6, 2009. Deputy Chief Bouthillette will be back from the FBI Academy at that time. Chief Bomba's actual retirement date is September 1, 2009.

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Fire Prevention

Councilmembers and Borough Administrator discussed issues related to a staff member in the Office of Fire Prevention.

Motion made by Councilman Almeida to adjourn executive session at 8:30 p.m.
Councilman Razzano seconded the motion.

Respectfully submitted,

Patricia O'Connor, RMC
Borough Clerk

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