

Executive Session
Mayor and Borough Council
February 9, 2009
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Mayor and Borough Council
Executive Session – 2/9/09
Time: 7:30 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:

Pending Litigation

- Ianetta vs. Borough of South River
- Ayers vs. Borough of South River
- Obchinetz vs. Maple Shade Township et al

Potential Property Acquisition

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

DATED: FEBRUARY 9, 2009

/s/ Anthony Razzano
Councilmember

/s/ Peter Guindi
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak

NAYS: None

Potential Property Acquisition

Mr. Salerno advised that he did not have a chance to touch base with property owner due to other issues related to budget. He will advise Borough Council at next meeting.

6-8 Reid Street

Mr. Salerno advised that this matter was settled.

Pending Litigation

Obchinetz vs. Maple Shade Township et al.

Mr. Schwartz advised that District Court put hold on matter until plaintiff files an amended complaint. One attorney will be representing all of the municipalities. JIF will defend on punitive damages.

Ayers vs. Borough of South River

Mr. Salerno stated that Mr. Ayers' attorney has filed a report. Art Thibault is the Borough's attorney in this matter.

Mr. Salerno said that with regard to Chapter 72, we have been advised by Art Thibault not to act on it. Settlement conference is on February 19 with a trial date some time in March. Mr. Ayers is going to try and bring this matter to trial. JIF is paying Art Thibault to cover Ayers case.

Ianetta vs. Borough of South River

Mr. Salerno stated that papers have been filed in court as third party plaintiff because JIF will not defend. We believe coverage document provides coverage for wrongful acts of officials. Legal fees could have been between \$30,000 and \$40,000, but now will increase. Mr. Salerno said that there is a soft spot in the way JIF's policy is written. Mayor Eppinger noted that in our ordinance, we included the Borough Attorney as an "Officer" of the borough

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Motion made by Councilman Razzano to adjourn executive session at 7:55 p.m.
Councilman Hutchison seconded the motion.

Respectfully submitted,

Patricia O'Connor, RMC
Borough Clerk

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