

Executive Session
Mayor and Borough Council
March 23, 2009
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Mayor and Borough Council
Executive Session – 3-9-09

Time: 7:55 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
Litigation – Acapulco Bar
Personnel

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

DATED: MARCH 23, 2009

/s/ Anthony Razzano
Councilmember

/s/ Peter Guindi
Councilmember

ROLL CALL VOTE

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

NAYS: None

Pending Litigation

Acapulco Bar vs. Borough of South River

Mr. Schwartz advised that hearing is scheduled on special conditions. Parties have reached tentative settlement depending on Borough Council agreement. Settlement calls for imposed security personnel, lights would go on at 12:00 midnight, and bar would stop serving at 1:00 a.m. Acapulco has agreed to all conditions but requested that lights be turned off at 12:30 a.m. and stop serving at 1:00 a.m. Mr. Schwartz said there is tentative agreement to conditions depending on Borough Council approval. Only difference is the half hour for turning off lights. It is up to the Police to monitor. Deputy Chief Bouthillette said that the matter is currently under appeal and there are no stipulations. The bar has been open and there is nothing in place. We have a plan to make sure they are complying with new stipulations. Deputy Chief Bouthillette said he did not have a problem with conceding to half hour. Borough Council directed Mr. Schwartz to enter into a consent resolution with Acapulco Bar.

Tax Appeal

Mr. Schwartz discussed two tax appeals - Serenity Day Spa and Industrial Park on North End Drive. Tax Assessor is recommending that we go ahead with the appeal. It is worth it for us to go out and appeal. Parties filed appeals, we want to counter it. Mr. Schwartz recommended that Harry Haulshalter defend North End appeal and Jim Rollyson can defend Serenity Day Spa. Mr. Schwartz said, if Borough Council agrees, he will send petition on North End Drive to Mr. Haulshalter and Serenity Day Spa to Mr. Rollyson. Borough Council agreed. Resolution will be placed on 4/13/09 agenda.

Ayers vs. Borough of South River

Mr. Salerno stated that Art Thibault advised that a settlement of \$10,000 has been reached in this matter.

Motion made by Councilman Guindi to adjourn executive session at 8:20 p.m.
Councilman Almeida seconded the motion.

Respectfully submitted,

Patricia O'Connor, RMC
Borough Clerk