

Executive Session  
Mayor and Borough Council  
August 24, 2009  
Page No. 1

Mayor and Borough Council  
Executive Session – 8/24/09  
Time: 9:50 p.m.

Present: Mayor Eppinger, Councilmembers Trzeciak, Almeida, Guindi, Hutchison,  
Razzano, Trenga, Andrew J. Salerno, Borough Administrator,  
Gary M. Schwartz, Esq., Borough Attorney

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 – Ianetta vs. Borough of South River  
Contract and lease negotiations  
Personnel

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

DATED: AUGUST 24, 2009

/s/ John Trzeciak  
Councilmember

/s/ Jim Hutchison  
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak  
NAYS: None

Anticipated Litigation

Mr. Salerno stated that there are no suits filed against the Borough at this time.

Pending Litigation – Ianetta vs. Borough of South River

Mr. Salerno stated that there is nothing further to report on at this time.

Lease Negotiations

Mr. Salerno stated that he and Mr. Schwartz went over the Emergency Medical Services lease. Mr. Schwartz stated that EMS received the lease and has some comment regarding appropriation to South River Rescue Squad. Mayor Eppinger stated that we cannot give EMS money and cannot give them the building. Emergency Medical Services Inc. is a for profit organization. Mr. Schwartz said he would have a final draft by the next meeting. Mayor Eppinger said that it is a sweetheart lease. Mr. Salerno noted that the first year, the Borough is paying for everything. Mr. Schwartz said details have to be worked out.

Personnel

Recreation

Mr. Salerno discussed a complaint regarding a Recreation Department employee about people receiving pay for hours not worked. Mayor Eppinger asked Mr. Salerno to be more specific because Council had not received any information except for prior written notification. Mr. Salerno advised the Council of the name of the employee in question and detailed the nature of the allegation. Mr. Salerno said that the investigation is also looking at other hourly employees. Mr. Salerno detailed how he became aware of the situation. He turned it over to the South River Police Department. After investigating, the Police Department turned the case over to the County Prosecutor and that is where it now sits. The employee is suspended currently on paid leave. There could be a charge of official misconduct. Mr. Salerno stated that another recreation employee is working overtime to cover the department. He is looking at a replacement for the recreation director. He spoke with the Labor attorney, and depending on the results of the investigation, the employee would be given a RICE notice and could be terminated.

Fire Prevention

At the request of Councilman Almeida, Mr. Salerno discussed the complaint about the conduct of the Fire Official and Fire Marshals during Cruise Night with the owner of the Brazilian Barbecue regarding permits. Councilman Guindi advised that he was present during the event and said that Skeeter Spitaleri had come to him with the issue and that

Mr. Spitaleri was very upset. Mr. Salerno stated that he will meet with the vendor, Skeeter Spitaleri and Julie Hughes to discuss the issue.

Councilman Guindi asked if the town issues permits for the event and the event is cancelled, is the person entitled to get the money back. Mr. Salerno stated that the money covers the application fee. Councilman Guindi stated that vendors have to pay for three permits. Mr. Salerno stated that there is no requirement to refund the money. It can be done, but it is up to the Borough Council to make that determination. Councilman Guindi stated that Fire Prevention should have contacted the vendor directly, or Skeeter Spitaleri or Mr. Salerno. Councilman Trenga stated that as liaison to the EDC, no one told him about a problem. Councilman Almeida said that he is a proponent of waiving the fees for the second time. Mr. Salerno stated that Mr. Schwartz would have to look at the legality.

Councilmembers noted that customer service is important. Councilman Hutchison stated that if fees are not able to be refunded, it should be stated on the application that they are non-refundable. Mr. Salerno noted that Fire Prevention has to follow state law.

Councilman Razzano discussed a Mr. Peterson who had problems with licensing fees and in the past, was being harassed by the Fire Marshals. He had spoken to Mr. Peterson recently who advised he is being harassed again.

Mayor Eppinger stated that it seems we are discussing Fire Prevention problems every month. Councilman Trenga stated that Fire Prevention is overzealous in enforcing the law.

Motion made by Councilman Guindi to adjourn executive session at 10:15 p.m.  
Councilman Hutchison seconded the motion.

Respectfully submitted,

Patricia O'Connor, RMC  
Borough Clerk