

4/23/12

Closed Session

7:40 p.m.

Present: Krenzel, Farren, Guindi, Roselli, Trzeciak, Vaughn

Also Present: AJS, Gary Schwartz, Esq.

Absent: Hutchison - (Arrived 7:50 p.m.)

### 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

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

DATED: APRIL 23, 2012

/s/ Thomas Roselli  
Councilmember

/s/ Peter Guindi  
Councilmember

#### Anticipated Litigation

Mr. Schwartz stated that he heard there was discussion among Council members to void the contract with the Elks. He thought that the Council will be open to litigation if contract is voided. He said Council must wait until quiet title ruling is given. Mr. Schwartz said contract requires clear title. Council has given Elks extensions to acquire it.

Councilmen Roselli questioned why he had no knowledge of extensions with Elks.

*Councilman Hutchison arrived at 7:50 p.m.*

Mr. Schwartz stated that it was his opinion that Elks have time until ruling on quite title is made. The Elks were given a reasonable amount of time to obtain quite title.

Councilman Vaughn opposed \$950,000 for sale of property from beginning. Elks have not delivered clear title, extensions were given.

Mr. Schwartz discussed legal process regarding discovery and quiet title action. The Elks have a case management meeting regarding quite title action with the judge on April 25.

Mr. Schwartz discussed eminent domain.

Councilman Hutchison suggested Council wait until April 25 case management meeting. Council can continue discussion at next meeting.

Councilman Vaughn would move to kill contract.

Mr. Schwartz opined that if Council rescinds contract, it is buying into litigation because there is a signed contract. He added alternative is to review other sites.

Councilman Roselli requested copies of resolution authorizing signatures of Elks contract and ordinance adopted authorizing acquisition of the property.

Closed session ended at 8:20 p.m.

Respectfully submitted,

Patricia O'Connor, RMC  
Borough Clerk

Approved for release at the regular  
meeting held on January 14, 2013