

NO REDACTIONS

EXECUTIVE SESSION

OCTOBER 26, 2011

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The Board met in Executive Session Wednesday, October 26, 2011 at 8:12 p.m. with the following members present: Freeholder Everett Chamberlain, Freeholder Rick Gardner, Freeholder Jason Sarnoski, Assistant County Counsel Trish Melia and County Administrator Steve Marvin. The Board was joined in Executive Session by Special Counsel Joe Houston, Architect Ray O'Brien, Buildings and Grounds Superintendent Alex Lazorisak, Village Square II Owner Robert Van Valkenburgh and his attorney, Kevin Benbrook.

Brief discussion was held on each of the following matters:

(1) *Matters Relating to Purchase, Lease or Acquisition of Real Property:* Items to be discussed include: Status of negotiation for Village Square II.

Lengthy and detailed discussions were held concerning the potential contract for purchase of the Village Square II property. Mr. Houston summarized the status of the negotiations including the parties' offers and counter-offers; matters concerning subdivision of the strip mall from the property to be acquired; insurance coverages; Village Drive maintenance agreements; storm sewer costs; utilities as built and debris cleanup. A meeting was held on the site earlier this week where representatives of the County including County Engineer Dave Hicks, reviewed matters concerning final site plan with Mr. Van Valkenburgh. While a number of issues remain unresolved at this time, the parties appear to be nearing completion of the negotiations subject to further development of architectural plans especially for the Library and finalization of site improvement agreements. Mr. Houston, Mr. O'Brien, Mr. Lazorisak, Mr. Van Valkenburgh and Mr. Benbrook departed at approximately 9:27 p.m.

(2) *Matters Relating to Collective Bargaining Agreements:* Items to be discussed include: Mediation/Arbitration with PBA 280-Sheriff's Officers – meeting scheduled 10/25/11 and status of negotiations with FOP 171 –meeting scheduled 11/14/11 and PBA 331 – meeting scheduled 10/28/11.

Mr. Marvin briefly discussed the status of labor negotiations including the previous day's meeting with PBA 280-Sheriff's Officers and upcoming meetings with FOP 171 and PBA 331.

(3) *Matters Relating to Litigation:* Items to be discussed include: Letter from counsel in Zika v. Sheriff/DiLauri matter; Mr. Bell report re: Tilcon litigation.

A letter from our attorney in the Zika v. Sheriff/DiLauri matter concerning increasing the approved settlement amount to \$150,000 was discussed. As noted earlier in the year, the County's exposure is limited to negative experience rating for future insurance premium calculations as we have nearly met our \$25,000 deductible in the EPLI insurance policy. The Board agreed to have Mr. Marvin forward a letter to Attorney Pallotto.

Very briefly, Mr. Marvin reported on behalf of Joe Bell, issues involving the Tilcon litigation. Mr. Bell has to recuse himself as he has previously represented Tilcon in another matter and therefore, Attorney Mike Lavery, who is defending Lopatcong Township in this same matter, has agreed to represent the County's interests.

Mr. Marvin distributed a roster of upcoming Board/Commission/Committee appointment/reappointments and discussed potential dates for the Annual Reorganization Meeting.

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the Board returned to open session at 9:36 p.m.

Recorded Vote: Mr. Sarnoski yes, Mr. Gardner yes, Mr. Chamberlain yes