

NO REDACTIONS

EXECUTIVE SESSION

AUGUST 22, 2012

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The Board met in Executive Session on Wednesday, August 22, 2012 at 9:07 p.m. with the following members present: Freeholder Everett Chamberlain, Freeholder Richard Gardner, Freeholder Jason Sarnoski, County Counsel Joseph J. Bell and County Administrator Steve Marvin. The Board was joined by Superintendent of Buildings & Grounds Alex Lazorisak.

Brief discussion was held on each of the following matters:

- (1) *Matters Relating to Purchase of Real Property:* Items to be discussed include Village Square II acquisition project update.

Mr. Lazorisak updated the Board regarding the Village Square II project. He noted that Mr. Van Volkenburg has finally agreed to utilize the services of the County's environmental consultant, RK Environmental and their recommended mitigation contractor for final clean-up of the identified mold contamination in the buildings. Mr. Lazorisak thought this work would be completed in a week or ten days and that in general, the project remains on schedule. Issues still need to be resolved concerning site lighting.

Brief discussion was held about matters to be considered for departmental movement once closing has taken place and whether the move of the Library would take a significant period of time and can be done in one action. Movement of TASS will be made difficult by the fact that we cannot suspend operations to accommodate a move, thus the move will have to be done in phases to allow them to remain open to the public while in the midst of their relocation.

Mr. Marvin noted for the Board that we are waiting for estimates from Architect Ray O'Brien for the Court House Phase 2 project and specifically, for that portion of the project (exterior work) which will qualify for historic renovations which will allow for use of Open Space Trust Fund monies. Mr. Marvin noted that caution should be exercised with designating funds for the Court House project which may jeopardize MCCTFC projects which are currently under review. Mr. Lazorisak thought Mr. O'Brien would have a final estimate in the next week.

- (2) *Matters Relating to Litigation:* Items to be discussed include: Court Room #2 dispute and result of status conference with A.J.S.C. Francis.

Mr. Bell briefed the Board on the status conference with Assignment Judge Francis held on Monday, August 20, 2012. Very little of import was discussed, however, a site visit

was scheduled for Monday, August 27, 2012. Mr. Sarnoski noted that he would attend this meeting.

Mr. Bell reviewed for the Board matters concerning the Aire Enterprises litigation and in particular, his memo of August 20, 2012. In brief, Judge O'Connor has finally ruled on matters concerning the plaintiff's attorney's fees. As what she has approved exceeds the amount of Aire's initial claim by a factor of six or seven, consensus was that the Board would authorize Mr. Bell to file an appeal of the matter. On a procedural note, Mr. Bell will await filing to see if the plaintiff's attorney will appeal as that would then place the burden on them for the cost of trial transcripts.

Mr. Marvin reminded the Board of vacancies on the Phillipsburg Library Board and the Technical School Board and that we have received applications for both of those openings for the Board's review. Mr. Marvin asked the Board if they had any interest in the letter from American Clean Energy about the development of solar programs. The Board did not express interest in same.

Mr. Chamberlain noted that he would not be in attendance the first meeting in September or the first meeting in October.

On motion by Mr. Gardner, seconded by Mr. Sarnoski, the Board returned to open session at 10:03 p.m.

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