

**BOROUGH OF JAMESBURG
GOVERNING BODY – SPECIAL MEETING
MINUTES
MAY 9, 2017
7:00 PM**

At approximately 7:00 p.m., Mayor Lowande called this special meeting of the Borough's Governing Body to order. The Mayor read the following public statement:

“This meeting is being held pursuant to the Open Public Meetings Act of 1974 and all provisions of that Act have been met. Any contracts awarded require the contractor to comply with N.J.S.A.10:5-31 et.seq. and N.J.A.C. 17:27. Also, in the event of a fire and pursuant to the N.J. Uniform Fire Code, members of the audience are requested to take notice of the exits at the front and rear of the Council Chambers as well as in the main hallway.”

The flag salute and roll call then followed:

FLAG SALUTE:

Led by Mayor Lowande

ROLL CALL:

Mayor Lowande
Council Member Busco
Council Member Czarneski
Council Member Ludas
Council Member Rampacek
Council Member Sussman
Council President Rutsky
Administrator Frueh
Borough Attorney – Raffetto

All of the above individuals were present.

The Mayor then called for public comment as follows:

PUBLIC COMMENT PERIOD – ANY ITEM - EXCLUDES ORDINANCES (they have their own public hearing): Members of the public wishing to address the Mayor and Borough Council must approach the podium and state their name and address for the record. There is a five (5) minute time limit for all comments and questions.

Motion to Open Public Comment:

Motioned By: Sussman

Seconded By: Ludas

All Council voted in favor.

No members of the public were present at the meeting, so no one came forward for public comment. Accordingly, the Mayor called for a Motion to close the public comment period.

Motion to Close Public Comment:

Motioned By: Sussman

Seconded By: Czarneski

All Council voted in favor.

The following Resolution was then brought forward for a vote.

EXECUTIVE SESSION:

RESOLUTION #084-05-09-17

A RESOLUTION PERMITTING THE MAYOR AND BOROUGH COUNCIL TO EXCLUDE THE PUBLIC FROM A PORTION OF A PUBLIC MEETING.

WHEREAS, it has been determined by the Mayor and Borough Council of the Borough of Jamesburg that it is necessary to discuss the following specific matter:

Pending Litigation:
Brookside Village Holdings, LLC vs.

Borough of Jamesburg

WHEREAS, the Open Public Meetings Act, specifically at N.J.S.A. 10:4-12, permits the Mayor and Borough Council to exclude the public from that portion of a public meeting during which pending litigation matters are discussed.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Jamesburg as follows:

1. That the Mayor and Council shall forthwith recess into a private executive session, from which the public shall be excluded, to discuss the above-referenced matter.
2. That the scope of the aforesaid executive session shall be limited to the above matter as stated.
3. That those matters discussed in executive session shall remain confidential until such time as the need for confidentiality no longer exists, pursuant to direction from the Borough Attorney.
4. That minutes of the executive session shall be prepared and maintained by the Borough Clerk, and that such minutes shall be made public at such time as the need for confidentiality no longer exists, pursuant to direction from the Borough Attorney.
5. That formal action on any of the matters discussed in the executive session may only be taken during the open public portion of a meeting of the Mayor and Borough Council.
6. That, following the conclusion of this executive session (i.e., when the Mayor and Council re-convene the open portion of the meeting), action may be taken in public by the Mayor and Borough Council upon any of the matters discussed during this executive session.

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Busco			X			
Council Member Czarneski	X		X			
Council Member Ludas		X	X			
Council Member Rampacek			X			
Council Member Sussman			X			
Council President Rutsky			X			
Mayor Lowande			X			

Motion to Convene Executive Session:

Proposed By: Czarneski

Seconded By: Ludas

All Council voted in favor.

The executive session was then called to order by Borough Attorney Frederick C. Raffetto, who was accompanied by his law partner, Barry M. Capp. Mr. Capp has been assisting Mr. Raffetto with this litigation matter on behalf of the Borough.

The purpose of the executive session was for the attorneys to update the Mayor and Governing Body on the status of this litigation and to review a settlement proposal which had been made by the Plaintiff.

The matter involves the property located at 28 Lake Street, which property had previously received approvals from the Borough's Land Use Board for development of a 42-unit multi-family structure. Initially, the approval granted for this site was for age-restricted housing, but in 2010, the owner was granted an amended approval from the Land Use Board to remove the age restriction due to a change in State law.

The matter has been in litigation relating to the issue of whether the building may be used for rental purposes or whether the building may only be used as the site of "for sale" units.

The attorneys proceeded to review the status of the case with the Governing Body, along with a settlement proposal which had recently been proposed by the Plaintiff.

The Mayor and Council Members asked questions of the attorneys and a dialogue thereafter ensued.

At the conclusion of the discussion, an informal polling was undertaken and the consensus of the Governing Body was that a settlement of the case would be in the best interests of the Borough and its residents.

The Governing Body will consider a Resolution to formally approve such settlement at the next regularly scheduled Council Meeting of May 17, 2017.

Motions to close the executive session and to return to open public session were then brought forward as follows:

Motion to Close Executive Session:

Proposed By: Czarneski
Seconded By: Ludas
All Council voted in favor.

Motion to Open Back to Public Session:

Proposed By: Sussman
Seconder By: Ludas
All Council voted in favor.

A Motion to adjourn the meeting was then made as follows:

MOTION TO ADJOURN:

Proposed By; Rutsky
Seconded By: Busco
All Council voted in favor.

TIME OF ADJOURNMENT:

7:45 PM