

**MINUTES OF THE TOWNSHIP COUNCIL
TOWNSHIP OF BERKELEY HEIGHTS
EXECUTIVE SESSION HELD ON JANUARY 8, 2013**

CALL TO ORDER

Mayor Bruno called the Executive Session to order at 7:02 p.m.

ROLL CALL

Present - Mr. Delia, Mr. Hall, Mrs. Kingsley, Mr. Pastore, Mr. Pirone, Mr. Woodruff, and Mayor Bruno were present.

Absent – None

Also Present – Township Administrator Amey Upchurch, Township Attorney Joseph Sordillo, and Acting Township Clerk Ana Minkoff

**EXECUTIVE SESSION – 1. Contract Negotiations – Lone Pine Traffic Light
2. Attorney-Client Privilege/Litigation-Foregger v. Berkeley Heights**

Lone Pine Traffic Light –

Also present Michael Mistretta

Michael Mistretta discussed the January 7, 2013 memorandum.

He stated that there should be a right turn lane on Lone Pine Road. He is concerned with the use of Benham's garage and the location of the gas pumps.

Mr. Pastore asked why so much concern for the gas station.

Mr. Mistretta stated that there is concern with the gas pumps, that a car can be in the right of way, waiting to pump gas.

Mr. Woodruff stated that Frankie Mae took exception with the right turn.

Mr. Mistretta stated that if he is not comfortable with the design he cannot recommend it.

Mr. Woodruff stated that the pumps may be a problem, and that we should check to see if they comply.

Michael Mistretta stated that the use of the bay doors is also an issue, and he is concerned once the striping on the street is completed. He suggested that a meeting should be set up with Benham's .

A lengthy discussion continued regarding the gas pumps and if they were a hazard.

Joe Sordillo stated that the Township has an obligation to research the gas pumps and determine if they are in violation. He stated that he will check the law.

Ed Delia stated that he was concerned about using someone else's driveway.

It was agreed that this would be discussed at the next Council meeting.

Foregger v. Berkeley Heights

Joe Sordillo stated that a show cause was filed by Tom Foregger, and he is requesting a copy of the report investigating the prior CFO. Mr. Foregger appealed to the GRC and he lost. They did not decide on the merits of the OPRA, but determined that it was not a valid OPRA request. He filed another OPRA request and it was denied again. There was an action filed with the court. He is entitled to attorney's fees if he is victorious in his appeal. He has named Ana Minkoff and the Township. I would like to confirm that the Council will defend her.

All agreed to defend the Township Clerk.

Adjourned at 8:00 p.m.