

**BOROUGH COUNCIL
BOROUGH OF WOODBINE
CLOSED MEETING
OCTOBER 6, 2016**

Those present were: Mayor Pikolycky; Councilpersons Ortiz, Johnson, Bennett, Perez, Benson and Cruz. Also present were: Richard Tonetta, Borough Solicitor; Bruce Graham, Borough Engineer; Lisa Garrison, Borough Clerk and Mitchell Kizner, Special Counsel.

Mr. Kizner reviewed the insurance policies and remediation expenses. He indicated the later general liability policies hold a higher percentage value. There remains \$44,000 – \$45,000 outstanding that the Borough has been unable to get paid for by government funding. Most of the expenses for the landfill have been able to be covered through government fundings. It is his intent to recover the outstanding money through the insurance companies and to also establish a structure for the recovery of future expenses.

Mr. Kizner indicated if the Borough decides to sue and if successful the attorney fees would be covered. Councilman Benson recommended a declaratory action be filed and file for potential remediation of the site. He indicated the State may want to become involved to recoup their funds.

Mr. Kizner indicated a fair settlement would be 70%-80% recovery and also including any future costs. The court ordered escrow account was discussed with Mr. Kizner recommending no action be taken at this time in regards to said escrow.

Mr. Kizner requested Council approval to prepare a lesson plan to submit to the insurance companies. Council concurred.

There being nothing further to discuss in closed session, on motion of Councilman Benson, seconded by Councilman Cruz to close the executive session and return to open session, unanimously carried.

Respectfully submitted,

Lisa Garrison
Borough Clerk

