

January 14, 2013

An Executive Session meeting of the Town Council of the Town of Newton was held on the above date at 8:46 p.m. Present were Mrs. Becker, Mr. Elvidge, Deputy Mayor Ricciardo, Mr. Flynn, Mayor Diglio and Bill Hinkes, Esq. Mr. Thomas S. Russo, Jr., Town Manager recused himself due a family conflict. Also present were Dave Simmons, Town Engineer and Paul Baldwin, Newton Water and Sewer Superintendent.

Mayor Diglio made the following declaration that "in accordance with the Open Public Meetings Act, notice of this Special meeting was given to the two newspapers of record and posted on the official bulletin board on January 10, 2013."

The following Resolution was read which authorized the Town Council to enter into Executive Session.

RESOLUTION #19-2013

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, the Town Council of the Town of Newton is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specific purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Town Council of the Town of Newton to discuss in a session not open to the public certain matters relating to the item authorized by N.J.S.A. 10:4-12b and designated below:

- (1) Potential Litigation

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on January 14, 2013, that an Executive Session closed to the public shall be held on January 14, 2013, at 8:46 PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Town Council that the public interest will no longer be served by such confidentiality.

The aforementioned **RESOLUTION** was offered by Mrs. Becker, seconded by Deputy Mayor Ricciardo and roll call resulted as follows:

| | | | |
|------------------------|-----|-------------|-----|
| Mrs. Becker | Yes | Mr. Elvidge | Yes |
| Deputy Mayor Ricciardo | Yes | Mr. Flynn | Yes |
| Mayor Diglio | Yes | | |

POTENTIAL LITIGATION

Mr. Hinkes outlined the request from a property owner of 85 Sparta Avenue in

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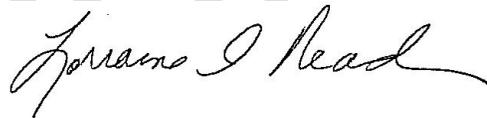
Sparta, New Jersey to move the Town's water lines, in order to build his structure.

Mr. Simmons provided a lengthy presentation on the history of the property and the placement of our water lines. Mr. Simmons reviewed the site plan and the utility relocation sketch with the Town Council.

After a lengthy discussion, Council unanimously agreed to grant permission with the stipulations set forth by Mr. Hinkes and Mr. Simmons. Council requested Mr. Hinkes to advise the requestor that all expenses incurred by the Town including but not limited to legal and engineering must be paid for by the property owner.

There being no further business to be conducted in Executive Session, upon motion of Deputy Mayor Ricciardo, seconded by Mrs. Becker and unanimously carried, Council left Executive Session at 9:59 p.m.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk

CONFIDENTIAL