

January 28, 2013

An Executive Session meeting of the Town Council of the Town of Newton was held on the above date at 7:36 p.m. Present were Mrs. Becker, Mr. Elvidge, Deputy Mayor Ricciardo, Mr. Flynn, Mayor Diglio and Mr. Thomas S. Russo, Jr., Town Manager and Bill Hinkes, Esq. Also present were Dave Simmons, Town Engineer and Ursula Leo, Esq.

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 24, 2013."

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

RESOLUTION #24-2013

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) Litigation
- (2) Contract Negotiations/Real Property Issues

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on January 28, 2013, that an Executive Session closed to the public shall be held on January 28, 2013, at 7:36 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 Deputy Mayor Ricciardo, seconded by Mrs. Becker and roll call resulted as follows:

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

LITIGATION

Mr. Hinkes outlined and updated Council on the litigation regarding Aberlour at

January 28, 2013

Newton, LLC.

After a lengthy discussion, Mr. Hinkes advised that he will update Council upon receipt of the Judge's ruling.

CONTRACT NEGOTIATIONS / REAL PROPERTY ISSUES

Mr. Simmons provided a brief history on the watermains and dam located at Morris Lake.

Mrs. Leo advised the Governing Body that Glen Lake Beach Club, Inc. has contacted the Town to address the Town's easement and the existence of a transmission line through Lower Glen Lake. Glen Lake is the association responsible for the dam and is required by the State to rehabilitate the existing dam which will impact Newton's easement and drainage pipe that currently run through the existing dam. The current proposal is for the Town to cut the discharge pipe currently running to Lower Glen Lake dam so that Newton's source drains directly to the bottom of the Lake rather than through the dam structure itself.

After a lengthy discussion, Council agreed to place a valve at the gate house. It was also noted that Mrs. Leo will negotiate the terms as well as abandon an existing easement and create a new easement for Lower Glen Lake.

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 8:53 p.m.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk