

March 25, 2013

An Executive Session meeting of the Town Council of the Town of Newton was held on the above date at 7:56 p.m. Present were Mr. Elvidge, Deputy Mayor Ricciardo, Mr. Flynn, and Mr. Thomas S. Russo, Jr., Town Manager. Mayor Diglio and Councilwoman Becker were excused. Also present were Ursula Leo, Esq., Jonathan McMeen, Esq., Dave Simmons, Town Engineer and Police Chief Mike Richards.

Deputy Mayor Ricciardo 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 March 21, 2013."

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

RESOLUTION #52-2013

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) Contract Negotiations
- (2) Potential Litigation

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on March 25, 2013, that an Executive Session closed to the public shall be held on March 25, 2013, at 7:56 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 Mr. Flynn, seconded by Mr. Elvidge and roll call resulted as follows:

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

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POTENTIAL LITIGATION

Mrs. Leo reviewed her legal opinion regarding the video surveillance of public places. Chief Richards explained his view on release of video surveillance.

After a lengthy discussion, Council requested additional information on this issue through the League of Municipalities and Mrs. Leo will pursue other avenues as well.

CONTRACT NEGOTIATIONS

Mr. Simmons, Town Engineer and Mrs. Leo, Town Attorney, outlined the issues and options in order to access the Town's property surrounding Morris Lake.

After a lengthy discussion, Mr. Russo and Legal Counsel will pursue the option of purchasing property in order to obtain permanent access to the Town's property surrounding Morris Lake.

There being no further business to be conducted in Executive Session, upon motion of Mr. Elvidge, seconded by Mr. Flynn and unanimously carried, Council left Executive Session at 8:56 p.m.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk