

February 22, 2016

An Executive Session meeting of the Town Council of the Town of Newton was held on the above date at 7:43 pm. Present were Mrs. Becker, Mayor Flynn, Mr. Levante, Mr. Elvidge and Town Manager, Thomas S. Russo, Jr. Deputy Mayor Diglio was excused.

Mayor Flynn 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 December 31, 2015."

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

#### **RESOLUTION #35-2016**

#### **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 items authorized by N.J.S.A. 10:4-12b and designated below:

- (1) Potential Litigation – NMC
- (2) Acquisition of Real Property

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton, assembled in public session on February 22, 2016, that an Executive Session closed to the public shall be held on February 22, 2016, at 7:43 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.

#### **POTENTIAL LITIGATION**

Scott Holzhauser, Tax Assessor, updated Council on pending litigation with Newton Medical Center (formerly Newton Memorial Hospital) and provided a preliminary analysis on the property. Mr. Holzhauser requested permission, along with Mr. Russo and Mrs. Leo, Esq., or alternate counsel as necessary, to negotiate the recommended proposal on behalf of the Town of Newton.

After a lengthy discussion, Council directed Mr. Holzhauser to move forward as proposed.

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**ACQUISITION OF REAL PROPERTY**

Mr. Russo and Mr. Holzhauser provided information on the potential acquisition of real property on Lawnwood Avenue. Mr. Holzhauser outlined his recommendations on the proposal.

After a brief discussion, Council agreed to move forward and send a letter to the homeowner of the property.

Upon motion of Mrs. Becker, seconded by Mr. Levante and carried, Council left Executive Session at 8:40 pm.

Respectfully submitted,



Lorraine A. Read, RMC  
Municipal Clerk

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