

Executive Session

October 14, 2009

An Executive Session meeting of the Town Council of the Town of Newton was held on the above date at 8:29 p.m. Present were Mrs. Unhoch, Mrs. Becker, Mrs. Le Frois, Mr. Ricciardo, Mayor Elvidge and Town Manager, Mr. Thomas Russo, Jr.

Mr. Russo read the following Resolution which authorized the Town Council to enter into Executive Session.

RESOLUTION #211-2009

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

- (1) Contract Negotiations

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton, assembled in public session on Wednesday, October 14, 2009, that an Executive Session closed to the public shall be held on Wednesday, October 14, 2009, at 8:29 p.m. in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific item 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. Ricciardo, seconded by Mrs. Becker and unanimously carried, the Town Council entered into Executive Session at 8:29 p.m.

EXECUTIVE SESSION

Mr. Sanford Hollander, Esq., Town Attorney, reviewed a memorandum requesting negotiations, with a potential developer, for a lease or purchase of a Municipal Right-of-Way. Mr. Hollander outlined the options available as well as the necessary steps required to negotiate for this property.

Mr. Cory Stoner, PE, CME, Town Engineer, addressed Council and provided input and details on the property in question.

After a lengthy discussion, the consensus of the Town Council was to sell the municipal property which is no longer needed for public use with the condition that the bike path be retained. Mr. Hollander is to work on the negotiations.

Executive Session

October 14, 2009

Ms. Jennifer L. Credidio, Esq., McManimon & Scotland, LLC, updated the Governing Body on the current status of negotiations with the Prospective Redeveloper for 56 Sparta Avenue. Ms. Credidio outlined the open issues between the parties based on the most recent comments to the draft agreement circulated by the Prospective Redeveloper on October 12, 2009.

After a lengthy discussion, the Town Council addressed all the issues at large and directed Ms. Credidio to advise the Prospective Redeveloper of the amendments to the draft agreement. The Governing Body is hoping to execute the agreement by the next Council meeting on Monday, October 26, 2009.

There being no further business to be conducted in Executive Session, upon motion of Mrs. Le Frois, seconded by Mrs. Unhoch and unanimously carried, Council left Executive Session at 10:20 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk