

Executive Session

February 8, 2010

An Executive Session meeting of the Town Council of the Town of Newton was held on the above date at 7:25 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 #24-2010

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) Potential Litigation - C.O.A.H.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on February 8, 2010, that an Executive Session closed to the public shall be held on February 8, 2010, at 7:25 PM 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. Le Frois and unanimously carried, the Town Council entered into Executive Session at 7:25 p.m.

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Mr. William Hinkes, Esq., Town Attorney, Mrs. Jessica Caldwell, Planner, and Mrs. Debra Millikin, Deputy Town Manager, were present to update the Town Council on the outcome of the COAH mediation meeting held on January 22, 2010.

After a lengthy discussion, Mr. Hinkes explained that the Town has a shortfall of affordable units which was caused by COAH's rejection. It was suggested that the Town re-petition COAH with a new Housing Element and Fair Share Plan. The Council strongly opposed the extension of water and sewer usage outside the boundaries of Newton.

Mrs. Millikin noted there are funds available in the Development Trust Fund account for payment to our Planner and Town Attorney for this project.

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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 7:53 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk