

April 26, 2010

An Executive Session meeting of the Town Council of the Town of Newton was held on the above date at 7:53 p.m. Present were Mrs. Unhoch, Mrs. Becker, Mrs. Le Frois, Mr. Ricciardo, and Town Manager, Mr. Thomas Russo, Jr. Mayor Elvidge was excused. Mr. William Hinkes, Esq., Town Attorney was also present.

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

**RESOLUTION #56-2010**

**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

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton, assembled in public session on April 26, 2010, that an Executive Session closed to the public shall be held on April 26, 2010, at 7:53 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 Mrs. Le Frois, seconded by Mr. Ricciardo and unanimously carried, the Town Council entered into Executive Session at 7:53 p.m.

**EXECUTIVE SESSION**

**POTENTIAL LITIGATION**

Mr. Russo updated Council on the current status of the replacement ladder truck, due to a recent accident which was no fault of the Newton Fire Department. Mr. Russo advised Council of the latest offer to date from Statewide Insurance.

Mr. Hinkes, Esq. outlined the options available to the Town through the insurance company.

The Council addressed concerns on the need for a temporary replacement truck for the

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safety of the Town.

After a lengthy discussion, the consensus of the Governing Body was outlined with several requirements that the Town is looking for in order to settle. In addition, the Town Council requested a copy of the report, which outlined the damages to the fire truck.

Mr. Hinkes, Esq. noted that there is a time constraint of May 7<sup>th</sup> for the insurance company to repair or replace and will request an extension of time, if necessary. Mr. Hinkes and Mr. Russo received direction from the Town Council and will continue to negotiate on the Town's behalf.

There being no further business to be conducted in Executive Session, upon motion of Mrs. Le Frois, seconded by Mr. Ricciardo and unanimously carried, Council left Executive Session at 8:29 p.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk