

May 12, 2010

An Executive Session meeting of the Town Council of the Town of Newton was held on the above date at 7:43 p.m. Present were Mrs. Unhoch, Mrs. Becker, Mrs. Le Frois, Mr. Ricciardo, Mayor Elvidge and Town Manager, Mr. Thomas Russo, Jr. 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 #63-2010**

**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 May 12, 2010, that an Executive Session closed to the public shall be held on May 12, 2010 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.

The aforementioned **RESOLUTION** was offered by Mr. Ricciardo, seconded by Mrs. Le Frois and unanimously carried, the Town Council entered into Executive Session at 7:43 p.m.

**EXECUTIVE SESSION**

**POTENTIAL LITIGATION**

Mr. William Hinkes, Esq. updated the Governing Body on the current status of the Council on Affordable Housing (COAH) matters. Mrs. Millikin provided a COAH timeline, which will allow the Town to move forward aggressively. Mrs. Jessica Caldwell, Town Planner, will re-petition to COAH on May 13, 2010; COAH Notice will be sent and published in the newspaper by June 7, 2010; COAH Plan will be presented to the Planning Board on June 16, 2010; COAH Plan will be presented to the Town Council on June 28, 2010 and COAH Plan will then be sent to NJDCA by June 30, 2010.

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After a brief discussion, the Council unanimously agreed to move forward as recommended by Mr. Hinkes as well as with the COAH timeline as submitted.

Mr. Hinkes, Esq. also addressed pending Tax Appeal litigation. Mr. Scott Holzauer, Tax Assessor, submitted a letter outlining the negotiated settlements. Mr. Hinkes, Esq. outlined all three proposed settlements with the Town Council. After a brief discussion, the consensus of the Town Council was to approve the recommendations of our Tax Assessor, Scott Holzauer.

Mr. Russo noted that Mr. Holzauer will come in this summer to address the appeals in addition to having the Council consider performing a reassessment for the Town of Newton.

There being no further business to be conducted in Executive Session, upon motion of Mrs. Le Frois, seconded by Mrs. Becker and unanimously carried, Council left Executive Session at 8:10 p.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk