

March 28, 2011

An Executive Session meeting of the Town Council of the Town of Newton was held on the above date at 8:52 p.m. Present were Mr. Elvidge, Mr. Ricciardo, Mrs. Diglio, Mrs. Le Frois, Mayor Becker, Mr. Thomas S. Russo, Jr., Town Manager and Sandy Hollander, Esq., Town Attorney.

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

**RESOLUTION #63-2011**

**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 March 28, 2011, that an Executive Session closed to the public shall be held on March 28, 2011, at 8:52 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 Mrs. Le Frois, seconded by Mrs. Diglio and unanimously carried, the Town Council entered into Executive Session at 8:52 p.m.

Sandy Hollander, Esq., Town Attorney, updated the Town Council regarding the Sparta Town Center Project in Sparta Township which will construct a road over a portion of the Town of Newton's easement which houses the 10 inch and 16 inch water mains.

Mr. Dave Simmons provided some negotiation options for Council's consideration.

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After a lengthy discussion, the consensus of the Governing Body was to have Sandy Hollander, Esq. move forward with the recommended negotiation options.

Dave Soloway, Esq. updated the Governing Body regarding several pending lawsuits that have been filed against the Zoning Board and Town. Dave Soloway, Esq. presented Council with an overview of the litigation and provided some settlement options for Council's consideration.

After a lengthy discussion, the consensus of the Governing Body was to have Dave Soloway, Esq. move forward with the recommended settlement options.

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 10:42 p.m.

Respectfully submitted,

Irene M. O'Connor  
Deputy Municipal Clerk