

April 25, 2011

An Executive Session meeting of the Town Council of the Town of Newton was held on the above date at 8:10 p.m. Present were Mr. Ricciardo, Mrs. Diglio, Mrs. Le Frois, Mayor Becker, Mr. Thomas S. Russo, Jr., Town Manager, Sandy Hollander, Esq., Town Attorney and Mr. Dave Simmons, Town Engineer. Mr. Elvidge was excused.

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

**RESOLUTION #80-2011**

**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 April 25, 2011, that an Executive Session closed to the public shall be held on April 25, 2011, at 8:10 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 Mr. Ricciardo and unanimously carried, the Town Council entered into Executive Session at 8:10 p.m.

Sandy Hollander, Esq., Town Attorney, updated the Town Council regarding the negotiations with legal counsel for the Sparta Town Center Project in Sparta Township which may cause a road and a parking lot to be constructed over a portion of the Town of Newton's easement which houses the 10 inch and 16 inch water mains.

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Mr. Dave Simmons provided several options and cost analysis for the replacement of the 10 inch and 16 inch water mains for Council's consideration.

After a lengthy discussion, the consensus of the Governing Body was to have Sandy Hollander, Esq. move forward with the recommended negotiation options and have Mr. Simmons, Mr. Hollander and Mrs. Milliken do an on-site inspection of the construction site.

There being no further business to be conducted in Executive Session, upon motion of Mr. Ricciardo, seconded by Mrs. Diglio and unanimously carried, Council left Executive Session at 9:48 p.m.

Respectfully submitted,

Irene M. O'Connor  
Deputy Municipal Clerk