

May 9, 2011

An Executive Session meeting of the Town Council of the Town of Newton was held on the above date at 6:04 p.m. Present were Mr. Elvidge, Mr. Ricciardo, Mrs. Diglio, Mayor Becker, Mr. Thomas S. Russo, Jr., Town Manager and Sandy Hollander, Esq., Town Attorney. Also Present were Mrs. Debra Millikin, Deputy Town Manager, Mr. Paul Baldwin, Water and Sewer Supervisor, Mr. Dave Simmons, Town Engineer. Deputy Mayor Le Frois arrived at 6:05 p.m.

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

RESOLUTION #81-2011

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 May 9, 2011, that an Executive Session closed to the public shall be held on May 9, 2011, at 6:04 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. Diglio and unanimously carried, the Town Council entered into Executive Session at 6:04 p.m.

Sandy Hollander, Esq., Town Attorney, updated the Town Council regarding the on-site visit to the Sparta Town Center Project in Sparta Township, which was attended by Mrs. Debra Millikin, Deputy Town Manager, Mr. Paul Baldwin, Water and Sewer Supervisor, Mr. Dave Simmons, Jr., P.E., Town Engineer

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and Sandy Hollander, Esq. Mr. Hollander indicated that during the onsite visit, they were unexpectedly joined by a representative of the Sparta Water Department, Sparta Town Manager, and Mr. Hekemian, Sparta Town Center Construction official and discussion ensued regarding various alternatives for resolving the problem created by construction of a road crossing over a portion of Newton's easement for the 10 inch and 16 inch water mains as well as the location of Sparta's water main.

Mr. Simmons presented the Governing Body with a map and explanation of the proposed realignment of the Newton 10 inch and 16 inch water mains as well as the Sparta water main which will avoid potential for conflict.

A lengthy discussion ensued regarding the proposed Agreement and it was the consensus of the Governing Body to have Sandy Hollander, Esq. move forward with the recommended language changes to the Agreement.

There being no further business to be conducted in Executive Session, upon motion of Mayor Becker, seconded by Mr. Ricciardo and unanimously carried, Council left Executive Session at 7:20 p.m.

Respectfully submitted,

Irene M. O'Connor
Deputy Municipal Clerk