

May 23, 2011

An Executive Session meeting of the Town Council of the Town of Newton was held on the above date at 6:00 p.m. Present were Mr. Elvidge, Mr. Ricciardo, 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. Mrs. Diglio was absent.

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

**RESOLUTION #98-2011**

**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 23, 2011, that an Executive Session closed to the public shall be held on May 23, 2011, at 6:00 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 Deputy Mayor Le Frois and roll call resulted as follows:

|              |        |               |     |
|--------------|--------|---------------|-----|
| Mr. Elvidge  | Yes    | Mr. Ricciardo | Yes |
| Mrs. Diglio  | Absent | Mrs. Le Frois | Yes |
| Mayor Becker |        | Yes           |     |

Sandy Hollander, Esq., Town Attorney gave an overview of the negotiations regarding the Sparta Town Center project.

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Mr. Simmons presented the Governing Body with a map and reviewed the proposed realignment of the Newton water mains and held discussion on access to the property.

After a lengthy discussion, the majority of the Town Council agreed to move forward with the negotiated agreement set forth by Mr. Hollander, Esq.

There being no further business to be conducted in Executive Session, upon motion of Deputy Mayor Le Frois, seconded by Mr. Elvidge and unanimously carried, Council left Executive Session at 6:40 p.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk