

November 28, 2011

An Executive Session meeting of the Town Council of the Town of Newton was held on the above date at 7:16 p.m. Present were Mrs. Becker, Mr. Elvidge, Deputy Mayor Diglio, Mayor Le Frois, and Mr. Thomas S. Russo, Jr., Town Manager. Councilman Ricciardo was excused. Also present were Fred Knapp, Esq., Labor Counsel, Police Chief Richards, Mark Hontz, Esq., and Jessica Caldwell, Town Planner.

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

RESOLUTION #250-2011

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) Contract Negotiations
- (2) Potential Litigation

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on November 28, 2011, that an Executive Session closed to the public shall be held on November 28, 2011 at 7:16 p.m. 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. Becker, seconded by Deputy Mayor Diglio and roll call resulted as follows:

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

Contract Negotiations

Fred Knapp, Esq. discussed the status of the PBA & SOA contract negotiations and indicated that although there has been forward movement, there were several items for further discussion. After a lengthy discussion, the Council advised Mr. Russo to proceed as discussed.

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Potential Litigation

Mark Hontz, Esq. and Ms. Jessica Caldwell updated the Council regarding a request from John Maione, the new owner of the Aberlour housing project and John Ursin, Esq., requesting consideration for modification to the terms and conditions of the developer's agreement signed by the original developer. After a lengthy discussion, the Council advised Mr. Russo to proceed as discussed.

There being no further business to be conducted in Executive Session, upon motion of Mrs. Becker, seconded by Deputy Mayor Diglio and unanimously carried, Council left Executive Session at 8:22 p.m.

Respectfully submitted,

Irene M. O'Connor
Deputy Municipal Clerk