

October 11, 2017

An Executive Session meeting of the Town Council of the Town of Newton was held on the above date at 8:40 pm. Present were Deputy Mayor Elvidge, Mrs. Le Frois, Mayor Levante and Thomas S. Russo, Jr., Town Manager. Ursula Leo, Esq., Town Attorney and Thomas Prol, Esq., Tax Counsel were also present. Mr. Flynn and Mrs. Diglio were excused.

Mayor Levante made the following declaration that "in accordance with the Open Public Meetings Act, notice of this Special meeting was given to the two newspapers of record and posted on the official bulletin board on October 4, 2017."

The following Resolution was read which authorized the Town Council to enter into Executive Session.

**RESOLUTION #202-2017**

**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 authorized by N.J.S.A. 10:4-12b and designated below:

- i. Potential Litigation – Newton West Ltd.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Newton, assembled in public session on October 11, 2017, that an Executive Session closed to the public shall be held on October 11, 2017 at 8:40 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.

Thomas Prol, Esq., Tax Counsel, addressed Council and reviewed the court summary decision with Newton West, Ltd.

After a lengthy discussion, the Town Council agreed to move forward with the recommendation of Mr. Prol as discussed.

Upon motion of Mrs. Le Frois, seconded by Deputy Mayor Elvidge and carried, Council left Executive Session at 9:09 pm.

October 11, 2017

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lorraine A. Read". The signature is fluid and cursive, with a prominent initial "L" and "R".

Lorraine A. Read, RMC  
Municipal Clerk

CONFIDENTIAL