

October 12, 2016

An Executive Session meeting of the Town Council of the Town of Newton was held on the above date at 8:51 pm. Present were Mr. Flynn, Mrs. Le Frois, Mr. Elvidge, Deputy Mayor Levante, and Mayor Diglio (via teleconference.) Jennifer Dodd, HR Director and Ursula Leo, Esq., Town Attorney and Jim Prusinowski, Esq. were also present.

Deputy 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 December 31, 2015."

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

RESOLUTION # 166-2016

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

- (1) Attorney Client Privilege
- (2) Personnel - Town Manager's Performance Review

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on October 12, 2016, that an Executive Session closed to the public shall be held on October 12, 2016, at 8:51PM in the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ, for the discussion of matters relating to the specific items 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.

Attorney Client Privilege

Ursula Leo, Esq. updated Council on her investigation of an incident with the Newton Fire Department (NFD).

Jim Prusinowski, Esq. outlined his review of Mrs. Leo's investigation and concurred with the disciplinary action taken by Mr. Russo.

After a brief discussion, Council agreed with the recommendation of the attorneys and directed Mr. Russo to send a letter concluding the investigation, allowing the disciplinary action to stand.

Personnel - Town Manager's Performance Review

Mrs. Dodd, HR Director, noted advanced Rice notice was given to Mr. Russo for the October 12, 2016 Executive Session.

October 12, 2016

The Town Attorney and the Newton Town Council discussed and reviewed the employee evaluation and proposed contract of Thomas S. Russo, Jr. serving as Town Manager.

After a lengthy discussion, Mrs. Leo made several adjustments to the Town Manager's proposed contract.

Upon motion of Mayor Diglio, seconded by Mr. Elvidge and carried, Council left Executive Session at 10:33 pm and adjourned.

Respectfully submitted,



Lorraine A. Read, RMC
Municipal Clerk

CONFIDENTIAL