

**Executive Session**  
September 28, 2009

An Executive Session meeting of the Town Council of the Town of Newton was held on the above date at 8:35 p.m. Present were Mrs. Unhoch, Mrs. Becker, Mrs. Le Frois, Mr. Ricciardo, Mayor Elvidge and Town Manager, Mr. Thomas Russo, Jr.

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

**RESOLUTION #198-2009**

**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 Wednesday, September 28, 2009, that an Executive Session closed to the public shall be held on September 28, 2009 at 8:35 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 Mr. Ricciardo, seconded by Mrs. Le Frois and unanimously carried, the Town Council entered into Executive Session at 8:35 p.m.

**EXECUTIVE SESSION**

Mr. Glenn Scotland, Esq., McManimon & Scotland, LLC, made a presentation and outlined the negotiation agreement for the prospective redeveloper for 56 Sparta Avenue, Newton. After a lengthy discussion, the Council directed Mr. Russo to negotiate fees expended by the Town of Newton to date, as well as addressing a 50% payment upfront for any and all transactions, by the Town, from this date forward for this project. Mr. Scotland outlined the financial planning structure involved with this project. Mr. Scotland was directed to speak to the prospective redeveloper and returned at the next Council Meeting on October 14<sup>th</sup> for an Executive Session update.

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Mr. Russo and Mrs. Millikin addressed the Council regarding the recent inquiry to negotiate the purchase or lease of property owned by the Town of Newton. After a brief discussion, the consensus of the Council was to negotiate a long term lease, with an incremental annual increase. Mr. Scotland will work with Mr. Russo and Mrs. Millikin on this proposal.

Mr. Sanford Hollander, Esq., Town Attorney addressed the Governing Body to discuss the potential litigation with regard to a pending Liquor License Transfer. Mr. Hollander outlined the current status of the transfer and advised the Town Council of its options for transferring the liquor license.

After a lengthy discussion, the consensus of the governing body was to transfer the license by resolution which appears on the agenda this evening.

. There being no further business to be conducted in Executive Session, upon motion of Mrs. Le Frois, seconded by Mr. Ricciardo and unanimously carried, Council left Executive Session at 10:47 p.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk