

December 12, 2011

An Executive Session meeting of the Town Council of the Town of Newton was held on the above date at 7:21 p.m. Present were Mrs. Becker, Mr. Elvidge, Mr. Ricciardo, Deputy Mayor Diglio, Mayor Le Frois, and Mr. Thomas S. Russo, Jr., Town Manager.

Mayor Le Frois 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 5, 2011."

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

RESOLUTION #280-2011

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
- (3) Personnel

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Newton, assembled in public session on December 12, 2011, that an Executive Session closed to the public shall be held on December 12, 2011 at 7:21 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. Becker and roll call resulted as follows:

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

CONTRACT NEGOTIATIONS

Mr. Russo advised Council that there is currently no update on the PBA contract negotiations.

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Mr. Russo invited Jessica Caldwell, Town Planner, to update Council on the recent inquiry from a potential developer interested in subdividing property on Lower Spring Street. After a lengthy discussion, Council would like to review other options with the Town Planner before moving forward.

POTENTIAL LITIGATION

Mr. Russo introduced Andrea Kahn, Esq. and Michael Holenstein to speak on the Mill Street Waterline Project.

Mrs. Andrea L. Kahn, Esq., McManimon & Scotland, LLC, provided a background with regard to the Mill Street Waterline Project.

Mr. Michael E. Holenstein, MAI, Holzhauser & Holenstein, LLC, made a presentation to the Town Council on his evaluation of the Mill Street Waterline Project. Mr. Holenstein outlined his report which can assist the Town with its determination of the special assessments to be levied against two potential properties.

After a lengthy discussion, the Town Council agreed to move forward with the recommendations set forth in Mr. Holenstein's report. Mrs. Kahn will draft a cover letter to attach to the report as well as prepare a special hearing notice to be set for January 23, 2012.

PERSONNEL

Mayor Le Frois suggested a forum for the annual employee evaluation of Mr. Russo, Town Manager. Mayor Le Frois disseminated Mr. Russo's list of goals for 2011, which he created and updated on a regular basis. Mr. Russo thanked Council for the opportunity to address his employee evaluation. Mr. Russo reviewed several accomplishments for 2011 and outlined his views and goals for 2012. This year, Mr. Russo is most proud of his efforts with economic redevelopment which is creating new revenue for the Town of Newton.

After a lengthy discussion, Mr. Russo recused himself from the Council Chambers in order for the Governing Body to discuss the Town Manager's annual evaluation.

Mayor Le Frois and the members of the Town Council discussed the overall employee performance of Mr. Russo serving as Town Manager.

Upon the return of Mr. Russo, Mayor Le Frois advised Mr. Russo that the consensus of the Governing Body was that his performance as the Town Manager has met and exceeded the expectations of the Town Council during the past year. Members of the

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Council made a point to express their enthusiasm with the communication between the Council and Manager and Mr. Russo was strongly encouraged to continue these efforts.

The Town Council congratulated Mr. Russo on his strong employee evaluation and authorized a salary increase of 2% for calendar year 2012, which will be voted upon in open session.

Mr. Russo thanked the Town Council for their comments as well as the salary increase.

There being no further business to be conducted in Executive Session, upon motion of Mr. Ricciardo, seconded by Mrs. Becker and unanimously carried, Council left Executive Session at 10:06 p.m.

Respectfully submitted,

Lorraine A. Read, RMC/CMR
Municipal Clerk