

January 9, 2012

An Executive Session meeting of the Town Council of the Town of Newton was held on the above date at 7:13 p.m. Present were Mrs. Becker, Mr. Elvidge, Mr. Ricciardo, Deputy Mayor Diglio, Mayor Le Frois, and Mr. Thomas S. Russo, Jr., Town Manager. Also present were Sanford L. Hollander, Esq., Town Attorney, Debra Millikin, Deputy Town Manager, Paul Baldwin, Water & Sewer Supervisor, John Madden, Licensed Water & Sewer Operator, and Rick Straway, DPW Foreman.

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

**RESOLUTION #12-2012**

**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 January 9, 2012, that an Executive Session closed to the public shall be held on January 9, 2012 at 7:13 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 Mr. Elvidge 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 reviewed a memo from Mr. Richard P. Cushing, Esq., of Gebhardt & Kiefer, addressing a proposed settlement agreement on a Newton Water & Sewer Utility bill. After a brief discussion, the majority of the Town Council agreed to move forward

January 9, 2012

on the settlement as proposed. Mr. Russo to proceed as discussed.

Mr. Russo advised Council that the Town, as directed, engaged in an RFP process for the Sewer Engineer and the Town Engineer. The staff has evaluated several firms based on qualifications, experience, as well as reputation and has narrowed the choices from the submitted RFP's. This evening, the Town Council will interview three Consulting Sewer Engineers and two Town Engineers. Mr. Russo has prepared a list of questions, which will be asked of each firm.

Mr. Stephen E. Donati, P.E., Senior Associate, Mr. Joseph M. Mikulka, B.S., C.P.M., Senior Project Manager, and Mr. James D. Bale, Operations Specialist, of Cerenzio & Panaro, P.C. Consulting Engineers of Sparta, New Jersey made a presentation to the Governing Body. Mr. Donati gave a brief overview of their Engineering firm. Mr. Russo asked several questions which were addressed by all three representatives of Cerenzio & Panaro, P.C. After a lengthy presentation, Council thanked Cerenzio & Panaro, P.C. for their presentation.

Mr. James Wancho, PE, Vice President, and Mr. Donald Sharp, PE, RA, Senior Associate, of PS & S, (Paulus, Sokolowski & Sartor LLC) of Warren, New Jersey made a Power Point presentation to the Governing Body. Mr. Wancho outlined all the services provided by PS & S. Mr. Russo asked several questions which were addressed by Mr. Wancho and Mr. Sharp. After a lengthy discussion, Council thanked PS & S for their presentation.

Mr. James G. Coe, PE, BCEE, and Mr. John J. Scheri, PE of Hatch Mott MacDonald, of Millburn, New Jersey made a presentation to the Governing Body. Mr. Scheri would be the assigned individual to serve as the Town's Sewer Engineer. It was noted that Mr. Scheri lives in Sparta, New Jersey. Mr. Russo asked several questions which were addressed by Mr. Coe and Mr. Scheri. After a lengthy discussion, Council thanked Hatch Mott MacDonald for their presentation.

Mrs. Millikin, Mr. Baldwin, Mr. Madden and, Mr. Straway all gave their opinion and thoughts with regards to the three candidates and their presentations.

The Town Council had a lengthy deliberation regarding their choice for Sewer Engineer. The consensus was to move forward in public session with Hatch Mott MacDonald.

Prior to the Town Engineer interviews, the Town Council had a short break.

January 9, 2012

Mr. Harold E. Pellow, President, and Mr. Cory L. Stoner, Associate of Harold E. Pellow & Associates, Inc. of Augusta, New Jersey made a presentation to the Governing Body for Town Engineer. Mr. Russo asked several questions which were addressed by Mr. Pellow and Mr. Stoner. After a lengthy discussion, Council thanked Mr. Pellow and Mr. Stoner for their presentation.

Mr. Paul W. Ferriero, PE, PP, President and Mr. John E. Hansen, PE, PP, Principal, of Ferriero Engineering, Inc. of Chester, New Jersey made a presentation to the Governing Body. Mr. Russo asked several questions of Ferriero Engineering, Inc. which were addressed by Mr. Ferriero and Mr. Hansen. After a lengthy discussion, the Council thanked Mr. Ferriero and Mr. Hansen for their presentation.

The Governing Body deliberated on the two Town Engineer interviews and after a brief discussion, a majority of Council agreed to retain in public session the firm of Harold E. Pellow & Associates, Inc.

#### **Potential Litigation**

Mr. David B. Simmons, PE of Harold Pellow and Associates, made a presentation regarding an issue with a storm drain located at 52 Paterson Avenue, Newton. After a lengthy discussion, the Council advised Mr. Russo to proceed with further discussions with the property owner.

#### **Personnel**

Mr. Russo updated Council on a personnel issue regarding the Newton Fire Department. Mr. Hollander outlined his legal opinion regarding this issue. After a brief discussion, Council directed Mr. Russo to pursue disciplinary action and direct the Officers Committee of the Newton Fire Department to investigate the issue at hand.

There being no further business to be conducted in Executive Session, upon motion of Deputy Mayor Diglio, seconded by Mr. Ricciardo and unanimously carried, Council left Executive Session at 1:07 a.m.

Respectfully submitted,

Lorraine A. Read, RMC  
Municipal Clerk

January 9, 2012