

December 22, 2008

The regular meeting of the Town Council of the Town of Newton was held on the above date at 7:00 p.m. Present were Mr. Elvidge, Mrs. Unhoch, Mrs. Becker, Mrs. Le Frois Mayor Ricciardo and Town Manager, Mr. Tom Russo, Jr.

Mayor Ricciardo made the following declaration that “in accordance with the Open Public Meetings Act, notice of this public meeting was given to the two newspapers of record and posted on the official bulletin board on December 26, 2007”.

Mayor Ricciardo led all present in the Lord’s Prayer and the Pledge of Allegiance to the flag. The Clerk called the roll and upon completion of same, upon motion made by Mrs. Le Frois, seconded by Mrs. Becker and carried, that the minutes of October 27, 2008 were approved, as amended.

PRESENTATION

Mr. Russo and Mayor Ricciardo made a presentation to the winners of the 2009 Holiday Decorating Contest. The winners were the owners of 29 Park Place, Newton, who received an award certificate and gift card for Applebee’s Restaurant, which was sponsored by the Newton Recreation Commission.

Mayor Ricciardo declared the meeting open to the public.

Ms. Susan Murray, 154 Sparta Avenue, addressed her concerns and objections regarding the Hicks Avenue Redevelopment Plant, due to the density of housing units.

Mr. Neil Flaherty, 154 Sparta Avenue, also addressed concerns of the number of units being proposed in the Hicks Avenue Redevelopment Plan. Mr. Clarity also noted that the acreage addressed in the report (12.5 acres) does not coincide with the tax records and strongly encouraged the Council to review the number of acres proposed in the plan.

Mr. Mike Neiman, 210 Main Street, expressed his approval of his recent

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letter from Mr. Russo addressing the issues from his neighbors property. Mr. Neiman did question why a permit is not needed for construction. Mayor Ricciardo advised Mr. Neiman that the Town Council is not the authority over construction, therefore he may follow up with Mr. Russo, Town Manager, if results are not obtained through the Construction Department. Mr. Neiman thanked the Council for their time.

Council & Manager Reports

a. COAH - JESSICA CALDWELL, PP, AICP

Mrs. Jessica Caldwell, PP, AICP, of Harold Pellow and Associates, addressed the Council and reviewed the Housing Element and Fair Share Plan to be submitted to COAH by December 31, 2008. It was noted that the Newton Planning Board adopted the Housing Element of the Master Plan, as well as the Fair Share Plan, on December 10, 2008. After a lengthy presentation, the Town Council addressed several questions which was addressed by Mrs. Caldwell. The Town Council thanked Jessica for a well-documented plan.

b. Main Street Newton - Jim Sheldon

Mr. Jim Sheldon, Executive Director of Main Street Newton, introduced himself to the Town Council. Mr. Sheldon updated Council on the upcoming events, which would increase the private funding; i.e. golf outing; raffles. Mr. Sheldon and the Town Council discussed the financial element of the Main Street Newton budget, as well as other activities to help with MSN funding. Mr. Sheldon thanked the governing body for their continued support and looks forwarding to working together as the new Executive Director.

Mayor Ricciardo recognized former Mayor and Councilman Ray Storm, who is in attendance this evening.

ORDINANCES

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Mayor Ricciardo directed the Clerk to read aloud the following ordinance relative to final adoption.

ORDINANCE #2008-27

AN ORDINANCE TO AMEND, SECTION 10, MANDATORY RECYCLING, OF CHAPTER 12 “HEALTH CODE” OF NEWTON’S REVISED GENERAL ORDINANCES.

WHEREAS, there is a need to supplement and enhance the regulations previously adopted to include changes and adjustments to the mandatory recycling requirements of the Town of Newton;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Newton, in the County of Sussex and State of New Jersey, that Chapter 12, entitled “Health Code” of the Revised General Ordinances of the Town of Newton be amended by replacing Section 10 in its entirety with the following verbiage, to read as follows:

12-10 Mandatory Recycling

Subsections:

- 12-10.1 Definitions
- 12-10.2 Source Separation, Exemptions
- 12-10.3 Collection of Recyclable Materials
- 12-10.4 Residential Dwelling Compliance Requirements
- 12-10.5 Non-residential Establishment Compliance Requirements
- 12-10.6 New Developments of Multi-Family Residential Units or Commercial, Institutional, or
- 12-10.7 Industrial Properties
- 12-10.8 Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials
- 12-10.9 Enforcement Violations and Penalties
- 12-10.10 Severability, Effective Date

12-10.1 Definitions

A. As used in this article, the following terms shall have the meanings indicated:

Commingled-means a combining of non-putrescible source-separated recyclable materials for the purpose of recycling; Designated recyclable materials- means those materials designated within the Sussex County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include:

(As defined by the Sussex County Solid Waste Management Plan - Residential Generators)

- 01- Aluminum Cans - Food and beverage containers made entirely of aluminum.
- 03- Computer Printout/White Ledger - All-computer paper, all high-grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue and note pad).

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- 06- Corrugated - Containers, brown grocery bags, and similar paper items, usually used to transport supplies, equipment, parts or other merchandise.
- 07- Glass Containers - AU glass containers used for packaging food or beverages.
- 10- Leaves and Brush Leaves - brush and other yard trimmings, including grass clippings, from institutions, commercial or industrial sources
- 11- Magazine & Junk Mail magazine stock - white and colored paper and envelopes, telephone directories and books.
- 13- Mixed Office Paper - items listed in computer printout/white ledger category when mixed with envelopes, manila binders and color paper. Material is generated by commercial/institutional sources.
- 14- Newspaper - All paper marketed as newsprint or newspaper and containing at least 70% newsprint or newspaper (American Paper Institute grades #6, #7 and #8-news).
- 15- Plastic containers - Containers such as polyethylene terephthalate (PETE -#1) soda bottles, high-density polyethylene (HDPE -#2) milk, and water or detergent bottles.
- 17- Steel Cans - Rigid containers made exclusively or primarily of steel, tin-plated steel, and composite steel and aluminum cans used to store food, beverages, paint and a variety of other household and consumer products.
- 18- Stumps, Logs and Tree Parts - Unfinished wood from land clearing projects, storm damage or pruning activities.
- 19- Textiles - Textiles larger Than 15" x15" (e.g. clean clothing, drapes, curtains, sheets, towels, cloth, belt, shoes, handbags. and small stuffed animals).
- 20- Tires - Rubber-based scrip automotive and Truck tires.
- 22- Used Motor Oil -A petroleum base or synthetic oil whose use - includes, but is not limited to, lubrication of internal combustion engines, which through use, storage or handling has become unsuitable in its original purpose due to the presence of impurities or loss of original properties.

(As defined by the Sussex County Solid Waste Management Plan - Non Residential Generators, Commercial and Institutional Sectors)

CLASS MATERIAL AND DEFINITION

- 01- Aluminum Cans - Food and beverage containers made entirely of aluminum.
- 02- Antifreeze - An automotive engine coolant consisting of a mixture of ethylene glycol and water or propylene glycol and water.
- 03- Computer Printout/White Ledger - All-computer paper, all high-grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue and note pad).
- 04- Concrete, Asphalt and *Masonry/Paving* Material - Asphalt, concrete, brick, cinder block, "patio blocks", and other masonry and paving materials.
- 05- Consumer Batteries - Any type of button, coin, cylindrical, rectangular or other shaped, enclosed device or sealed container which is utilized as an energy source for commercial, industrial, medical, institutional, or household use. (Does not include lead-acid batteries from vehicles).
- 06- Corrugated - Containers, brown grocery bags, and similar paper items, usually used to transport supplies, equipment, parts or other merchandise.
- 07- Glass Containers - AU glass containers used for packaging food or beverages.
- 08- Heavy Iron - All structural steel or ferrous metal, cast iron components,
- 09- Lead-Acid - Batteries -Batteries from automobiles, trucks, other vehicles and machinery and equipment, which shall be stored in a manner that protects them

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from the elements to avoid corrosion and leakage.

10- Leaves and Brush Leaves - brush and other yard trimmings, including grass clippings, from institutions, commercial or industrial sources

11- Magazine & Junk Mail magazine stock - white and colored paper and envelopes, telephone directories and books.

12- Mercury Containing Devices - including fluorescent and compact tubes, High Intensity Discharge (HID) and neon lamps, electrical switches, thermostats, thermometers and any batteries containing mercury.

13- Mixed Office Paper - items listed in computer printout/white ledger category when mixed with envelopes, manila binders and color paper. Material is generated by commercial/institutional sources.

14- Newspaper - All paper marketed as newsprint or newspaper and containing at least 70% newsprint or newspaper (American Paper Institute grades #6, #7 and #8-news).

15- Plastic containers - Containers such as polyethylene terephthalate (PETE -#1) soda bottles, high-density polyethylene (HDPE -#2) milk, and water or detergent bottles.

16- Scrap Autos - Crushed or shredded automobile or truck bodies, excluding auto shredder residue or "fluff".

17- Steel Cans - Rigid containers made exclusively or primarily of steel, tin-plated steel, and composite steel and aluminum cans used to store food, beverages, paint and a variety of other household and consumer products.

18- Stumps, Logs and Tree Parts - Unfinished wood from land clearing projects, storm damage or pruning activities.

19- Textiles - Textiles larger Than 15" x15" (e.g. clean clothing, drapes, curtains, sheets, towels, cloth, belt, shoes, handbags. and small stuffed animals).

20- Tires - Rubber-based scrip automotive and Truck tires.

21- Used Consumer Electronics - Any appliance used in a business that includes circuitry. Includes components and subassemblies of the electrode products. Examples include computers & peripherals, printers, copiers, VCRs, televisions, cell phones and fax machines, etc.

22- Used Motor Oil -A petroleum base or synthetic oil whose use - includes, but is not limited to, lubrication of internal combustion engines, which through use, storage or handling has become unsuitable in its original purpose due to the presence of impurities or loss of original properties.

23- White Goods & Light Iron - All large appliances such as washers, dryers, refrigerators, etc., as well as products made from sheet iron, such as shelving, file cabinets, metal desks, recycled or reconditioned steel drums, and other non-structural ferrous scrap.

24 - Wood Scrap -Unfinished lumber from construction or demolition projects including pallets. Unfinished shall mean non-chemically treated (not pressure treated, impregnated with preservatives, insecticides, fungicides, creosote, or other chemicals, and not painted, resin-coated or otherwise surface treated, and not laminated or bonded; and not similarly altered from its natural condition).

25 - Non-Ferrous and aluminum Scrap – All non-container aluminum, stainless steel, copper, zinc, brass, and other metals which generally do not rust;

Multifamily dwelling- means any building or structure, or complex of buildings in which three or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see NJSA 13:1E-99.13a.) and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the "Hotel and

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Multiple Dwelling Law,” P.L. 1967, c. 76 (C.55: 13A-1 et seq.); Municipal Recycling Coordinator- means the person or persons appointed by the municipal governing body and who shall be authorized to, among other things, enforce the provisions of this Ordinance, and any rules and regulations which may be promulgated hereunder. Municipal solid waste (MSW) stream- means all solid waste generated at residential, commercial, and institutional establishments within the boundaries of the municipality of the Town of Newton; Recyclable material- means those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products; Source-separated recyclable materials- means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling; Source separation- means the process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

12-10.2 Source Separation; Exemption from Source Separation Requirements

A. Mandatory source separation: It shall be mandatory for all persons who are owners, tenants, or occupants of residential and non-residential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the municipality of the Town of Newton, to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises and shall be placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Town of Newton Department of Public Works.

B. Exemptions: Pursuant to N.J.S.A. 13:1E-99.16(d), the governing body of a municipality may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source separation requirements of the ordinance which requires persons generating municipal solid waste within its municipal boundaries to source separate from the municipal solid waste stream, the specified recyclable materials if those persons have otherwise provided for the recycling of all designated recyclable materials. To be eligible for an exemption pursuant to this Chapter, a commercial or institutional generator of solid waste shall file an application for exemption with the municipal recycling coordinator on forms to be provided for this purpose. The form shall include, at a minimum, the following information: the name of the commercial or institutional entity; the street address location and lot and block designation; the name, official title and phone number of the person making application on behalf of the commercial or institutional entity; the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials, and a certification that the designated recyclable materials will be recycled, and that, at least on an annual basis, said recycling service provider or commercial/institutional generator shall provide written documentation to the municipal recycling coordinator of the total number of tons collected and recycled for each designated material.

12-10.3 Collection of Recyclable Materials

The collection of recyclable material shall be in the manner prescribed as follows:

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A. All containers and brown paper bags containing recyclable materials shall be placed, prior to collection, between the curb and the sidewalk, or in the absence of curb and sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Receptacles or other items to be disposed of shall be placed as noted above anytime after 5:00 PM of the day immediately preceding the day of collection, but no later than 7:00 AM of the day of collection. After collection, any containers shall be removed from the curbside by no later than 7:00 PM of the day of collection.

B. All receptacles or dumpsters shall be kept clean and in a safe manner in accordance with the Health Code of the municipality of the Town of Newton.

12-10.4 Residential Dwelling Compliance Requirements

The owner of any property shall be responsible for compliance with this Ordinance. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by the appropriate municipal office. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every 6 months during their occupancy.

12-10.5 Non-Residential Establishment Compliance Requirements

A. All commercial and institutional generators of solid waste shall be required to comply with the provisions of this Ordinance.

B. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoors litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.

C. Every business, institution, or industrial facility shall report on an annual basis to the Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.

D. All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any code enforcement officer.

12-10.6 New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties (Pursuant to N.J.S.A. 13:1E-99.13a and 99.16c.)

A. Any application to the planning board of the municipality of the Town of Newton, for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of 50 or more units or any commercial, institutional, or industrial development for the utilization of 1,000 square feet or more of land, must include a recycling plan. This plan must contain,

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at a minimum, the following:

1. A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development (Note: A calculation of average amounts of materials generated from similar facilities in the County may be provided to satisfy this requirement) .and

2. Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the municipal recycling coordinator.

B. Prior to the issuance of a Certificate of Occupancy by the Town of Newton, the owner of any new multi-family housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.

C. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the municipal engineer.

A. 12-10.7 Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials

A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.

B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this article and the local sanitary code.

C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

12-10.8 Enforcement

The Code Enforcement Official, the Recycling Coordinator, the Property Maintenance Official, and the Sussex County Department of Health are hereby individually and severally empowered to enforce the provisions of this Ordinance. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

12-10.9 Violations and Penalties

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this Ordinance or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than \$250, nor more than \$1000. Each day for which a violation of this Ordinance occurs shall be considered a separate offence or 40 hours of community service, or both, per offense.

Fines levied and collected pursuant to the provisions of this Ordinance shall be immediately deposited into the Municipal Recycling Trust Fund (or equivalent). Monies in the Municipal Recycling Trust Fund shall be used for the expenses of

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the municipal recycling program, including purchase of containers for distribution, educational material, and purchase of equipment to continue to operate the recycling center and curbside pick up.

12-10.10 Severability, Effective Date

In the event that it is determined, by a Court of competent jurisdiction, that any provision or section of this Ordinance is unconstitutional, all other sections and provisions shall remain in effect. This Ordinance shall take effect immediately, unless otherwise provided by Resolution of the governing body.

Mayor Ricciardo declared the hearing on Ordinance #2008-27 open to the public.

There being no one from the public to be heard, upon motion by Mrs. Unhoch, seconded by Mrs. Le Frois and carried, the hearing was closed.

The following ORDINANCE was offered by Mrs. Le Frois, who moved its adoption, seconded by Mrs. Becker and roll call resulted as follows:

Mr. Elvidge	Yes	Mrs. Unhoch	Yes
Mrs. Becker	Yes	Mrs. Le Frois	Yes
	Mayor Ricciardo	Yes	

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be adopted in its entirety according to law.

The Clerk will advertise the above Ordinance according to law.

Mayor Ricciardo directed the Clerk to read aloud the following ordinance relative to final adoption.

ORDINANCE #2008-28

AN ORDINANCE TO ESTABLISH MINIMUM AND MAXIMUM SALARIES AND WAGES FOR OFFICERS AND EMPLOYEES OF THE TOWN OF NEWTON FOR CALENDAR YEAR 2009.

WHEREAS, N.J.S.A. 40A:9-165 permits a municipality to establish salaries, wages or compensation to be paid to the officers and employees of the municipality; and

WHEREAS, the Town Council and Town Manager have made a careful examination of the salaries, wages, and compensation appropriate to compensate said Town employees.

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NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, as follows:

Section 1. The minimum and maximum hourly and annual salary ranges for each officer and employee of the Town of Newton are hereby fixed for calendar year 2009 as shown in Schedules "A" and "B" attached hereto in accordance with Section 4-4.1 of the Town of Newton Revised General Ordinances.

Section 2. Any officer or employee of the Town of Newton who is at any time receiving less than the maximum compensation or salary as hereinabove provided may be given a single increment of salary increase during the calendar year by the Town Manager.

Section 3. The Town Manager of the Town of Newton may hire any new employee at any hourly or annual rate between the minimum and maximum salary provided for such office or position.

Section 4. Employees other than Recreation Department seasonal/temporary employees at wage levels one (1) through nine (9) shall receive time and one-half their hourly rate for hours in excess of forty (40) hours in the work week. This class of employees shall receive straight time, in addition to holiday pay, for work performed during normal working hours on any legal holiday established by the Town Council.

Section 5.

- a. With the exception of positions within the Newton Police Department, those officers and employees at wage levels 10, 11, 14 and 15, are deemed exempt from the overtime provisions of the Federal Fair Labor Standards Act and, as such, are not eligible for paid overtime.
- b. With the exception of positions within the Newton Police Department, those officers and employees at wage levels 10, 11, 14 and 15, work varied work week lengths, but are eligible for equivalent time off for all approved hours worked in excess of forty (40) hours in a work week; provided no more than fifteen (15) hours of compensatory time are accumulated which may be carried from pay period to pay period, and no more than eight (8) hours may be carried from one calendar year into the next calendar year.
- c. Those employees at wage level 4 serving in the position of Deputy Court Administrator, may be compensated a stipend of \$50.00 in lieu of 2 hours compensatory time for each court related call-out requiring written certification.

Section 6. Effective January 1, 2009, those officers and employees at wage level 17 shall be paid their annual salary in equal quarterly payments during the last pay of each quarter.

Section 7. In addition to designated salary or hourly wages, all full-time permanent employees hired before January 1, 2002 are eligible for longevity pay at the following rate:

<u>Amount Equal To</u>	<u>Years of Cumulative Service</u>
Two percent (2%)	5
Four percent (4%)	10

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Six percent (6%)	15
Eight percent (8%)	20
Ten percent (10%)	25

After twenty-five (25) years, longevity percentage is equal to the number of years of cumulative service to the Town with a maximum of thirty-five percent (35).

This longevity becomes effective the January 1st or July 1st following the anniversary date of employment. All non-union, full-time employees hired after the January 1, 2002 will not be eligible for longevity. Longevity pay for union employees shall be according to their current negotiated contract.

Section 8. The Town Council adopted a “Cafeteria Plan” within the meaning of Section 125 of the Internal Revenue Code of 1986, as amended, which shall be known as the Town of Newton Employees’ Cafeteria Plan. The health benefits which an employee elects to receive under the Plan will be includable or excludable from the employee’s income under Section 125(a) and other applicable sections of the Internal Revenue Code of 1986 under the Plan, as amended. A full copy of the Plan and a Summary Plan description are on file in the Municipal Clerk’s Office.

Section 9. All Ordinances or parts of Ordinances which may be inconsistent with the terms of this Ordinance are, to the extent of such inconsistency, hereby repealed.

Section 10. If any chapter, article, division, section, subsection, paragraph, sentence, clause, or provision of the Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect all remaining portions of the Ordinance.

Section 11. This Ordinance shall take effect twenty (20) days after final passage, approval and publication after adoption by the Town Council and shall be effective retroactive to January 1, 2009.

SCHEDULE "A"

LEVEL	HOURLY	HOURLY	37 HRS /WK	37 HRS /WK	40 HRS /WK	40 HRS /WK	IRREGULAR HOURS ANNUALIZED
1	\$7.15	\$12.00	\$13,757	\$23,088	\$14,872	\$24,960	
2	\$7.30	\$14.00	\$14,045	\$26,936	\$15,184	\$29,120	
3	\$7.50	\$16.00	\$14,430	\$30,784	\$15,600	\$33,280	
4	\$7.75	\$20.00	\$14,911	\$38,430	\$16,120	\$41,600	
5	\$9.00	\$24.00	\$18,278	\$50,024	\$18,720	\$49,920	
6	\$9.50	\$26.00	\$18,278	\$50,024	\$19,760	\$54,080	
7	\$10.30	\$28.00	\$19,817	\$53,872	\$21,424	\$58,240	
8	\$10.85	\$30.00	\$20,875	\$57,720	\$22,568	\$62,400	
9			\$25,000	\$70,000	\$27,027	\$75,676	
10			\$30,000	\$75,000	\$32,432	\$81,081	
11			\$32,000	\$85,000	\$34,595	\$91,892	
12			\$45,000	\$90,000	\$48,649	\$97,297	
13			\$50,000	\$95,000	\$54,054	\$102,703	
14			\$65,000	\$120,000	\$70,270	\$129,730	

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15			\$70,000	\$130,000	\$75,676	\$140,541	
16							\$500-\$5,000
17							\$2,500-\$5,000
18							\$3,000-\$20,000
19							\$12,000-\$45,000
20	Min.Wage	\$7.15/hr					

SCHEDULE "B"

<p><u>LEVEL 1</u> Recreation Assistant</p> <p><u>LEVEL 2</u> Assistant Pool Manager</p> <p><u>LEVEL 3</u> Clerk Typist Custodian Grounds Maintenance Worker Lifeguard School Traffic Guard Secretary</p> <p><u>LEVEL 4</u> Communications Officer Trainee Deputy Court Administrator Deputy Municipal Clerk/Deputy Registrar Laborer Recreation Leader Senior Clerk Typist Technical Assistant to Construction Official</p> <p><u>LEVEL 5</u> Account Supervisor/Treasurer Assessing Clerk Deputy Code Enforcement Officer Fire Prevention Inspector Human Resource Coordinator Planning/Zoning Administrator Police Clerk</p>	<p>Recreation Enforcement Officer Sewer Laborer Water Laborer Water Meter Reader Water/Sewer Collector</p> <p><u>LEVEL 6</u> Communications Officer Equipment Operator Omnibus Operator Recycling Foreman Sewer Repairer Truck Driver Water Repairer</p> <p><u>LEVEL 7</u> Certified Tax Collector/Tax Search Officer Park Caretaker Parking Meter Enforcer Payroll Clerk Senior Communications Officer Senior Sewer Repairer Senior Water Repairer Special Police Officer</p> <p><u>LEVEL 8</u> Administrative Assistant Street Foreman Water Foreman</p>
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<p><u>LEVEL 9</u> Sewer Plant Operator Water Plant Operator</p> <p><u>LEVEL 10</u> Community Development Director Const. Official/Code Enforcement Officer/Bldg. Inspector Director of Public Works Finance Director Municipal Clerk/Registrar of Vital Statistics Municipal Court Administrator</p> <p><u>LEVEL 11</u> Police Patrolman Water/Sewer Superintendent</p> <p><u>LEVEL 12</u> Police Sergeant</p> <p><u>LEVEL 13</u> Police Lieutenant</p> <p><u>LEVEL 14</u> Police Chief</p> <p><u>LEVEL 15</u> Town Manager</p>	<p><u>LEVEL 16</u> Assistant Right-to-Know Coordinator Deputy Emergency Management Coordinator Emergency Management Coordinator Right-to-Know Coordinator</p> <p><u>LEVEL 17</u> Council Member Mayor</p> <p><u>LEVEL 18</u> Assistant Director of Public Works Building Subcode Official/Inspector Chief Combustible Inspector Chief Financial Officer Electrical Subcode Official/Inspector Fire Subcode Official Plumbing Subcode Official/Inspector Zoning Officer</p> <p><u>LEVEL 19</u> Deputy Town Manager Municipal Judge Recreation Supervisor Tax Assessor</p>
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Mayor Ricciardo declared the hearing on Ordinance #2008-28 open to the public.

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There being no one from the public to be heard, upon motion by Mr. Elvidge, seconded by Mrs. Unhoch and carried, the hearing was closed.

The following ORDINANCE was offered by Mr. Elvidge, who moved its adoption, seconded by Mrs. Unhoch and roll call resulted as follows:

Mr. Elvidge	Yes	Mrs. Unhoch	Yes
Mrs. Becker	Yes	Mrs. Le Frois	Yes
Mayor Ricciardo	Yes		

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be adopted in its entirety according to law.

The Clerk will advertise the above Ordinance according to law.

Mayor Ricciardo directed the Clerk to read aloud the following ordinance relative to final adoption.

ORDINANCE #2008-29

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL, OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, ADOPTING A REDEVELOPMENT PLAN FOR PROPERTIES WITHIN THE HICKS AVENUE REDEVELOPMENT AREA.

WHEREAS, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain areas within the Town of Newton, in the County of Sussex, New Jersey (the "Town") constitute areas in need of redevelopment, the Town Council, by way of Resolution #125-2007 adopted July 9, 2007, authorized and directed the Planning Board (the "Planning Board") of the Town of Newton to conduct a preliminary investigation and public hearing to determine whether Block 1309, Lots 1, 1.01, 2, 6, 8, 9, 12, 13.01, 29.01, 31, 32, 33, 34, 35, 41 and 42 and Block 1310, Lots 1, 2, 3, 4, 5, 6.01, 6, 7, 8, 9, 10, 11, 12.04, and 21, along with all roads and any other public lands encompassed in or directly bordering those parcels (collectively, the "Study Area"), met the criteria set forth in *N.J.S.A. 40A:12A-5* and should be designated as an area in need of redevelopment; and

WHEREAS, as part of this investigation, the Planning Board requested A. Nelessen Associates, Inc. (the "Planning Consultant") to examine the Study Area and to prepare a report of its findings in connection with the investigation of the Study Area; and

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WHEREAS, the Planning Consultant produced a report regarding the study and investigation of the Study Area entitled "Redevelopment Investigation of Block 1309, Lots 1, 1.01, 2, 6, 8, 9, 12, 13.01, 29.01, 31, 32, 33, 34, 35, 41 and 42 and Block 1310, Lots 1, 2, 3, 4, 5, 6.01, 6, 7, 8, 9, 10, 11, 12.04, and 21" (the "Report"); and

WHEREAS, at two duly noticed public hearings held on December 5, 2007 and December 6, 2007 the Planning Board reviewed the Report and heard testimony from the Planning Consultant that the Study Area satisfies the criteria in *N.J.S.A. 40A:12A-5* to be designated as an area in need of redevelopment, including subsections (d), (e) and (h), and that all properties within the Study Area were necessary to the effective redevelopment of the Study Area, as contemplated by *N.J.S.A. 40A:12A-3*; and

WHEREAS, on December 7, 2007, the Planning Board Secretary forwarded to the Town Council a Resolution of the Planning Board indicating that on December 6, 2007 the Planning Board recommending that the Town Council designate Block 1309, Lots 1, 1.01, 2, 6, 8, 9, 41 and 42, along with all public roadways and right of ways appurtenant thereto as an area in need of redevelopment; and

WHEREAS, on December 10, 2007, the Town Council, acting by resolution, did so designate the Study Area as an area in need of redevelopment (hereinafter, the "Redevelopment Area"); and

WHEREAS, in accordance with the Act, the Town, in consultation with the Planning Consultant, prepared a proposed Redevelopment Plan for the Redevelopment Area, which is attached hereto as Exhibit A (the "Proposal"); and

WHEREAS, on August 25, 2008, the Town Council, acting by Resolution, referred the Proposal to the Planning Board for its review and comment in accordance with Section 7 of the Act; and

WHEREAS, at a duly noticed and constituted public meeting of the Planning Board held on September 10, 2008, the Planning Consultant presented the Proposal and further addressed any questions and comments presented by the Planning Board; and

WHEREAS, the members of the public were given the opportunity to provide their own testimony regarding the proposed Redevelopment Plan; and

WHEREAS, in order to afford additional time for due consideration, the Planning Board continued the meeting to October 1, 2008; and

WHEREAS, after due consideration of the Proposal, the testimony of the Planning Consultant, and the testimony of the public, the Planning Board determined by Resolution dated October 1, 2008, attached hereto as Exhibit B (the "Planning Board Resolution"), that the Proposal is consistent with the Town's Master Plan, and recommended to the Town Council that it adopt a modified version of the Proposal, with such changes as summarized at Exhibit C to the Planning Board Resolution, as the redevelopment plan for the Area (as revised and attached hereto as Exhibit C, the "Planning Board Proposal"); and

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WHEREAS, the Planning Board Resolution recommended the addition of certain standards for the establishment of home based businesses within the Area; and

WHEREAS, the Mayor and Town Council supplemented that standard as follows: (i) that only one business that generates customers on site may be maintained in conjunction with any dwelling; (ii) that there shall be a maximum of one sign permitted for each dwelling, which shall be no larger than two square feet, and which shall be located in proximity to the residence address numbers; and (iii) that workspace may be located inside of the home as well as in space constructed above the garage (the "Home Business Amendments"); and

WHEREAS, the Planning Board recommended the clarification of certain language with respect to the provision of affordable housing within the Area, specifically at Section 9.5 of the Redevelopment Plan; and

WHEREAS, the Mayor and Town Council wish to revise Section 9.5, subsection entitled "Affordable Housing", first paragraph to read as follows:

"The redevelopment area is zoned for inclusionary development and the redeveloper shall construct affordable housing on the site pursuant to N.J.A.C. 5:97-6.4 and 5:97-6.6. Incentives have been built into the redevelopment plan to provide for the construction of affordable housing including increased density and reduced setbacks pursuant to N.J.A.C. 5:97-6.4.b.4. The maximum set aside of affordable units pursuant to N.J.A.C. 5:97-6.4.b.2.ii shall be provided with the specific number of units detailed in the developer's agreement with the Town of Newton." (the "COAH Amendments"); and

WHEREAS, the Town wishes to adopt the Planning Board Proposal, as amended by the Home Business Amendments and the COAH amendments, which is attached hereto as Exhibit D as the Redevelopment Plan for the Area,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, AS FOLLOWS:

Section 1. The Redevelopment Plan, as filed in the Office of the Town Clerk, attached hereto as Exhibit D, is hereby approved.

Section 2. The zoning map of the Town of Newton is hereby amended to incorporate the provisions of the Redevelopment Plan and delineate the boundaries of the Hicks Avenue Redevelopment Area.

Section 3. This ordinance shall take effect as provided in law.

ORDINANCE 2008-29

EXHIBIT A

PROPOSAL

On file in the Clerk's Office

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ORDINANCE 2008-29

EXHIBIT B

PLANNING BOARD RESOLUTION

ORDINANCE 2008-29

EXHIBIT C

PLANNING BOARD PROPOSAL

ORDINANCE 2008-29

EXHIBIT D

REDEVELOPMENT PLAN

On file in the Clerk's Office

Mrs. Jenn Credido, Esq., addressed the question of acreage on the proposed Hicks Avenue Redevelopment plan and advised that the proposed 13.65 acres "is correct and actually reflects all the parcels that are included". It was noted that it was confirmed with Mr. Ross Sheasley.

Mayor Ricciardo declared the hearing on Ordinance #2008-29 open to the public.

Ms. Connie Sutton-Falk, 9 Oak Tree Rd., Newton questioned Councilwoman Le Frois's previous statement regarding COAH, which was stated again by Mrs. Le Frois. Mrs. Sutton-Falk expressed her objections on this ordinance being approved, based on density and the traffic element that will be incurred, if developed as proposed.

There being no one else from the public to be heard, upon motion by Mrs. Becker, seconded by Mrs. Unhoch and carried, the hearing was closed.

The following ORDINANCE was offered by Mrs. Le Frois, who moved its

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adoption, seconded by Mr. Elvidge and roll call resulted as follows:

Mr. Elvidge	Yes	Mrs. Unhoch	No
Mrs. Becker	Yes	Mrs. Le Frois	Yes
Mayor Ricciardo	Yes		

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be adopted in its entirety according to law.

The Clerk will advertise the above Ordinance according to law.

Mayor Ricciardo directed the Clerk to read aloud the following Ordinance relative to introduction of same.

ORDINANCE 2008-30

AN ORDINANCE FOR THE APPOINTMENT OF ENGINEER FOR CALENDAR YEARS 2009, 2010, AND 2011.

The following ORDINANCE was offered by Mr. Elvidge, who moved its adoption, seconded by Mrs. Unhoch and roll call resulted as follows:

Mr. Elvidge	Yes	Mrs. Unhoch	Yes
Mrs. Becker	Yes	Mrs. Le Frois	Yes
Mayor Ricciardo	Yes		

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on January 12, 2009.

The Clerk will advertise the above Ordinance according to law.

Mayor Ricciardo directed the Clerk to read aloud the following Ordinance relative to introduction of same.

ORDINANCE 2008-31

AN ORDINANCE FOR PROFESSIONAL SERVICES FOR CALENDAR YEAR 2009.

The following ORDINANCE was offered by Mrs. Le Frois, who moved its adoption, seconded by Mrs. Becker and roll call resulted as follows:

Mr. Elvidge	Yes	Mrs. Unhoch	Yes
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Mrs. Becker	Yes	Mrs. Le Frois	Yes
	Mayor Ricciardo	Yes	

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with hearing on same to be held on January 12, 2009.

The Clerk will advertise the above Ordinance according to law.

OLD BUSINESS

Final Reading Ordinance 2008-20

Upon motion of Mrs. Unhoch, seconded by Mrs. Becker and carried, that Ordinance 2008-20 be removed from the table.

Upon motion Mrs. Unhoch, seconded by Mrs. Becker and carried, that Ordinance 2008-20 be withdrawn from consideration.

Mr. Elvidge	Yes	Mrs. Unhoch	Yes
Mrs. Becker	Yes	Mrs. Le Frois	Yes
	Mayor Ricciardo	Yes	

ORDINANCE 2008-20

****WITHDRAWN FROM CONSIDERATION****

The Town Manager requested the Council to re-consider Resolution #207-2008, which would authorize a reduction of funds deposited as a Performance Guarantee by Acquiring Enterprises, LLC.

Mr. Russo reviewed the correspondence from Town Attorney, William Hinkes, Esq., which outlined state statutes and case law regarding the request to reduce the performance bond for Acquiring Enterprise and recommended that the Resolution be re-considered by Council. Mayor Ricciardo advised that the Council recently denied Resolution 207-2008. Mayor Ricciardo requested that in future developers agreements, the Town not accept cash bonds; but performance grantees from surety companies, which will not allow reduction in bond until project is

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complete.

Based on recommendation of the Town Attorney, upon motion of Mr. Elvidge, seconded by Mrs. Le Frois and carried, that Resolution 207-2008 be reconsidered and approved and roll call resulted as follows:

Mr. Elvidge	Yes	Mrs. Unhoch	Yes
Mrs. Becker	Yes	Mrs. Le Frois	Yes
Mayor Ricciardo	Yes		

RESOLUTION #207-2008

Authorize Reduction of Funds Deposited as a Performance Guarantee by Acquiring Enterprises, LLC”

WHEREAS, Acquiring Enterprises, LLC posted a \$250,000 letter of credit as a performance guarantee with Columbia Bank in favor of the Town of Newton in connection with the development of Block 803, Lot 1.02, located at 2-10 East Clinton Street in the Town of Newton, and

WHEREAS, in a letter dated October 28, 2008, Acquiring Enterprises, LLC requested the release of said performance guarantee, and

WHEREAS, in a letter dated November 19, 2008, David B. Simmons, Jr., PE of the engineering firm of Harold E. Pellow & Associates, Inc. has recommended that the performance guarantee be reduced to maintain a balance of \$50,798.40;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby authorizes the reduction of the performance guarantee to \$50,798.40 by Acquiring Enterprises, LLC related to the development of Block 803, Lot 1.02, located at 2-10 East Clinton Street based on the recommendation of the office of the Town Engineer.

CONSENT AGENDA

Mayor Ricciardo read the following statement:

“All items listed with an asterisk () are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.”*

RESOLUTION #218-2008*

Appointment of Risk Management Consultant for the Town of Newton for Calendar Year 2009

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WHEREAS, TOWN OF NEWTON (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of “Local Unit”, in the County of Sussex and State of New Jersey, as follows:

1. TOWN OF NEWTON hereby appoints KEITH MITCHELL its local Risk Management Consultant.
2. The MAYOR AND MUNICIPAL CLERK and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2009 in the form attached hereto.

Attest:

Town of Newton

Lorraine A. Read, Municipal Clerk

By: _____
Joseph Ricciardo, Mayor

RESOLUTION #219-2008*

Authorize an Agreement to Join the Statewide Insurance Fund and Execute an Indemnity and Trust Agreement

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund (“FUND”), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, TOWN OF NEWTON (“LOCAL UNIT”) has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2009** terminating on **January 1, 2012** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

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BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s) as marked “Yes”:

	<u>YES</u>	<u>NO</u>
Workers’ Compensation & Employer’s Liability	YES	
Liability, Property, Crime-Faithful Performance and Fidelity, Inland Marine, Boiler and Machinery, Comprehensive General Liability, Auto Liability, Auto Physical Damages and Professional Liability	YES	
Pollution Liability	YES	

RESOLUTION #220-2008*

Reappointment of M. Christine Ochrym to the Newton Parking Authority

BE IT RESOLVED by the Town Council of the Town of Newton that M. Christine Ochrym is hereby reappointed to a full five-year term on the Newton Parking Authority, effective January 1, 2009 and continuing through December 31, 2013.

RESOLUTION #221-2008*

Reappointment of Thea Unhoch to the Utility Advisory Board

BE IT RESOLVED by the Town Council of the Town of Newton that Thea Unhoch is hereby reappointed to a full five-year term on the Utility Board, effective January 1, 2009 and continuing through December 31, 2013.

RESOLUTION #222-2008*

Reappointment of Stanley Goldschmidt and Robert Clark to the Zoning Board of Adjustment

BE IT RESOLVED by the Town Council of the Town of Newton that Stanley Goldschmidt and Robert Clark are hereby reappointed to a full four-year term on the Newton Zoning Board of Adjustment effective January 1, 2009 and continuing through December 31, 2012.

RESOLUTION #227-2008*

Reappointment of Donald Meng to the Advisory Recreation Commission

BE IT RESOLVED by the Town Council of the Town of Newton that Donald Meng is hereby reappointed to a full five-year on the Advisory Recreation Commission, effective January 1, 2009 and continuing through December 31, 2013.

RESOLUTION #228-2008*

Authorize the Execution of an Agreement for Auditing Services for Review of Statement of Assets Available for Benefits for (LOSAP) with Ferraioli,

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Wielkocz, Cerullo & Cuva

WHEREAS, the Town of Newton will require the services of a qualified Auditor to examine the Statement of Net Assets Available for Benefits for the Town of Newton's Emergency Services Volunteer Length of Service Award Program (LOSAP) as of December 31, 2008; and

WHEREAS, auditing service is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, Mr. Thomas M. Ferry, RMA of the accounting firm Ferraioli, Wielkocz, Cerullo & Cuva, PA has furnished an appropriate contract for said services;

WHEREAS, Ferraioli, Wielkocz, Cerullo & Cuva, PA has completed and submitted a Business Entity Disclosure Certification with certifies that said firm has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and the the contract will prohibit the firm from making any reportable contributions through the term on the contract; and

WHEREAS, the anticipated term of this contract is for calendar year 2009; and

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that the Mayor, the Town Manager and the Treasurer are hereby authorized to execute a contract on behalf of the municipality for review of their LOSAP Statement of Net Assets Available for Benefit and said contract will remain on file in the Municipal Clerk's office;

BE IT FURTHER RESOLVED that a copy of the fully executed contract be forwarded to Mr. Thomas Ferry, and that a notice of this award be published in accordance with the Local Public Contracts Law.

RESOLUTION #229-2008*

Appointment of the Municipal Auditor for the town of Newton for Calendar Year 2009

WHEREAS, the Town of Newton has a need to acquire auditing services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and,

WHEREAS, the anticipated term of this contract is for calendar year 2009; and

WHEREAS, auditing service is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i); and

WHEREAS, Ferraioli, Wielkocz, Cerullo & Cuva, P.A. has submitted a

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proposal dated December 10, 2007 indicating they will provide the auditing services for \$22,700.00 and

WHEREAS, Ferraioli, Wielkotz, Cerullo & Cuva, P.A has completed and submitted a Business Entity Disclosure Certification which certifies that Ferraioli, Wielkotz, Cerullo & Cuva, P.A has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit the Ferraioli, Wielkotz, Cerullo & Cuva, P.A from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified that funds are available to support an agreement with Ferraioli, Wielkotz, Cerullo & Cuva, P.A in an amount of \$22,700.00;

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of Newton authorizes the Mayor to enter into a contract with Ferraioli, Wielkotz, Cerullo & Cuva, P.A as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be attached and filed with this resolution, and

BE IT FURTHER RESOLVED that notice of this action shall be published once in the New Jersey Herald.

RESOLUTION #230-2008*

Appointment of Jessica C. Caldwell, P.P., A.I.C.P., as Planner Calendar Year 2009”

WHEREAS, the Town of Newton has a need for professional planning services for certain specific matters under non-fair and open contracts pursuant to provisions of N.J. S. A 40A:11-5(1)(a); and

WHEREAS, the Jessica C. Caldwell, P.P., A.I.C.P, as employed by Harold E. Pellow & Associates, Inc. was appointed to provide professional services for the Town of Newton during 2008, said professional services will be needed by the Town of Newton during calendar year 2009, and the appropriate agreement for the appointment has been prepared and executed by said Planner; and

WHEREAS, Jessica C. Caldwell, P.P., A.I.C.P., as employed by Harold E. Pellow & Associates, Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that neither she nor the firm has made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit the them from making any reportable contributions through the term of the contract; and

WHEREAS, the anticipated term of this contract is one (1) year ending December 31, 2009;

WHEREAS, this contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts law, because Jessica C. Caldwell, P.P., A.I.C.P., is a licensed

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professional planner of the State of New Jersey and, as such, is duly qualified as a professional to carry out the subject services which are expressly exempt from the Local Public Contracts bidding requirements.

NOW THEREFORE BE IT RESOLVED THAT the Town Council of the Town of Newton authorizes the Mayor and Municipal Clerk to execute an agreement in duplicate with Jessica C. Caldwell, P.P., A.I.C.P., of Harold E. Pellow & Associates, Inc.

BE IT FURTHER RESOLVED that a fully-certified copy of this Resolution and a fully-executed copy of the Agreement shall be provided to Jessica C. Caldwell, P.P., A.I.C.P., of Harold E. Pellow & Associates, Inc.

BE IT FURTHER RESOLVED that a fully-executed copy of this agreement be kept on file and available for public inspection in the Municipal Clerk's office.

RESOLUTION #231-2008*

Reappointment of Robert Caffrey as the First Alternate Member to the Newton Planning Board"

BE IT RESOLVED by the Town Council of the Town of Newton that Robert Caffrey is hereby reappointed to a full two-year term as the First Alternate Member on the Newton Planning Board, effective January 1, 2009 and continuing through December 31, 2010.

RESOLUTION #232-2008*

Reappointment of Dennis Becker and Karen Schulte as Alternates on the Historic Preservation Advisory Commission"

BE IT RESOLVED by the Town Council of the Town of Newton that Dennis Becker and Karen Schulte are hereby reappointed to full two-year terms as Alternate Member on the Newton Historic Preservation Advisory Commission, effective January 1, 2009 and continuing through December 31, 2010.

RESOLUTION #233-2008*

Reappointment of Dr. John Craddock to the Advisory Board of Health

BE IT RESOLVED by the Town Council of the Town of Newton that Dr. John Craddock is hereby reappointed to a full five-year term on the Advisory Board of Health, effective January 1, 2009 and continuing through December 31, 2013.

RESOLUTION #234-2008*

Appointment of Various Attorneys for Calendar Year 2009

WHEREAS, the Town of Newton has a need to acquire legal counsel for certain specific matters under non-fair and open contracts pursuant to provisions of N.J. S. 19:44A-20, and

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WHEREAS, certain attorneys were appointed to provide professional services for the Town of Newton during the past several years, said professional services will be needed by the Town of Newton during calendar year 2009, and appropriate agreements for the appointment of each attorney will be prepared and executed by said attorneys, and

WHEREAS, the below named professionals have completed and submitted a Business Entity Disclosure Certification which certifies that each professional has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit the professional from making any reportable contributions through the term of the contract, and

WHEREAS, the anticipated term of each individual contract is one year, and

NOW THEREFORE BE IT RESOLVED THAT the Town Council of the Town of Newton authorizes the Mayor and Municipal Clerk to execute an agreement in duplicate with each professional listed below:

Victor R. Jusino, Esq. of
Laddey, Clark & Ryan, LLC

Municipal Prosecutor

William Baker, Esq. of
Scarinci & Hollenbeck, LLC.

Environmental Attorney

Fred Semrau, Esq.

Conflict Tax Attorney

BE IT FURTHER RESOLVED that a fully executed copy of each agreement be provided to each of the respective attorneys with a certified copy of this Resolution.

RESOLUTION #235-2008*

Authorize Submission of an Application to the Department of Community Affairs for a Smart Growth Grant”

WHEREAS, the Town of Newton desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for an amount not to \$60,000 to create a circulation element plan;

BE IT THEREFORE RESOLVED, by the Town Council of the Town of Newton that:

1. The Town of Newton does hereby authorize the submission of an application for such a grant, and
2. Recognizes and accepts that the Department of Community Affairs may offer a lesser or greater amount, therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Town of Newton and the New Jersey Department of Community Affairs.

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BE IT FURTHER RESOLVED, that the person whose names, titles, and signatures appear below are authorized to sign the application and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

_____ (signature)	_____ (signature)	_____ (signature)
<u>Joseph Ricciardo</u>	<u>Thomas S. Russo, Jr.</u>	<u>Lorraine A. Read</u>
(type or print name)	(type or print name)	(type or print name)
<u>Mayor</u>	<u>Town Manager</u>	<u>Municipal Clerk</u>
(title)	(title)	(title)

RESOLUTION #236-2008*

Authorize an Agreement with Christ Community Church of the Christian & Missionary Alliance, Inc.

WHEREAS, the Town of Newton entered into an agreement in 1997 with William Dusche and James Eskin, Partners, t/a Station House Properties, with regard to four (4) exterior parking spaces located at Station House Plaza, all or a portion of which are located within the municipal right-of-way; and

WHEREAS, Station House Plaza is located on the property designated as Block 1301, Lot 1.01 on the Newton tax maps and known as 274 Spring Street; and

WHEREAS, Christ Community Church of the Christian & Missionary Alliance, Inc. purchase said property on October 28, 2008 and desires to enter into the same agreement with the Town of Newton regarding the four (4) parking spaces and is further required to by the Newton Planning Board in their approval granted to Christ Community Church on October 15, 2008; and

WHEREAS, Paragraph 7 of the original Agreement requires consent of the parties to an assignment;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton hereby authorizes the Mayor and Municipal Clerk to execute an Consent to Assign License Agreement with Christ Community Church of the Christian & Missionary Alliance, Inc. for the four (4) parking spaces located in the municipal right-of-way in the property designated as Block 1301, Lot 1.01 on the Newton tax maps more commonly known as 274 Spring Street, Newton.

BE IT FURTHER RESOLVED that a copy of said agreement be attached to and made part of this resolution.

RESOLUTION #237-2008*

Support of a CLG Grant for Historic Training

WHEREAS the Governing Body of the Town of Newton desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$5,000 to fund the following project: *Host a historic training session in the town of Newton*; and

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WHEREAS, the governing body of the Town of Newton resolves that Thomas S. Russo, jr. or the successor to the title of the Town Manager is authorized to (a) to make application for such a grant. (b) if awarded, Thomas S. Russo, Jr., Town Manager is authorized to execute a grant agreement with the State for a grant in an amount not less than \$1,000 and not more than \$5,000 and © to execute any amendments thereto, which do not increase the Grantee's obligations.

NOW THEREFORE BE IT RESOLVED the Town of Newton, Town Council further acknowledges that there is no grant match required for this CLG Agreement grant. The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules and regulations in its performance pursuant to this Agreement.

RESOLUTION #238-2008*

Support Main Street Stimulus Priorities

WHEREAS, on October 13, at an Economic Forum with House leaders and national economists, it was stated that up to a \$300 billion stimulus may be needed and that infrastructure investments and jobs should be included in a stimulus package; and

WHEREAS, Senate Majority Leader Reid has also said he expects the Senate to take up a stimulus bill after the elections; and

WHEREAS, earlier this year, a \$168 billion tax rebate stimulus package was passed by the House and Senate and signed into law in February. Hence money went out in the form of tax rebates, but the gasoline costs skyrocketed to an all time high and no doubt many of those payments helped millions to ease the pump pain and reduced their personal and household increased energy costs; and

WHEREAS, the national economic crisis that came to a head in October prompted the White House and Congress to provide a \$700 billion measure, termed by many and commonly referred to as Wall Street Bailout; and

WHEREAS, while the \$700 billion measure has helped stabilize the financial and banking system, the citizens and small businesses of our cities, counties, and states are concerned about the credit crunch, and loss of jobs in this economic downturn; and

WHEREAS, in response to these developments, the United States Conference of Mayors has developed a Main Street Stimulus package, which was built on the \$60 billion package passed by the House and pending in the Senate; and

WHEREAS, the Main Street Stimulus package, which would complement the call of the National League of Cities for a Hometown Economic Stimulus Package, would dedicate the \$150 billion to help create jobs for unemployed workers and economic activity for businesses in our metro areas, with portions of the funding dedicated to Community Development Block Grants, Infrastructure, Green Jobs-Energy/Environment Block Grants, and Public Safety; and

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WHEREAS, it is imperative that, in addition to this, highway funds must be distributed through the Surface Transportation Program to ensure the flexibility of funding will be given directly to our local officials to meet the infrastructure needs in our metro areas; and

WHEREAS, each passing day presents more evidence for the importance of this stimulus.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Newton, County of Sussex, State of New Jersey, urge the Executive Board of the New Jersey State League of Municipalities to contact New Jersey's Congressional Delegation in support of the Main Street Stimulus package.

RESOLUTION #239-2008*

Designate Banks as Depositories for 2009

BE IT RESOLVED by the Town Council of the Town of Newton that the following policy is hereby adopted pertaining to Town funds for calendar year 2009:

1) The cash management and investment objectives for the Town of Newton include preservation of capital, adequate safekeeping of assets, maintenance of liquidity to meet operating needs, diversification of the Town's portfolio to minimize risks associated with individual investments, and investment of assets in accordance with State and Federal laws and regulations.

2) The following banks are hereby authorized to be used as depositories for Town funds:

PNC Bank
Chase
New Jersey Cash Management Fund
Sussex Bank
Lakeland Bank
First Hope Bank
Sovereign Bank
Commerce Bank
Noble Community Bank
Highland State Bank
Valley National Bank

The above designated official depositories are required to submit to the Chief Financial Officer/Finance Director, a copy of the Governmental Unit Deposit Protection Act Notification of Eligibility, which is filed semi-annually with the Department of Banking each June 30th and December 31st every year.

The above designated official depositories are required to submit to the Chief Financial Officer/Finance Director a copy of the institution's "Annual Report" each year.

3) All funds shall be deposited within 48 hours of receipt, in accordance with N.J.S.A. 40A:5-15.

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The Chief Financial Officer/Finance Director shall minimize the possibility of idle cash accumulating in accounts by assuring that the amounts in excess of negotiated compensating balances are kept in interest bearing accounts or promptly swept into the investment portfolio.

The method of calculating banking fees and compensating balances shall be reviewed on a monthly basis.

Investment decisions shall be guided by the cash flow projections prepared by the Chief Financial Officer/Finance Director.

4) Permissible investments for the Town of Newton shall include a) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America; b) government money market mutual funds; c) any Federal agency or instrumentality obligation authorized by Congress that matures within 397 days from the date of purchase and has a fixed rate of interest not dependent on any index or external factors; d) Bonds or other obligations of the local unit or school districts of which the local unit is a part; e) any other obligations with maturities not exceeding 397 days, as permitted by the Division of Investments; f) local government investment pools; g) New Jersey State Cash Management Fund; and h) repurchase agreements of fully collateralized securities.

5) The Chief Financial Officer/Finance Director is authorized and directed to make investments on behalf of the Town of Newton. All investment decisions shall be consistent with this plan and all appropriate regulatory constraints.

6) Securities purchased on behalf of the Town of Newton shall be delivered electronically or physically to the Town's custodial bank, which shall maintain custodial and/or safekeeping accounts for such securities on behalf of the Town.

7) The Chief Financial Officer/Finance Director shall report to the Town Council all purchases of investments in accordance with N.J.S.A. 40A:5-15.2.

8) The Cash Management Plan shall be subject to annual audit conducted pursuant to N.J.S.A. 40A:5-14.

9) The Chief Financial Officer/Finance Director shall escheat to the State of New Jersey checks which remain outstanding for twelve or more months after the date of issuance.

RESOLUTION #240-2008*

Reappointment of Richard C. White to the Newton Planning Board

BE IT RESOLVED by the Town Council of the Town of Newton that Richard C. White is hereby reappointed to a full four-year term as a Member on the Newton Planning Board, effective January 1, 2009 and continuing through December 31, 2012.

RESOLUTION #241-2008*

December 22, 2008

Reappointments to the Economic Development Advisory Commission

BE IT RESOLVED by the Town Council of the Town of Newton that Dr. John Ford, Daniel Hayek and Helen Emire are each hereby reappointed to a full three-year term on the Newton Economic Development Advisory Commission, effective January 1, 2009 and continuing through December 31, 2011.

RESOLUTION #242-2008*

Appointment of Lucille Valentine as Senior Citizen Coordinator for the Town of Newton for 2009

BE IT RESOLVED by the Town Council of the Town of Newton that Lucille Valentine be and is hereby appointed as the Senior Citizen Coordinator on aging for the Town of Newton during calendar year 2009.

RESOLUTION #243-2008*

Authorize Execution of Agreement to Provide 9-1-1 Dispatching Service for the Calendar Years 2009, 2010, and 2011

WHEREAS, the Town of Newton as P.S.A.P provides dispatching services for various Municipalities within the County of Sussex, and

WHEREAS, the agreements negotiated between the Town of Newton and those various municipalities are due to expire on December 31, 2008 and successor agreements regarding services for calendar years 2009, 2010 and 2011 have been prepared outlining the obligations of each of the parties and stipulating certain payments to be made to the Town of Newton for providing dispatching services, and

WHEREAS, those various municipalities each desire to renew their agreement with the Town of Newton for said services and agrees to pay the following:

Municipality	2009	2010	2011
Branchville	13,208.	13,737.	14,287.
Frankford	69,056.	71,819.	74,692.
Fredon Township	29,328.	30,502.	31,723.
Hampton	53,872.	56,027.	58,269.
Montague	43,160.	44,887.	46,683.
Sandyston	16,952.	17,631.	18,337.
Walpack	3,640.	3,786.	3,938.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that the Mayor and the Municipal Clerk are hereby authorized to execute an agreement with each of the municipalities listed above to provide 9-1-1 Dispatching Services for the Calendar Years 2009, 2010 and 2011.

BE IT FURTHER RESOLVED that one fully executed original of each agreement shall be retained by the Town of Newton and the remaining originals shall be returned to the respective municipalities.

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RESOLUTION #244-2008*

Adoption of the Temporary Operating Budget and Temporary Water and Sewer Budget for 2009

WHEREAS, funds are needed to operate the Municipal Government and the Water and Sewer Utility for the first ninety (90) days of calendar year 2009, and

WHEREAS, N.J.S.A. 40A:4-19 provides for adoption of a Temporary Budget, not to exceed twenty-six and one-quarter percent (26.25%) of the preceding year's Budget;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that the 2009 Temporary Operating Budget and the 2009 Temporary Water and Sewer Utility Budget be and are hereby approved, pending adoption of the 2009 Annual Municipal Budget and the 2009 Water and Sewer Utility Budget.

2009 TOWN OF NEWTON TEMPORARY OPERATING BUDGET

<u>BUDGETARY ACCOUNT</u>		<u>ACCOUNT NO.</u>	<u>2009 TEMPORARY BUDGET</u>
Town Manager's Office	S&W	1050101	\$ 50,500
	OE	1050226	12,000
Town Clerk's Office	S&W	1051101	32,000
	OE	1051201	3,000
Town Council	S&W	1052103	4,000
	OE	1052244	1,500
Elections	OE	1053244	2,500
Financial Administration	S&W	1054101	38,000
	OE	1054226	3,500
	AUDIT	1054300	3,000
Assessment of Taxes	S&W	1055103	13,000
	OE	1055216	2,000
Collection of Taxes	S&W	1056101	14,500
	OE	1056226	2,000
Liquidation of Tax Liens	OE	1057200	500
Legal Services and Costs	S&W	1058100	1
	OE	1058200	20,000
Municipal Court	S&W	1059101	36,000
	OE	1059226	3,000
Engineering Services	OE	1060216	4,000
Buildings and Grounds	S&W	1061101	0
	OE	1061255	25,000

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Planning	S&W	1062100	9,000
	OE	1062216	4,000
Historic Commission	OE	1063201	300
Zoning Board of Adjustment	OE	1062316	2,000
Community Development	S&W	1064101	27,000
	OE	1064216	3,000

			2009
			TEMPORARY
<u>BUDGETARY ACCOUNT</u>		<u>ACCOUNT NO.</u>	<u>BUDGET</u>

Industrial Commission	OE	1065200	0
Shade Tree Commission	OE	1065300	0
Economic Dev. Commission	OE	1065400	1,000
Employee Group Insurance	OE	1066200	245,000
Workers' Compensation Ins.	OE	1067200	32,000
Surety Bond Premiums	OE	1068200	2,000
Liability and Other Insurance	OE	1069200	110,000
Fire	OE	1070212	5,000
Fire Prevention	S&W	1071100	8,000
	OE	1071244	1,000
Aid to Volunteer Fire Cos.	OE	1072200	0
Police	S&W	1074111	700,000
	OE	1074223	35,000
Communications Center	OE	1074326	0
Parking Meter Maintenance	S&W	1075100	18,000
	OE	1075271	0
First Aid Organization	OE	1076200	0
Inspection of Buildings	S&W	1077101	35,000
	OE	1077247	1,000
Emergency Management	S&W	1078100	1,000
	OE	1078246	2,000
Road Repair & Maintenance	S&W	1080101	140,000
	OE	1080259	15,000
Road Machinery Repair & Maintenance	OE	1080326	10,000
Snow Removal	S&W	1081101	40,000
	OE	1081239	20,000

2009

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<u>BUDGETARY ACCOUNT</u>		<u>ACCOUNT NO.</u>	<u>TEMPORARY BUDGET</u>
Stormwater/Flood	OE	1082216	500
Recycling/Sanitation	S&W	1083101	0
	OE	1083269	10,000
Vehicle Maintenance	OE	1083380	20,000
Board of Health	OE	1084252	500
Occupational Health(PEOSHA)	S&W	1085100	1,000
	OE	1085200	10,000
Dog Regulations	OE	1087200	0
Utilities/Bulk Purchases	OE	1089225	132,000
Swimming Pool	S&W	1090100	0
	OE	1090207	2,000
Parks and Playgrounds	S&W	1091101	27,000
	OE	1091218	6,000
Celebration of Public Events	OE	1092200	2,000
Senior Citizen Programs	S&W	1093100	9,000
	OE	1093272	500
Length of Service Awards	OE	1094500	34,000
Aid to Dennis Mem. Library	OE	1094200	0
Interlocal 911 – Cencom	S&W	1094720	130,000
	OE	1094746	25,000
Public Employee Retire. Sys.	OE	1098296	0
Police & Fire Retirement Sys.	OE	1098297	0
Social Security System	OE	1098298	65,000
Unemployment	OE	1098299	800

TOTAL 2009 TEMPORARY OPERATING BUDGET \$ 2,211,601
 (Subject to 26.25% increase)

APPROPRIATIONS NOT SUBJECT TO 26.25% INCREASE

Public & Private Programs			
Offset by Revenues:			
NJ Safe & Secure-Police	S&W	1094811	25,000
Body Armor – Police	OE	1094816	2,335.03
Capital Improvements	OE	1095200	100,000
Debt Service	OE	1096200	400,000

2009 TEMPORARY BUDGET CALCULATION

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\$ 9,796,010.	Total 2008 Budget
1,043,690.	Less: Debt (principal & interest)
182,800.	Less: Capital Improvements
<u>144,338</u>	Less: Public & Private Programs
\$8,425,182	Amount on which % is applied

x <u>.2625</u>	Percentage increase allowed by state
\$ 2,211,610.	Allowable 2009 Temporary Budget

2009 TEMPORARY WATER AND SEWER BUDGET

	<u>2008 BUDGET</u>	<u>2009 TEMPORARY BUDGET</u>
Salaries and Wages	\$ 754,000	\$ 230,000
Other Expenses	1,566,000	375,275
Public Employee Retirement System	8,000	0
Social Security System	<u>54,000</u>	<u>20,000</u>
	\$ 2,382,000	\$ 625,275
	x <u>.2625</u>	
	\$ 625,275	
TOTAL 2009 TEMPORARY WATER & SEWER BUDGET		\$ 625,275
TOTAL 2009 TEMPORARY W&S CAPITAL IMPR BUDGET		\$ 150,000
TOTAL 2009 TEMPORARY W&S DEBT SERVICE BUDGET		\$ 200,000

RESOLUTION #245-2008*

Reserve Items of Revenue for Use in the 2009 Town of Newton Budget

WHEREAS, the Town of Newton received revenues in 2008 which would enhance the preparation of the 2009 Town of Newton Budget, and

WHEREAS, the Town Auditor has recommended reserving said items by resolution;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton that the following items of revenue be reserved for use in the 2009 Town of Newton Budget:

State of New Jersey – Recycling Tonnage Grant	\$ 6,953.40
State of New Jersey – Clean Communities Grant	\$ 1,094.92
Thor Labs – Lease of Vacant Property	\$ 3,500.00
Sale of Municipal Assets	\$ 7,138.63
State of New Jersey – Body Armor Grant	\$ 2,335.03

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed with the Division of Local Government Services upon adoption.

December 22, 2008

RESOLUTION #246-2008*

Approve 2008 Appropriation Transfers

BE IT RESOLVED by the Town Council of the Town of Newton that the following 2008 appropriation transfers be approved effective this date:

<u>From</u>	<u>To</u>	<u>Amount</u>
CURRENT		
Historic Comm. – OE 1063244	Town Manager – Other Expenses 1051101	800.00
Mosquito/Gypsy Moth –OE 1086200	Recycling/Sanitation – Other Expense 1083269	1,000.00
Swimming Pool – OE 1090246	Parks & Playgrounds–Other Expenses 1091232	5,000.00
TOTAL CURRENT TRANSFERS		<u>\$6,800.00</u>
WATER SEWER UTILITY		
Sewer Plant – Other Expenses	Social Security – Other Expenses	8,000.00
TOTAL WATER SEWER UTILITY		<u>\$8,000.00</u>

RESOLUTION #247-2008*

**Authorize the Execution of an Agreement for Calendar Year 2009 with the
Municipal Public Defender**

WHEREAS, the professional services of a Municipal Public Defender may be needed by the Town of Newton during calendar year 2009, and

WHEREAS, Colleen M. Cunningham, Esq. has expressed an interest in serving as Municipal Public Defender, and

WHEREAS, an appropriate agreement for said services have been prepared for execution by all parties, and

WHEREAS, legal services is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i) and the candidate complies with all requirements for appointment without public bidding under N.J.S. 19:44A-1 et seq.;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby authorizes the Mayor and Municipal Clerk to execute an agreement, in duplicate with Colleen M. Cunningham, Esq. to permit her to perform the services of Municipal Public Defender during 2009;

BE IT FURTHER RESOLVED that a fully executed copy of the agreement and a certified copy of this Resolution be forwarded to Colleen M. Cunningham, Esq. and Municipal Judge John E. Mulhern.

December 22, 2008

RESOLUTION #248-2008*

Resolution to Remit (Cancel) Taxes for Block 1206, Lot 21

WHEREAS, Block 1206 Lot 21, also known as 38-40 Pine Street, is owned by Mr. Kenneth Benson, a totally disabled veteran; and

WHEREAS, on June 26, 2003, Mr. Scott Holzhauer, Certified Tax Assessor for the Town of Newton declared such property exempt from property taxes in accordance with NJSA 54:4-3.30 which allows for 100% exemption of property taxes for a veteran who is approved by the United States Veterans Administration; and

WHEREAS, the property was not recorded as being exempt in the 2008 extended tax duplicate; and

WHEREAS, the Tax Collector of the Town of Newton now must remit (cancel) the taxes for tax year 2008 on said parcel in the amount of \$ 4,364.37;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that this Governing Body acknowledges that taxes for tax year 2008 for said parcel be remitted (cancelled), and

BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to forgive said taxes for the tax year 2008.

RESOLUTION #249-2008*

Resolution to Remit (Cancel) Taxes for Block 708, Lot 13

WHEREAS, Block 708, Lot 13, also known as 28 Church Street, was purchased by Domestic Abuse Services, Inc., on June 23, 2006; and

WHEREAS, on May 8, 2007 the Sussex County Board of Taxation granted a judgment of exempt status for said parcel; and

WHEREAS, the property was not recorded as being exempt in the 2008 tax duplicate; and

WHEREAS, the Tax Collector of the Town of Newton now must remit (cancel) the taxes for the tax year of 2008 on said parcel in the amount of \$ 14,963.57,

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that this Governing Body acknowledges that taxes for tax year 2008 for said parcel be remitted (cancelled), and

BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to forgive said taxes for the tax year 2008.

RESOLUTION #250-2008*

December 22, 2008

**Authorize the Execution of an Agreement for Calendar Year 2009 with
the Deputy Municipal Public Defender**

WHEREAS, the professional services of a Deputy Municipal Public Defender may be needed by the Town of Newton during calendar year 2009, and

WHEREAS, Daniel A. Colfax, Esq. has expressed an interest in serving as Deputy Municipal Public Defender, and

WHEREAS, an appropriate agreement for said services has been prepared for execution by both parties, and

WHEREAS, legal services is a professional service as defined by the Local Public Contracts Law and is, therefore, exempt from public bidding requirements in accordance with N.J.A.C. 40A:11-5(1)(a)(i) and the candidate complies with all requirements for appointment without public bidding under N.J.S. 19:44A-1 et seq;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it hereby authorizes the Mayor and Municipal Clerk to execute an agreement, in duplicate with Daniel A. Colfax, Esq. to permit him to perform the services of Deputy Municipal Public Defender during 2009;

BE IT FURTHER RESOLVED that a fully executed copy of the agreement and a certified copy of this Resolution be forwarded to Daniel A. Colfax, Esq. and Municipal Judge John E. Mulhern.

RESOLUTION #252-2008*

Approve Bills and Vouchers for Payment

BE IT RESOLVED by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2007 and 2008 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

TOWN BILLS

25.00	NJMMA	24720
166,811.23	Payroll Account	810097
1,200,000.00	Sovereign Bank	810103
500,000.00	Capital Account	810104
50.00	Applebee's	24721
57,248.17	NJSHBP	810098
27,518.42	NJSHBP	810099
1,269,822.00	Newton Board of Education	810100
275.00	Dominick's Pizza	24722
52.50	Dominick's Pizza	24723
37.50	B & R Uniform	24725
434.06	Quill Corporation	24726
177.00	M G L Printing Solutions	24727

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2,197.41	Harold Pellow & Assoc., Inc.	24728
155.00	Municipal Software, Inc.	24729
140.00	ABCCode Security	24730
60.00	Alpine Spring Water Company	24731
118.75	Sussex Car Wash, Inc.	24732
945.50	Classic Auto Upholstery	24733
8,647.03	NUI Corporation	24734
829.12	G & G Diesel Service, Inc.	24735
411.12	G & H Service Inc.	24736
5,287.27	JCP&L	24737
458.95	New Jersey Herald	24738
267.91	SCMUA	24739
350.00	B & G Elevator	24740
126.68	EMBARQ	24741
2,978.30	EMBARQ	24742
318.18	EMBARQ	24743
195.07	EMBARQ	24744
35.00	EMBARQ	24745
717.50	Hollander,Hontz,Hinkes&Pasculli LLC	24746
68.20	Campbell's Small Engine	24747
178.00	Lock & Key World	24748
193.15	Tri-State Rentals, Inc.	24749
27.24	Federal Express	24750
35.00	JRF Tire Inc.	24751
12.00	Peter J. Kays	24752
449.00	Newton Citgo	24753
117.25	Treasurer, Petty Cash Fund	24754
500.00	NJLM	24755
111.00	Newton Trophy	24756
300.00	Treasurer, State of New Jersey	24757
137.90	Galls Incorporated	24758
3,657.72	Weldon Asphalt Company	24759
357.00	Minisink Press Inc.	24760
30.00	Ann M. Rosellen	24761
90.15	Sebring Auto Parts	24762
655.64	Dempsey Uniform & Supply Inc.	24763
208.25	West Chester Machinery	24764
3,495.00	L-3 Comm. Mobile-Vision	24765
19.99	Irene O'Connor	24766
444.78	Boonton Tire Supply	24767
32.00	Weiner Lesniak	24768
589.58	Statewide Insurance Fund	24769
1,382.00	Grinnell Recycle	24770
35.99	Verizon Wireless	24771
2,850.10	Verizon Wireless	24772
225.00	Accurate Door, Inc.	24773
97.00	North Jersey Portable Toilets	24774
1,332.79	Dell Marketing L.P.	24775
74.55	Mr. John	24776
327.50	Alternate Power Inc.	24777
151.76	Cooper Electric Supply Co.	24778
219.20	Wildflowers with Tami	24779

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1,760.00	Danforth's Trailer & Auto Inc.	24780
78.99	Linda Roth	24781
105.00	Vogel, Chair, Collins, Schneider, PC	24782
4.98	Advance Auto Parts	24783
493.39	Fire & Safety Services, Inc.	24784
182.65	Rogo Fastener Co., Inc.	24785
421.16	Paint Spot	24786
60.39	Matthew Bender & Co.	24787
4,360.00	Newton Fire Department	24788
45.45	Staples Business Advantage	24789
35.00	Gerber Landscaping Services, LLC	24790
199.99	Lowe's	24791
40.00	Screen Creation Plus	24792
14.19	Easylink Services Corporation	24793
1,491.67	Andrews & Company, LLC	24794
944.00	Hampton Body Works	24795
200.00	Treasurer, State of NJ-Burial	24796
3,655.75	Rachles/Michele's Oil Company	24797
3,644.17	Taylor Oil Co.	24798
250.00	Murch Auto Body, Inc.	24799
100.00	Firefighter One	24800
126.50	JC Grill House	24801
3,000.00	Wayne Tile Company	24802
40.00	AG Pizza24803	
26.00	Thomas S. Russo Jr.	24804
491.35	W. B. Mason	24805
49.20	County of Sussex	24806
533.97	Ricciardi Brothers Inc.	24807
1,500.00	Weather Works	24808
535.00	Tony Sanchez, Ltd.	24809
14.00	Borough of Milltown	24810

CAPITAL

35,000.00	Current Account	830008
7,997.61	Harold Pellow & Associates Inc.	7270
2,111.12	G & H Service Inc.	7271
33,569.40	A. Nelessen & Associates Inc.	7272
3,514.18	Wayne Tile Company	7273

Total TOWN BILLS \$3,371,083.33

WATER & SEWER UTILITY ACCOUNT

33,666.78	Payroll Account	860058
484.99	State of New Jersey-PWT	860059
66.50	Montague Tool & Supply	10472
227.08	Schmidt's Wholesale, Inc.	10473
2,298.23	Harold Pellow & Assoc., Inc.	10474
2,528.55	MWH Americas, Inc.	10475
150.07	Hach Company	10476
559.24	CCP Industries	10477
1,992.44	Lee Company	10478

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2,156.11	Andres & Mooney Electric Inc.	10479
200.80	Classic Auto Upholstery	10480
2,273.52	NUI Corporation	10481
86.50	G & G Diesel Service, Inc.	10482
3,600.63	JCP&L	10483
3,525.00	Pumping Services	10484
464.04	SCMUA	10485
464.86	Sussex County Plumbing	10486
14.00	Paul Baldwin	10487
14.00	Paul M. Havens	10488
12,705.32	Coyne Chemical Corp., Inc.	10489
1,333.28	EMBARQ	10490
134.66	EMBARQ	10491
27.71	EMBARQ	10492
86.27	Beaver Run Farms	10493
665.00	Garden State Laboratories, Inc.	10494
11,224.52	Current Account	10495
8.00	Water & Sewer Petty Cash Fund	10496
1,098.99	All Quality Contracting	10497
350.00	Mitchell Agency	10498
616.88	Weldon Asphalt Company	10499
200.00	Minisink Press Inc.	20500
125,000.00	Water & Sewer Capital Account	20501
262.60	Demspey Uniform & Supply Inc.	20502
130.40	One Call Systems	20503
1,375.00	Frank Semeraro Construction Inc.	20504
5,040.00	R & D Trucking Inc.	20505
104.37	Airgas East	20506
6.00	Ervin Lasso	20507
1,000.00	Instrumentation Tech Systems, Inc.	20508
7,235.00	Treasurer, State of New Jersey	10509
166.09	Verizon Wireless	10510
6,264.00	Passaic Valley Sewerage Comm..	10511
2,802.60	Main Pool & Chemical Company	10512
1,990.00	Alternate Power Inc.	10513
164.90	E & I Corp. Div. of McNish Corp.	10514
40.00	Fairclough Fuel	10515
2,069.12	Suburban Energy Services	10516
600.00	Hydro Technology, LLC	10517
760.00	Process Tech Sales & Service	10518
3,808.12	Pall Corporation	10519
32.39	Nestle Waters	10520
1,283.35	Andy Matt, Inc.	10521
25,000.00	Natgun Corp.	10522
280.44	County of Sussex	10523
CAPITAL		
3,940.22	Harold Pellow & Assoc., Inc.	2122
35.00	Hollander,Hontz,Hinkes&Pasculli LLC	2123
50,470.00	Natgun Corp.	2124

December 22, 2008

Total TOWN BILLS \$323,083.57

Mayor Ricciardo read the following Proclamation honoring Justin R. Hofmann for having achieved the status of Eagle Scout.

PROCLAMATION

**Justin R. Hofmann
Eagle Scout**

WHEREAS, Justin R. Hofmann, a member of Boy Scout Troop 184, has earned the status of Eagle Scout; and

WHEREAS, we, the Town Council of the Town of Newton, recognize the many hours Justin devoted to attaining the status of Eagle Scout working with diligence and making sacrifices in order to achieve this highly coveted position; and

WHEREAS, Justin R. Hofmann has served the Boy Scouts in an exemplary manner and is deserving of the honor bestowed upon him; and

WHEREAS, for Justin’s Eagle Scout Leadership Project he designed, organized and helped construct four, sixteen foot benches and one, eight foot bench to be placed at the Merriam Avenue School for the Newton High School Lady Braves girls field hockey team, and

WHEREAS, Justin R. Hofmann serves as an example to youth through his high level of personal achievement, leadership and community service, and we are very proud that Justin is a member of our community,

NOW, THEREFORE, BE IT PROCLAIMED that we, the Mayor and Town Council of the Town of Newton do hereby recognize and extend our sincere congratulations to Justin R. Hofmann for having achieved the status of Eagle Scout, an honor for both him and for those who have guided him, with best wishes for a bright future.

A motion was made by Mrs. Becker to approve the **COMBINED ACTION RESOLUTIONS**, which was seconded by Mrs. Le Frois and carried and roll call resulted as follows:

Mr. Elvidge	Yes	Mrs. Unhoch	Yes
Mrs. Becker	Yes	Mrs. Le Frois	Yes
Mayor Ricciardo	Yes		

The Town Manager requested a Resolution for the Governing Body Petitioning with an Adopted Housing Element and Fair Share Plan.

December 22, 2008

RESOLUTION #223-2008*

**Governing Body Resolution Petitioning with an Adopted Housing Element
and Fair Share Plan.**

The following RESOLUTION was offered by Mrs. Le Frois, who moved its adoption, seconded by Mrs. Becker and roll call resulted as follows:

Mr. Elvidge	Yes	Mrs. Unhoch	Yes
Mrs. Becker	Yes	Mrs. Le Frois	Yes
Mayor Ricciardo		No	

WHEREAS, the Planning Board of the Town of Newton, State of New Jersey, adopted the Housing Element of the Master Plan on December 10, 2008; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

WHEREAS, the Planning Board adopted the Fair Share Plan on December 10, 2008; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Newton, Sussex County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Newton Planning Board; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Newton, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2(a), submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

BE IT FURTHER RESOLVED that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Town of Newton municipal clerk's office located at 39 Trinity Street, Newton, NJ, 07860, during the hours of 8:30 a.m. to

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4:30 p.m. on Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

The Town Manager requested a Resolution for the intent to Bond for Shortfall of funds to implement the Town of Newton’s Affordable Housing Trust Fund Spending Plan.

RESOLUTION #224-2008

INTENT TO BOND FOR SHORTFALL OF FUNDS TO IMPLEMENT THE TOWN OF NEWTON’S HOUSING ELEMENT & FAIR SHARE PLAN

The following RESOLUTION was offered by Mr. Elvidge, who moved its adoption, seconded by Mrs. Unhoch and roll call resulted as follows:

Mr. Elvidge	Yes	Mrs. Unhoch	Yes
Mrs. Becker	Yes	Mrs. Le Frois	Yes
Mayor Ricciardo	No		

WHEREAS, the Town Council of the Town of Newton, County of Sussex, State of New Jersey, has petitioned the New Jersey Council on Affordable Housing for Substantive Certification of its Housing Element and Fair Share Plan; and

WHEREAS, the New Jersey Council on Affordable Housing will review and respond to this Petition for Substantive Certification; and

WHEREAS, the Town of Newton has submitted to COAH the Development Fee Ordinance to assist in implementing the Town’s obligation for housing.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton, County of Sussex, State of New Jersey, that in the event of any shortfall in collecting revenue from all sources to satisfy the funding obligation for the Town’s Housing Element and Fair Share Plan, the Town intends, if necessary, to bond for any shortfall.

The Town Manager requested a Resolution for the Town Council to request, review and approve a Municipal Affordable Housing Trust Fund Spending Plan.

RESOLUTION #225-2008

TOWN COUNCIL RESOLUTION REQUESTING REVIEW AND APPROVAL OF A MUNICIPAL AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

The following RESOLUTION was offered by Mrs. Le Frois, who moved its

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adoption, seconded by Mrs. Becker and roll call resulted as follows:

Mr. Elvidge	Yes	Mrs. Unhoch	Yes
Mrs. Becker	Yes	Mrs. Le Frois	Yes
Mayor Ricciardo	Yes		

WHEREAS, the Town Council of the Town of Newton petitioned the Council on Affordable Housing (COAH) for substantive certification on May 9, 2000 and received substantive certification on November 1, 2000 for a period of six years; and

WHEREAS, the Town Council received approval from COAH on September 7, 2006 of its development fee ordinance; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and/or any other funds collected for affordable housing purposes;

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and

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8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;
9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;
10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the Town of Newton has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Newton requests that COAH review and approve Newton's spending plan.

The Town Manager requested a Resolution for the Town Council to request, review and approve of the Development Fee Ordinance.

RESOLUTION #226-2008

TOWN COUNCIL RESOLUTION REQUESTING REVIEW AND APPROVAL OF DEVELOPMENT FEE ORDINANCE

The following RESOLUTION was offered by Mr. Elvidge, who moved its adoption, seconded by Mrs. Unhoch and roll call resulted as follows:

Mr. Elvidge	Yes	Mrs. Unhoch	Yes
Mrs. Becker	Yes	Mrs. Le Frois	Yes
Mayor Ricciardo	No		

WHEREAS, the Town of Newton was granted substantive certification by the Council on Affordable Housing (COAH) on November 1, 2000; and

WHEREAS, P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), permits municipalities that are under the jurisdiction of COAH or of a court of competent jurisdiction and that have a COAH-approved spending plan to impose and retain fees on residential and non-residential development; and

WHEREAS, subject to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), N.J.A.C. 5:97-8.3 permits a municipality to prepare and submit a development fee

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ordinance for review and approval by the Council on Affordable Housing (COAH) that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);
2. A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e);
3. A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d);
4. A description of collection procedures per N.J.A.C. 5:97-8.3(f);
5. A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and
6. A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

WHEREAS, the Town of Newton has prepared a draft development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees consistent with COAH’s regulations at N.J.A.C. 5:97-8 and in accordance with P.L.2008, c.46, Sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Newton, Sussex County requests that COAH review and approve Newton’s development fee ordinance.

The Town Manager requested a Resolution to authorize the sale of certain property commonly known as the Newton Armory.

RESOLUTION #251-2008

RESOLUTION OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AUTHORIZING THE SALE OF CERTAIN PROPERTY COMMONLY KNOWN AS THE NEWTON ARMORY

The following RESOLUTION was offered by Mrs. Le Frois, who moved its adoption, seconded by Mrs. Becker and roll call resulted as follows:

Mr. Elvidge	Yes	Mrs. Unhoch	Yes
Mrs. Becker	Yes	Mrs. Le Frois	Yes
Mayor Ricciardo	Yes		

WHEREAS, certain real property commonly known as the Newton Armory and identified on the Official Tax Map of the Town as Block 801, Lot 49.01 (the “**Property**”) is currently owned by the State of New Jersey, subject to a reversionary interest to the Town upon a finding by the State that the Property is no longer needed for armory purposes; and

WHEREAS, the State has determined that the Property is no longer needed for armory purposes; and

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WHEREAS, it is anticipated that the State will transfer the Property to the Town; and

WHEREAS, the Town Council has hereby determined the Property is not needed for public use and is consequently desirous of providing for the subsequent public sale of the same in accordance with the provisions of the *Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq.* (the “**Act**”); and

WHEREAS, the Town Council had previously authorized the sale of the property upon certain terms and conditions by way of Resolution adopted October 6, 2008; and

WHEREAS, the Town received one submission for purchase of the Property on November 6, 2008 (the "Initial Newton 213 L.L.C. Submission"); and

WHEREAS, the Town determined that the Initial Newton 213 L.L.C. submission received did not conform to the terms of its October 6, 2008 resolution and the bid specifications promulgated in connection therewith; and

WHEREAS, acting by Resolutions dated November 10, 2008, the Town rejected the Initial Newton 213 L.L.C. Submission as nonconforming with the terms set by the Resolution, including the minimum bid price, and authorized the Administration to administer the planned public sale of the Property pursuant to the Act and upon new terms and conditions; and

WHEREAS, the Administration solicited bids for the Property for a second time, pursuant to the Act; and

WHEREAS, the Town Manager held a public bid opening on December 1, 2008; and

WHEREAS, one submission was received from Newton 213 L.L.C. in the amount of \$725,000 (the "Second Newton 213 L.L.C. Submission"); and

WHEREAS, on December 8, 2008 the Town, acting by Resolution, determined that the Second Newton 213 L.L.C. Submission was nonconforming with the terms set by Resolution, in particular, the minimum bid price, and therefore rejected the Second Newton 213 L.L.C. Submission; and

WHEREAS, the Town wishes to authorize the sale of the property on the terms and conditions set forth below; and

WHEREAS, the Town Council further desires for the Town’s administration (the “**Administration**”) to administer the planned public sale of said real property including the advertisement and conduct of said sale consistent with the provisions of the Act,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Newton as follows:

Section 1. The public sale of the Property, which has been determined not to

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be needed for public use, is hereby authorized and directed, in accordance with the provisions of the Act.

Section 2. The minimum price for the sale of the Property shall be SEVEN HUNDRED AND SEVENTY FIVE THOUSAND DOLLARS (\$775,000).

Section 3. The Town Administration is hereby authorized to administer a public sale by auction as provided by the Act and as authorized herein.

Section 4. The Town Administration and the Town's professional consultants are hereby authorized and directed to take all necessary action(s), including, but not limited to, the execution of any documents and other writings, all in furtherance of implementing the provisions of this authorizing Resolution and effecting the sale of the above-referenced real property.

Section 5. The Town Council reserves the right to reject all bids where the highest bid is not accepted.

Section 6. This Resolution shall take effect immediately.

Intermission (10 minute)

DISCUSSION (WORK SESSION)

A. Gypsy Moth Spraying

Mr. Russo, Jr., outlined the three page correspondence from Cory L. Stoner, P.E., of Harold E. Pellow & Associates, Inc., regarding Gypsy Moth Aerial Suppression Program. After a brief discussion, the Council agreed to pursue Option 3, which is the suppression spraying 46 acre tract and perform a Town Wide Education Program. Under this option, the suppression spraying would occur in the "hot spot" area as part of the Department of Agriculture's aerial spraying program, as well as, educate the residents. This option would cost approximately \$2,300.00. Mr. Russo will plan and budget accordingly.

B. Rescue Squad Contribution

Mr. Russo addressed the correspondence from the Newton First Aid Squad which requested additional funding for 2009. After a brief discussion, Mr. Russo was directed to forward a letter to the Newton First Aid Squad advising that the Town does not have a discretionary budget and the current budget will not permit

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additional monies for the Squad at this time.

OPEN TO THE PUBLIC

Ms. Susan Murray, 154 Sparta Avenue, questioned the location of the “hot spot” in Newton and was advised that West of Ryerson Avenue near the high school was found to have the critical mass level.

Mr. Neil Flaherty, 154 Sparta Avenue, highly commended the Council on their approval of Mr. Harold Pellow, Town Engineer for the Town of Newton.

Mr. Douglas Radigan, 23 Madison Street, noted that the Council begins their Council meetings with the “Lord’s Prayer” and questioned whether it was state law to begin with a prayer. Mayor Ricciardo advised that it is not state law, but that it is a long standing tradition and used for guidance. Mr. Radigan suggested that the Council “draft a generic prayer, rather than a specific Christian scripture”.

COUNCIL & MANAGER COMMENTS

Councilwoman Unhoch congratulated Debra Millikin, Deputy Town Manager and Kathy Citterbart, Planning/Zoning Administrator, on their positions and duties effective January 1, 2009.

Mrs. Unhoch advised that while attending the League of Municipalities, she learned that the public schools, effective July, 2009, are now required to provide pre-school classes for 3-5 year olds.

At this time, upon motion of Mayor Ricciardo, seconded by Mrs. Le Frois and carried, the Town Council went into Executive Session at 9:12 p.m.

EXECUTIVE SESSION

WHEREAS, the Town Council of the Town of Newton (hereinafter referred to as the “Town Council”), convened a meeting in full compliance with the New Jersey Open Public Meetings Act, set forth in N.J.S.A. 10:4-12, and

WHEREAS, N.J.S.A. 10:4-12 allows a public body to enter executive session during a public meeting to discuss certain matters, and

WHEREAS, it has become clear to the Town Council that there is a need to

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enter executive session to discuss one or more of the exceptions to the New Jersey Open Public Meetings Act, as set forth in N.J.S.A. 10:4-12, and

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Newton that it will enter executive session to discuss issues related to potential litigation and personnel issues.

The Town Manager and Governing Body engaged in discussion surrounding potential litigation and personnel issues.

Upon motion of Mr. Elvidge, seconded by Mrs. Becker and carried, the Town Council exited executive session at 9:29pm.

Councilwoman Le Frois commended Mr. Russo on the Holiday gathering with the Town Employees.

There being no one from the public to be heard, upon motion of Mrs. Le Frois, seconded by Mrs. Becker and carried, the meeting was adjourned at 9:42 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk